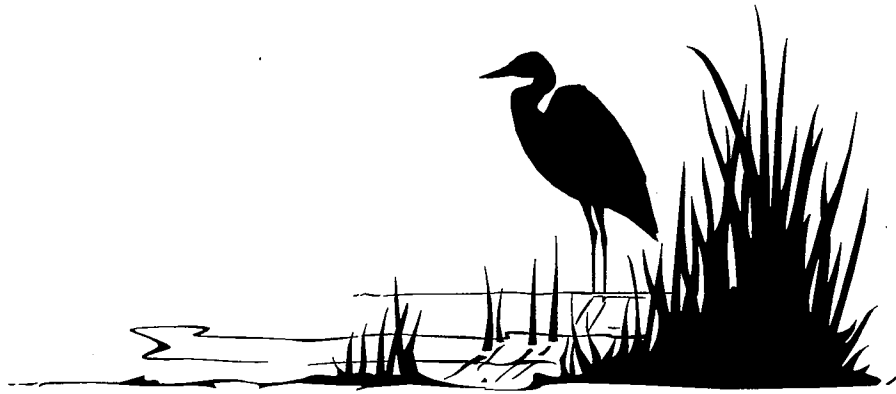


**Subdivision Regulations
of
Aitkin County**



**Adopted August 1969
Revised October 1980
- Revised August 1986
Revised August 1995
Revised November 1997
Administrative Amendment May 22, 2001
Amended June 3, 2008**

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Appendix 1 - Standard Rectangular Division of Land

SUBDIVISION REGULATIONS
AITKIN COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING COMPREHENSIVE PLATTING REGULATIONS FOR THE LAYING OUT OF STREETS, ALLEYS AND OTHER PUBLIC GROUNDS AND THE SUBDIVISION OF LAND WITHIN AITKIN COUNTY, MINNESOTA IN PURSUANCE OF THE AUTHORITY GRANTED BY MINNESOTA STATUTES, CHAPTER 394.

THE BOARD OF COUNTY COMMISSIONERS OF AITKIN COUNTY, MINNESOTA DOES ORDAIN:

SECTION 2.0 - GENERAL PROVISIONS

2.01 Short Title: This Ordinance shall be known as the "Subdivision Regulations of Aitkin County, Minnesota".

2.02 Purpose: Each new subdivision becomes a permanent unit in basic physical structure of the County. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome rural, lakeshore and community environment, all subdivisions shall fully comply with the regulations hereinafter set forth in this Ordinance.

2.03 Interpretation: In the interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

2.04 Scope: This Ordinance shall apply and be binding upon all the area of Aitkin County, Minnesota, located outside the incorporated limits of municipalities and outside a two mile area adjoining any municipality that has adopted subdivision regulations to unincorporated territory located within (2) miles of its limits.

A. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by or in conflict with, this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of other laws or ordinances, the provisions of this Ordinance shall control.

2.05 Land suitability: Each lot created through subdivision, including planned unit developments authorized under Section 7.0 of Aitkin County Shoreland Management Ordinance, must be suitable in its natural state for the proposed use with minimum alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. Refer to the Aitkin County Shoreland Management Ordinance and the Aitkin County Zoning Ordinance for lot size and building requirements.

A. Any lot or division of a tract of land created shall have soil testing performed to demonstrate there are two (2) standard/Type I septic system locations, each having

a contiguous area of 5000 square feet or 4 (4 bedroom) standard/Type I individual sewage treatment systems, and meeting the minimum requirements of Aitkin County's Zoning Ordinance, Aitkin County's Shoreland Management Ordinance and Aitkin County's Individual Sewage Treatment System and Wastewater Ordinance No.1 and its amendments. Any proposed lot shall identify a building pad of 3,000 square feet in area, on a non-wetland site and the driveway location must be shown. Any proposed lot must have access to a public road, private road or an existing access easement. The corners of the two 5000 sq.ft. areas or corners of 4 (4 bedroom) septic system areas (for trench type systems the ends of each trench) must be staked and marked.

2.06 Consistency with other controls: Subdivisions must conform to all official controls of this County and the State of Minnesota. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available, and two 5000 square foot areas capable of supporting standard/Type I sewage treatment systems are provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of the underlying zoning district.

A. Lots created after January 21, 1992, through the subdivision/platting process must have two (2) septic system sites capable of supporting standard/Type I individual sewage treatment systems. Lots created after January 23, 1996, through the metes and bounds descriptions must have two (2) septic system sites each capable of supporting standard/Type I individual sewage treatment systems (7080.0305, subp.4,D). Clustering of sewage treatment systems is encouraged. Lots that would require use of holding tanks will not be approved.

2.07 Controlled Access or Recreational Lots: Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 5.14 of the Aitkin County Shoreland Management Ordinance.

2.1 Definitions: Unless the context indicates a different meaning, for the purposes of this Ordinance, certain words, phrases and terms shall be construed as follows:

2.11 Alley. A public way, used primarily as a service access to the rear or side of a property which abuts on a road.

2.12 Attorney. The County Attorney of Aitkin County, Minnesota or an authorized representative.

2.13 Auditor. The County Auditor of Aitkin County, Minnesota or an authorized representative.

2.14 Block. The enclosed area within the perimeter of roads, property lines or boundaries of a subdivision.

2.15 Buildable lot. A lot that meets all the requirements of Section 2.05 of these regulations.

2.16 Collector Road. A road that serves as a connection between a thoroughfare and minor roads. The term may include the principal entrance of a residential development and roads for major circulation within such a development as well as those determined by the Commission. The road standard criteria set forth in the ordinance for a minor road shall be applied.

2.17 Commission. The Planning Commission of Aitkin County, Minnesota.

2.18 County. Aitkin County, Minnesota

2.19 County Board. Aitkin County Board of Commissioners.

2.20 Cul-De-Sac. An enlarged area at the end of a dead-end street to provide an area for vehicles to turn around.

2.21 Final Plat. The drawing of a subdivision prepared in the manner and containing the date, documents and information required by Section 6.02 of this ordinance.

2.22 Aitkin County Comprehensive Land Use Management Plan. The plan or plans for the orderly growth of Aitkin County as adopted and amended from time to time by the County Board.

2.23 Lot. "Lot" means a parcel of land designated by plat, metes and bounds, Registered Land Survey, auditors plat, or other accepted means and separated from other parcels or portions by legal description for the purpose of sale, lease, or separation.

2.24 Lot Depth. Measured perpendicular to the lot width. Normally is the distance measured perpendicular from the lake to the opposite lot line or perpendicular from the lot line abutting the road or edge of road right-of-way to the opposite lot line. Lot depth shall not be less than the minimum required lot width.

2.25 Lot Width. The shortest distance between lot lines as measured at the midpoint of the building setback line and also as measured at the ordinary high water level for riparian lots; and for non-riparian lots the width as measured on the lot line that fronts the road and also as measured at the midpoint of the building setback line. The minimum lot width dimension beyond the building setback line shall not be less than 50% of the required lot width.

2.26 Minor Road. A road or street of relatively short length that provides direct access to a limited number of abutting properties. The road standard criteria set forth in the ordinance for a minor road shall be applied.

2.27 Outlot. A parcel of land shown on a subdivision plat as an Outlot, and designated alphanumerically, (for example – Outlot A). An outlot is not considered a buildable lot unless replatted. Outlots are used to designate one of the following:

- A. Land that is part of the subdivision but is to be subdivided into buildable lots and blocks at a later date;
- B. Land that is to be used for a specific purpose other than a buildable lot.

2.28 Person. Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

2.29 Preliminary Plat. A drawing of a proposed subdivision prepared in the manner and containing the data, documents and information required by Section 5.103 of this ordinance.

2.30 Private Road. A road, easement or strip of land serving as vehicular access to two (2) or more parcels of land which is not dedicated to nor maintained by the public. Private road shall include, but not be limited to, any road, easement or strip of land such as driveways, trails and paths that serve two (2) or more parcels of land. Newly created private roads shall have a minimum easement width of sixty-six (66) feet. Easement width so specified as to ensure that sufficient right-of-way width does exist in the event there is a request to make it a public road.

2.31 Public Walkway. A public way designed for the use of pedestrian traffic.

- 2.32 Reserve Strip.** A strip of land placed between boundary or lot lines and roads to control or prevent access.
- 2.33 Road.** A public way which affords primary means of legal access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard or however other designated.
- 2.34 Road Grade Separation.** Elevation difference between road shoulder and ditch bottom.
- 2.35 Service Road.** An access road parallel to and adjacent to a thoroughfare, which provides access from the thoroughfare to abutting properties.
- 2.36 Standard Individual Sewage treatment System/Type I** – as defined in Minnesota Rules Chapter 7080.0020, Subp.45, or 7080.2200 – 7080.2230, and any subsequent revisions.
- 2.37 Standard Rectangular Division.** A process of dividing land without the use of points, measurements or bearings as shown in Appendix 1. Anything that deviates from Appendix 1 would not be considered a standard rectangular subdivision.
- 2.38 Subdivider.** The owner, agent or person having control of such land as the term is used in this Ordinance.
- 2.39 Subdivision.** “Subdivision” means land that is divided for the purpose of sale, rent or lease, including planned unit developments.
- 2.40 Subdivision of Land and Subdividing.** The division of a tract of land into two (2) or more lots. If a new road or extension of an existing road, including private roads, is involved, any division of a tract of land is a subdivision.
- 2.41 Surveyor.** A Registered Land Surveyor under contract with or employed by Aitkin County.
- 2.42 Tract of Land.** For the purposes of this Ordinance, a tract of Land is a parcel of ground which the subdivider desires to subdivide, constituting one of the following:
- A. A 40 acre tract which is a quarter of a quarter section of land;
 - B. A government lot;
 - C. A platted lot per duly recorded plat which is of record in the Office of the County Recorder or in the Office of the Registrar of Titles for the County; or
 - D. A metes and bounds description which has been of record in the Office of the County Recorder or in the Office of the Registrar of Titles for the County and which defines wholly or partly less than the whole of either A, B, or C above.
- 2.43 Zoning Administrator.** The County Zoning Administrator of Aitkin County Minnesota or an authorized representative.
- 2.44 Zoning Ordinance.** The Zoning Ordinance controlling the use of land as adopted by the County.
- 3.00 Exceptions:** The following shall not be deemed a subdivision, however, each division of land must be approved by the Zoning Administrator to ensure compliance with this Ordinance:

- A. The creation of parcels (10) acres or more in size having a minimum lot width of 300 feet described by standard rectangular division which does not require a new access easement; the land suitability requirements of Section 2.05 of these regulations must be met.
 - B. Transfers of small parcels in case of encroachments, road right-of-way, or utility easements. No resulting parcels shall become nonconforming or increase the nonconformity of an existing nonconforming parcel.
 - C. Transfers to improve land use, if the affected (donor) property will still meet the requirements of the Zoning Ordinance and no residual tracts are left unattended.
 - D. Transfers of interest in land pursuant to court order.
 - E. Registered Land Survey (RLS) provided that the same conforms with MN Statutes Sec. 508.47, and if new lots are to be created in such Registered Land Survey, such tracts must conform with the minimum lot widths and areas provided for subdivided land under this ordinance. The land suitability requirements of Section 2.05 must be addressed.
- 3.01** Any subdivision that is not an exception under Section 3.00 and does not meet the Administrative Subdivision standards must be processed as a Standard Plat (Section 5.0).

4.00 Administrative Subdivision

4.01 Administrative subdivisions will allow subdivision of parcels of land with the Zoning Administrator approval and shall only be considered if any of the following can be met: Additionally, all the requirements of Section 2.05 must also be met. The County encourages the developer to have a pre-application meeting with the Zoning Administrator and County Land Survey Coordinator to review the concept plan.

- A. An existing parcel or quarter-quarter section can be divided to create up to a maximum of four (4) parcels (this includes the residual parcel) with a survey signed by a licensed land surveyor. None of the parcels shall be smaller than 5 acres and each must have at least 300 feet of lot width. No new access easement(s) shall be created.
- B. For existing parcels within the shoreland zoning district, an existing parcel can be divided to create up to a maximum of four (4) parcels (this includes the residual parcel) with a survey signed by a licensed land surveyor. All parcels shall meet the minimum lot area and width standards for the lake and river/stream classification found in the Aitkin County Shoreland Management Ordinance. No new access easement(s) shall be created.
- C. A common ownership line is adjusted between two adjacent owners/parcels. If the new lot is not buildable or does not meet the minimum lot size it must be attached to one of the existing parcels. If this cannot be done both property owners must sign and record a waiver form acknowledging that the new lot is unbuildable for a primary structure and cannot be sold separate from the adjoining parcel unless the parcel is modified to be a conforming lot. The waiver shall be recorded with the Aitkin County Records Office. No resulting parcels shall become nonconforming or increase the nonconformity of an existing nonconforming parcel.
- D. The County Land Survey Coordinator shall review and approve all information to determine compliance with the Subdivision Regulations.

4.02 Application: Application for an Administrative Subdivision shall be made to the Zoning Administrator. A fee shall be paid as set forth by the County Board. The following items shall be included with an Administrative Subdivision application. This information can be shown on the survey if one is required:

- A) Two (2) maps drawn to a standard engineer's scale and showing:
- 1) Proposed legal description of the parcel(s) to be subdivided.
 - 2) Proposed new property lines with dimensions noted.
 - 3) Citation and location of any existing legal right-of-way or easements affecting the property, as documented on a current Abstract or Title.
 - 4) Location, purpose and dimensions of all existing buildings. Location information shall note the distance of those buildings to the nearest property line, both existing and proposed property lines.
 - 5) Location of any existing or abandoned wells, drainage ways or septic systems.
 - 6) Location of land suitability requirements as required in Section 2.05 of these regulations.

4.03 The purpose of the Administrative Subdivision is to allow a relatively simple and timely procedure for smaller subdivisions. It is not the goal to allow larger subdivisions to avoid the platting process. If the subdivider is using the Administrative Subdivision process to circumvent the platting process, the Zoning Administrator can require that the subdivision be platted.

4.04 If a survey finds that a quarter-quarter of a section currently described as forty (40) acres is short of forty (40) acres, or in the case of a Government Lot being subdivided, the property can still be split into four (4) lots by standard rectangular subdivision (Example: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ or; E $\frac{1}{2}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$) or by the use of a brief, concise description such as "The north 300 feet of Government Lot 2", etc. Any such proposed description must be reviewed by the County Land Survey Coordinator and approved by the Zoning Administrator.

5.0 Standard Plat

5.01 Preliminary Plat.

5.02 Procedure for Preliminary Plat. In order to familiarize one's self with this Ordinance and related laws, and to avoid costly revisions of plans and plats, the subdivider is encouraged to have preliminary discussions with the County Land Surveyor Coordinator and the Zoning Administrator, County Engineer, appropriate State and County agency i.e., Soil and Water Conservation District, Township Clerk, and Department of Natural Resources.

- A. The subdivider shall submit to the Zoning Administrator; fifteen (15) - 11 inch by 17 inch or larger copies of the preliminary plat and eleven (11) copies of the protective covenants (if any), soil testing reports for each lot, together with an application fee, surveyor review fee and county engineer review fee, paid in advance to the Zoning Administrator in an amount as set forth by the County Board.
- B. The Zoning Administrator shall, upon receipt of the preliminary plat, refer five (5) copies to the Planning Commission, two (2) copies to the Township, two (2) copies to the Planning and Zoning Office, and one (1) each to the County Land Survey Coordinator, State Department of Transportation if abutting a State or Federal Highway, the State Department of Natural Resources, Recorder, County Engineer, Aitkin County Soil and Water District, and the appropriate electric utility company. Any party or parties desiring to express recommendations for the approval or disapproval or revision, shall submit such recommendations to the Zoning Administrator within thirty (30) days for submission to the Commission. If no such report is received within thirty (30) days, it will be assumed by the Commission that there are no objections to the plan as submitted.

- C. At the first regular meeting following receipt of the above reports, the Commission shall determine whether such plat conforms to design standards set forth in this Ordinance and conforms to adopted County plans. The commission may approve a preliminary plat subject to certain revisions, or may deny a preliminary plat if it does not conform to design standards and requirements as set forth in these regulations and/or any other adopted County Plans and Ordinances. The Planning Commission and the Zoning Administrator may extend the 60 day time frame, as per Minnesota Statutes 15.99, for making a decision on approval or denial of a preliminary plat.
- D. Approval of a preliminary plat by the Commission assures the general acceptability of the layout. Subsequent approval by the Commission and the County Board will be required of the final plat as outlined in Section 6.0. If the final plat is not submitted within one (1) year, the approval of the preliminary plat shall be considered void unless an extension of time has been granted as provided for in Section 6.0.
- E. The action taken by the Commission shall be recorded in the proceedings of the Commission and the applicant shall be notified in writing of the action of the Commission.
- F. Applications will not be taken if the Zoning Administrator determines conditions exist that will not allow verification of soil conditions, topographical features and wetland boundaries.

5.1 Minimum Design Standards.

5.101 Application. The following land subdivision principles, standards and requirements will be applied by the Commission in evaluating plans for proposed subdivisions.

- A. The provisions outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.
- B. Where literal compliance with standards herein specified is clearly impractical, the Board of Adjustment may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations. The procedure for a variance is stated in Section 5.3.

5.102 Land Requirements

- A. It is the purpose and intent of this Ordinance that land shall be suited for the purpose for which it is to be subdivided. A preliminary plat may not be approved by the Commission if, considering the best interests of the public, the site is not suitable for development purposes. Lots of adverse topographical or soil condition may not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the hazard, but such land within a plat may be set aside for such uses as would not be endangered by periodic or occasional inundation or not produce unsatisfactory living conditions. Land subject to hazards to life, health or property shall not be subdivided unless adequate safeguards against such hazards are provided by the subdivision plan.
- B. Proposed land uses shall conform to any county or township zoning ordinance in effect.

5.103 The Following Data Shall Be Required For Preliminary Plats:

- A. Scale: one (1) inch equals one hundred (100) feet or larger scale, smaller scale may be used if prior approval is given by the Surveyor.
- B. Identification and legal description.

- C. Location by section, township and range, with small-scale sketch showing location within the section.
- D. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
- E. North-point.
- F. Date of preparation.
- G. Existing conditions in the tract and unless already platted, within three hundred (300) feet surrounding the tract, if deemed necessary, including:
 - 1. Property lines
 - 2. Areas proposed for nonresidential use.
 - 3. Total acreage of the proposed plat.
 - 4. Roads, railroad right-of-ways, drainage easements and utility easements.
 - 5. Permanent buildings or other structures.
 - 6. Acreage of proposed individual lots, outlots and roads.
 - 7. Any other information deemed appropriate by the Zoning Administrator.
- H. Topographic conditions of areas to be platted, including lakes, water courses, public drainage ditches, wetland delineated areas, flood plain, bluff impact zones, steep slope areas and ordinary high water elevations if available, when needed to adequately portray the land form conditions. Such information may be compiled from U.S.G.S. 7.5 minute quadrangle maps or more accurate sources, showing limiting site characteristics.
- I. Soil testing locations on each lot which identify two 5000 square foot areas that will support standard/Type I individual sewage treatment systems or 4 (4 bedroom) standard/Type I individual sewage treatment systems, slope of each 5000 square foot area or individual sewage treatment system, one building pad location of at least 3000 square feet in area, driveway location and any other information deemed necessary by the Zoning Administrator to determine the suitability of the property for development. The corners of the two 5000 sq.ft. areas or corners of 4 (4 bedroom) septic system areas (for trench type systems the ends of each trench) must be staked and marked.
- J. As part of the Preliminary Plat submittal and in order to aid the County Engineer in their review of any proposed new roads, the Subdivider shall submit proposed plan/profile sheets showing proposed horizontal curve data and existing conditions in the plan view and showing existing ground profile at centerline together with the proposed street grades in the profile view. A typical roadway cross-section is also required to be shown for this submittal.
- K. Subdivision design features:
 - 1. Layout of proposed roads, showing widths of right-of-way and proposed street number and/or names.
 - 2. Location and widths of proposed pedestrian ways and utility easements.
 - 3. Layout, numbers of lots and letters of outlots, area and dimensions of lots and outlots and designated use of outlots.
 - 4. Areas, other than roads, pedestrian ways and utility easements, intended to be reserved for public use, including the size of such area or areas in acres.

5.104 Road System.

- A. Proposed roads shall be properly related to such road plans or parts thereof, as have been officially prepared and adopted by the county, township or city.
- B. Proposed roads shall further conform to such State and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades.
- D. General road location and design:
 - 1. The location of all roads shall be considered in their relation to existing and planned roads, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served.
 - 2. Where new roads extend existing adjoining roads, their projection shall be at the same or greater width, but in no case less than the minimum required width.
 - 3. Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provision for the proper projection of roads. When a new subdivision adjoins unsubdivided lands susceptible to being subdivided, then the new roads shall be designed to meet the traffic needs of the area when fully developed.
 - 4. Where possible, use of thoroughfares for through traffic shall be preserved by service roads or interior roads for lot access. Minor roads shall be laid out to discourage their use by through traffic.
 - 5. Roads with widths inconsistent with Section 5.106 will not be permitted, except where essential to reasonable subdivisions of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be served.
 - 6. Wherever a tract to be subdivided borders a road of insufficient width the platted road shall have a right-of-way within the plat that is one-half (1/2) of the right-of-way width required under 5.106 from the centerline.
 - 7. Dead end roads shall be designed with a cul-de-sac.
 - 8. Private roads and reserve strips shall be prohibited unless a variance is submitted and approved in accordance with Section 5.3.

5.105 Dead End Roads

- A. Dead end roads, permanently designed as such, shall not exceed eight hundred (800) feet in length. The length shall be measured from the centerline of the beginning of the new road to the centerline of the cul-de-sac at the end of the new road, except as otherwise permitted by the Commission. Approval may be granted if it can be clearly shown that, by reason of unfavorable land form, or the irregular shape of the parcel from which the subdivision is being made, that a normal street pattern cannot be established, or that land would be wasted by not granting such approval.
- B. Dead end roads shall be provided at the closed end with a cul-de-sac turn around having a minimum right of way radius of sixty (60) feet and the outside edge of the finished road or curb line of not less than fifty (50) feet exclusive of necessary road ditches.
- C. Unless future extension is clearly impractical or undesirable, either (1) the cul-de-sac shall be placed adjacent to a property line, or (2) an outlot of the same width as the road shall be carried to the property line in such way as to permit future extension of the road into the adjoining tract.

5.106 Road Design

- A. Widths; minimum right-of-way width for each type of public street or road, including utility easements, shall be as follows:

<u>Type of Road</u>	<u>Right-of-Way Width</u>
Major Thoroughfare	200 feet
Secondary Thoroughfare	150 feet
Collector Road	100 feet
Minor Road	66 feet
Service Alley	50 feet
Alley	20 feet

- B. Design Standards; the following minimums shall be required for minor roads and collector roads:

<u>Minimum Design</u>	<u>Minor Road</u>	<u>Collector Road</u>
Surface Width	24 feet	26 feet
Finished Roadbed Width	26 feet	32 feet
Grade Separation (from finished shoulder to ditch bottom)	2-1/2 feet	4 feet
In Slope (Horizontal to Vertical)	3:1	4:1
Back Slope	2:1	3:1
Maximum Gradient	8%	6%
Horizontal Curve Design	30 MPH	55 MPH
Roadway Crown Slope	3%	2%
Surface Type	MN/DOT Spec. 3138 Class 5	MN/DOT Spec. 3138 Class 1
Surface Thickness	35 Cu/Yd Per 100 L.F. of roadway (loose volume)	40 Cu/Yd Per 100 L.F. of roadway (loose volume)
Minimum Driveway Culvert	12 inch	15 inch
Minimum Centerline Culvert	18 inch	24 inch
Minimum Drainage Design (or Co Engineer Approval)	10yr. Freq.	25 Yr. Freq.

The constructed roadbed shall be centered within the road right-of-way

- C. Clearing and Grubbing. The full right of way may be cleared and grubbed provided that a construction plan is submitted to the Aitkin County Soil & Water Conservation District in order to ensure that potential erosion and sedimentation concerns are addressed. The latest version of the Minnesota Department of Transportation Standard Specifications for Construction shall be used for the materials and the construction requirements of the road except that under 2105.3B (2000 Version) the embankment requirements of the second paragraph shall be changed to (2) feet for minor roads.

5.107 Intersections. Road intersections shall be as nearly at right angles as possible, and no intersections shall be at an angle of less than seventy-five (75) degrees. Any road intersecting a collector, secondary or major thoroughfare road, shall be at a ninety (90) degree angle unless prohibited by topographic conditions.

5.108 Off-Sets. Centerline off-sets, at intersections of less than one hundred twenty-five (125) feet shall not be allowed.

5.109 Road Names. Roads shall be named in compliance with Aitkin County's E911 emergency response road designation.

5.110 Alleys. Alleys or other loading spaces located off the public right-of-way shall be provided to the rear or side of all lots to be used for commercial or industrial use. Alleys shall be open at both ends.

5.111 Blocks. Blocks shall meet the following standards:

- A. Blocks for commercial and industrial areas may vary from elements of design contained in this section if the nature of the use requires other design. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.
- B. Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by county or township zoning, except adjoining a lake, stream, railroad or thoroughfare or where one tier of lots is necessary because of topographic conditions.

5.112 Arrangements of Lots.

- A. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.
- B. Each lot shall front upon a public road.
- C. Through lots or double-frontage lots shall be avoided when possible.

5.113 Size of Lots. No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located, unless provided for otherwise by zoning regulations.

- A. Lots designed for commercial or industrial purposes shall be adequate for off-the-street service, loading and parking facilities.

5.114 Public Use and Service Areas. Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

- A. **Public Open Spaces:** Where a proposed highway, school, historic site, park, recreation area or public access to water frontage shown on the General County Plan is located in whole or in part in the applicants subdivision, the County Board shall require as a condition of final approval said land be reserved. Such reserved land shall not be sold for a period of one (1) year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not conforming to the official plan.
- B. Easements for utilities shall be provided when requested by a utility company.
- C. **Drainage courses:** Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the

storm water through the subdivision to its natural outlet, to maintain or to replace the natural water course.

5.115 Minimum Lot Standards. See applicable zoning ordinance.

5.2 Improvements.

- A. After approval of the preliminary plat but before the County Board shall approve a final plat of a subdivision, the subdivider shall either 1) have completed all required improvements in compliance with the construction plans and specifications, or 2) if the subdivider has not yet constructed the roads and other required improvements and had them approved by the County Engineer, they may provide a cash sum or bond in favor of the County in an amount equal to two (2) times the Subdivider's Engineer's estimate of cost of these improvements or make such other financial arrangements acceptable to the County. The condition of the cash sum, or bond, as provided will be that in the event the subdivider does not complete the required improvements within one (1) year of final approval, the cash sum, or bond shall forfeit in its entirety and the County shall complete the improvements and retain any balance left over as liquidated damages for subdivider's failure to complete. Completion of the improvement by the County in this event shall not be construed as adoption of the improvement by the County.
- B. The Subdivider shall submit 5 complete sets of final road construction plans and specifications for all proposed roadways and any other improvements which will be constructed as part of the proposed subdivision. These plans and specifications shall be prepared and signed by the Subdivider's Licensed Professional Engineer. The construction plan shall consist of detailed plan/profile sheets, cross-section sheets, typical cross sections, estimated quantities of work by unit measure, erosion control plan, and other construction details necessary for road construction.
- C. Inspection Requirements. The Subdivider's Engineer shall be responsible for the construction inspection of all roads, ponds, etc. that will become part of the proposed subdivision. In addition, the Subdivider's Engineer will be required to sign a statement "Certificate of Completion" at the completion of the construction of these improvements, certifying that all construction was completed in accordance with their Plans and Specifications and any County requirements. Upon receipt of this Certification of Completion, the County Engineer and the Chairperson of the affected Township shall be notified and given thirty-six (36) hours to respond to scheduling a joint final inspection of all improvements. All improvements must be completed to the satisfaction of the County Engineer and Township Chairperson prior to them being accepted.
- D. The Final Plat will not be approved unless the Subdivider has complied with Section 5.2,A of these regulations.

5.21 Survey Monuments. All subdivision boundary corners, block corners, lot corners, road intersection corner, angle points and points of curve and tangent shall be marked with durable steel or iron monuments meeting the minimum requirements of State Law. At all section, quarter section, meander or witness corners of the government survey within the subdivision on its perimeter or otherwise governing the location of government subdivision lines within the plat a durable steel or iron monument shall be placed and a "Certificate of Location of Government Corner" filed for each government survey corner necessary to survey the boundaries of the plat if such monument has not already been set and a certificate filed. All U.S., State, County and other official bench mark monuments or triangulation stations in or adjacent to the property shall be preserved in position unless a relocation is approved by the controlling agency.

The developer shall, within one (1) year of final approval of the plat, restake the monuments destroyed or obliterated during the construction process.

5.22 Grading. Roads and lots shall be graded to maintain proper drainage as determined necessary by the engineer.

5.23 Surface Water Drainage. Surface water drainage shall be provided by storm sewers or drainage courses adequate to maintain surface water drainage and to prevent erosion within and around the subdivision and to protect roadway surfaces.

5.24 Sanitation. When located within the service area of a public sanitary sewage system, sanitary sewers shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots with connection to such public system.

- A. Storm water drainage shall not be permitted to combine with sanitary sewers, nor shall sanitary sewage systems be permitted in storm water sewers.
- B. Where lots cannot be connected with a public sewage system, provisions must be made for sanitary sewage facilities, consisting of a central treatment plant or individual sewage treatment systems for each lot meeting the requirements of Section 2.05 of these regulations. This does not mean that the installation of individual sewage treatment systems shall be at the expense of the subdivider.

5.25 Sewer and Water Supply Standards. All proposed sewage disposal and water supply systems shall comply with the regulations and standards of the County, the Minnesota Department of Health and MPCA 7080 Regulations and any subsequent revisions.

When the subdivision is located within the service area of a public water supply system, a water supply plan shall be prepared and submitted by the Subdivider's engineer.

5.3 Variance From Requirements.

5.31 A Registered Land Surveyor may describe a tract of land or prepare a description to increase the square footage of an existing substandard lot of record in the shoreland zone; without variance, provided that the described parcel shall become a part of said substandard lot and the residual tract shall be properly addressed.

5.32 The Commission may recommend a variance to the Board of Adjustment from the requirements of Subdivision Regulations or public improvements when a planned unit development is proposed or in specific cases when the tract to be subdivided is of such unusual size, shape or character, or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this Section would result in substantial hardship or injustice.

5.33 The standards and requirements or these regulations may be modified by the Board of Adjustment in the case of plans which, in the judgement of the Board of Adjustment, will achieve the objectives of this ordinance and are further protected by such covenants or other legal provisions as will assure conformity to the plan.

5.34 Policy. In recommending any variance, the Board of Adjustment shall take into account the following:

- A. The location of the proposed subdivision, proposed land use, and the existing use of land in the vicinity.

- B. The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision of traffic and other conditions in the vicinity.
- C. Those variations that will allow the subdivider to develop his/her property in a reasonable manner and at the same time preserve the general intent and spirit of this Ordinance and protect the public welfare and interests of the County.
- D. In granting variations and modifications, the Board of Adjustment may impose such conditions as will, in its judgement, secure the objectives of these Subdivision regulations.

5.35 Procedure for Variance. Applications for any variance shall be submitted on forms provided by the Zoning Office. During the time the preliminary plat is being considered, the subdivider shall state fully the grounds for the application. The Board of Adjustment shall consider such application, give its written recommendations thereon, with the reasons therefore, at the time of its approval or denial of said plan. If the Board of Adjustment refuses to approve the plan, the subdivider may at once, without preparing a final plat, petition the District Court for a review of the decision of appeal for variance. The decision of the District Court on such review shall be binding on the Board of Adjustment.

6.0 Final Plat.

6.01 Procedure For Final Plat. After the approval and endorsement of a preliminary plat, the procedure shall be:

- A. Unless an extension of time is requested by the subdivider and granted by the Commission, the subdivider shall within one (1) year following approval of the preliminary plat, submit to the Zoning Administrator: twelve (12) paper prints of the Final Plat documents, an opinion of title by the subdivider's attorney, and an up-to-date abstract or a copy of the Certificate of Title subject to review of the Attorney. The final plat shall conform to all Minnesota Platting Regulations. One copy of the final plat shall show total acreage of the final plat by government subdivision and incorporate all changes required by the Commission.
- B. A surveyor's review fee as set by the County Board for plats containing up to five (5) lots plus a per lot fee for each additional lot shall be paid to the Zoning Administrator.
- C. The Zoning Administrator shall refer two (2) prints of the Final Plat to the Surveyor and one print each to the County Engineer, Assessor, Recorder, and Auditor; and six (6) copies will be given to the Planning Commission, if necessary, or in place of the Planning Commission, twelve (12)-11 inch by 17 inch copies shall be given to the County Board of Commissioners.
- D. A report of the Surveyor, County Engineer, Commission and the Attorney shall be submitted to the County Board within thirty (30) days after the submission of the Final Plat and other material required herein to the Zoning Administrator. The Surveyor shall state whether the Final Plat conforms to the State Platting Regulations, the approved preliminary plat and any required changes. The County Engineer shall state whether the Final Plat and the proposed improvements conform to all engineering standards including the requirements of the Minnesota Department of Transportation, if applicable. The Commission or its delegated authority shall state whether the Final Plat conforms to the preliminary plat approved by the Planning Commission and has incorporated all required changes. The Attorney shall state whether the fee simple title to the platted property is in the names of the developers and whether or not the title is marketable.
- E. The County Board shall act on the Final Plat within sixty (60) days of the date on which all materials required by Section 6.01 were submitted to the Zoning Administrator. It shall not approve a Final Plat unless it:

1. Conforms to the Preliminary Plat approved by the Commission.
2. Meets the design standards and engineering specifications set forth in this ordinance and approved by the County Engineer.
3. Meets all requirements and Ordinances of the County of Aitkin.
4. Meets all requirements and laws of the State of Minnesota.

F. When the Final Plat is approved by the County Board, the subdivider shall submit one (1) 22 inch by 34 inch mounted, cloth-backed original plat, on card stock or material of equal quality, and two (2) transparent reproducible copies, made by a photographic process. Upon approval and acceptance by the County Board, the plat shall then be recorded with the Office of the Recorder and/or Registrar of Titles.

G. **Permits.** No permits shall be issued by Aitkin County for the construction or installation of any building, structure or improvement other than those previously approved in the preliminary plat or specifically required for acceptance of any part of a proposed subdivision until the final plat is recorded. Permits for grading and filling activities are required for the construction of roads in plats. Permits for roads in plats will only be issued after preliminary plat approval. These permits can be obtained prior to final plat approval provided final erosion and sediment control plans, including state NPDES permits, if required, are submitted with the permit application.

6.02 Data Required on Final Plat. Data required on final plat shall be as required under Minnesota Statutes Chapter 505 and as required below.

- A. Name of the subdivision shall not duplicate, or too closely approximate, the name of any existing subdivision in Aitkin County.
- B. Naming of all streets and thoroughfares to be in accordance with the Aitkin County E911 emergency response Road Identification System
- C. Lettering and numbering shown on the plat shall be clear and legible.
- D. Scale of the plat shall be shown both graphically and in feet per inch; one (1) inch equals one hundred (100) feet or larger scale.
- E. The plat shall indicate which monuments were set and which monuments were found, with each found monument described in detail.
- F. The basis of the bearings shown in the plat shall be given.
- G. The boundaries of the plat shall be labeled as they are recited in the description.
- H. Lines of different weight shall be used on the exterior and the interior lines.

6.03 Certifications Required on Final Plats. All signatures on each plat shall be written with black ink (not ballpoint).

- A. Notarized certification by owner and by any interest holder of record of the adoption of the plat and the dedication of roads and other public areas and easements.

Statement dedicating roads, utility and drainage easements and other public areas to be worded as follows: "...hereby dedicate to the public, for public use forever, the roads, alleys, drives, utility and drainage easements and other public areas as shown on the plat".

B. Notarized certification by a registered land surveyor, to be worded as follows:

"I do hereby certify that I have surveyed and platted the property described in the dedication of this plat as

_____: That this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and nearest hundredth of a foot; that all monuments have been correctly placed in the ground as shown on the plat or will be set within one year of the date of the recording of this plat; that the outside boundary lines are correctly designated on the plat; and that there are no wetlands or public highways to be designated on said plat other than shown thereon".

Surveyor

Minnesota License Number

C. Certification by Auditor and Treasurer that all taxes due on the property have been paid in full.

D. Certification by County Board to be worded as Follows:

"This Plat of _____ was accepted and approved by the Board of County Commissioners of Aitkin County, Minnesota this ____ day of _____ 20 ____."

Chairperson, Aitkin County Board

County Auditor

6.04 Supplementary Documents and Information may be required as follows:

- A. A complete set of road profiles showing grade line as constructed.
- B. Copies of any reservations and/or restrictions affecting the subdivision or any part thereof.
- C. The plat surveyor shall furnish documents to the Auditor stating acreage of each parcel involved in the plat; to be listed separately by lot and block number, outlot, or road name.

6.1 ENFORCEMENT/INTERPRETATION/SEVERABILITY/ABROGATION

6.11 ENFORCEMENT:

- 1) This Ordinance, as adopted, by reference pursuant to the provisions of Minnesota Statutes Chapter 394. It is declared unlawful for any person to violate any of the terms or conditions of this Ordinance. Violation therefore shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- 2) In the event of a violation or a threatened violation of this Ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

- 3) Any taxpayer of Aitkin County or person with standing, may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
- 4) Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any other provision of this Ordinance shall be guilty of a misdemeanor, punishable by \$1000.00 and 90 days imprisonment or both. Each day that a violation is permitted to exist shall constitute a separate offense.

6.12 INTERPRETATION:

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

6.13 SEVERABILITY:

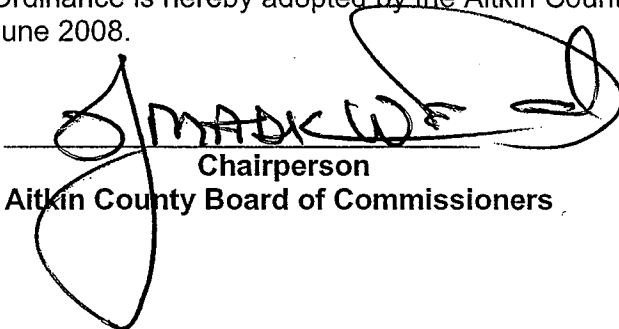
If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

6.14 ABROGATION AND GREATER RESTRICTIONS:

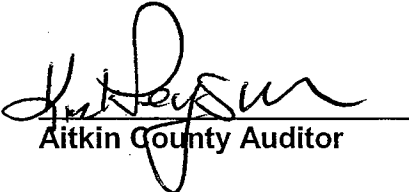
It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only, with the exception of the Aitkin County Flood Plain Ordinance.

6.2 ADOPTION OF AMENDMENTS:

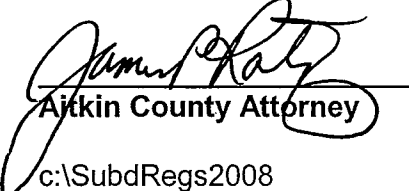
The Aitkin County Subdivision Regulations Ordinance is hereby adopted by the Aitkin County Board of Commissioners on the 3rd day of June 2008.


Chairperson
Aitkin County Board of Commissioners

Attest:


Aitkin County Auditor

Approved as to Form:

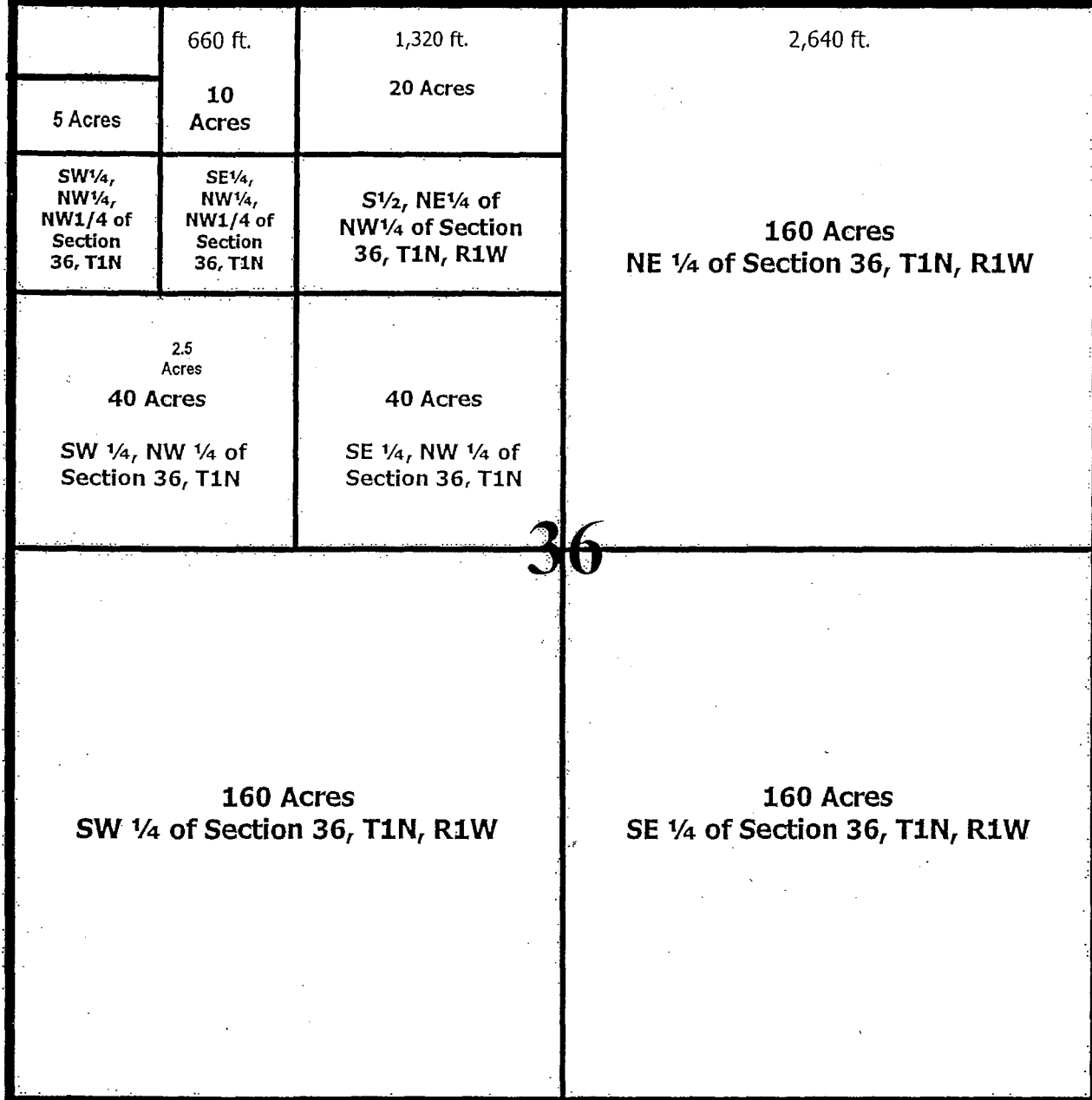

Aitkin County Attorney
c:\SubdRegs2008

APPENDIX 1 STANDARD RECTANGULAR DIVISION OF LAND

A Section of Land = 640 Acres

Quarter Sections and Subdivisions Thereof

$\frac{1}{4} = 160$ Acres	$\frac{1}{4}$ of $\frac{1}{4} = 40$ acres	$\frac{1}{2}$ of $\frac{1}{4}$ of $\frac{1}{4} = 20$ acres	$\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{4}$ of $\frac{1}{4} = 10$ Acres
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36

5,280 ft (one mile)

- | |
|---|
| <input type="checkbox"/> RECTANGLE SURVEY DESCRIPTIONS ALWAYS WORK FROM END OF DESCRIPTION BACK TO THE BEGINNING: |
| <input type="checkbox"/> THE PREFERRED ORDER IN LOCATING QUARTER SEC. IS COUNTER-CLOCKWISE, NORTH EAST QUARTER, NORTH WEST QUARTER, SOUTH WEST QUARTER, AND SOUTH EAST QUARTER. |
| <input type="checkbox"/> IF PARTS OF THE QUARTER SECTIONS ARE TO BE DESCRIBED, THE SAME ORDER SHOULD BE OBSERVED. |

ORDINANCE CERTIFICATION CHECKLIST
AITKIN COUNTY MINNESOTA

1. April 23, 2008 Date of Published Hearing Notice.
April 30, 2008
May 7 & 14, 2008
2. N/A Date of Postmark of Hearing Notice
To Commissioner of the DNR / Area
Hydrologist.
3. May 19, 2008 Date of Hearing (s).
4. June 3, 2008 Date of Ordinance Adoption.
5. April 23, 2008 Date of Affidavit of Published
May 14, 2008 Amendments to the Ordinance.
6. June 4, 2008 Date of Official Filing of Adopted
Amendments to the Ordinance.
Doc # 388212 (_____ Record Book Number
_____ Page Number.)
7. YES Board of Adjustment/Appeals has
Been Established.

no dg

Atkin Co. zoning

6-4-9

~~RECORDED~~
~~INDEXED~~
~~BRANDED~~
~~SERIALIZED~~
~~FILED~~

COUNTY RECORDER
ATKIN COUNTY, MINNESOTA
FILED

JUN 04 2008 9A M

Dianna M. Stapp
Rec. Book No.

388212