

**CITY OF MARSHALL
ORDINANCE 24-010**

**AN ORDINANCE AMENDING CHAPTER 66 ARTICLE II DIVISION 2 SECTION
66-53 REQUIRED AND SECTION 66-55 PROCEDURES**

The Common Council of Marshall do ordain as follows:

SECTION 1: **AMENDMENT** “Section 66-55 Procedures” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 66-55 Procedures

- (a) One copy of any preliminary plat which includes lands abutting upon existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the registrar of deeds (county recorder), shall be forthwith forwarded by the city engineer to the commissioner of transportation for his written comments and recommendations. Any such plat which includes land abutting upon any existing or established county or county state aid highway shall be so forwarded to the county engineer for his written comments and suggestions. Action thereon shall be postponed for a period of 15 days pending receipt of such response. Copies of any such responses shall be submitted to the city engineer.
- (b) One copy of the preliminary plat shall be filed with the city engineer for city council use, and who shall advise the council of such filing at its next regular meeting.
- (c) The city engineer shall forward one copy of the preliminary plat to all utility providers serving the proposed subdivision.
- (d) One copy of the preliminary plat shall be kept by the city engineer. The city engineer shall check and verify the survey and plat to such extent as he deems necessary, provided that he shall check with the zoning administrator and with heads of other departments which, in his opinion, would be affected by approval of the preliminary plat in the form presented. He shall within 30 days, unless such time limit is extended by the council from the filing date, prepare a written report to the council with a copy to the planning commission, including his comments and recommendations and the comments and recommendations of the zoning administrator and other department heads.
- (e) After receipt of any comments and recommendations from the commissioner of transportation and county highway engineer and after the receipt of the report from the city engineer, the planning commission shall meet to review the preliminary plat and make its recommendation to the council.
- (f) Such meeting of the planning commission shall be held within 60 days from the date of filing extended by the equivalent of any extensions granted by the city engineer to

make his report.

- (g) Unless otherwise canceled due to lack of quorum, the Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten days prior to the hearing. The city shall mail written notification of the proposed preliminary plat to property owners located within 350 feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made. The planning commission shall review the preliminary plat, consider all oral and written reports, comments and recommendations, and adopt by majority vote of those present and voting, its own recommendation to the council stating its reasons as to whether or not to approve or disapprove the preliminary plat. Such recommendation shall be forwarded to the council, with a copy to the subdivider. If a Planning Commission meeting is canceled due to lack of quorum and the Planning Commission is not able to hold a public hearing, the Council may proceed without receiving a Planning Commission report but may only do so if it holds a public hearing on the proposed preliminary plat before making its decision on the preliminary plat. Any public hearing held by the Council in lieu of the Planning Commission must comply with the Notice provisions herein including publishing Notice of the public hearing in the City's officially designated newspaper at least ten days before the hearing and mailing written notification of the proposed preliminary plat to property owners located within 350 feet of the subject site.
- (h) At any time prior to publication of a notice of public hearing, the subdivider may, in writing, withdraw his application for approval by filing such withdrawal in the office of the city engineer. If the subdivider thereafter submits a revised preliminary plat, it shall be so designated to distinguish it from the original preliminary plat, provided that a revised preliminary plat shall be entitled to the same consideration and subject to the same procedure, except that unnecessary duplications shall be avoided whenever possible.
- (i) By state law, a final decision on a preliminary plat request must be made within 120-days of submittal of a complete application unless the applicant waives this 120-day time limit. At the next regular or special meeting, which shall be held within 30 days after the public hearing, the council shall decide to approve or disapprove the preliminary plat. If its decision is to approve the preliminary plat, such approval shall be contingent upon the filing of a final plat in accordance with the requirements of this chapter; and the city engineer shall forthwith advise the subdivider of the council action. The action of approving the preliminary plat shall constitute approval of all supplementary documents including, but not limited to, the preliminary drainage and grading plan, the preliminary utility plan, the plans for construction and installation of improvements, and the proposed method of payment therefor. If any variance has been requested by the subdivider and the council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the council shall make and adopt findings and conclusions which shall forthwith be forwarded to the subdivider.

(Code 1976, § 12.05(3); Ord. No. 723 2nd Series, § 1, 8-8-2017)

State law reference(s)—Public hearing required, Minn. Stat. § 462.358, subd. 3b.

SECTION 2: **AMENDMENT** “Section 66-53 Required” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 66-53 Required

Before submitting a final plat for approval, the subdivider shall have the approval of the preliminary plat so designated. A digital CAD file and a PDF file~~Six copies of the preliminary plat shall be filed in the office of the city engineer including one reduced set on 11-inch X 17-inch paper or provide in *.DXF format on a 3.5-inch disk. Additional copies may be required if highways are affected.~~ The city engineer shall note the filing date ~~on all copies.~~

(Code 1976, § 12.05(2))

SECTION 3: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

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Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall