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AMENDED SUBDIVISION REGULATIONS OF BROWN COUNTY, MINNESOTA

*AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND
PLATTING OF LAND WITHIN BROWN COUNTY, MINNESOTA 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 IMPROVEMENT;
ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF
PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.*

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SECTION 1 GENERAL PROVISIONS

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101. Short Title

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This Ordinance shall be known as the "Subdivision Regulations of Brown County" and will be referred to herein as "this Ordinance".

102. Purpose and Intent

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This Ordinance is enacted for the following purposes: to safeguard the best interest of Brown 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 the County Comprehensive Land Use Plan; 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 development at standards compatible with affected municipalities within the County.

It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Brown County pursuant to "an act authorizing County planning and zoning activities; establishing a board of adjustment; authorizing the enactment of official controls, and providing penalties for violation thereof," passed by the Legislature of the State of Minnesota, Chapter 559, Laws of 1959 as amended, which regulations the Board of County Commissioners deems necessary for the health, safety, and general welfare of the County.

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103. Jurisdiction

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The regulations herein governing plats and the subdivision of land shall apply to all the areas of the County lying outside the incorporated limits of municipalities. ~~All lots, parcels or tracts of land of less than ten (10) acres in~~

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~~size shall be platted in accordance with this Ordinance including tracts remaining as the result of subdivisions.~~

104. Application of These Regulations

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Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. ~~Land having an Agricultural Use and as defined on page 5 of this ordinance and as determined by the Brown County Zoning Office shall be exempt from platting providing that the agricultural principal use (agriculture) is retained; however, a metes and bounds description for both the remainder of the land and the land to be established as a new parcel. Agricultural Uses include tilled ground with no with the exception of those housing livestock (ie: hog barns), pastures, and wetlands. The construction of a residence shall not be considered an agricultural use for the purposes of this section. If such an exemption is granted, documentation from the Planning and Zoning Office must be recorded along with the metes and bounds description.~~

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~~Additions to existing cemetery properties shall also be exempt from platting requirements irrespective of the acreage involved.~~

~~Any cemetery property exempt from platting under this provision shall submit a metes and bounds description which is satisfactory to the County and local assessor.~~

104.1 Administrative Land Subdivision

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~~The division of certain parcels of land may be divided administratively if the conditions of this section are met. Parcels of land proposed for division that do not require a plat must comply with the following standards:~~

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- ~~a) The subdivision of land is Agricultural Land as defined in this ordinance and the use is retained; however, a metes and bounds description is required for both the remainder of the land and the land to be established as a new parcel. The construction of a residence shall not be considered an agricultural use for the purposes of this section.~~
- ~~b) The subdivision of land with existing structures must meet the minimum requirements for setbacks, lot size requirements, and allow for maintained access to a public right of way.~~
- ~~c) Additions to existing cemetery properties shall also be exempt from platting requirements irrespective of the acreage involved. Any cemetery property exempt from platting under this provision shall submit a metes and bounds description which is satisfactory to the County and local assessor.~~

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104.2 Platting Determination

A Plat is required if any of the following conditions exist:

- a) Any division of land that creates two or more lots or parcels, any of which resultant parcels is less than five (5) acres in area.
- b) Any portion of property proposed for division that is platted in a previously recorded plat. Any change or alteration within a recorded plat, including a change in lot lines due to a realignment or alteration of a dedicated roadway, shall be done by re-platting. The vacation of well and utility easements shall be exempt from this requirement.

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105. Approvals Necessary Prior to Recording of a Plat

Before any plat shall be recorded or be of any validity, it shall be approved by the Board of County Commissioners as having fulfilled the requirements of this Ordinance.

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~~Where any municipality has adopted extra-territorial subdivision platting regulations as provided by State law, any proposed plat lying within two (2) miles of said municipality shall also be submitted to and approved by said municipality prior to submittal to the County Board.~~ If said subdivision lies within the City of New Ulm electrical services territory, the property shall adhere to the City of New Ulm Subdivision regulations and will not be required to be submitted to the County.

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Where any township in Brown County has adopted platting regulations as provided by State law, and proposed plat lying within said township shall also be submitted to and approved by said township prior to submittal to the County Board.

106. Compliance

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No plat of any subdivision shall be entitled to recorded by the Brown County Recorder's ~~Office,~~ Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

When applicable, a grading and filling plan and/or a sediment and erosion control plan that is in compliance with the state's National Pollutant Discharge Elimination System (NPDES) ~~Permit,~~ shall be included with the application for platting.

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106.1 Common Open Space Requirement

- (1) Twenty-five (25) percent of the total acreage in an application with 8 or more proposed lots or dwelling units, including developable and undevelopable land, shall be designated as common open space for natural habitat, active or passive recreation, and/or conservation or preservation for wildlife.
- (2) Where possible, designated common open space shall be contiguous with common open space uses on adjacent parcels in order to provide large expanses of common open space.
- (3) Common open space in subdivisions shall be physically connected whenever possible, to adjacent open spaces. Designated public trail systems which abut a conservation subdivision shall be connected through the subdivision when ever possible.
- (4) Access shall be provided to designated to the common open space area(s) form one or more streets in the subdivision.
- (5) Access will not be required if the common open space- contains habitat where public access should be limited.
- (6) No more than fifty percent (50%) of the designated common space shall be wetlands and/or floodplains.
- (7) That there be a development organization created and functioning for developments of more than 8 lots or dwelling unit lots. Unless an equally effective alternative community framework is approved by the Planning Commission and established when there is an open space or any other common element, all residential developments of more than eight 8 lots or dwelling unit lots shall include an owners association with the following features:
 - a) Membership shall be mandatory and automatic for each lot or dwelling unit lot owner and any successive owners.
 - b) Require each owner in the development have an undivided ownership in the common space and other common elements.
 - c) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units and sites.

107. Zoning Permits

No zoning permits shall be issued by Brown County for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as

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defined herein, until all requirements of this Ordinance have been complied with.

SECTION 2 RULES AND DEFINITIONS

201. Rules

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory and not discretionary.

202. Definitions

1. Administrative land split- means an approval of a change in property description of land that is approved by the Zoning Administrator and not subject to public hearings.
2. Agricultural Land -- This term means a contiguous acreage of land primarily used for agricultural purposes during the preceding year, whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops: grains and feed crops; and other similar uses and activities, including equestrian activities. Agricultural land may include pasture, timber, waste, unusable wildlife areas included in state or federal farm programs. Real estate of less than five acres used principally for raising or cultivating agricultural products shall be considered as agricultural land if it is not used primarily for residential uses.
- ~~(2) Agricultural Land -- This term means a contiguous acreage of land primarily used for agricultural purposes during the preceding year, whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops: grains and feed crops; and other similar uses and activities, including equestrian activities. Agricultural land may include pasture, timber, waste, unusable wildlife areas included in state or federal farm programs. Real estate~~
- ~~(3) Alley -- is a public right-of-way which affords a secondary means of access to abutting property.~~

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~~of less than ten acres used principally for raising or cultivating agricultural products shall be considered as agricultural land if it is not used primarily for residential uses.~~

~~4. Block -- is 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.~~

~~5. Comprehensive Land Use Plan -- refers to the group of maps, charts and texts that make up the Comprehensive Land Use Plan for the County.~~

~~(3)~~

~~(4)6. County -- is the County of Brown.~~

~~(5)7. County Board -- is the Board of County Commissioners of Brown County.~~

~~(6) Planning Commission -- is the Brown County Planning Commission.~~

~~(7) Comprehensive Land Use Plan -- refers to the group of maps, charts and texts that make up the Comprehensive Land Use Plan for the County.~~

~~(8)8. Design Standards -- are 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.~~

~~(9)9. Easement -- is a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.~~

~~(10)10. Final Plat -- is a drawing or map of a subdivision, meeting all of the requirements of the County and in such form as required by Brown County for the purposes of recording.~~

~~11. Highway -- any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Brown County numerical route designation.~~

~~(11)12. Highway, Major Arterial -- the principal County highways; such arterial highways interconnect communities within Brown County and adjoining counties, and carry traffic between principal land use districts within Brown County.~~

~~(12)13. Highway, Major Intercity and Regional -- State and Federal highway routes within the County.~~

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~~1) Highway, Major Arterial -- the principal County highways; such arterial highways interconnect communities within Brown County and adjoining counties, and carry traffic between principal land use districts within Brown County.~~
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~~2. Highway, Secondary Arterial -- the secondary County highways; such highways carry traffic between land use districts, but also provide ready access to private properties.~~

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~~2) Monument -- means a durable magnetic marker placed at all locations required by Minnesota Statute 505.01 subd 3 (g) or other locations shown on the plat.~~
16.

~~17. (165) Open Space -- Land for natural habitat, pedestrian corridors and/or recreational purposes, excepting stormwater ponds, that is permanently protected from future development.~~

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~~18. (176) Owner -- is any individual firm, association, syndicate, co-partnership, 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.~~

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~~19. (187) Parks and Playgrounds -- are public lands and open spaces in Brown County dedicated or reserved for recreation purposes.~~

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~~20. Pedestrian Way -- is 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 lines.~~

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~~21. (198) 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.~~

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~~22. (2019) Pedestrian Way -- is 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 lines.~~

~~23. Planning Commission -- is the Brown County Planning Commission.~~

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~~24. (210) Preliminary Plat -- is a tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.~~

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25. ~~(221)~~ Protective Covenants -- are 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.

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26. ~~(232)~~ Road -- is 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.

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27. ~~(243)~~ Road, Cul-de-sac -- is a minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

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28. ~~(254)~~ Road Width -- is the shortest distance between lines of lots delineating the road right-of-way.

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29. ~~(265)~~ Subdivider -- means any person proceeding under this Ordinance to effect a subdivision of land for themselves or for another.

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30. ~~(267)~~ Subdivision ~~means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:~~

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~~a. Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;~~

~~b. Creating cemetery lots;~~

~~c. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary, is a described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than ten (10) acres in area, for the purpose of transfer of ownership or building development, or, if a new street or road is involved, any division of a parcel of land. The term includes re-subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.~~

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31. ~~(287)~~ Tangent -- is a straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

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32. ~~(298)~~ Vertical Curve -- is the surface curvature on a road or highway centerline located between lines of different percentage of grade.

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33. ~~(3029)~~ Wetland -- For the purpose of this ordinance, a wetland is described as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Also, as further defined under Minnesota Rule 8420.0111.

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34. ~~(301)~~ Wetland Delineation – A document written by a certified wetland delineator that describes the type, location and size of any wetlands located within a specified area.

35. Witness monument – means a plat monument placed at an identified distance and direction from a corner that is in a physical location that is not practical to monument (see Minnesota Statute 505 for more information).

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Section 3 Administrative Land Subdivision

301. Administrative Land Subdivision Process

Application for an Administrative Land Subdivision shall be made on a form provided by Brown County and submitted to the County Recorders Office. The application shall include the following:

1. Administrative Land Subdivision Application
2. Proposed legal description or survey from licensed land surveyor if required by section 302.
3. Exhibits are attached.
4. Verification of ownership and encumbrances.

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302. Survey Determination

A survey from a licensed land surveyor shall be required if:

1. The division would result in parcels less than 10 acres or that cannot be described along existing section, quarter section, quarter-quarter section, or quarter-quarter-quarter section lines, and with reference to a river, lake, road, or railroad, must be surveyed.

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SECTION 43 DESIGN STANDARDS

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4301. Blocks

(1) Block Length -- In general, intersecting streets and roads, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed thirteen hundred twenty (1320) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should normally not exceed six hundred (600) feet in length.

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- (2) Block Width -- The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective uses, including adequate space for off-street parking and deliveries.

4302. Lots

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- (1) The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Brown County Zoning Ordinance.
- (2) Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Brown County Zoning Ordinance.
- (3) Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines. Lot boundaries shall, to the extent reasonably practicable, form right angles, shall be parallel to or intersect at right angles with boundaries of adjoining parcels, and shall not create one or more irregularly shaped lots. The Planning and Zoning Commission and the Board of Commissioners may, in their discretion, reject a proposed plat containing one or more irregularly shaped lots, and may reject such a plat containing lot boundaries which are not parallel to or intersect at right angles with the boundaries of adjoining parcels or which do not form right angles.
- (4) Double, frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least ten (10) feet in order to allow space for screen planting along the back of lot line.
- (5) Every lot must have the minimum required frontage on a public, dedicated road or street other than an alley as defined in the Brown County Zoning Ordinance.
- (6) Setback or building lines shall be shown on all lots intended for residential uses and shall not be less than the setback required by the Brown County Zoning Ordinance. On those lots which are intended for business or industrial use, the setback shall not be less than the setback required by the Brown County Zoning Ordinance.

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4303. Roads, Highways, Streets, and Alleys

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- (1) The arrangement of highways shall conform as nearly as possible to the Brown County Comprehensive Plan. Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining un-subdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of highways shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- (2) Local roads and streets should be planned as to discourage their use by non-local traffic. Dead-end streets and roads shall be prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with an outside curb radius of at least forty (40) feet and a right-of-way radius of not less than fifty (50) feet.
- (3) Where the plat to be submitted includes only part of the tract owned or intended for development by the owner, a tentative plan of a proposed future street and road system for the un-subdivided portion shall be prepared and submitted by the subdivider.
- (4) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future roads and appropriate re-subdivision, with provisions for adequate utility connections for such re-subdivision.
- (5) Under normal conditions, roads shall be designed so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of roads shall be seventy (70) degrees. Road intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.
- (6) Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State or Federal highway, provision shall be made for a marginal access street or road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths.

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- (7) Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as on-site loading, unloading and parking consistent with and adequate for the uses proposed. Except where justify by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.
- (8) Dedication of half streets or roads will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.
- (9) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads and highways shall be as shown in the Brown County Comprehensive Land Use Plan, and where not shown therein, the minimum right-of-way width for streets, roads, highways, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum ~~dimensions~~dimension for each classification as follows:

Arterial	
Principal Arterial Highway	150 feet
Minor Arterial Highway	120 feet
Other Highways	
Major Collector Highway	100 feet
Minor Collector Highway	75 feet
Local Streets and Roads	66 feet
Marginal Service Access Roads	50 feet
Alley	20 feet
Pedestrian Way	10 feet

Where the existing or anticipated traffic on principal and minor arterial highways warrants greater widths of right-of-way, these shall be required. Right-of-way widths for major intercity highways shall also meet standards established by the Minnesota State Highway Department.

- ~~(10) Road~~10) Road and highway grades -- The grades in all streets, roads, highways and alleys in any subdivision shall not be greater than the maximum ~~grades~~grade for each classification as follows:

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Arterial Highways	
Principal Arterial Highways	(as required by the Minnesota State Highway Department)
Minor Arterial	
Other Highways	
Major Collector Highways	5 percent
Minor Collector Highways	8 percent
Local Streets and Roads	8 percent
Alley	8 percent

—In addition, there shall be a minimum grade on all roads and highways of not —less than five-tenths (5/10) of one (1) percent.

~~(11) Road~~ **11) Road** and Highway Alignments -- The horizontal and vertical alignment —standards on all roads, highways and streets shall be as follows:

—Horizontal -- radii of center line:

Principal Arterial Highways	
Principal Arterial Highways	(as required by the Minnesota State Highway Department)
Other Highways	
Major Collector Highways	500 feet
Minor Collector Highways	300 feet
Local Streets and Roads	100 feet

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

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Vertical -- all changes in street grades shall be connected by vertical parabolic curves of such length as follows:

Arterial Highways	(as required by the Minnesota State Highway Department)
Collector Highways	150 foot minimum
Local Streets and Roads	50 foot minimum

~~(12)~~A#12 All proposed streets or roads shall be offered for dedication as public right-of-way. No private streets or roads shall be permitted.

4304. Easements

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~~(1)~~1 An easement for utilities at least six (6) feet wide shall be provided along the ~~side lines~~sideline of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least twelve (12) feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

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~~(2)~~2 Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed with the approval of the County Board, by ordinance, upon the recommendation of the Planning Commission.

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~~(3)~~3 Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

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~~(4)~~4 Where a subdivision contains or is traversed by a water course, drainage way, channel, lake or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses, shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the County Engineer.

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~~(5)~~5 Access easements shall be a minimum of ~~thirty-three~~thirty-three (33) feet in width and shall be recorded as a separate document from the plat with the document number noted on the final plat at the time of recording.

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SECTION **54** PLATS: SUBMISSION PROCEDURE AND DATA

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5401. Preliminary Plat

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5401.1 Procedure

Approval of the County Planning Commission shall be required on all plats/subdivisions or in such case wherein a plat or re-plat is proposed for a property wherein previous subdivisions, lot divisions or division of lots by metes and bounds has occurred.

5401.2. Pre-Application Process for Subdivisions with more than three (3) lots.

- (1) Meet with Zoning Administrator and staff by making appointment at least one (1) week in advance. (A wetland delineation may need to be provided to the Brown County Wetland Administrator prior to this meeting date.)
- (2) A rough sketch of the proposed subdivision should be brought to the meeting. The sketch plan must show existing boundaries, any existing structures, wetland boundaries and proposed lot locations. An aerial photo would be helpful as this information would be the focus of the discussion with staff.
- (3) You may be asked to also include the County Highway Engineer in the meeting to discuss roads and or accesses that are proposed.
- (4) The plat will be reviewed by the County Zoning Administrator or their designee to determine suitability of the soils to support septic systems. A letter or another form of documentation may be required to show that there is adequate room for well(s) and/or water supply for the proposed lots.
- (5) The proposed plat sketch may be submitted to the Planning Commission for informal discussion. **This discussion shall not constitute formal filing of the Preliminary Plat.**

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- (6) As far as may be practical on the basis of the sketch plan, the Commission will informally advise the applicant as promptly as possible of the extent to which the proposed subdivision conforms to the design ~~standards~~ standards of these regulations and will discuss plan modifications necessary to ensure conformance.
- (7) You will be required to discuss your proposal with the Township Board of the township in which the plat is located. Prior to the submittal of the Preliminary Plat a letter of consensus must be sent to the Zoning Office by the Township Board in which the subdivision is proposed.
- (8) All specific issues must be resolved with County Staff prior to submittal of Preliminary Plat to Planning Commission.
- (9) Upon completion of application forms and fees the Zoning Office will authorize preparation and submittal of a Preliminary Plat by a Land Surveyor registered in the State of Minnesota.

5401.3. Information Required for all Preliminary Plat Submittals

The subdivider shall prepare and submit a preliminary plat with the information listed below along with any necessary supplementary information:

- (1) Filing -- ~~Three (3) One electronic copy (PDF file) copies~~ of a preliminary plat of any proposed subdivision shall be filed with the Brown County Planning and Zoning Office to be included in the next available meeting of the Planning Commission. ~~One (1) of which shall be an electronic copy (pdf file).~~
- (2) Contents -- The preliminary plat shall contain the following information:
 - a) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.
 - b) Location of boundary lines in relation to ~~known~~ section, quarter section, or quarter-quarter section lines comprising a legal description of the property.
 - c) Names and addresses of the owner and the engineering firm making the plat.
 - d) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
 - e) Date and north point.
 - f) Existing conditions:

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- i. Location, width, and name of each existing or platted street, road or other public way, railroad, the utility right-of-way, parks, wildlife, and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivision, and their related setbacks to property lines, road right of way, shoreland areas, etc.
- ii. All existing sewers, water mains, gas mains, culverts, power or communication cables or other underground installations within the proposed subdivision or immediately adjacent thereto.

g) Proposed Development:

- i. The location and width of proposed streets, roads, alleys, pedestrian ways and easements.
- ii. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas, and power lines.
- iii. Layout, numbers and approximate dimensions of lots and the number or letter of each block.
- iv. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- v. Building setback lines with dimensions.
- vi. Indication of any lots on which a use other than residential is proposed by the subdivider.
- vii. The zoning district(s) on and adjacent to the tract.

(3) Supplementary Requirements:

Upon request of the Planning Commission, supplementary information shall be submitted. Such supplementary information may include the following:

- a) Existing topography, with contour intervals of not less than two (2) feet, related to the Brown County coordinate system with the datum clearly identified on the face of the preliminary plat; also the location of water courses, ravines, bridges, lakes, marshes, wooded areas, rock outcroppings, approximate acreage, and other such features as may be pertinent to the subdivision.

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- b) Two (2) copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the centerline. The location of proposed culverts and bridges shall also be shown.
- c) Proposed surface drainage diagrams for lots in the form of arrows, proposed contours or other appropriate methods.
- d) Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings.
- e) Soil tests and reports, as specified by the County Engineer, by an approved soils laboratory.
- f) A copy of an approved, certified wetland delineation with the wetland boundary(ies) clearly identified on the preliminary plat.

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5401.4 Notification Requirement

The preliminary plat shall be submitted to the County Planning Commission at least ten (10) days prior to the Planning Commission meeting at which consideration is requested.

For plats with two (2) or more lots, the Planning Commission shall hold a public hearing on said preliminary plat application. A legal notice of the public hearing shall be published in the official paper as determined at the beginning of the calendar year by the County Board. It shall be sent to all property owners within three hundred (300) feet of the property to be subdivided at least ten (10) days prior to the hearing date. Public notice shall consist of a general description of the proposal, the time, date and place of hearing. For the purpose of notification, ownership of property within three hundred (300) feet shall be determined by the tax record for the previous year.

The Planning Commission shall act on each preliminary plat submitted within sixty (60) days of the date of submission or an extended time period permissible under MS 15.99. The Planning Commission will make a recommendation to the County Board, who has ultimate ~~decision~~ ~~making~~ ~~decision-making~~ authority for all applications.

5401.5 Approval of the County Board

After the public hearing and review of a preliminary plat as defined within the jurisdiction of the Planning Commission, such preliminary plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. The County Board shall act on each plat forwarded by the Planning Commission within sixty (60) days after of the date of submission or an extended time period permissible under MS 15.99; failure to act shall be deemed as approval (see Minnesota Statute 15.99).

Approval or denial of the preliminary plat shall be conveyed to the subdivider in writing within ten (10) days after the meeting of the County Board 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 County Board. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat.

This approval of the preliminary plat shall be effective for a period of two (2) years, unless an extension is granted by the County Board. The subdivider may file a final plat limited to such portion of the preliminary plat which they propose to record and develop at the time; provided that such portion must conform to all requirements of these Regulations. If some portion of the final plat has not been submitted for approval within this period, a preliminary plat

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must again be submitted to the Planning Commission and the County Board for approval.

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5402. Final Plat

5402.1 Procedure

After the preliminary plat has been approved by the County Board, the final plat may be submitted for approval as follows:

(1) Recommendation for Approval by the County Planning Commission:

The final plat shall be submitted to the Commission at least ten (10) days prior to a Planning Commission meeting at which consideration is requested. The Planning Commission shall act on each plat submitted within sixty (60) days of submission or an extended time period permissible under MS 15.99.

If the plat is recommended for denial, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The subdivider may submit the same plat to the County Board who has ultimate decision making authority or they may remove the plat for consideration and make the changes suggested by the Planning Commission.

(2) Approval of the County Board:

After review and recommendation for a decision is made by the ~~Planning~~ Commission of the final plat, such final plat, together with the recommendations of the Planning Commission, when applicable, shall be submitted to the County Board for action.

The County Board shall act on each plat, recommended by the Planning Commission, within sixty (60) days after submission or an extended time period permissible under MS 15.99. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways, and parks, or other open spaces dedicated to public purposes. If denied, or referred to the Planning Commission, the grounds for any refusal to approve a plat or referral shall be set forth in the proceedings of the Board and reported to the subdivider applying for such approval.

5402.2 Information Required for all Final Plat Submittals

The subdivider shall submit a final plat together with any necessary supplementary information.

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- (1) Filing -- ~~Three (3)~~ Two (2) copies of a final plat shall be filed with the Planning Commission. NOTE: If the surveyor would like their own copy of the recorded mylar, they shall submit an additional copy.
- (2) Required electronic files – A copy of the CAD file and/or a GIS shapefile shall be submitted to the County GIS Specialist. A pdf of the final plat shall be submitted to the Brown County Planning and Zoning Office.
- (3) Contents -- The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statues and as required below:
 - a) Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
 - b) Location by section, township, range, or underlying subdivision shall be shown. Plat boundaries shall be designated on the plat in accordance with the underlying legal description and survey. A plat shall show all survey and mathematical information and data necessary to locate and retrace all boundary lines and monuments. The mathematical closure tolerance of the plat boundary, blocks, lots and outlots shall not exceed 2/100 of a foot.
 - c) The location of monuments shall be shown and described on the final plat. The location of the subdivision boundary shall be shown by direction and distance to the appropriate section subdivision lines, in the case of unplatted property and in reference to subdivision corners in the case of previously platted lands. Permanent monuments shall be placed at each corner of every block or ~~portion~~ of a block, points of curvature and points of tangency or road lines, and at each angle point on the boundary of the subdivision. A permanent monument shall be one-half (1/2) inch or larger in diameter and at least eighteen (18) inches in length. In situations where conditions prohibit the placing of monuments in the location prescribed above, witness monuments will be permitted. ~~Two (2)~~ Two (2) section monuments must be shown, with one being a section corner. Dimensions and lengths must be shown to both monuments on the plat. The exact location of all monuments shall be shown on the final plat, together with accurate interior angles, bearings, and distances
 - d) Location of lots, streets, roads, highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
 - e) Lots and blocks shall be numbered clearly. The labels for each lot shall be clearly identifiable and placed in the center of each lot. The label for

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the block shall be shown clearly and located in the center of the block. In the case of a registered land survey that does not contain a block, tracts may be labeled with letters starting with "A."

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- f) The exact locations, widths, and names of all roads to be dedicated.
- g) Location and width of all easements to be dedicated.
- h) Building setback lines on front and side road with dimensions.
- i) Name and address of subdivider and surveyor making the plat.
- j) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north point.
- k) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
- l) Statement dedicating all highways, streets, roads, alleys, and other public areas not previously dedicated as follows: "Roads, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated."
- m) Filing Fee:

The final plat shall be accompanied by a fee established by the County Board and Recorder's Office to be used for recording of the final plat.
- n) Certification Required:
 - i. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, roads, and other public areas.
 - ii. Notarized certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments shown therein exist as located and that all dimensional and geodetic details are correct.
 - iii. Certification showing that all taxes and special assessments due on the property have been paid in full, if requested by the County Board.

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- iv. Space for certificates of approval to be filled in by the signatures of the chairman of the County Planning Commission and the chairman of the County Board.

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

Approved by the Brown County Planning Commission this _____ day of _____, 20 _____.

Signed: _____

Chairman

Attest: _____

Secretary

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

Approved by Brown County, Minnesota, this _____ day of _____, 20 _____.

Signed: _____

~~Chairman, Board of County~~

~~Commissioners~~ County Administrator

Attest: _____

~~County Auditor~~

(4) Supplementary Documents and Information may be required as follows:

- a) A complete set of street profiles showing grade lines as constructed.
- b) Copies of any private restrictions affecting the subdivision or any part thereof.
- c) Signature of municipal or township officials approving the plat, when such approval is required by State law.

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SECTION 65 BASIC IMPROVEMENTS

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6501. General

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- (1) No land shall be subdivided which is held unsuitable for construction based on the requirements of the Brown County Zoning Ordinance
- (2) .Before a final plat is approved by the County Board, the subdivider of the land covered by the said plat shall execute and submit to the County Board an agreement, which shall be binding to them, their heirs, and/or, their personal representatives; and assigns, that they will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots sought to be constructed have access.
- (3) Prior to making 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 an 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.
- (4) No final plat shall be approved by the County Board without first receiving a report from the County Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the County Engineer.

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(5) 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 Engineer and Zoning Administrator, make the area suitable for use without interfering with the flow of water under flood conditions, the final plat of the subdivision may be approved.

Note: The Minnesota Department of Natural Resources (DNR) Waters Division will need to be included in the decision making process.

(5)(6) All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by the County Engineer or Zoning Administrator as applicable. All of the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in paragraph 2 above.

6502. Road and Highway Improvements

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- (1) The full width of the right-of way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the County Board.
- (2) All roads shall be improved with pavement in accordance with the standards and specifications for road construction as approved by the County Board.
- (3) All roads to be paved shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Board.
- (4) Curb and gutter shall be constructed as required by the standards and specifications for road construction as approved by the County Board.
- (5) Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the County Board.
- (6) Road signs of the standard design approved by the County Board shall be installed at each street or road intersection.

6503. Sanitary Sewer and Water Distribution Improvements

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- (1) Sanitary sewers, both public and private, shall be installed as required by standards and specifications as approved by the County Board.
- (2) Water facilities, both public and private, include pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the County Board.

6504. Public Utilities

- (1) All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.
- (2) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

SECTION 76 VARIANCES

6701. General

The Board of Adjustment may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Adjustment shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, as required herein below, the Board of Adjustment shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons who reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Board of Adjustment finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

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- c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

SECTION 87 REGISTERED LAND SURVEYS AND CONVEYANCE BY

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METES AND BOUNDS

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8701. Registered Land Surveys

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It is the intention of this Ordinance that all Registered Land Surveys in Brown County shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationship of proposed tracts in such Registered Land Surveys. Unless such approvals have been obtained from the Planning Commission and County Board in accordance with the standards set forth in this Ordinance, permits will be withheld for buildings on tracts which have been so subdivided. Any time there are to be roads or easements created a final plat, as defined by this ordinance is required. A Registered Land Survey may be used for simple splits..

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8702. Conveyance by Metes and Bounds

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No conveyance of two or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels

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described in the conveyance are less than five (5) acres in area and three hundred (300) feet in width, unless such parcel was a separate parcel of record at the effective date of this Ordinance.

Zoning permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method and the County may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

SECTION 98 VIOLATIONS AND PENALTY

9801. Sale of Lots from Unrecorded Plats

It shall be considered 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 replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the Office of the Register of Deeds of Brown County.

9802. Receiving and Recording Unapproved Plats

It shall be considered 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, for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and the County Board.

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9803. Misrepresentations as to Construction, Supervision, or Inspection of Improvements

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It shall be considered 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, when such improvements have not been so constructed, supervised, or inspected.

9804. Penalty

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Anyone who violates any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than three hundred dollars (\$300) or by a commitment to jail for a period of not to exceed ninety (90) days. Each day during which compliance is delayed shall constitute a separate offense.

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SECTION 109 VALIDITY

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If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

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SECTION 110 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 _____ day of _____, 20 _____.

Chair, Board of County Commissioners

Attest: _____
County Administrator

Published: _____

Recommended for approval to the Brown County Board of Commissioners by the Planning Commission this _____ day of _____, 20 _____.

Chairman, Planning Commission