



FAMILY EASEMENT EXEMPTION GUIDELINES

Access by Easements

In the absence of other *Zoning Regulations*, Easements for residential access are prohibited except under the guidelines set forth under section 4-3-8 (*Family Easement Access Exemption*) and only under the following conditions:

- (a) That it meets the construction requirements for access easements set forth in the *Murray County Road Design and Specifications Requirements*.
- (b) If the roads are not maintained at this acceptable level (determined by the Murray County Public Works Road Department) then the county will perform the necessary work and back charge the owners of the lots fronting the easement. Those who do not reimburse the county for their pro-rata share of these costs would be assessed the amount owed with their property taxes.
- (c) The preliminary and final plats of a development proposing access easements shall show a statement indicating: *The road system is an access easement and will not be maintained or improved by Murray County.*
- (d) The deed for each lot or parcel sold from the plat shall also contain the statement: *The maintenance and improvement of the easement providing access to the described lot is the responsibility of the property owner(s) and not Murray County.*

Family Easement Access Exemption

There shall be exempted from the access requirement set forth hereinabove at section 1-12 any subdivision of a lot or parcel into not more than five (5) total parcels (which shall include any remaining portion of the original parcel and any other pre-existing lots or parcels accessed by such easement) for purposes of transfer, either by sale or by gift, to a family member of the original owner thereof. The initial building permit shall only be issued to the recipient of such lots or parcels created under the Family Easement Access Exemption.

- (a) The original parcel may be subdivided at one (1) time or over a period of time; however, each exemption for each proposed divided parcel shall be considered separately.
- (b) Such exemption shall be in writing to Murray County Land Use Department, which shall therefore request the Murray County Fire Chief or his designee to inspect the proposed divided parcel, including the proposed access, and to report

- (c) back in writing whether such proposed access is or is not adequate for fire protection and other emergency services as outlined in the *Murray County Road*

Design and Specification Regulations

If the roads are not maintained at this acceptable level (determined by the Murray County Public Works Road Department) then the county will perform the necessary work and back charge the owners of the lots fronting the easement. Those who do not reimburse the county for their pro-rata share of these costs would be assessed the amount owed with their property taxes.

- (d) The transfer of any portion of the original parcel or of any divided parcel other than by the law of testate or intestate succession shall automatically result in the prohibition of any further access exemption for any portion of the original parcel.
- (e) The original owner shall provide birth certificates and/or other documentation to the Murray County Land Development Department, as reasonably requested, to establish a sufficient family connection for purposes of the exemption.
- (f) Any misstatement of a material fact or violation of any of the provisions of this subsection by the original owner for a family member shall constitute sufficient grounds for denial by the Murray County Land Development office, either for the pending request or for any future requests concerning the original or previously divided parcels.
- (g) A divided parcel as well as any remaining portion of the original parcel must at all times meet applicable minimum lot size standards then in effect pursuant to the provisions of this chapter.
- (g) A divided parcel created pursuant to the terms of this exemption shall include as an appurtenance thereto, a specifically described nonexclusive easement, fifty (50) feet in width, for purposes of ingress, egress, and above and below ground utility services, allowing access from such divided parcel to a public right-of-way.
- (h) The proposed subdivision plat shall contain a statement to read as follows:

“Family Exemption Property. The property shown hereon has been exempted from certain provisions of the Murray County Subdivision Ordinance pursuant to subsection 1-12 and subsection 4-3-7, of said ordinance. Said property is not located on a public road and due to such fact, certain county services may not be provided to said property.”