



SUBDIVISION ORDINANCE

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ARTICLE 1 GENERAL PROVISIONS

SECTION 101. TITLE

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

SECTION 102. STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 394; Minnesota Statutes, Chapter 505; Minnesota Statutes, Chapter 508; and Minnesota Statutes, Chapter 515B; or successor statutes.

SECTION 103. INTENT AND PURPOSE

This Ordinance is adopted for the purposes of:

1. Regulating the subdivision of land in Murray County, Minnesota.
2. Protecting and providing for the public health, safety, and general welfare of the County.
3. Promoting and providing for the orderly, economic, and sound development of all land within Murray County, outside the incorporated limits of municipalities, except those areas in Section 1214.2 of the Murray County Zoning Ordinance.
4. Establishing reasonable design standards and procedures for subdivisions and re-subdivisions to insure proper legal descriptions and monumenting of subdivided land.
5. Guiding development in order to provide adequate transportation, sewer and water, and other public services.
6. Protecting the natural beauty and topography of the County and to insure appropriate development with regard to these natural features.
7. Encouraging the wise use and management of natural resources throughout the County including preventing erosion and providing for adequate drainage and stormwater management.
8. This Ordinance implements the following Murray County Comprehensive Plan goals:
 - A. An adequate Transportation System is Provided Composed of Highways, Increased Public Transit and Aviation. (Goal E.4)
 - B. A Safe Transportation Network for All Uses. (Goal E.5)
 - C. New Development Occurs within Municipalities and Designated Areas as Specified in the Land Use Plan. (Goal F.4)

SECTION 104. JURISDICTION

The provisions of this Ordinance shall apply to all areas of Murray County, Minnesota:

1. Except areas within the incorporated limits of any city, however organized, except as provided by law, and except those areas in Article 12, Section 1214.2 of the Murray County Zoning Ordinance; and
2. Except as otherwise provided by law.

SECTION 105. COMPLIANCE

1. The subdivision of all land within Murray County shall be subject to the provisions of this Ordinance; or any successor ordinance, unless otherwise exempted by the provisions of Section 104 of this Ordinance, or successor ordinance.
2. Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, shall not be re-separated without approval in the manner prescribed in this Ordinance.

SECTION 106. 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 or any successor ordinance imposes greater restrictions, the provisions of this Ordinance, or such successor ordinance shall prevail.

SECTION 107. SEVERABILITY

If any Article, Section, Subdivision, provision or portion of this Ordinance, or successor ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance, or successor ordinance shall not be affected thereby.

SECTION 108. RESTRICTIONS ON LAND USE PERMITS, ACCEPTANCE AND MAINTENANCE

A land use permit shall not be issued for any structure on any lot in a subdivision that has not received final approval pursuant to this Ordinance. No improvements shall be installed unless the final plat is approved.

SECTION 109. METES AND BOUNDS

Except as otherwise provided in this Ordinance, no land shall be subdivided by Metes and Bounds description.

SECTION 110. COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP

No subdivision of land shall conflict with the goals and policies of the Murray County Comprehensive Land Use Plan or any provisions of the Murray County Zoning Ordinance or the Official Murray County Zoning Map.

SECTION 111. ADOPTION OF PLAT MANUAL BY REFERENCE

The Minnesota Society of Professional Surveyors' and the Minnesota Association of County Surveyors' "Manual of Guidelines for Platting in Minnesota" dated December 2009, or successor manual, is hereby adopted by reference as though a part of this Ordinance.

SECTION 112. RECORDING OF DEEDS, SURVEYS, AND PLATS

No subdivision of land, survey, or plat shall be recorded in the Murray County Recorder's office or have any validity unless the subdivision has been prepared, approved, and acknowledged in accordance with the provisions of this Ordinance.

SECTION 113. ACCESS TO PUBLIC ROAD

All lots subdivided pursuant to this Ordinance shall have legal access to a public road.

ARTICLE 2 RULES AND DEFINITIONS

SECTION 201. RULES

For the purpose of this Ordinance, the terms defined herein shall have the meanings hereafter given them. Additionally, certain terms or words used herein shall be interpreted as follows:

1. The terms “must” and “shall” are mandatory and not discretionary; the term “may” is permissive.
2. The term “person” includes a firm, association, partnership, company, corporation, any individual, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.
3. Terms used in the present tense shall include the future; and terms used in the singular shall include the plural and the plural the singular.
4. Terms shall be given their plain and ordinary meaning if not defined herein or in the Murray County Zoning Ordinance.

SECTION 202. DEFINITIONS

1. **Access.** The way in which a lot is entered or approached from a public right-of-way.
2. **Alley.** A public right-of-way which affords a secondary means of access to abutting property.
3. **Block.** An area of land within a subdivision that is entirely bounded by roads, walkways, parks, and outlots, or by roads and the exterior boundary or boundaries of the subdivision or a combination of the above with a river or lake.
4. **Board.** The Murray County Board of Commissioners.
5. **Buildable Lot Area.** The contiguous area of a lot which is sufficient in area and physically capable of accommodating the construction of sewage treatment systems, buildings, and driveways, while still providing adequate setbacks. Land located below the delineation line of a delineated wetland cannot be included in calculating the buildable lot area.
6. **Building Setback Line.** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
7. **Certificate of Survey.** A land survey prepared by a land surveyor registered in the State of Minnesota that precisely describes areas, dimensions and locations of parcels or a parcel, with a certification that the information on the land survey is accurate, as specified in Chapter 505 of Minnesota Statutes.

- 8. Comprehensive Plan.** The Murray County Comprehensive Land Use Plan, as adopted and amended by the Board.
- 9. Conservation Subdivision.** A method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources. Site designs incorporate standards of low impact development, such as the use of private roads, preservation of trees, shoreline, unique resources, and scenic vistas.
- 10. County.** Murray County, Minnesota.
- 11. County Engineer.** The Murray County Highway Engineer.
- 12. County Planning Commission.** The Murray County Planning Commission.
- 13. Department.** The Murray County Environmental Services Office.
- 14. Design Standards.** The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.
- 15. Easement.** The right of a person, government agency or public utility company to use public or private land, owned by another, for a specific purpose.
- 16. Government Lot.** The fractional part of a section (public land survey) protracted by office procedures from field notes and designated by boundary limits, area and number (not always) on the township plat. A typical U.S. patent description could be: "Government Lot 1, Section 2, T108N, R40W of the 5th Principal Meridian".
- 17. Lot, Parcel, or Tract.** An area of land designated by metes and bounds, registered land survey, plat or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, transfer or separation thereof.
- 18. Lot, Parcel, or Tract of Record.** Any lot, parcel or tract that was recorded by deed or filed as a separate lot, parcel or tract in the Office of the County Recorder on or before the effective date of this Ordinance.
- 19. Major Subdivision.** A standard plat that does not qualify as a minor subdivision.
- 20. Metes and Bounds.** A description of real property which is not described by reference to a lot or block shown on a recorded plat, but is defined by starting at a known point and describing, in sequence the lines forming the boundaries of the property.

- 21. Minor Administrative Subdivision.** A standard plat containing no more than one (1) additional lot intended for building site density, a plat that only delineates existing parcels, or the combination of two (2), but less than four (4) lots into fewer lots. All resulting lots must meet the minimum lot size and area requirements listed in the applicable zoning district regulations.
- 22. Outlot.** Land shown on a plat that may be deemed un-buildable because of topography or soils or land that is a remnant either too small or odd shaped for development.
- 23. Plat.** The drawing or map of a subdivision, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways, prepared for filing of record pursuant to Minnesota Statutes, Chapter 505; or successor statutes, and containing all elements and requirements set forth in all official controls adopted by the County pursuant to Minnesota Statutes, Chapters 394 and 505; or successor statutes.
- 24. Plat, Final.** A drawing or map of subdivision meeting all requirements of the County and in such form as required by the County for purposes of recording.
- 25. Plat, Preliminary.** The preliminary drawing or map, prepared by a Licensed Land Surveyor, indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
- 26. Protective Covenants.** Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
- 27. Rectangular System.** A system that divides land into rectangular tracts and rectangular measure is in terms of acres. E.g. The location and acreage of the land is in such terms such as N1/2 (North one-half), SE1/4 (Southeast one-quarter), eighty (80) acres.
- 28. Registered Land Survey.** Surveys performed for the identification of registered (Torrens) lands in accordance with the requirements of Minnesota Statutes, Chapter 508; or successor statutes. Registered Land Surveys are not plats, are not signed by landowners and may not dedicate public rights.
- 29. Resubdivision.** Any change in a recorded major subdivision plat that affects any street rights-of-way layout in the subdivision or area reserved thereon for public use or exceeds the number of lots allowed in a minor subdivision.
- 30. Road.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a drive, easement, avenue, street, highway, thoroughfare, parkway, road, avenue, boulevard, cartway, place or however otherwise designated.

- 31. Road, Authority.** The Commissioner, as to trunk highways; the county board, as to county state-aid highways; the town board, as to town roads; and the governing bodies of cities when the governing bodies or city streets are specifically mentioned, or any of their designated representatives.
- 32. Road, Cul-de-sac.** A minor street or road with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 33. Road, Right of Way Width.** The shortest distance between line of lots delineating the road right-of-way.
- 34. Subdivider.** Any individual firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient propriety interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- 35. Subdivision.** Any land which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, units or interests for the purpose of development, offer, sale or lease. Subdivision includes resubdivision and any new or expansion of public rights of way.
- 36. Zoning Administrator.** The person duly appointed by the Board and charged with the enforcement of this Ordinance or his/her authorized representative.
- 37. Zoning Ordinance.** The Murray County Zoning Ordinance, as adopted and amended.

ARTICLE 3 SUBDIVISION PROCEDURE

SECTION 301. TYPES OF SUBDIVISIONS

The provisions in this Article are not intended to replace platting requirements for larger properties so as to try to avoid plat requirements. The provisions in this Article are not intended for the subdivision of land that results in the creation of undeveloped parcels or remnants that may be further subdivided nor are these provisions intended to replace platting requirements for larger parcels. There shall be no more subsequent subdivision of any property that has been included in a minor subdivision within a period of three (3) years of the date any such subdivision of land was approved as part of an earlier minor administrative subdivision application unless such subdivision is done by platting.

The subdivision of any lot, tract, or parcel into two (2) or more lots, tracts, or parcels shall be considered a subdivision and shall be subdivided in accordance with the provisions of this Ordinance. The following types of land subdivisions shall be allowed by this Article:

1. Minor Administrative Subdivisions
2. Standard Plats
3. Registered Land Surveys
4. Common Interest Community Plats

SECTION 302. MINOR ADMINISTRATIVE SUBDIVISION PROCEDURES

1. Certificate of Survey. All minor administrative subdivisions shall require submission of a Certificate of Survey, signed by a licensed land surveyor, to the Zoning Administrator unless the subdivision meets all of the following requirements:
 - A. The subdivision and conveyance of a land parcel must be fully described using the Public Land Survey System (PLSS); and
 - B. The parcel of land and any residual or excepted parcel must be ten (10) acres or greater in size; and
 - C. Neither the parcel nor the residual or excepted parcel involves a building site.

2. Minor Administrative Subdivision Approval Process

- A. The property owner or applicant shall submit the following information for review:
- 1) A certificate of survey prepared and signed by a licensed land surveyor. The survey shall include the following information:
 - a) A legal description of the existing parcel and proposed legal description of the lot, parcel, or tract of land to be conveyed.
 - b) The total area of each parcel.
 - c) Boundary lines including location of monuments found and set.
 - d) Site improvements including structures and their distances to boundary lines.
 - e) All existing and proposed easements.
 - f) All access drives and access easements including a legal description for providing an easement for ingress and egress, a minimum of twenty-four (24) feet wide, to a public road for any lot, parcel, or tract of land that does not have a legal access to a public right-of-way.
 - g) North arrow and scale.
 - h) Name, address, and telephone number of the surveyor.
 - i) Location of waters of the state and wetlands, if applicable.
 - 2) Name, address, and telephone number of the property owner or applicant submitting the minor administrative subdivision information.
- B. The Zoning Administrator shall review the proposed subdivision for compliance with all applicable ordinances.
- 1) The Zoning Administrator shall notify the applicant whether the subdivision is approved or denied. If denied, the Zoning Administrator shall provide written reasons for the decision.

SECTION 303. STANDARD PLAT PROCEDURES

Standard plats allow the subdivision of land by plat pursuant to Minnesota Statutes, Chapter 505, or successor statutes, and containing all elements and requirements set forth in all official controls adopted pursuant to Minnesota Statutes, Chapters 394 and 505, or successor statutes. The standard plat approval process shall be followed if the proposed subdivision does not meet the standards necessary to qualify as a minor administrative subdivision.

1. Pre-application Standard Plat Process Meeting

A. The pre-application meeting with the Planning Commission shall be required for all plats that do not qualify as a minor administrative subdivision. The intent of the pre-application meeting is to review all applicable laws, rules, ordinances, policies and procedures that are relative to the platting process.

- 1) The developer shall prepare and submit a copy of a concept/sketch plan containing the following information to be discussed and/or reviewed at the pre-application meeting:
 - a) Location of existing property lines and any existing buildings.
 - b) Significant topographic and physical features and existing vegetation on the property to be platted.
 - c) General location and width of existing and proposed roads and lot layout including lot sizes.
 - d) General location of proposed public and private open space areas or parks.
 - e) Soil types and characteristics in the area to be platted.
 - f) Location of public water bodies, wetlands, and drainageways.
 - g) Location of any feedlot within 5,280 feet (one (1) mile) of the proposed plat boundary.
 - h) Location of all existing buildings.
 - i) Location and size of any abandoned wells, sewage treatment systems and dumps. And a plan for sewage treatment, water supply, and stormwater management.
 - j) The one hundred (100) year (one percent (1%) chance) flood elevation and Regulatory Flood Protection Elevation, if available.
 - k) Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - l) Location of Shoreland Overlay District boundary, if applicable.
 - m) In the Shoreland Overlay District, the ordinary high water level and the highest known water level.

- 2) The Planning Commission shall review and provide comments regarding the sketch plan with the developer. No formal or informal action will be taken at this stage of review, and discussion that occurs at the meeting cannot be construed as approval or denial of the proposed plat.
2. Preliminary Standard Plat Application. The following information shall be shown on the plat map and submitted for preliminary plat review:
 - A. General information to be shown:
 - 1) Proposed name of the plat.
 - 2) Legal description of the property, including location of boundary lines in relation to known section, quarter section of quarter-quarter section lines and any adjacent corporate boundaries.
 - 3) Name, address, and phone number of the property owner, any agent having control of the land, applicant, subdivider, land surveyor, engineer, and any other principals involved in the development of the plat.
 - 4) Graphic scale of not less than one (1) inch to one hundred (100) feet.
 - 5) North point and vicinity map.
 - 6) Boundary line survey and legal description. Identify any property within the subdivision that is registered (torrens).
 - 7) Proof of ownership.
 - 8) Date of preparation.
 - 9) Any additional information as may be requested by the Zoning Administrator.
 - B. Existing information and features to be shown
 - 1) Existing property lines and including property lines extending one hundred (100) feet from the exterior boundaries of the proposed plat.
 - 2) Existing zoning classification for land in and abutting the plat.
 - 3) Approximate total acreage of the land to be subdivided.
 - 4) Existing public and private roads including right-of-way width, parks and other public lands, significant physical features/natural resources, vegetation and wooded areas, buildings and structures, and public and private easements.

- 5) Location and size of existing sanitary and storm sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities and essential services within the preliminary plat area and to a distance of one hundred (100) feet beyond.
 - 6) Location of all waters of the state and wetlands. All wetlands shall be field delineated by a qualified and experienced wetlands delineator. The preliminary plat must show the surveyed location of all wetland boundary markers. A copy of the wetland delineation report shall be submitted.
 - 7) Topographic data including contours at vertical intervals of not more than two (2) feet unless otherwise approved by the Zoning Administrator.
 - 8) In the shoreland district, the toe and top of any bluffs.
 - 9) All ordinary high water elevations or highest known water level, one hundred (100)-year (one percent (1%) chance)flood elevations and regulatory flood protection elevations.
 - 10) Floodway, flood fringe, and/or general Floodplain Overlay District boundaries, if applicable.
 - 11) Any additional information deemed necessary at the pre-application meeting.
- C. Subdivision design features to be shown
- 1) Name, location, grade, and width of proposed streets including engineering plans and profiles and any provision for extending streets to serve adjacent neighboring areas.
 - 2) Locations and widths of proposed pedestrian ways and easements for utilities and stormwater management.
 - 3) Proposed lot lines and dimensions, lot and block numbers, area of each lot, and identification of the buildable area of each lot.
 - 4) All minimum required setbacks and resulting building lines.
 - 5) Proposed location areas (other than streets, alleys, pedestrian ways, and utility easements) intended to be dedicated or reserved for public uses (parks, trails, playgrounds, or other public property) including the size of such area(s) in acres.
 - 6) Proposed borrow sites within the proposed plat to be used for the construction of new roads/infrastructure.

- 7) Location of buildable lot area on each site including the lowest building floor elevation.
- D. Other Information to be submitted.
- 1) Source of potable water supply either by individual well, central water system, or public water system including plans and specifications.
 - 2) Where the subdivider owns property adjacent to that which is being proposed for platting, the Planning Commission may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision.
 - 3) Plans and specifications for installation of all proposed sanitary sewer lines. In areas where public sewer is not available, identification on the preliminary plat of two (2) standard soil treatment and dispersal areas including a site evaluation report completed by a licensed septic system designer for each proposed lot.
 - 4) Stormwater management and drainage facility plans and designs including all calculations.
 - 5) Grading and drainage plans for entire platted area.
 - 6) Erosion and sediment control plan during construction for the entire platted area.
 - 7) A copy of all proposed private restrictions, restrictive covenants, or other subdivision agreements.
 - 8) Proof of ownership or legal interest in the property.
 - 9) Such other information as may be requested by the Zoning Administrator, the Department, the County Engineer, or the Planning Commission.
3. Preliminary Plat Application Submittal.
- A. After receiving comments from the Zoning Administrator during the Pre-application Meeting, the applicant shall prepare and submit all application information including:
- 1) A completed application form and title commitment to the description of the property being platted.
 - 2) Thirteen (13) copies of the preliminary plat to the Zoning Administrator for review. The application shall be accompanied by a fee as established by the Board.

- 3) Digital copy of the preliminary plat in Murray County Coordinate System.
- B. Preliminary Plat Application Review Process.
- 1) The Zoning Administrator shall review the preliminary plat to determine if all information as listed in Section 303 of this Ordinance has been submitted.
 - 2) The Zoning Administrator shall notify the developer in writing of any request for additional or clarifying application information.
 - 3) The preliminary plat shall be sent to the following for written comments and recommendations:
 - a) The Minnesota Department of Natural Resources for plats located in a Shoreland Overlay District and Floodplain Overlay District.
 - b) The Murray Soil and Water Conservation District and any watershed district in the area of the proposed plat.
 - c) The Minnesota Department of Transportation for plats that abut a state highway right-of-way.
 - d) The Township in which the plat is located.
 - e) The County Recorder.
 - f) The County Attorney.
 - g) The County Engineer.
 - h) Any city located within one-half (1/2) mile of a proposed plat.
 - 4) The preliminary plat application shall be considered a complete application only upon submission of all information required in Section 303 of this Ordinance for adequate review of the preliminary plat, as determined by the Zoning Administrator.
- C. Public Hearing. Upon receipt of a complete preliminary plat application, the Planning Commission shall conduct a public hearing before final consideration of the proposed preliminary plat. Public notice and hearing procedures shall be in accordance as outlined in Section 2903, of the Zoning Ordinance.
- D. Planning Commission Review Criteria. The Planning Commission shall consider, but not be limited to, the following criteria when considering a preliminary plat:
- 1) The preliminary plat shall conform to all applicable Murray County official controls and all state and federal laws, regulations, and rules.
 - 2) The preliminary plat shall be consistent with the Comprehensive Plan.

- 3) A preliminary plat shall not be approved if it does not conform to any applicable Floodplain or Shoreland Overlay District standards contained in the Zoning Ordinance.
 - 4) A preliminary plat shall not be approved unless each lot can be connected to a public sewer system or each lot is designed to be of sufficient size and character to meet the sewage treatment system standards contained in Article 25 of the Zoning Ordinance including the provision for two (2) standard on-site sewage treatment systems for each lot.
 - 5) A preliminary plat shall not be approved where a variance or variances will subsequently be required in order to use the lots for their intended use.
 - 6) A preliminary plat shall not be approved if it does not contain adequate provisions for stormwater runoff. No plat shall be approved without a stormwater management plan reviewed and approved by the Murray Soil and Water Conservation District.
 - 7) Each lot of the preliminary plat shall have sufficient buildable lot area as defined in the Zoning Ordinance.
 - 8) The Planning Commission shall consider whether the preliminary plat as proposed, adequately protects the health, safety, and general welfare of the residents of the County by providing for a healthy drinking water supply, adequate sewage treatment capacity, safe road access, and proper setbacks and buffering from conflicting land uses.
- E. Planning Commission Review and Decision.
- 1) Following the public hearing, the Planning Commission shall make findings recommending the approval or denial of the preliminary plat.
 - 2) If the Planning Commission does not recommend approval of the preliminary plat, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. The applicant can appeal such non-approval to the Board who shall conduct a public hearing and take action on the preliminary plat.
 - 3) If the Planning Commission recommends approval of the preliminary plat, the approval shall not constitute a final acceptance of the layout.
 - 4) Following approval of the preliminary plat, the subdivider shall submit the final plat within 180 days or the approval of the preliminary plat shall be considered null and void. This 180-day time limit may be extended if required by the applicant in writing and approved by the Planning Commission.

- 5) Preliminary Plat Amendments. Should the subdivider desire to amend the preliminary plat as approved, he/she may submit an amended plat that shall follow the same procedures as outlined in Section 303 of this Ordinance. A public hearing and submission of a preliminary plat review fee shall not be required for amended preliminary plats unless, in the opinion of the Zoning Administrator, the amendment is of such scope as to constitute a new plat. In such cases, the plat shall be re-filed with payment of appropriate review fees and shall require a public hearing.
4. Final Standard Plat Process.
 - A. Final Plat Application Information. The following information shall be submitted for the final plat review:
 - 1) The final plat incorporating all changes or modifications recommended by the Planning Commission during preliminary plat approval.
 - 2) The final plat shall be in the form and with the content prescribed in the “Manual of Guidelines for Platting in Minnesota” dated December 2009, or successor manual, when applicable, and Minnesota Statutes, Chapter 505, or successor statutes.
 - 3) One (1) original and one (1) copy of the final plat on reproducible Mylar in accordance with the requirements of Minnesota Statutes, Chapter 505, or successor statutes.
 - 4) A current title opinion or preliminary title commitment to the description of the property being platted shall be submitted to the Department. The document shall have originated within thirty (30) days or less of the date of submission of the final plat.
 - 5) Any restrictive covenants, development agreements, and financial and warranty guarantees.
 - 6) The final plat shall be considered a complete application when the Zoning Administrator has determined that all requirements have been met.
 - B. Planning Commission Review and Recommendation.
 - 1) Upon review and acceptance by the Zoning Administrator that the final plat is a complete application, the Planning Commission shall consider and shall make findings recommending the approval or denial of the final plat.
 - 2) If the Planning Commission recommends approval of the final plat, the Zoning Administrator shall submit the final plat together with the findings of the Planning Commission to the County Board for final consideration.

- 3) If the final plat is not approved by the Planning Commission, the Zoning Administrator shall provide the applicant, in writing, the reasons for the denial including what requirements shall be necessary to meet the approval of the Planning Commission. The applicant can appeal that decision to the Board who shall conduct a public hearing and take action on the final plat.
- C. Board Review and Decision. The final plat and Planning Commission findings shall be reviewed by the Board. Any action to approve the plat shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways, stormwater management and drainage systems, parks or other open spaces, or other facilities dedicated to public purposes. If the plat is disapproved, the grounds for the denial of the plat shall be stated in the minutes of the Board. The applicant shall be notified in writing the reasons for the denial.
 - D. Development Agreement. Prior to approval of the final plat, a development agreement shall be required and signed obligating the subdivider to construct, at its expense unless otherwise agreed upon, all proposed roads, utilities, stormwater management control structures, or other required improvements to County and/or township design standards. The subdivider shall provide the County and/or township with a financial guarantee to cover the total estimated costs of design, construction, and inspection and a guaranteed warranty period for all proposed improvements.
 - E. Recording. If a final plat is approved, and upon obtaining the necessary signatures, the plat shall be recorded in the office of the County recorder subject to a recording fee. The final plat must be recorded within 180 days of the date of approval otherwise the approval of the plat shall become null and void. One (1) administrative extension of up to 180 days may be granted by the Board upon written request of the property owner, no less than thirty (30) days prior to the 180-day deadline, provided there is reasonable cause found for granting the extension.

SECTION 304. REGISTERED LAND SURVEYS

Except as provided in this Ordinance; or successor ordinances, registered land surveys pursuant to Minnesota Statutes, Section 508.47; or successor statutes, shall be reviewed and considered for approval in the same manner as though a standard plat.

SECTION 305. COMMON INTEREST COMMUNITIES

1. Common Interest Communities Approval. A Common Interest Community shall be evaluated and considered for approval in the same manner as a standard plat.
2. Common Interest Communities shall meet the minimum guidelines established in the “Common Interest Community Plat Manual of Minimum Guidelines”; or successor manual.
3. Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the Zoning Ordinance; or successor ordinances.
4. The conversion of existing common interest communities, resorts, mobile home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by standard plat pursuant to the requirements of this Ordinance; or successor ordinance and the applicable requirements of Minnesota Statutes, Chapters 515A and 515B; or successor statutes, and shall be further subject to the following:
 - A. When considering approval of conversions, the Planning Commission shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to municipal systems where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the Common Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by subdivision agreement.
 - B. The subdivider shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
 - C. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
 - D. To the extent possible, the common open space, individual properties and other elements of the Common Interest Community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.

SECTION 306. SUBDIVISION ORDINANCE EXCLUSIONS

1. Subdivisions creating cemetery lots.
2. Common property line adjustments for the purposes listed below:
 - A. Adjustment of common property line for the purpose of:
 - 1) Eliminating encroachments.
 - 2) Eliminating or reducing setback violations.
 - 3) Eliminating property line disputes.
 - B. Any transfer of a platted lot or parcel provided that:
 - 1) The transfer does not create a non-conforming parcel or plat.
 - 2) The transfer does not create or increase non-conformity.
 - 3) The change does not cause conforming to become non-conforming
 - 4) The transfer does not cause an increase in the land use intensity.

ARTICLE 4 STANDARD PLAT DESIGN STANDARDS

SECTION 401. GENERAL REQUIREMENTS

1. No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or general welfare of residents of the township or future residents of the subdivision.
2. The County shall consider, during the standard plat review process, measures for the preservation of all natural features such as large trees, water courses, scenic views, historical spots, and similar assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
3. Standard plats shall conform to the Comprehensive Plan and the Zoning Ordinance as adopted and amended.
4. Where a standard plat abuts or impacts an existing County or township road or County state aid highway, additional right-of-way may be required to be dedicated for future construction, maintenance, or public safety as determined by the Road Authority having jurisdiction over the road.
5. Standard plats shall be coordinated with the township in which the plat is located and any city located within one-half (1/2) mile of a proposed plat.

SECTION 402. ROAD AND STREET DESIGN STANDARDS

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

1. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts. A turn-around approved by the Road Authority shall be provided.
2. Temporary cul-de-sacs may be permitted if it can be clearly shown that the road is designed to be extended at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.

3. A service road shall be provided whenever the proposed subdivision contains or is adjacent to a state or federal highway or if requested by the Road Authority.
4. All proposed roads and streets shall be offered for dedication in fee simple as public rights-of-way. Private roads shall not be permitted except as part of cluster/planned unit development.
5. Permanent cul-de-sacs may be permitted where topography, woodlands, or public waters justify their use. Permanent cul-de-sac streets shall not exceed 500 feet in length measured from the centerline of the road of origin to the middle of the cul-de-sac with a minimum right-of-way radius of seventy-five (75) feet.
6. All proposed roads and streets shall conform to the following minimum right-of-way widths. Additional right-of-way and roadway widths may be required by the Road Authority to promote maintenance, public safety, and convenience when special conditions require it or to provide parking space in areas of intensive use.

Type of Street	Minimum R/W Width
Arterial	One Hundred (100) feet
Collector	Seventy (70) feet
Cul-de-sac	Seventy-five (75) feet
Local	Sixty-six (66) feet
Alley	Thirty-three (33) feet

7. Access drives onto any public roads shall require a review and approval and/or permit by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
8. All streets shall be designed and surfaced to the minimum standards required in this Ordinance and/or as required by the Road Authority. All design plans shall be reviewed and approved by the County Engineer prior to construction.

SECTION 403. UTILITY EASEMENT STANDARDS

1. Drainage and Utility easements of at least ten (10) feet wide shall be provided along property lines where utilities are reasonably anticipated. These easements shall be dedicated on the final plat.
2. Where a subdivision is traversed by or contains a watercourse, a stormwater or drainage easement conforming substantially to the lines of the watercourse shall be provided, together with such further width as will be adequate for the stormwater drainage of the area.

3. Utility easements shall connect with easements established in adjoining properties. The easements shall be dedicated on the plat and shall not be changed without the approval of the Board upon recommendation of the Planning Commission.
4. All utilities shall be placed underground unless otherwise approved by the Road Authority in consultation with the County Engineer.

SECTION 404. ROAD, 911 ADDRESS, AND TRAFFIC CONTROL SIGN STANDARDS

All roads, 911 addresses, and traffic control signs, including locations, shall be approved by the County and/or Road Authority prior to installation. All costs associated with the purchase and installation of the signage shall be at the expense of the subdivider.

SECTION 405. LOT DEVELOPMENT STANDARDS

1. All lots shall meet the minimum lot area and width regulations of the zoning district in which the plat is located, as regulated in the Zoning Ordinance.
2. Each lot shall meet the minimum required frontage with legal access on a public street or road. The minimum required frontage shall be the lot width requirement for the zoning district in which the plat is located. If there is a significant curve in the road, or the lot is located on a cul-de-sac, the public road frontage may be measured at the building setback line.
3. Side lot lines shall be approximately at right angles to road or street lines or radial to curved road or street lines or lake or stream shores unless topographic conditions necessitate a different arrangement.
4. Lots to be used for commercial or industrial purposes or any use other than a single-family dwelling shall be designed to provide adequate off-street loading areas and parking facilities as required by the Zoning Ordinance.
5. Corner lots shall have sufficient width to meet minimum building setback regulations from all roads or streets.
6. Double frontage lots shall be avoided except where such lots abut an arterial or collector street or where topography or other conditions render subdividing otherwise unreasonable. Such lots shall require additional depth of a minimum of twenty (20) feet in order to allow space for a screen planting along the rear lot line.
7. All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots.
8. No lot shall extend over a political subdivision boundary or be situated in more than one (1) zoning district.

9. All lots abutting a lake shall contain a buildable lot area a minimum of three (3) feet above the ordinary high water level. The lowest floor elevation, including basement floor, of all structures shall be shown on the face of the final plat, as recorded, and shall be at or above the regulatory flood protection elevation.
10. All lots abutting a river or stream must be located outside of the Floodway District. All lots must contain a buildable lot area at or above the regulatory flood protection elevation. The lowest floor elevation, including basement floor, of all structures shall be shown on the face of the final plat, as recorded, and shall be at or above the regulatory flood protection elevation.

SECTION 406. SEWAGE TREATMENT SYSTEM STANDARDS

1. Where lots cannot be connected to a public sewer system, provision must be made for the use of a subsurface sewage treatment system (SSTS) to service each lot in accordance with Article 25 of the Zoning Ordinance.
 - A. At least one SSTS soil observation boring shall be required in both the initial and replacement soil treatment design areas for each lot.
 - B. The SSTS Soil observation reports shall detail soil characteristics encountered including color, texture, structure, and depth to redoximorphic features or groundwater.
 - C. For proposed single family residential lots, the sizing shall be based on a potential for four (4) bedroom residence.
 - D. For proposed multi-family residential lots, the sizing shall be based on a potential for three (3) bedrooms per residential unit.
 - E. The sizing for proposed commercial or industrial lots shall be determined by the potential use, which must be noted at the time of submission of the preliminary plat.
 - F. The sewage treatment and dispersal areas shall be shown, to scale, on the preliminary plat. The site evaluation forms shall accompany the preliminary plat.
 - G. In order to secure final plat approval, the developer will be required to execute a Declaration of Restriction to ensure that the sewage treatment dispersal areas identified on the preliminary plat will be maintained in an undisturbed and natural state.
2. Lots must be connected to a publicly owned sewer system if available.

SECTION 407. WATER SUPPLY STANDARDS

Water Supply Standards. Each lot shall be provided with a supply of potable water by an individual well, central water system, or a public water system.

SECTION 408. STORMWATER MANAGEMENT STANDARDS

1. A stormwater management plan shall be required for any development or redevelopment activity that results in the disturbance of greater than one (1) acre of land.
2. Developments shall use best management practices and stormwater management facilities to treat stormwater runoff generated by new or redeveloped impervious surfaces. Designs using surface drainage, vegetation, and infiltration shall be given preference over buried pipes, manmade materials, and facilities.
3. Stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and be engineered to be structurally sound.
4. All stormwater management facilities shall be designed to manage increased runoff so that the two (2)-year, ten (10)-year, and one hundred (100)-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.

ARTICLE 5 SUBDIVISION IMPROVEMENTS

SECTION 501. GENERAL REQUIREMENTS

1. The subdivider shall pay for the cost of all improvements required in the subdivision in accordance with all approved plans and specifications.
2. Construction plans, estimates, and proposals for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain an engineer's certificate. All construction plans and estimates shall be reviewed by the County Engineer. Upon final review, the plans shall become a part of the required development agreement described in Section 502 of this Ordinance.
3. Before a final plat is approved by the Board, the subdivider shall execute and submit to the Board a development agreement that shall assure that all improvements required under the provisions of this Ordinance shall be completed. The development agreement shall stipulate that no permit of any type shall be issued for land use development until all improvements required by this Ordinance have been made.
4. The Board may require, but not be limited to, the following subdivision improvements:
 - A. Roads. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with applicable County and/or township specifications.
 - B. Road Signs. Road signs shall be placed at each intersection in compliance with applicable County specifications. To avoid duplication, all road signage shall be approved by the Board.
 - C. Traffic Control Signs. Traffic control signs shall be placed wherever the Road Authority deems necessary.
 - D. Stormwater Management Facilities. Stormwater management facilities shall be constructed and maintained in accordance with the provisions of this Ordinance.
 - E. Erosion and Sediment Control. An erosion and sediment control plan must be submitted and implemented before development activity is to begin for any new development activity that will disturb over one (1) acre of land.
 - F. Sewer and Water. Subdivision lots shall be connected to a sewage treatment system and provided with a supply of potable water.
 - G. 911 Address System. 911 address signs shall be erected for each subdivision lot in compliance with applicable County specifications.

SECTION 502. DEVELOPMENT AGREEMENT, FINANCING, AND WARRANTY GUARANTEES

1. Before a final plat is approved by the Board, the Board shall require a signed development agreement, with financial and warranty guarantees, between the subdivider and the County and the township having jurisdiction over the improvements to assure the following:
 - A. That the subdivider shall construct and pay for the cost of all improvements required in the subdivision in accordance with the approved plans and specifications.
 - B. Guaranteed completion of all required improvements within a specified time period.
 - C. Guaranteed payment by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, the County Engineer, and the Zoning Administrator as well as other related costs.
 - D. A guaranteed warranty period for all required improvements.
2. The subdivider shall provide a financial guarantee in the form of a performance bond, cash escrow, or letter of credit in the amount of the total estimated cost of construction and the estimated cost to be incurred by the County for review and inspection of the proposed improvements. The financial guarantee shall not be reduced nor released until all improvements have been satisfactorily completed and approved by the County Engineer.

ARTICLE 6 SUBDIVISION ADMINISTRATION

SECTION 601. ADMINISTRATOR

This Ordinance shall be administered and enforced by the Zoning Administrator.

SECTION 602. POWERS AND DUTIES

The Zoning Administrator shall have the following powers and duties and may delegate them to Department staff as necessary:

1. To receive and review applications for all types of subdivisions for compliance with the provisions of this Ordinance; or successor ordinance.
2. To receive and approve Minor Administrative Subdivisions.
3. To receive and review applications for action by the Board, Planning Commission, and/or Board of Adjustment and to provide additional information, recommendations, data and testimony as may be necessary for action to be taken.
4. To conduct compliance and other inspections. If violations of this Ordinance; or successor ordinance are discovered, the Zoning Administrator shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance.
5. To maintain records of all actions taken pursuant to the provisions of this Ordinance; or successor ordinance.
6. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.

SECTION 603. BOARD OF ADJUSTMENT

The Murray County Board of Adjustment, as presently established in Article 28 of the Zoning Ordinance; or successor ordinances, shall have the following powers:

1. To order the issuance or denial of variances from the provisions of this Ordinance; or successor ordinance, according to procedures in Section 606 of this Ordinance and in Article 32 of the Zoning Ordinance.
2. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator with respect to the administration of this Ordinance; or successor ordinance according to procedures in Section 605 of this Ordinance and in Article 32 of the Zoning Ordinance.

SECTION 604. PLANNING COMMISSION

The Murray County Planning Commission as established in Article 28 of the Zoning Ordinance; or successor ordinances, shall have the following duties:

1. Conduct public hearings for all standard plats, registered land surveys, and common interest communities, according to procedures in Article 3 of this Ordinance and Section 2903 of the Zoning Ordinance.
2. Submit recommendations to the Board with respect to the approval or denial of all standard plats, registered land surveys and common interest communities.

SECTION 605. APPEALS

An appeal from any decision of the Zoning Administrator may be requested by any aggrieved party in accordance with Article 32 of the Zoning Ordinance; or successor ordinances. The appeal shall be in writing and signed by the appellant and include the following information:

1. The particular order, requirement, decision or determination from which the appeal is requested.
2. The name and address of the appellant.
3. The grounds for the appeal.
4. The relief requested by the appellant.

SECTION 606. VARIANCES

1. Right of Application
 - A. An application for variance shall be signed and in writing on forms to be provided by the Department.
 - B. Except as provided in this Ordinance; or successor ordinance, a variance shall run with the land and remain in effect so long as any condition imposed by the Board of Adjustment is met. Nothing in this Ordinance shall prevent the Board from enacting this Ordinance, or any other Ordinance to change the status of the variance.
 - C. Applications for variance will only be accepted from the owner of the property for which the application is made.
2. Criteria for Considering Variances. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394; or successor statutes, and the Zoning Ordinance; or successor ordinances.

3. Notice of Hearing. Notice of hearing for all applicants for variance shall be given in accordance with Minnesota Statutes, Chapter 394; or successor statutes. Additional notice shall be given in the following instances:
 - A. Shoreland Overlay District. In instances where the affected property is located in the Shoreland Overlay District, as established in the Zoning Ordinance; or successor ordinances, a copy of the notice of public hearing shall be forwarded to the Department of Natural Resources and postmarked at least 10 days before the public hearing date.
 - B. Township Notice. Prior to acting on a variance application, the Administrator shall submit the application to the Township Board of Supervisors of the Township in which the property is located. The Township Board of Supervisors may review the application and submit written comments or provide verbal testimony to the Board of Adjustment at the time of the public hearing.
4. Notice and Certification of Final Action
 - A. Findings of Fact. In conducting a public hearing on a variance application, the Board of Adjustment shall make written findings of fact on each application.
 - B. Recording. After acting on a variance application, the Board of Adjustment shall forward to the Administrator, written findings of fact and their order regarding the application. The Administrator shall then file a certified copy of the Board of Adjustment's order with the Murray County Recorder.
 - C. Shoreland Overlay District. In instances where the affected property is located within the Shoreland Overlay District, as established in the Zoning Ordinance; or successor ordinances, a copy of the final decision granting a variance shall be sent to the Department of Natural Resources and postmarked within ten (10) days of the final action.
5. Expiration of Variance. A variance shall expire and be considered null and void two (2) years after the Board of Adjustment's final decision to grant the variance if the subdivision for which the variance is granted has not been recorded in the Office of the County Recorder.
6. Reapplication. No application for the same variance, as ruled upon by the Board of Adjustment, shall be resubmitted for a period of twelve (12) months from the date of the decision of the previous application unless the Zoning Administrator, in his or her discretion, determines that, there has been a change in circumstances or new evidence that warrants allowing a new application.

7. Appeals. All decisions by the Murray County Board of Adjustment in acting upon or in hearing appeals from any administrative order, requirement, decision or determination or in acting upon applications for variances shall be final except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of any state agency shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the Murray County District Court pursuant to Minnesota Statutes, Section 394.27, subdivision 9; or successor statutes.

SECTION 607. ORDINANCE AMENDMENTS

1. Criteria. The County Board may adopt amendments to this Ordinance to reflect changes in the goals and policies of the Comprehensive Plan. Any changes in this Ordinance shall be consistent with the Comprehensive Plan.
2. Procedure.
 - A. An amendment to this Ordinance may be initiated by the Board, the Planning Commission or by application of a property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for their review and recommendation.
 - B. Before the enactment of any ordinance amending this Ordinance, a public hearing shall be held in the manner provided in Minnesota Statutes, Sections 394.26 and 375.51; or successor statutes, and in accordance with Article 33 of the Zoning Ordinance.
3. Application for Amendment. An application by a property owner to amend this Ordinance shall include:
 - A. Reason for the requested change;
 - B. Statement regarding compatibility with the Comprehensive Plan.
 - C. Text portion of the existing language to be amended; and
 - D. Proposed amended text.
4. Notice of Hearing. Notice of hearing for all amendments to this Ordinance shall be given in accordance with Minnesota Statutes, Sections 394.26 and 375.51; or successor statutes, and with Article 33 of the Zoning Ordinance.

ARTICLE 7 VIOLATIONS, PENALTIES, REMEDIES AND FEES

SECTION 701. VIOLATIONS AND PENALTIES

Violation Consistutes a Misdemeanor: Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conitions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

SECTION 702. REMEDIES

Nothing in this ordinance restricts Murray County from taking such other lawful action as is necessary to prevent, or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this Ordinance and will be prosecuted accordingly.

SECTION 703. FEES

To defray the administrative cost of processing requests of this Ordinance; or successor ordinance, a fee not exceeding administrative costs shall be paid by the applicant. Such fees shall be determined by the Board.

ARTICLE 8 REPEAL AND DATE OF EFFECT

SECTION 801. REPEAL

The Murray County Subdivision Ordinance, as presently enacted, is hereby repealed.

SECTION 802. DATE OF EFFECT

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

Passed and Approved the 22nd day of October, 2019.

David Thiner, Chairman, Murray County
Board of Commissioners

ATTEST:

Thomas Burke, Murray County Administrator

Recommended by: The Murray County Planning Commission

Date: June 24, 2019

Kevin Vickerman, Chairman, Murray County
Planning Commission

ATTEST:

Jean Christoffels, Murray County
Zoning/Environmental Administrator