

MURRAY COUNTY SUBDIVISION ORDINANCE

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN MURRAY COUNTY AND WITHOUT BOUNDARIES OF MUNICIPALITIES, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS, ROADS AND OTHER IMPROVEMENTS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

SECTION 1 GENERAL PROVISIONS

SUBDIVISION 1. TITLE

This ordinance shall be known as the Murray County Subdivision Ordinance, and will be referred to herein as "this Ordinance".

SUBDIVISION 2. PURPOSE

Pursuant to the authority continued in Minnesota Statutes, Section 394.21, this Ordinance is adopted for the following purposes: to safeguard the best interests of Murray County; to assist the subdivider in harmonizing his interests with those of the county at large, as well as with those of the local municipalities located within the county; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivisions with County development policies and plans; to secure the rights of the public, with respect to public lands and waters, to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; and to establish subdivision development at standards compatible with affected municipalities within the county.

SUBDIVISION 3. JURISDICTION

The regulations of this Ordinance governing plats and the subdivision of land shall apply to all areas of the county lying outside the incorporated limits of municipalities.

SUBDIVISION 4. APPLICATION OF REGULATIONS

Any proposed minor or major subdivision lying within the jurisdiction of this Ordinance shall be prepared, presented for review and approval and recorded in the Office of the County Recorder. The regulations contained in this Ordinance shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale, exchange or of building development, whether immediate or future, including the resubdivision or replanting of land or lots. Any division of land resulting in the creation of two (2) or more tracts, including residual parcels, larger than ten (10) acres in area and three hundred (300) feet in width shall be exempt from the requirements of this Ordinance.

SUBDIVISION 5. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

1. Before any major plat shall be recorded or be of any validity, it shall have been reviewed by the County Planning Commission and by the Board of County Commissioners as having fulfilled the requirements of this Ordinance.
2. Before any minor plat shall be recorded or be of any validity, it shall have been reviewed by the Administrator as having fulfilled the requirements of this Ordinance.

SUBDIVISION 6. COMPLIANCE

No division of land proposed pursuant to this Ordinance shall be recorded in the Murray County Recorder's Office or have any validity until the proposed division has been prepared, approved and acknowledged in the manner prescribed by this Ordinance.

SUBDIVISION 7. ZONING CERTIFICATES

No zoning certificate shall be issued by Murray County for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been fully complied with.

SECTION 2 RULES AND DEFINITIONS

SUBDIVISION 1. RULES

For the purpose of these regulations the following terms, phrases, words, and their definitions shall have the meaning given in this Section. When inconsistent with the context, words used in present tense shall include the future tense; words used in singular number shall include the plural, and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

SUBDIVISION 2. DEFINITIONS

1. Alley. A public right-of-way which affords a secondary means of access to abutting property.
2. Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river.
3. County. Murray County, Minnesota.
4. County Board. Board of County Commissioners of Murray County.
5. County Planning Commission. The Murray County Planning Commission.
6. Comprehensive Plan. Refers to the group of maps, charts and texts that make up the Comprehensive Land Use Policies and plans of the county and all amendments of these plans and policies.
7. Design Standards. The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.
8. Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
9. Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the county and in such form as required by Murray County for the purposes of recording.

10. Percentage of Grade. On street center line, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
11. Pedestrian Way. A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lanes.
12. Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.
13. Protective Covenants. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
14. Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.
 - A. Regional Arterial Road: Streets providing for traffic movements between traffic generation areas.
 - B. Collector Road: Streets providing connection primarily between arterial roads or arterials and local streets.
 - C. Local Streets: Streets serving primarily as access to abutting properties and not intended as major arteries carrying through traffic. Local streets include county roads and township roads.
15. Road - Cul-de-sac. A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
16. Road With. The shortest distance between line of lots delineating the road right-of-way.
17. Subdivider. Any individual firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

18. Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

SECTION 3 SUBDIVISION PROCEDURE

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the creation of structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent, shall apply in writing for approval of such proposed subdivision in accordance with the following procedures for minor and major subdivisions.

SUBDIVISION 1. PROCEDURE FOR MINOR SUBDIVISIONS

1. The following divisions of land may be submitted to the Administrator of this Ordinance for approval without a plat.
 - A. Any division of a parcel of land ten (10) acres or less in size and three hundred (300) feet or less in width involving the sale or exchange of parcels between adjoining owners, where such sale or exchange does not create additional building sites as defined by zoning or reduce the original tract below the requirements of zoning may be submitted without a plat.
 - B. Any division of a parcel of land ten (10) acres or less in size and three hundred (300) feet or less in width providing such division shall conform to the Murray County Zoning Ordinance requirements may be submitted without a plat.
 - C. Any division of a parcel of land ten (10) acres or less in size and three hundred (300) feet or less in width involving the establishment of agricultural uses including one or more farm dwellings may be submitted without a plat.
2. If the Administrator is satisfied that such proposed divisions as described in Subdivision 1, A, B & C of this Section are not contrary to applicable platting, subdividing, zoning, sanitary or official map regulations the Administrator shall have the authority to approve said divisions, subject to the following provisions:
 - A. Description documents to be filed with Administrator.
 - (1) A legal description, and drawing thereof and computation of acreage shall be filed with the Administrator.
 - B. The Administrator shall review the submitted information for conformity to all existing, valid platting, subdividing, zoning, sanitary and official map regulations.

- C. The Administrator shall, within ten (10) working days after submission of the required information, approve or disapprove such proposed division.
- D. In the case of disapprovals the Administrator shall contact the applicant and state the reasons for such disapproval. The reasons for disapproval shall be stated in writing.
- E. In the case of approvals the Administrator shall indicate that such proposed division:
 - (1) Meets all applicable county requirements and constitutes a valid building site.
 - (2) Meets all applicable county requirements for subdividing property but does not constitute a valid building site as per zoning requirements.

SUBDIVISION 2. PROCEDURE FOR MAJOR SUBDIVISIONS

- 1. The following divisions of land shall require plat approval prior to recording:
 - A. Any division of a parcel of land involving the establishment of two (2) or more nonfarm residences.
 - B. Any divisions of a parcel of land involving the allocation of land for the opening, widening or extension of any street or road.
- 2. Approvals.
 - A. The preliminary plat of any proposed major subdivision must be approved by the County Board before any person, firm or corporation proposing a subdivision shall proceed with any grading and improvements for streets or installation of public utilities.
 - B. The final plat of any proposed major subdivision must be approved by the County Board and recorded in accordance with the provisions of this Ordinance before any person, firm or corporation proposing a subdivision shall sell, agree to sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision.

3. Advisory Meeting.

- A. Any applicant desiring approval of a plat of a subdivision shall appear before the Planning Commission to discuss his proposal before filing an application for preliminary plat approval. No fee or formal application is required for this meeting. Its purpose is to save the subdivider time and money. The subdivider shall be prepared to discuss the details of his proposed subdivision, including such items as the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of development, play areas or public areas, proposed protective covenants, proposed utilities and street improvements. The Planning Commission will answer any questions from the subdivider and may suggest professional advice. If the proposed plat is located within two (2) miles of a city within the County which has passed a resolution to extend the application of its regulations beyond its corporate limits, the subdivider will be asked to follow the platting procedures adopted within that community.
- B. The subdivider shall prepare a sketch plan to present to the Planning Commission at the advisory meeting. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Planning Commission the location, proposed street and lot layout and any other significant features of the proposed subdivision.

4. Preliminary Plat.

A. Procedure.

- (1) On reaching conclusions, informally as recommended in the advisory meeting, regarding this Ordinance and other ordinance general requirements and objectives, the subdivider may prepare a preliminary plat together with plans and other supplementary material as required by this Ordinance.
- (2) The subdivider shall pay the required fees upon submission of the preliminary plat.

- (3) The preliminary plat shall be submitted to the County Planning Commission at least two (2) weeks prior to a commission meeting at which consideration is requested. Approval, conditional approval or disapproval of a preliminary plat shall be conveyed to the subdivider in writing within ten (10) days after the meeting of the Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.
- (4) After review of the preliminary plat by the County Planning Commission, such preliminary plat, together with the recommendations of the Commission, shall be submitted to the Board of County Commissioners for approval. Approval, conditional approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the Board of County Commissions at which such plat was considered.
- (5) The approval of the preliminary plat does not constitute an acceptance of the subdivision for filing but is deemed to be an authorization to proceed with the installation of the subdivision basic improvements in accordance with the provisions of Section 6 of this Ordinance and preparation of the final plat. This approval of the preliminary plat shall be effective for a period on one (1) year, unless an extension is granted by the Board of County Commissioners. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to the approved preliminary plat.

B. Data Required. The subdivider shall submit ten (10) copies of the preliminary plat complying with the following requirements:

- (1) Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivision.
- (2) Location of boundary lines in relation to known section, quarter section of quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
- (3) Names and addresses of the developer and the designer making the plat.
- (4) Scale of plat, not less than one (1) inch to one hundred (100) feet.

- (5) Date and north point.
 - (6) Existing conditions.
 - a. The location and width of proposed streets, roadways, alleys and easements.
 - b. The location and character of all proposed public utility lines, including sewers (storms and sanitary), water, gas and power lines.
 - c. Layout, numbers and approximate dimensions of lots and the number or letter of each block.
 - d. Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the subdivision any conditions of such dedication or reservation.
 - e. Building setback lines with dimensions.
 - f. Indications of any lots on which a use other than residential is proposed by the subdivider.
 - g. The zoning districts on and adjacent to the tract.
 - (7) A draft of the protective covenants or private restrictions to be incorporated in the final subdivision plat.
- C. Supplementary Data Requirements. Upon request of the County Planning Commission, supplementary information may include the following:
- (1) Topography with contour sketches of not more than two (2) feet related to United States Geological Survey datum: also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to the subdivision;
 - (2) Profiles, cross-sections and specifications for proposed street improvements;
 - (3) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers, and sanitary sewers;

- (4) A report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, service load of the subdivision, and capacity of the treatment plant;
- (5) If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works, including the design population, type and location of the treatment, and receiving stream;
- (6) If connection to a public or private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table elevations, and the results of soil absorption tests for each individual lot;
- (7) Vicinity sketch, at a legible scale, to show the relations of the proposed subdivision to its surroundings.

Final Plat.

- A. Procedures. After the preliminary plat has been approved and the basic improvements installed, inspected and accepted in accordance with the provisions on this Ordinance, the final plat may be submitted for approval as follows:
 - (1) The final plat shall be submitted to the County Planning Commission at least two (2) weeks prior to the commission meeting at which consideration is requested. Approval, conditional approval or disapproval of the final plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the County Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the commission.

- (2) After review of the final plat by the County Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, easements, or other public ways and open spaces dedicated to public purposes. If disapproved the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board of County Commissioners and reported to the person applying for such approval.

B. Data Required.

- (1) The final plat shall be on a sheet twenty (20) inches wide and thirty (30) inches long and shall be drawn to scale. The final plat shall comply with the requirements of M.S.A. 505. Where necessary the final plat may be on several sheets provided they are numbered and a key map is presented on the sheets showing the entire subdivision. The final plat shall have incorporated all changes or modifications required and in all other respects conform to the approved preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop, provided that such portion conforms with all the requirements of this Ordinance.

C. Supplemental Data Requirements. Upon request of the County Planning Commissioner, supplementary information may include the following:

- (1) A complete set of street profiles showing grade lines as constructed.
- (2) Copies of any private restrictions affecting the subdivision or any parts of the subdivision.

D. Certifications Required on Final Plats.

- (1) Notarized certification by owner and by any mortgage holder of record at the adoption of the plat and the dedication of streets and other public areas.
- (2) Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.

- (3) Space for Certificate of Review to be filled in by the signature of the Chairman of the Township Board of Supervisors.

The form of review by the Township Board of Supervisors is as follows:

Reviewed by _____ Township, Murray County, Minnesota, this _____ day of _____, 19____.

Signed: _____
Chairman, Board of Township Supervisors

Attest: _____
Township Clerk

- (4) Space for certificates to be filled in by the signatures of the Chairman of the County Planning Commission and the County Board of Commissioners.

- a. The form of approval by the Planning Commission is as follows:

Reviewed by the Murray County Planning Commission this _____ day of _____, 19____.

Signed: _____
Chairman

Attest: _____
Secretary

- b. The form of approval of the Board of County Commissioners is as follows:

Accepted by Murray County, Minnesota, this _____ day of _____, 19____.

Signed: _____
Chairman, Board of County Commissioners

Attest: _____
County Auditor

- (5) Certification showing that all taxes of record and special assessments due on the property have been paid in full.
- (6) Space for Certificate of Filing to be filled in the signature of Murray County Recorder.

The form of certification is as follows:

Document Number _____

I hereby certify that this instrument was filed in the office of the County Recorder on this _____ day of _____, 19____, at _____ o'clock __m., and was duly recorded in Book _____ of _____ on page _____.

County Recorder
Murray County, Minnesota

SUBDIVISION 3. PUBLIC HEARING REQUIREMENT

Before any plat of a major subdivision may be recorded the following requirements for a public hearing shall have been completed:

- 1. Upon receipt of the proper application and other requested material for plat approval, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearing may be continued from time to time and additional hearings may be held.
- 2. Notice of time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the county, at least ten (10) days before the hearing.
- 3. Written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (1/2) mile in unincorporated areas. The affected Board of Town Supervisors and the Municipal Council of any Municipality within two (2) miles of the affected property.
- 4. The failure to give mailed notice to the individual owners or defects in the notice shall not invalidate the proceedings providing a bona fide attempt to comply with this Subdivision has been made.

5. The above public hearing shall be held within forty-five (45) days after receipt of the completed application.
6. Reports Required. The Administrator shall refer one (1) copy of the preliminary plat to the engineer, one (1) copy to the town board, and one (1) copy each to the telephone and utility companies. Each may then submit a report to the Administrator within fifteen (15) days. Failure to submit such a report shall constitute approval of the preliminary plat. The reports permitted in this Section shall be forwarded to the Planning Commission for their consideration.
7. Public Hearing Review.
 - A. The subdivider or his representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration.
 - B. The Planning Commission shall study the practicality of the plat taking into consideration the requirements of the county and the best use of the land to be subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the comprehensive plan, the official map and the zoning ordinance.
 - C. At the public hearing, all persons interested in the proposed plat shall be heard.
8. Action and Authorization.
 - A. The Planning Commission shall within fifteen (15) days of the hearing modify, approve, or disapprove the proposed plat.
 - B. Following the closing of the public hearing, the Planning Commission shall request the Administrator to report its findings and recommendations on the proposed plat to the County Board at their next regularly scheduled board meeting.
 - C. Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the proposed plat as it deems advisable. After the conclusion of the hearings, if any, the County Board may approve the proposed plat or any part thereof in such form as it deems advisable.

9. The above public hearing requirements shall be completed for any preliminary plat of a major subdivision. The County Planning Commission or the County Board may at their discretion require a public hearing on any final plat of a major subdivision. In the event they decide to require a public hearing on a final plat, the above procedures shall be followed.

SECTION 4 GENERAL REQUIREMENTS

The following general requirements shall be met by the subdivider unless the County Board of Adjustments grants a variance in accord with the provisions of this Ordinance.

SUBDIVISION 1. CONFORMANCE TO OFFICIAL MAP AND COMPREHENSIVE PLAN

Any subdivision shall be in harmony with the Comprehensive Plan and its amendments.

SUBDIVISION 2. DELAYED APPROVAL OF SUBDIVISIONS

Where a proposed park, playground, school site, or other public site as shown in the Comprehensive Plan and/or official map is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken toward approval of a preliminary plat for a period not to exceed six (6) months to allow the opportunity to consider and take action toward acquisition of such land by the appropriate jurisdiction.

SUBDIVISION 3. CONFORMITY TO ZONING ORDINANCE

Any subdivision shall conform to the zoning ordinance and its map.

SUBDIVISION 4. CHARACTER OF THE LAND

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

SUBDIVISION 5. CONVEYANCES OF METES AND BOUNDS

The conveyance of parcels of less than ten (10) acres and three hundred (300) feet in width or leaving in residue a parcel of less than ten (10) acres and three hundred (300) feet in width by metes and bounds shall be prohibited unless the parcel was a separate parcel of record on the date of adoption of this Ordinance or was the subject of a written agreement to convey entered into prior to the adoption of this Ordinance, except as otherwise regulated in Section 3, Paragraph 1 of this Ordinance.

SUBDIVISION 6. REGISTERED LAND SURVEYS

All registered land surveys shall be filed and are subject to the same procedures as required by this Ordinance for plats.

Until approval is granted by the County Board, zoning certificates shall be withheld, dedications shall not be accepted, and no public money shall be spent towards installing utilities and improvements.

SUBDIVISION 7. ESTABLISHED MONUMENTS

For both minor and major subdivisions, all international, federal, state, county and other official monuments bench marks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section and quarter section corners shall be duly described, monumented and tied, and a Certificate of Location thereof shall be filed with the County Recorder.

SUBDIVISION 8. PRESERVATION OF NATURAL FEATURES

The Planning Commission shall recognize the natural features which add value to all improvements and to the community, such as trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

SUBDIVISION 9. PREVENTION OF EROSION

Subdividers shall be required to institute measures as determined and directed by the county to insure the prevention of wind and water erosion during and upon completion of the construction.

SECTION 5 SUBDIVISION DESIGN STANDARDS

The following improvements shall be installed in accordance with accepted engineering standards and specifications.

SUBDIVISION 1. STREET PLAN

Streets shall be of sufficient width, suitably located and adequately constructed, to conform with the Comprehensive Plan; to accommodate the prospective traffic; afford access for fire fighting, snow removal and other road maintenance equipment; and shall be considered in their relationship to topographic conditions, to drainage and in their relationship to the proposed land uses to be served. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.

1. In the case of subdivisions for commercial, industrial and public purposes, no street giving access upon an arterial road shall be located closer than 500 feet (500') along the same side of such arterial road, to any other driveway, public or private street in the same or another subdivision.
2. Local streets shall be so planned as to discourage through traffic.
3. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.
4. Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.
5. Cul de sacs shall normally not be longer than five hundred feet (500'), including a turnaround which shall be provided at the closed end with an outside curb radius of at least forty feet (40') and right-of-way radius of not less than sixty-six feet (66'). The maximum grade of the turnaround portion of the cul de sac shall be five percent (5%).
6. Alleys shall not be provided in residential districts, but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.
7. The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be one hundred twenty-five feet (125').

8. Intersections of more than two (2) streets at one point shall be avoided.
9. Dead-end streets shall be prohibited unless provided with a turnaround or cul de sac arrangement.
10. Right-of-way requirements may be increased for specific thoroughfares if existing or anticipated traffic flow warrants it, or if drainage easements parallel such thoroughfares. Such increased width will be set by the County Board under the advisement of the Planning Commission and County Engineer.
11. Minimum right-of-way width, paving widths, angle of intersection, curb radius, distances along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

	ARTERIAL ROADS	COLLECTOR ROADS	LOCAL STREETS	CUL-DE- SACS	ALLEYS
Right-of-Way Width	100'	70'	66'	66'	33'
Paving Width	52'	48'	34'	28'	20'
Maximum Grade	7.5%	10%	10%	10%	10%
Minimum Angle for Intersection	90°	80°	70°	70°	70°
Minimum Curb Radius	34'	25'	15'	15'	5'
Grades for 25' Before Intersection	3%	3%	3%	3%	3%
Site Triangles (Distance along sides of) Through St./Stop Street	500/30	500/30	250/25	250/25	50/20
Horizontal Alignment (Minimum Radii of Center Line)	600	400	200	100	100
Vertical Curves (Minimum Sight Distance)	500	350	200	100	100

12. The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the County Board and shall include the following improvements:
 - A. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.
 - B. Street shoulder shall be constructed which are uniformly and thoroughly compacted by rolling and level with the top of streets.

SUBDIVISION 2. BLOCKS

Blocks shall ordinarily not exceed one thousand (1,000) feet in length. Where it is necessary for blocks to exceed this length, pedestrian ways and/or easements may be required near the center of the block.

SUBDIVISION 3. LOTS

The lot and yard sizes shall conform with the requirements of the County Zoning Ordinance and the lots shall be designed in accord with the following design standards:

1. Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public street system, improved in accordance with this Ordinance and connected to the general street system.
2. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided unless it is clearly evident that such variation shall improve the overall neighborhood design.
3. Double-frontage lots shall be avoided.
4. When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provision for adequate utility connections for each subdivision.

SUBDIVISION 4. EASEMENTS

Easements shall be required at a minimum of ten (10) feet. Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way of width sufficient for the purpose.

SUBDIVISION 5. STORM DRAINAGE

The construction of storm drainage system shall conform to the following requirements:

1. Drainage ditches or channels shall have a minimum gradient of one (1) percent.
2. Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.
3. When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash damaging adjacent property or accumulating on street surfaces.
4. Individual driveway culverts shall be installed in accordance with recommendations from the County Engineer or Township. The lot owner shall be responsible for the installation of the culvert.

SUBDIVISION 6. WATER AND SEWER SYSTEMS

The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the Minnesota Department of Health and the Minnesota Pollution Control Agency in addition to meeting the following:

1. Water Supply.
 - A. Where public water supply is available, as determined by the County Board, the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot.
 - B. Where public water is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plan to the County Board.

- C. If a private water supply is permitted, the individual private wells shall be located at least twenty-five (25) feet from property lines; fifty (50) feet from all septic tanks; approximately one hundred (100) feet from all tile disposal fields and other sewage disposal facilities; ten (10) feet from all cast iron sewer lines; thirty (30) feet from any vitrified sewer tile lines; and shall not be located within any flood plain.
2. Sewers.
- A. Where public sewer system is reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the public sanitary system.
 - B. Where the public sewer system is not reasonably accessible to the subdivision, and in the judgment of the County Board extension of the public sewage system to the subdivision will not take place in the foreseeable future, private sewage disposal systems on individual lots consisting of septic tanks and tile absorption fields, or an approved package plant sewage disposal system serving the subdivision may be permitted.

SUBDIVISION 7. STREET NAMES

- 1. All street names shall be approved by the Planning Commission and shall conform to any established numbering and naming system.
- 2. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets or an abutting or neighboring subdivision may bear the same name.
- 3. The subdivider shall install street signs as required and approved by the County.

SUBDIVISION 8..UTILITIES

Every lot in a subdivision shall be capable of being served by utilities, and easements acceptable to the utility companies shall be provided. Electric, gas and other utility companies shall be provided. Electric, gas and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving.

SUBDIVISION 9. TREES

Trees may be planted along the streets. The location and types of trees must meet the approval of the County Planning Commission.

SUBDIVISION 10. MONUMENTS

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

SECTION 6 BASIC IMPROVEMENTS

SUBDIVISION 1. GENERAL

1. Before a final plat is approved by the County Board, the Board shall require the subdivider of the land included in the final plat to execute and submit to the County Board an agreement, which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for zoning certificates for such construction until all improvements required under this Ordinance have been made in the manner following as respects the highways, roads, or streets to which the lots to be constructed have access.
2. Prior to the make of such required improvements, the subdivider shall deposit with the County Auditor an amount equal to one and one-quarter (1 1/4) times the county's estimated cost of such improvements, either in cash or in indemnity bond, with sureties satisfactory to the county, conditioned upon the payment of all construction costs incurred in making of such improvements and all expense incurred by the county for engineering and legal fees and other expense in connection with the making of such improvements.
3. No final plat shall be approved by the County Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets or roads and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the county, make the area completely safe for residential occupancy, and provide adequate road and lot drainage, the final plat of the subdivision may be approved.

SUBDIVISION 2. INSPECTION

When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the County Auditor of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least twenty-four (24) hours before any such construction or installation shall commence so as to give the County officials an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the County in inspecting the installation of the improvements required by the Ordinance, the subdivider shall, before he proceeds with any construction or installation, present a certified check or money order made payable to the Murray County Auditor in an amount equal to one and one-half percent (1 1/2%) of the Engineer's estimate of the cost of the improvements.

SUBDIVISION 3. MAINTENANCE

Prior to any street, or other improvement being accepted by the County as hereinafter provided, the subdivider shall post a Maintenance Bond and/or other security naming the County as Obligee in an amount deemed adequate by the County Board to insure maintenance of said improvements for a period of at least twelve (12) months from the date of acceptance by the County.

SUBDIVISION 4. ACCEPTANCE

After the streets and other improvements have been installed according to the requirements of this Ordinance, and when the subdivider desires to have the local unit of government accept improvements, the subdivider shall notify the proper officials that the installation has been completed. The subdivider shall supply the local unit of government copies of as-built drawings showing the extent of the street or improvement to be dedicated to public use.

Streets and other improvements shall be completed, and accepted by the local unit of government prior to final plat approval by the County Board.

SECTION 7 SUBDIVISION ADMINISTRATION

SUBDIVISION 1. ENFORCING OFFICER

This Ordinance shall be administered and enforced by an Administrator. The Murray County Zoning Administrator is hereby designated the Administrator of this Ordinance.

SUBDIVISION 2. DUTIES OF THE ADMINISTRATOR

1. The Administrator is charged with the enforcement of this Ordinance.
2. The Administrator shall receive and forward to the Planning Commission all application materials and information governed by the regulations contained in this Ordinance.

SUBDIVISION 3. VARIANCES

Where the County Board of Adjustment finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected provided that such variations will not have the effect of nullifying the intent and purpose of the comprehensive plan, the official map, or the zoning ordinance.

1. Where the County Board of Adjustment finds that due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of the inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may vary such requirements subject to appropriate conditions.
2. Application for a variance shall be made in writing by the subdivider and shall state all facts relied upon by the applicant and be supplemented with maps, plans and other additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.
3. In the granting of variances from this Ordinance, the County Board of Adjustment shall require such conditions as will, in its judgment, secure substantially the objectives of the standards of requirements so varied.
4. Any variance granted shall be made by resolution and entered into the minutes setting forth the reasons which justify the resolution.

SUBDIVISION 4. VARIANCES PERMITTED

Where the County Board of Adjustment finds that extraordinary and unnecessary hardships result from strict compliance with this Ordinance, variances may be granted provided such variances will not have the effect of nullifying the intent and purpose of the comprehensive plan, official map, or the zoning ordinance.

SUBDIVISION 5. COUNTY BOARD OF ADJUSTMENT

1. Powers. The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Minnesota Statutes, Section 394.21 to 394.37.
2. Procedure. The Board of Adjustment shall follow applicable state laws and county ordinances in reviewing appeals from ordinances adopted pursuant to the provisions of Minnesota Statutes, Section 394.21 to 394.37. The procedure for review by the county is outlined in the Murray County Zoning Ordinance.

SUBDIVISION 6. AMENDMENTS TO THE SUBDIVISION ORDINANCE

The procedure for amending this Ordinance is the same prescribed for its adoption.

SUBDIVISION 7.. FEES

The amounts of all fees to be paid under the provisions of this Ordinance shall be set by the County Board by resolution.

SECTION 8 VIOLATIONS AND PENALTY

SUBDIVISION 1. SALE OF LOTS FROM UNRECORDED PLATS

It shall be unlawful to sell, trade or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or parcel of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded with the County Recorder.

SUBDIVISION 2. RECEIVING AND RECORDING UNAPPROVED PLATS

It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless approved in accordance with the requirements of this Ordinance.

SUBDIVISION 3. MISREPRESENTATIONS AS TO CONSTRUCTION, SUPERVISION, OR INSPECTION OF IMPROVEMENTS

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the county to represent that any improvement upon any of the highways, roads, streets or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the County Board, or has been supervised or inspected by the county until such improvements have been so constructed, supervised, or inspected.

SUBDIVISION 4. PENALTY

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500) or by a commitment to jail for a period not to exceed ninety (90) days. Each day during which compliance is delayed shall constitute a separate offense.

SECTION 9 SEPARABILITY, REPEAL AND EFFECTIVE DATE

SUBDIVISION 1. SEPARABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance and not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

SUBDIVISION 2. REPEAL

The MURRAY COUNTY SUBDIVISION ORDINANCE adopted the 5th day of September, 1972 is hereby repealed.

SUBDIVISION 3. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and approved this 1st day of March , 1982.

Board of County Commissioners

ATTEST: _____
County Auditor

Recommended by the Planning Commission

Date: _____

Signed: _____
Chairman