

CHAPTER 2

Subdivision Regulations

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ARTICLE A

General Provisions

Section 9-2001. Jurisdiction.

These regulations shall govern all subdivisions of land within the corporate limits and extraterritorial jurisdiction of the Town of Jonesville, North Carolina as now or hereafter established. (Min. Bk. 4, pg. 154A)

State Law Reference: Subdivisions regulation generally, G.S. 160A-371 et seq; Extraterritorial jurisdiction, G.S. 160A-360.

Section 9-2002. Purpose.

The purpose of this regulation is to establish procedures and standards for the development and subdivision of real estate within the corporate limits and extraterritorial jurisdiction of the Town of Jonesville in an effort to, among other things, insure proper legal description, identification, monumentation and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions arising from undue concentration of population and; help conserve and protect the physical and economic resources of the Town of Jonesville and its environs. (Min. Bk.4, pg. 154B)

Section 9-2003. Definitions.

For the purpose of this chapter, certain words or terms used herein shall be defined as follows:

(1) Shall. The word "shall" is always mandatory and not merely directory.

(2) Subdivision. A "subdivision" shall include all divisions of a tract two or parcel of land into (2) or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this chapter:

a. The combination or re-combination or portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as required by this chapter.

b. The division of land into parcels greater than five (5) acres where no street right-of-way dedication is involved.

c. The public acquisition by purchase of strips of land for the widening or opening of streets.

d. The division of a tract of land in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the town, as required by this chapter.

(3) Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

(4) Official maps or plans. Any maps or plans officially adopted by the town board as a guide for the development of the town and surrounding area.

(5) Street. A dedicated and accepted public right-of-way for vehicular traffic.

a. Highway. A traffic artery designed primarily to carry heavy volumes of through vehicular traffic.

b. Major street. A street designed primarily to carry heavy volumes of local vehicular traffic.

c. Collector street. A street designed to carry medium volumes of vehicular traffic, provide access to the major street or highway system and collect the vehicular traffic from the intersecting minor streets.

d. Minor street. A street, the principal purpose of which is to provide vehicular access to the properties abutting it.

e. Cul-de-sac. A street permanently terminated by a turn-around.

f. Marginal access street. A minor (service) street which parallels and is immediately adjacent to a major street or highway.

(6) Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot" or "parcel."

(7) Easement. A grant by the property owner for use, by the public, a corporation, or person(s) of a strip of land for specified reasons.

(8) Building setback line. A line parallel to the front property line common with right-of-way line in front of which no structure shall be erected.

(9) Double-frontage lot. A lot of the same depth as the width of a block containing two (2) tiers of lots and which is accessible from both of the streets upon which it fronts.

(10) Single tier lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or a non-residential use and to which access from the rear of the lot is usually prohibited.

(11) Extraterritorial jurisdiction. That land lying within one (1) mile in all directions of the corporate limits of the Town of Jonesville and not located in the corporate limits of any other municipality.

(12) Group development. A development comprising two (2) or more buildings such as a group of apartments, and the land is not subdivided into the customary streets and lots. (Min. Bk. 4, pg. B, C, D and E)

Sections 9-2004 through 9-2010 reserved.

ARTICLE B

Procedures for Securing Approval of Subdivisions

Prior to preliminary plat application the subdivider shall submit to the town clerk, at least seven (7) days prior to a regularly scheduled meeting, a simple sketch plan of the proposed subdivision. Included with the sketch plan shall be a sketch vicinity map which shows the subdivision in relation to the surrounding area. At the meeting the proposed development is to be reviewed, the subdivider should discuss the proposed subdivision and become familiar with the regulations affecting the land to be subdivided. This procedure does not require formal application or fee.

Section 9-2012. Submission of preliminary plan.

The procedure for obtaining preliminary plat approval is as follows:

(1) The subdivider shall submit to the town clerk, at least seven (7) days prior to a regularly scheduled meeting:

a. Six (6) black or blue line prints of the proposed subdivision prepared in accordance with the requirements of Article D and Section 9-2052 of this chapter.

b. Two (2) signed statements describing the proposed use of the land, and a draft, if required by the board of commissioners, of any protective covenants to be applied to the subdivision.

c. Three (3) copies of any supplemental information required by the board of commissioners.

d. A contour map of the land to be subdivided.

(2) Before acting on the preliminary plat the board of commissioners shall request a report from the town clerk. Such reports shall certify compliance with or note deviations from the requirements of this chapter and include comments on other factors which bear upon the public interest.

(3) If the town board of commissioners disapproves or approves conditionally the preliminary plat the reasons for such action shall be stated in writing and reference shall be

made to the specific sections of the ordinance with which the preliminary plat does not comply. (Min. Bk. 4, pg. 154 E and F)

Section 9-2013. Submission of the final plat.

No street shall be accepted and maintained by the town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision, as defined herein, nor shall any permit be issued by an administrative agent or department of the town, for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved unless and until the final plat has been approved by the Town Board of the Town of Jonesville, North Carolina. The procedure for obtaining final plat approval is as follows:

- (1) The subdivider shall submit to the town clerk within one (1) year of the date of preliminary plat approval and at least seven (7) days prior to a regularly scheduled meeting, six (6) black or blue-line prints of the final plat and an original linen tracing.
- (2) The final plat shall be properly signed and executed as required for recording with the town clerk, and shall be filed with the town clerk.
- (3) Before acting on the final plat the town board of commissioners may request reports from the town clerk certifying compliance with or noting deviations from the approved preliminary plat and the requirements of this chapter.
- (4) If the board of commissioners disapproves the final plat the reasons for such action shall be stated in writing and reference shall be made to the specific section of the ordinance with which the plat does not comply.
- (5) Action of the town board shall be noted on the original linen tracing and on the six (6) prints of the final plat. One (1) print and the linen tracing of the plat shall be returned to the subdivider, one print shall be filed with the town clerk and one (1) print shall become a permanent record of the board of commissioners. The three (3) remaining prints shall be filed with the director of public works. The approved final plat must be recorded with the town clerk within six (6) months after approval by the town board of commissioners.
(Min. Bk. 4, pg. 154 F and G)

Sections 9-2014 through 9-2020 reserved.

ARTICLE C

Installation of Permanent Reference Points and Improvements

Section 9-2021. Permanent reference points.

Prior to the approval of the final plat permanent reference points shall have been placed in accordance with the following requirements:

- (1) Subdivision corner tie. At least one (1) corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within

2,000 feet of a U.S. Coast and Geodetic Station or N. C. Grid System coordinated monument, then this corner shall be marked with a monument so designated by computes x and y coordinates which shall appear on the map with a statement identifying this station or monument to an accuracy of 1:10000. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable land mark or identifiable point, physical object or structure.

(2) Monuments. Within each block of a subdivision at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments if and when required. All monuments shall be of concrete or granite. Granite monuments shall be at least four (4) inches in width and not less than 30 inches in length. A hole not less than four (4) inches in depth shall be bored in the top of the monument to serve as the point. Concrete monuments shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each concrete monument shall have imbedded vertically at one end flush with its top to serve as the point, a copper or bronze wire at least four (4) inches in length and not less than .3249 (#0 wire) in diameter. Monuments shall be set at least 30 inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical.

(3) Property markers. A steel or wrought iron pipe or the equivalent not less than three-fourths (3/4) inches in diameter and at least 30 inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency, and reference point unless a monument has already been placed at said points. Additional markers shall be placed at other points when required.

(4) Accuracy. Land surveys within the town limits shall be at an accuracy of at least 1:7500, and beyond the town limits an accuracy of not less than 1:5000 is required.
(Min. Bk. 4, pg. 154 G and H)

Section 9-2022. Improvements within the town limits.

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the town, the installation of the improvements.

(1) Street improvements. The following requirements shall apply to all streets within the corporate limits of the town.

a. Grading. Finished grade, cross section and profile shall be approved by the town board. Fill and cut slopes shall be no steeper than 2:1.

b. Paving. Road base and paving shall be installed in accordance with the provisions of section 9-2032 of this chapter and town specifications and standards.

(2) Sidewalks. Sidewalks shall be constructed on such streets as the town board considers sidewalks to be necessary. Sidewalks will be constructed within the street right-of-way and installed in accordance with town specifications and standards.

(3) Utilities. Adequate drainage systems for disposed of surface water shall be provided. Design shall be by registered engineer. Sanitary sewers and water mains shall be installed in accordance with town specifications and standards.

(4) Seed cover. Requirement for seed cover for all freshly graded portions outside paved areas - prior to acceptance by town.

(5) Guarantee of improvements. Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements in one of the following methods:

a. Filing a performance or surety bond in an amount to be determined by the town.

b. Depositing or placing in escrow a certified check or cash in an amount to be determined by the town. Portions of the security deposit may be released as work progresses.

c. Entering into an agreement with the town guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the town. The agreement shall provide that satisfactory security be furnished the town guaranteeing the completion of the necessary improvements before each section is developed. (Min. Bk. 4, pg. 154 H and I)

Section 9-2023. Improvements beyond the town limits.

(1) In the adoption of this chapter the town board recognizes that under the general statutes, it may not be mandatory that a subdivision located beyond the town limits shall comply with the requirements set forth in Article C as a condition precedent for final approval of a plat of such subdivision. However, unless such requirements are complied with by the subdivider the town will not extend any public service and will not extend its water or sewer mains to any such subdivision or permit any connection thereto.

(2) Furthermore, all roads shall be constructed in accordance with the specifications and standards established for primary and secondary roads by the State Highway Commission, in order that they might be maintained by said Commission, as well as the design criteria set forth in Article D of this chapter. Private water and sewerage systems shall meet the requirements of the North Carolina State Health Department. (Min. Bk. 4, pg. 154 I)

Sections 9-2024 through 9-2030 reserved.

ARTICLE D

General Requirements and Minimum Standards of Design

Section 9-2031. - General requirements.

- (1) Conformity to existing maps or plans. The location and width of all proposed streets shall be in conformity with official plans and maps of the Town of Jonesville and with existing or amended plans of the planning board.
- (2) Continuation of adjoining street system. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.
- (3) Access to adjacent properties. Where, in the opinion of the town board, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around shall be provided.
- (4) Private streets and reserve strips. There shall be no private streets or reserve strips platted in any subdivision.
- (5) Large tracts or parcels. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
- (6) Lots. All lots shall front upon a public street. Double frontage lots shall be avoided.
- (7) Alleys. Alleys shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless such are approved by the planning board. All dead-end alleys shall be provided with a turn-around.
- (8) Contour map. A contour map of all proposed subdivisions shall be provided. The contour interval required will depend upon topographic and drainage characteristics and shall be specified by the board of commissioners.
- (9) Street names. Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, place, court, etc.
(Min. Bk. 4, pg. 154 J)

Section 9-2032. Design standards.

The following design standards shall be considered minimum requirements:

(A) Streets. The design standards which shall apply to streets are as follows:

- (1) Right-of-way widths. Minimum street right-of-way widths shall be in accordance with the major street plan and shall be not less than the following:

a. Highways	80-100 feet
b. Major streets	80 feet
c. Collector streets	60 feet
d. Minor streets	30 feet
e. Marginal access streets	30 feet
f. Cul-de-sacs	30 feet
g. All streets located beyond the corporate limits of the town and within one mile thereof	60 feet

(2) Pavement widths and shoulder requirements. Pavement widths and shoulder requirements shall not be less than the following:

- a. Major streets shall be curbed and guttered back to back of curb 49 feet.
- b. Collector streets shall have paving width minimum of 24 feet, a shoulder width of 8 feet - curbs and gutters not required.
- c. Minor streets shall have paving width minimum of 20 feet, should width of 8 feet minimum.
- d. Marginal access streets shall have paving width minimum of 20 feet, shoulder width of 8 feet minimum.
- e. Cul-de-sacs shall have paving width minimum of 20 feet., shoulder width of 8 feet minimum, and a minimum diameter at turnaround of 80 feet.
- f. Outside town limits - State Highway Commission standards shall control.

(3) Grades. Street grades shall be as follows:

- a. Street grades shall be not more than 10 percent nor less than one-half of one percent (1/2%) - unless prior approval is obtained from the planning board.
- b. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than 100 feet from the centerline of the intersection.

(4) Horizontal curves. Where a centerline deflection angle of more than 10 degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

a. Major streets	500 feet
b. Collector streets	300 feet
c. Minor streets	100 feet

(5) Vertical curves. All vertical curves shall have such length as necessary to provide safe sight distance and shall be approved by the planning board.

(6) Tangents. A tangent of at least 100 feet in length shall be provided between curves on all streets. This requirement may be varied by the town board because of exceptional topography.

(7) Intersections. Street intersections shall be laid out as follows:

- a. Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 60 degrees.
- b. Intersections with a major street or highway shall be at least 800 feet apart measured from centerline to centerline, unless prior approval is obtained from the planning board.
- c. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 75 degrees a greater radius may be required. Where a street intersects a highway the design standards of the State Highway Commission shall apply.
- d. Centerline off-sets of at least 125 feet shall be provided at street jogs.
- e. Sight-distance easements shall be minimum of 50 feet from the corner of each intersection and permanently marked at each corner by concrete monuments.

(8) Cul-de-sacs. Permanent dead-end streets shall be provided with a turn-around having a roadway diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. Temporary dead-end streets shall be provided with a roadway diameter of not less than 80 feet.

(b) Alleys. All alleys shall be constructed in accordance with town specifications and standards and shall meet the following requirements:

- | | |
|---|---------|
| a. Right-of-way width | 20 feet |
| b. Centerline radius when a deflection angle of more than ten (10) degrees occurs | 35 feet |
| c. Property line radius at alley intersections | 15 feet |

(c) Blocks. The maximum and minimum length and width of blocks shall be as follows:

(1) Length. Block lengths shall not exceed 1500 feet nor be less than 400 feet. Where deemed necessary by the planning board a pedestrian crosswalk of at least 10 feet in width may be required.

(2) Width. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may be one lot in depth where singletier lots are required to separate residential development from through vehicular traffic or non-residential uses.

(d) Lots. The size, shape and orientation of non-residential lots shall be such as the planning board deems appropriate for the type of development and use contemplated. Residential lots shall comply with the following requirements

(1) Area. All lots shall have an area at least the minimum lot size required by the existing zoning of the area. See page 12-a for requirements at time of passage of this chapter.

(2) Width and depth. All lots shall have a width and depth equal to the minimum specifications of the existing zoning of the area. See Page 12-a for requirements at time of passage of this chapter.

(3) Orientation of lot lines. Side lot lines shall be substantially at right angles or radical to street lines.

(4) Building setback lines. The minimum set back from the property lines (common with right-of-way line) shall be those determined by existing zoning of the area. The right of way shall control if the property line is not common therewith. See page 12-a for requirements time of passage of this chapter. (Min. Bk. 4, pg. 154 L, M, N, O and P)

Section 9-2033. Easements.

Utility and other easements shall be provided as follows:

(1) Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the board of commissioners and shall be at least 10 feet in width.

(2) A crosswalk easement of at least 10 feet in width shall be provided if such is required by the board of commissioners.

(3) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(4) Lakes, ponds, creeks, parks and similar areas within the town will be accepted for maintenance only if such acceptance is recommended and approved by the board of commissioners. (Min. Bk. 4, pg. 154 S)

Section 9-2034. Buffer strips.

A buffer strip of at least 50 feet in depth in addition to the minimum lot depth shall be required where a residential lot is immediately adjacent to a railroad, a limited access highway, a commercial or an industrial development. (Min. Bk. 4, pg. 154 S)

Sections 9-2035 through 9-2050 reserved.

ARTICLE E

Plat Requirements

Section 9-2051. Sketch plan.

A simple sketch plan shall be drawn at an approximate scale of 200 feet to one (1) inch and shall show the tentative street layout, approximate right-of-way widths, lot arrangements, drainage and utility easements, sites for schools, parks, churches, etc., existing structures, water courses, wooded areas, number of acres devoted to each use, total acres, average lot size, approximate number of lots, and existing zoning. (Min. Bk. 4, pg. 154 S)

Section 9-2052. Preliminary plat.

The preliminary plat shall be at a scale of 100 feet to one (1) inch and will be drawn on a sheet 14 inches by 18 inches or 18 inches by 24 inches or such other size acceptable to the Register of Deeds of Yadkin County. The preliminary plat shall be prepared by a registered surveyor or registered engineer and shall show the following information.

- (1) The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, town limit lines and any public utility easements.
- (2) Boundaries of tract shown with bearings and distances.
- (3) Wooded areas, marshes, and any other conditions affecting the site
- (4) Names of adjoining property owners or subdivisions.
- (5) Zoning classification, if any, both on the land to be subdivided and on adjoining lands.
- (6) Proposed streets, street names, rights-of-way, pavement widths, and approximate grades.
- (7) The location of proposed utilities (sewer, water, electricity, etc.) showing connections to existing systems or location plans for individual water supply, sewage disposal, storm drainage, etc.
- (8) Other proposed rights-of-way or easements; location, widths and purposes.
- (9) Proposed lot lines, lot and block numbers, and approximate dimensions.
- (10) Proposed minimum building setback lines.
- (11) Proposed parks, school sites, or other public open spaces, if any.
- (12) Title, date, north point, and graphics scale.

- (13) Name of owner, surveyor, engineer or land planner.
- (14) Site data.
 - a. Acreage in total tract
 - b. Acreage in park or other land usage
 - c. Average lot size
 - d. Total number of lots
 - e. Lineal feet in streets
- (15) Sketch vicinity map showing relationship between subdivision and surrounding area.
(Min. Bk. 4, pg. 154 S and U)

Section 9-2053. Final plat.

The final plat shall be drawn with India ink at the same scale and on the same sheet size as the preliminary plat and shall conform substantially to the preliminary plat as approved. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this chapter. The final plat shall be prepared by a registered surveyor or engineer and shall show the following information:

- (1) The lines of all streets and roads.
- (2) Proposed lot lines and lot numbers.
- (3) Minimum building setback lines.
- (4) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- (5) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle, point of tangent, tangent distance and arcs and chords of all curved streets and curved property lines.
- (6) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- (7) Accurate location and description of all monuments and markers.
- (8) The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property.
- (9) Title, date, name and location of subdivision, and graphic scale.
- (10) Name of subdivider, registered surveyor, engineer or land planner.

(11) Utility layouts.

- a. Water
- b. Sanitary sewer
- c. Storm drainage

(12) Forms for final certifications: The Following certificates shall be lettered or rubber stamped on the final plat.

a. Certificate of Approval by the Board of Commissioners of the Town of Jonesville.

I, _____, Town Clerk of the Town of Jonesville, hereby certify that the said Board duly approved the final plat of the Subdivision entitled _____ on the _____ day of _____, _____.

Town Clerk

b. Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the platting jurisdiction of the Town of Jonesville.

_____ Date

Owner

Owner

c. Certificate of Accuracy

_____ Date

Engineer or Registered Surveyor

d. Certification of the Approval of Private Water and Sewer Systems

I hereby certify that the water supply and sewage disposal system installed, or proposed for installation in the subdivision entitled _____ fully meets the requirements of the North Carolina State Health Department and are hereby approved as shown.

Date

County Health Officer or his
legal representative

e. Certificate of Approval for Recording Plat and Acceptance of Dedications

I, _____, the Town Clerk of the Town of Jonesville, North Carolina, do certify that on the _____ day of _____, _____, the Town Board of Commissioners of the Town of Jonesville approved this plat for recording and accepted the dedication of the streets, easements, rights-of-way and public parks and other sites for public purposes as shown hereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of the Town of Jonesville, it is in the public interest to do so.

Date

(SEAL)

Town Clerk

f. Certification of the Approval of the Installation and Construction of Streets, Utilities and other Required Improvements

I hereby certify (1) that the streets, utilities and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the subdivision entitled _____ or, (2) that a guarantee of the installation of the required improvements in an amount or manner satisfactory to the Town of Jonesville has been received.

Date

Town Clerk

(Min. Bk. 4, pg. 1S4 U, V, W and X)

ARTICLE: F

Exceptions and Variances

Section 9-2061. Exceptions.

The standards and requirements of this chapter may be modified by the board of commissioners in the case of a plan or program for a complete group development, which in the judgment of the board of commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Min. Bk. 4, pg. 154 Y)

Section 9-2062. Variances.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this chapter would cause an unnecessary hardship, the board of commissioners may authorize a variance, if such variance can be made without destroying the intent of this chapter. Any variance thus authorized is required to be entered in writing in the minutes of the town board and the reasoning on which the departure was justified set forth. (Min. Bk. 4, pg. 154 Y)

Sections 9-2063 through 9-2070 reserved.

ARTICLE G

Penalties

Section 9-2071. Violation a misdemeanor.

The following penalties as proposed in the General Statutes of North Carolina (160-226.5) shall prevail. Any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the municipality (General Statutes 160-226) thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the legislative body and recorded in the office of the town clerk, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its town attorney or other official designated by its local legislative body, may enjoin such transfer or sale by action for injunction. (Min. Bk. 4, pg. 154 Y)