

Mille Lacs County Code of Ordinances  
Chapter 1 – Land Development  
Article 2 – Subdivision Standards

**DIVISION 1 PURPOSE, INTENT AND AUTHORITY**

Sec. 2-100 Purpose, Intent

It is the purpose and intent of these subdivision regulations to:

- (1) safeguard the best interests of Mille Lacs County and all of its citizens;
- (2) to assist the subdivider in harmonizing his interests with those of the County at large, as well as with those of the local municipalities located within the County;
- (3) to promote comprehensive planning of subdivisions, desirable, connected circulation of traffic;
- (4) to correlate land subdivisions with the County Comprehensive Plan;
- (5) to secure the rights of the public, with respect to public lands and waters;
- (6) to improve land records by establishing standards for surveys and plats;
- (7) to promote development which will positively affect property values; and
- (8) to establish subdivision development at standards compatible with affected municipalities within the County

Sec. 2-101 Authority

Authority to regulate the subdivision of land is given by Minnesota Statutes 394, Annotated and as amended from time to time.

**DIVISION 2 JURISDICTION, SCOPE, AND INTERPRETATION**

Sec. 2-105 Jurisdiction

- (1) Lands Governed

The regulations herein governing plats and the subdivision of land shall apply to all areas of the County, except those held in trust by the United States on behalf of the Mille Lacs Band of Ojibwe, lying outside the incorporated limits of municipalities and outside the two mile limit where any municipality has adopted extra territorial subdivisions and platting regulations as provided by State Law. These regulations shall not apply to lands lying within those townships that have adopted and enforce on their own behalf subdivision regulations according to State Law. The requirements of Article 1, Division 3 shall be required in addition to the requirements of this Article when the land to be platted or subdivided lies within a designated shoreland district.

- (2) Effect on Existing Subdivisions, Laws and Restrictive Covenants

Except in the case of resubdivision, this article shall not apply to any lot forming a part of a subdivision recorded in the office of the county recorder prior to the effective date of the ordinance from which this article is derived, nor is it intended by this Article 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 article, or with restrictive covenants running with the land.

Sec. 2-106 Scope

From and after the effective date of this Article, the subdivision of land within the jurisdiction of this Article, shall be prepared, presented for approval, and recorded as prescribed herein. The regulations contained in this Article shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts, or parcels.

### Sec. 2-107 Interpretation

In interpreting and applying the provisions of this Article, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Article impose greater restriction than those of any statute, other ordinance or regulation, the provisions of this Article shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Article, the provisions of such statute, other ordinance, or regulation shall be controlling.

### Sec. 2-108 Compliance

No subdivision shall be recorded in the Mille Lacs County Recorder's Office or have any validity until the subdivision thereof has been prepared, approved, acknowledged in the manner prescribed by this Ordinance.

### Sec. 2-109 Building and Land Use Permits

No building or land use permits shall be issued by Mille Lacs County for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been complied with.

### Sec. 2-110 Lots of Record

All lots which are a part of a subdivision legally recorded with the County Recorder/Registrar of Titles and parcel or parcels described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Titles prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the date of recording and the setback, sewage treatment, access requirements and any future amendements of this ordinance are met.

## DIVISION 3 DEFINITIONS

The definitions in Chapter 1, Article 1, Division 2 of the Mille Lacs County Code of Ordinances shall apply to this Article.

## DIVISION 4 GENERAL PROVISIONS

### Sec. 2-115 Variances

All requests for variances from the provisions of this article shall be made and decided in the following manner:

- (1) The County Board may grant a variance from the strict requirements of this article, but only upon finding that an unusual hardship on the land exists, and specifically that:
  - a. The hardship is not a mere inconvenience.
  - b. The hardship is caused by the particular physical surroundings, shape or topographical conditions of the land.
  - c. The conditions upon which the request for a variance is based are unique and not generally applicable to other property.
  - d. The hardship is caused by the application of this ordinance and not by any persons presently having an interest in the land.
  - e. The granting of a variance will not be substantially detrimental to the public welfare or to other land or improvements in the neighborhood of the land, and is in accord with the general purpose and intent of this ordinance.
- (2) Variance requests shall be reviewed by the Board of Adjustment. Their recommendation regarding the variance request shall be considered by the Planning Commission in the formulation of its recommendation to the County

Board, and acted on by the County Board as part of the plat approval.

The Board of Adjustment may recommend a variance from any of the provisions of the Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Adjustment shall prescribe any conditions that it deems necessary for the protection of the public interest. In making its findings, the Board of Adjustment shall consider the standards in (1) a-e above. In addition, no variance shall be granted unless the Board of Adjustment finds all of the following:

- a. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

#### Sec. 2-116 Surveys

All land surveys pertaining to subdivisions must be prepared and signed by a Minnesota Licensed Land Surveyor. Subdivisions and minor subdivisions of land in Mille Lacs County must be reviewed by the Zoning Administrator for compliance with the conditions set forth in this Article, before any lots or parcels created by this subdivision are recorded. The Zoning Administrator shall review all Certificates of Survey with respect to arrangement, sizes, and relationship of proposed tracts. Building permits will not be issued unless said Certificate of Survey is in compliance with the Development Code.

#### Sec. 2-117 Suitability Standards

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the County shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significantly 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 community.

Each lot created shall have adequate suitable land area for the uses enumerated in Article 1, Division 3 of the zoning district for which the land is zoned unless the lot is to be used for agriculture or recreation purposes. Such areas shall not be on poorly drained soils, soils structurally inadequate such as peat or muck, in wetlands as defined by the Minnesota Wetland Conservation Act, in natural drainage ways, or in floodplains unless as provided for in Article 1, Division 3 of the Mille Lacs County Development Code. The minimum suitable area required in the A-1, Agricultural Preservation District shall be two (2) acres. In all other zoning districts, the minimum area shall be fifty (50) percent of the required minimum lot area of the zoning district in which the property is located.

Lands to be used solely for agricultural or recreational purposes may be exempt from the suitability requirements provided a deed restriction is recorded against the lot, tract or parcel stating that the lot, tract or parcel is not intended as a building site.

#### Sec. 2-118 Road Frontage

The minimum road frontage required per parcel is sixty-six (66) feet abutting a public road. In no case shall there be more than two (2) flag lots meeting this minimum per quarter-quarter. In the event that the flag is

not used to provide access to the parcel, the subdivider shall provide access to the parcel via a permanent access easement. A maintenance agreement for the access shall be recorded against all parcels with the permanent easement to ensure private maintenance of the access. The County will provide the minimum form of the maintenance agreement to the subdivider.

However, a lot without road frontage may be created provided:

- (1) The purpose is for the acquisition of right of way by a city, township, county, or state organization, and
- (2) The lot will be without road frontage for less than 36 months.

## **DIVISION 5 SUBDIVISION TYPES**

This Article allows the following types of subdivisions as defined:

### **Sec. 2-125 Exemption Certificates**

Exemption Certificates are administratively approved by the Zoning and Environmental Services Department without review by the Planning Commission and County Board. Exemptions Certificates may be used for:

- (1) **Boundary Line Adjustments**  
Procedure for changes in property lines through the attachment of land to a contiguous lot, tract, or parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line, to remedy adverse topographical features or encroachments of structures. A boundary line adjustment may be allowed provided a residual tract or any existing structure does not become non-compliant with the provisions of the Development Code.
- (2) **Deed Language Corrections**  
Procedure for correcting legal descriptions on deeds that have been previously recorded. This procedure should not result in the creation of new

lots or adjusted parcels and should be used in the correction of title conflicts or similar situations.

- (3) **Mortgage Subdivisions**  
Subdivision for the purpose of securing a mortgage may be allowed provided that a deed restriction accompanies the mortgage stating that both tracts (mortgage and residual) are restricted so that neither tract can be conveyed separately unless they meet the requirements of the Development Code.
- (4) **Agricultural or Recreational Subdivisions**  
Parcels that are sold for agricultural or recreational purposes provided that the intended purpose of the conveyance is stated in a deed restriction and that the conveyance is not intended as a building site.
- (5) **Creation of Lots**  
One (1) subdivision of a tract of land into a maximum of four (4) lots (three new and one remainder) by metes and bounds or aliquot part subdivision provided no new road is required and all lots created conform to the requirements of the Development Code including at least 66 feet abutting an improved, publicly maintained road that has been accepted by the local road authority. The creation of lots by exemption certificate shall be limited to four (4) per quarter-quarter section.

### **Sec. 2-126 Simple Plats**

Subdivision by simple plat procedure for processing applications for the division of land is intended to provide an expedited procedure in those limited cases where strict adherence to the standard platting process is not required. The subdivision by simple plat procedure is not intended to be a substitute for the standard platting process set forth in this article. Subdivision by simple plat procedures may be utilized where the following circumstances exist:

- (1) The property to be divided will result in four or fewer lots.
- (2) The property to be divided will not require the creation of a new road for purposes of gaining access to the subdivided property.
- (3) The property no longer qualifies for division by an exemption certificate.

Sec. 2-127 Standard Plats

Subdivision by standard plat shall be used for the creation of more than four lots, the creation of a new road, or subdivision of a previously platted lot.

Sec. 2-128 Open Space Preservation (Cluster) Plats

The purpose of open space preservation plats is to maintain the rural and semi-rural character of the County and provide public benefit by preserving woodlands, vegetated corridors, agricultural land, open space, and other significant natural features, to require less land for development, and to allow an alternative to standard single-family detached residential plats in all zoning districts in accordance with this Article, and the intent and purpose of the County's comprehensive plan.

**DIVISION 6 SUBDIVIDING  
STANDARDS AND  
PROCEDURES**

Subdivision 1 Exemption Certificates

Sec. 2-135 Application

Application for an exemption certificate shall be made to the Zoning Administrator. The following items shall be included with an exemption certificate application:

- (1) Unless a certificate of survey is required, the property owner/applicant will provide a dimensioned map or sketch showing:

- a. Existing legal description of the parcel to be subdivided
- b. All contiguous property and all roads and their proper name.
- c. Proposed new property lines with dimensions noted.
- d. Proposed driveway location and location of existing driveways on the same side of the road.
- e. Proposed legal description of the parcel(s) to be created.
- f. General location, purpose and dimensions of all existing buildings. Location shall note distance of those buildings closest to property lines from the existing and proposed property lines.
- g. General location of any existing tile lines, abandoned wells or drainage ways.
- h. Location of existing septic tank(s) and drain field(s).

(2) A Certificate of Description of the proposed parcel(s) prepared by a licensed land surveyor when the legal description is described by metes and bounds.

(3) A Certificate of Survey of the proposed lots or parcels showing the location of all existing buildings thereon which has been prepared and signed by a licensed land surveyor when the parcel(s) to be created are less than five (5) acres.

(4) Legal descriptions of road easements to be granted to either the Township or County for roads abutting the parcel.

Sec. 2-136 Zoning Administrator Review

The Zoning Administrator in his/her consideration shall properly study the application and determine whether or not the exemption certificate:

- (1) Meets the objectives of the Comprehensive Plan, Zoning and Subdivision Ordinances.
- (2) Requires a public hearing before the Planning Commission, if Sec. 2-126, (1) – (3) is not met.
- (3) Requires a surveyor’s description or certificate of survey.
- (4) Requires additional information necessary to properly consider the Exemption Certificate may be requested of the subdivider.
- (5) Requires an inspection of the site(s) to ensure compliance with Section 2-400, Subdivision 3, Suitability Standards. A Suitability opinion shall be issued for each lot created under this Subdivision.

#### Sec. 2-137 Zoning Administrator’s Decision

The Zoning Administrator shall grant an exemption certificate if objectives of Section 2-138 are met. If denied the subdivider shall be notified of the reasons in writing by the Zoning Administrator.

The Zoning Office shall prepare a document granting a road easement to the Township or the County utilizing the legal descriptions provided by the applicant. The applicant shall execute the document prior to the Zoning Administrator issuing the exemption certificate. The County shall record the easement on behalf of the Township or the County as appropriate.

#### Sec. 2-138 Recording the Exemption Certificate

Exemption Certificates issued after the adoption date of this ordinance shall be recorded at the County Recorder’s Office within sixty (60) days of issuance. Failure to do so shall render the Certificate null and void and the applicant shall reapply and pay the fee required at the time of application.

Exemption Certificates issued prior to the adoption of this ordinance must be recorded

within one year of the date of adoption. Failure to do so shall render the Certificate null and void and the applicant shall reapply and pay the fee required at the time of application.

#### Subdivision 2 Simple Plats

##### Sec. 2-145 Application

Application for a simple plat shall be made to the Zoning Administrator. The following items shall be included with a simple plat application:

- (1) Simple Plat identification and description prepared by either a Minnesota Licensed Land Surveyor or professional engineer.
  - a. The proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat theretofore recorded in the county.
  - b. Location by section, township, and range, and by legal description.
  - c. The names and addresses of the record owner, subdivider, land surveyor, engineer, and designer of the plan, and any agent having control of the land.
  - d. A graphic scale not less than one inch to 100 feet unless otherwise approved by the Zoning Administrator.
  - e. North arrow.
  - f. Date of preparation.

##### (2) Existing conditions.

- a. A fully monumented boundary survey of the subject property prepared by a Minnesota Licensed Land Surveyor.
- b. Existing easements as indicated in a title insurance commitment or title opinion prepared within the last sixty (60) days.

- c. Existing zoning classifications for land within and abutting the subdivision.
- d. A general statement of the approximate acreage and dimensions of the lots.
- e. Location, right-of-way width, and names of existing or platted streets or other public ways, and other public lands, permanent buildings and structures, easements and section and corporate lines within the proposed subdivision and located within the setback areas on adjacent parcels.
- f. Boundary lines of adjoining platted or subdivided land within 150 feet, identified by property identification number, name and ownership, including all contiguous land owned or controlled by the subdivider.
- g. Two soil borings per lot, a minimum of 100 feet apart. Said soil borings shall identify the soil horizons by structure, texture and color and shall identify the depth to the restrictive layer (mottling or redoximorphic features).
- h. Sufficient topography or spot elevations to determine buildability of each lot to be created. Contour intervals of topography shall not exceed five (5) foot intervals and shall extend 150 feet onto adjacent parcels.
- i. Wetland delineation report as appropriate.

(3) Subdivision design features.

- a. Lot sizes, layout, and numbers and preliminary dimensions of lots and blocks.
- b. Minimum front, side, and rear building setback lines.

- c. When side lot lines are not parallel, the width of the lot at the building setback line.
- d. Proposed easements along all lot lines.
- e. Final Plat conforming to the Mille Lacs County Plat Manual and MS Chapter 505.

Sec. 2-146 Zoning Administrator Review

The Zoning Administrator in his/her consideration shall properly study the application and determine whether or not the simple plat meets the objectives of the Comprehensive Plan, Zoning and Subdivision Ordinances. The site shall be studied to determine its suitability for subdivision purposes as required in Section 2-117.

Sec. 2-147 Hearing

Unlike standard plats, a simple plat will be considered simultaneously as both a preliminary and a final plat. The process established in Sec. 2-156 (3) for preliminary plat review shall be followed, however, the plat shall be considered approved in its entirety if the County Board so approves it. The final plat shall conform to MS Chapter 505, as well as the Mille Lacs County Plat Manual.

Subdivision 3 Standard Plats

The standard platting process is comprised of three phases: initial plat review, preliminary plat, and final plat.

Sec. 2-155 Initial Plat Review

Prior to submitting the preliminary plat, the subdivider shall submit for review with the Zoning Administrator, ten (10) copies of the subdivision sketch plans which shall contain the following information:

- (1) Tract boundaries

- (2) Legal Description of the tract being subdivided.
- (3) North arrow
- (4) Description of purpose of tract
- (5) Streets on and adjacent to the tract
- (6) Significant topographical and physical features
- (7) Proposed general street layout

Such sketch plans will be considered as submitted for discussion between the subdivider and County Staff. Submission of a subdivision sketch plan shall not constitute formal filing of a plat with the County.

Once a sketch plan is submitted, the Zoning Administrator will schedule a meeting of the County Attorney, County Engineer, County Surveyor, Township representative and/or Engineer, and Planning Commission member to review the sketch plan for consistency with the County and Township standards for platting.

As far as may be practical on the basis of a sketch plan, the Zoning Administrator will advise the subdivider, within thirty (30) working days, of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss the required plan modifications as necessary to ensure conformance.

#### Sec. 2-156 Preliminary Plat Review

##### (1) Design Standards

The following design standards shall apply to all preliminary plats:

##### a. Blocks

The length, widths, and shapes of blocks, and lots within blocks, shall be determined with due regard to:

- i. Provisions of adequate building sites suitable to the special needs of the principal and all required accessory uses.
- ii. Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street
- iii. Needs for convenient access, circulation, control and safety of street traffic.
- iv. Limitations and opportunities of topography.

Block lengths shall be determined by circulation and other needs. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

##### b. Lots

- i. The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Mille Lacs County Development Code.
- ii. Side lot lines shall be as near right angles or radial to curved street lines as possible.
- iii. Through lots (double frontage) shall be avoided except where necessary to provide separation of residential development from arterials or major collectors or to overcome specific problems due to orientation of topographic conditions.
- iv. Flag lots are prohibited in platted subdivisions.
- v. Every lot must have the minimum required frontage on a publicly dedicated road and have

satisfactory access to such existing public road for purposes of fire fighting, utilities and other public and quasi-public services.

- vi. Setback or building lines shall not be less than the setback required by the Mille Lacs County Development Code.
- c. Roads, (Including Highways, Streets and Alleys)
  - i. Except for cul-de-sacs, roads normally shall connect with roads already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of roads shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
  - ii. Cul-de-sacs shall be measured from the point at which there is no secondary access. The surface of the cul-de-sac shall be constructed to a minimum radius of fifty-five (55) feet and shall have a total minimum right of way radius of sixty-six (66) feet. For cul-de-sacs that will be temporary and the road may be extended in the future, the radial portion of the cul-de-sac will be granted as a road easement versus publicly dedicated as required for roads. Temporary drainage and utility easements must be created in relation to the temporary cul-de-sac.

In residential developments, all cul-de-sacs shall be radial in

design. Hammerhead or “T” designs shall not be allowed.

Cul-de-sac lengths shall meet the following:

- (a) Permanent cul-de-sacs shall not exceed 600 feet in length where lots are less than 2.5 acres in area.
- (b) Permanent cul-de-sacs shall not exceed 1,320 feet where lots are 2.5 acres or greater in area.
- (c) Temporary cul-de-sacs shall not exceed 800 feet in length where lots are less than 2.5 acres in area and shall not provide access to more than twenty (20) home sites.
- (d) Temporary cul-de-sacs shall not exceed 2,640 feet where lots are 2.5 acres in area or greater and shall not provide access to more than twenty (20) home sites.

Permanent cul-de-sacs are those where future extension is unlikely or impractical due to lack of access, existence of a natural feature or undevelopable land, or insurmountable topography.

Temporary cul-de-sacs are those designed to be extended some time in the future to serve adjacent developable parcel (s).

Unless future extension is clearly impractical, the turnaround right of way shall be placed adjacent to a property line and a right of way of the same width as the street shall be carried to said property line in such a way to permit future extension of the street into the adjoining tract.

- iii. Where the plat to be submitted includes only part of the tract owned or intended to development by the subdivider, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- iv. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future roads and appropriate future subdivision, with provision for adequate utility connections for such future subdivision.
- v. Under normal conditions, roads shall be designed so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of roads shall be eighty (80) degrees. Road intersection jogs with an offset of less than one hundred twenty-five (125) feet from centerline to centerline of streets shall be avoided.
- vi. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State or Federal highway, a marginal access road may be required approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for a minimum distance required for appropriate connections to future grade separations, or for lot depths.

- vii. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for roads shall be:

Street Type	Right-of-Way Width (feet)
Major Thoroughfare	150
Secondary Thoroughfare	100
Collector Street	80
Minor Street	66
Alley	20

- viii. Where existing or anticipated traffic on principal and minor arterials warrants greater widths of rights-of-way, they shall be required.
- ix. Minor road access to State and Federal highways shall not be permitted at intervals of less than six hundred (600) feet. Any new access or change in use of existing accesses shall be approved by the appropriate road authority.
- x. Road Grades: The grades in all roads in any subdivision shall not be greater than eight percent (8%), unless said grade is deemed acceptable by the County Engineer.
- xi. Road Alignment: The horizontal and vertical alignment standards on all roads shall be designed as recommended by the County Engineer.
- xii. Roads are to be public.  
  
All roads shall be public unless approved as part of a Planned Unit Development within the Shoreland District. Roads within Planned Unit Developments must:

- (a) Be constructed in accordance with the standards set forth for public roads in this Ordinance. Construction of private roads shall be as agreed to in the Developer Agreement.
- (b) Have a specific mechanism for road maintenance have approved by the County Board of Commissioners as part of the Planned Unit Development approval.

d. Easements

- i. An easement for utilities at least ten (10) feet wide shall be provided along the side line of lots, front line and/or rear line of lots where necessary to form a continuous right-of-way, at least twenty (20) feet in width. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- ii. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not hereafter be changed without the approval of the County Board, upon the recommendation of the Planning Commission.
- iii. Additional easements for guy wires should be provided at the outside of turns.
- iv. Drainage and Utility easements will be required for all drainage, ponding, and wetland areas.
- v. Conservation easements, buffer strips, and other restricted areas shall be created when necessary to protect wetland edges and

shall be administered by the appropriate government authority. Exhibits shall be created defining these areas and stating the enforcement authority.

(2) Application

Application for a preliminary plat shall be made to the Zoning Administrator. The following information shall be on a map(s) drawn to standard engineer's scale of not less than 1:100, provided the maps do not exceed 24 x 36 inches. Special circumstances may be best depicted by drawings of a scale of 1:200, which may be allowed with the Zoning Administrator's approval.

- a. Proposed name of subdivision which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
- b. A fully monumented boundary survey prepared by a Minnesota Licensed Land Surveyor.
- c. Legal description of parcel.
- d. Existing easements of record per a title insurance commitment or title opinion prepared within the last sixty (60) days.
- e. Individual approximate lot dimensions and acreage.
- f. Approximate location, right-of-way, curve radii, radius and length of cul-de-sacs, street grades where grade exceeds 8%, angle of intersections of all existing and proposed streets.
- g. Graphic scale and North point.
- h. Vicinity map drawn to suitable scale showing location of the proposed subdivision in relation to section lines, adjoining roadways, highways,

- cities, and recognizable features, in a manner that properly determines the location of the subdivision.
- i. Date of preparation.
  - j. Road profiles (may be on separate map) as required by County or Township Engineer.
  - k. Topographic data showing contours at a minimum of two-foot intervals with 150 foot overlap onto adjacent parcels.
  - l. Lot layout, block and lot numbers, and areas set aside for public and community purposes.
  - m. Major drainage ways.
  - n. Soils map showing soil types, rock outcrops, water courses, marshes, and wooded area.
  - o. Soil types, drainage ways, existing land uses, distance to nearest residences, etc. up to 150 feet of land adjoining the development.
  - p. Total mileage or lineal feet of roads proposed.
  - q. Grading plan and stormwater calculations prepared by a licensed engineer.
  - r. Erosion Control plan.
  - s. Stormwater Pollution Prevention Plan (SWPPP).
  - t. Wetland delineation report as appropriate.
  - u. Soil borings, two per proposed lot a minimum of 100 feet apart. Said soil borings shall identify the soil horizons by structure, texture and color and shall identify the depth to the restrictive layer (mottling or redoximorphic features).
- v. Other information as required by the Zoning Administrator or Commission.
- (3) Procedure
- a. The subdivider shall submit the following to the Mille Lacs Zoning Administrator:
    - i. Fourteen (14) full size and one (1) 11 x 17 inch copies of the preliminary plat of the proposed subdivision, showing topography, soils, protective covenants or restrictions, and any other features required by the Zoning Administrator, grading plan, erosion control plan, and road profiles.
    - ii. Three (3) copies of drainage calculations, SWPPP, and soil borings for review by the County and Township Engineers.
    - iii. A fee as established by County Board resolution shall accompany the plat to help defray the expenses of the County in connection with the review of said preliminary plat.
  - b. The Zoning Office shall determine if the applicant has submitted all of the required documents noted in Sec. 2-156 (2) a-u. If items are missing, the application in its entirety, including the fee, shall be returned to the applicant.
- If all of the required documents have been submitted, the Zoning Administrator shall schedule a staff review meeting with the Assistant Administrator, County Attorney, County Engineer, County Surveyor, Township representative and/or Engineer, and Planning Commission member(s) within fourteen (14) days of receiving the application. It is recommended that the applicant or their representative attend this

meeting. Prior to the review meeting, the Zoning Administrator shall distribute full-size copies of the preliminary plat to those staff members listed.

Staff shall review the preliminary plat for conformance with the zoning district requirements, the platting standards of the County, and if appropriate, the road standards of the Township. Staff shall note the required changes to the preliminary plat and shall inform the applicant in writing of such changes. The applicant shall then re-submit corrected plat drawings to the Zoning Administrator within sixty (60) days. The Zoning Administrator shall then distribute the preliminary plat to the following:

Full size copies –

- i. Planning Commission, along with a copy of the topographic and soils information (7).
- ii. Zoning Administrator.
- iii. County Highway Engineer, along with a copy of the topographic, soils, and drainage information.
- iv. County Surveyor, along with a copy of the topographic, soils, and drainage.
- v. County Recorder/Registrar of Title.
- vi. County Auditor.
- vii. County Attorney.
- viii. Township Clerk.

Reduced, 11 x 17 inch copies –

- i. Minnesota Department of Transportation, if on a state or federal highway.

- ii. City Council of any municipality within two (2) miles of the subject property.
  - iii. County Board.
  - iv. The affected local school district.
  - v. The affected public utility company(s).
  - vi. Minnesota Department of Natural Resources, Area Hydrologist.
  - vii. Minnesota Department of Natural Resources or Federal Government when road access and maintenance agreements are needed.
- c. The Zoning Administrator shall, within sixty (days) days of the receipt of the required preliminary plat documents, set the time and place for the public hearing as required.
- i. A technical review of the preliminary plat shall be prepared by the Zoning Administrator or their designee for presentation to the Planning Commission. Such review should include comments from the County Auditor, Engineer, Surveyor or other staff as necessary.
  - ii. Any County official or other person having pertinent information to contribute to the study of the proposed plan should submit the same in writing or in person at the public hearing.
  - iii. The Planning Commission may seek professional advice concerning the preliminary plat with fees for such work charged to the applicant.

- iv. The Planning Commission may recommend approval, approval with modifications or disapproval of the preliminary plat to the County Board. Findings for a recommendation of denial shall be clearly stated for the record.
- v. The Planning Commission's recommendation shall be received and acted upon by the County Board the following month after Planning Commission consideration, unless such consideration is tabled.

The County Board shall act on each plat submitted within one hundred twenty (120) days from the date of submission unless tabled for additional information or input; failure to act shall be deemed as approval.

#### Sec. 2-157 Final Plat Review

##### (1) Application

Based on approval of the preliminary plat, the subdivider shall within one year after such approval, submit a full or partial final plat. Any or all of the remainder of the preliminary plat may be submitted as a final plat within five (5) years after approval of the preliminary plat.

Application for a final plat shall be made to the Zoning Administrator. The following items shall be included with a final plat application:

- a. Either a Title Commitment by the subdivider's Title Company dated within thirty (30) days of the posting date of the County Recorder/Registrar of Titles application date or a Title Opinion from the subdivider's attorney. The Title Commitment shall name Mille Lacs County as an additional insured.

The property abstract must be brought up to date.

- b. An engineer's estimate for the total cost of improvements.
- c. A fee as established by County Board Resolution, payable to the Mille Lacs County Zoning Administrator, shall accompany the plat to help defray the expenses of the County in connection with the review of said final plat.
- d. All Public Land Survey corner locations needed to subdivide the section and determine the boundaries of the parcel to be subdivided (not previously recorded) shall be monumented, and certificates of government corner locations and a written report shall be submitted to and approved by the County Surveyor in sufficient time to allow recording of said certificates prior to final plat approval. The survey information and subdivision information necessary to determine the boundaries of the proposed plat shall be filed with the County Surveyor.

The final plat document shall comply with the standards set forth in Minnesota Platting Regulations, MS Chapter 505 and the Mille Lacs County Plat Manual, as amended from time to time.

The Zoning Administrator shall require fourteen (14) full-size and one (1) 11 x 17 inch copies of the final plat, and distribute said copies as follows or as is deemed necessary:

- a. Planning Commissioners (7)
- b. County Auditor/Treasurer
- c. County Highway Engineer
- d. County Attorney with the Title Commitment

- e. County Zoning Administrator
  - f. County Recorder, Registrar of Titles
  - g. County Surveyor.
  - h. Township Clerk
- (2) Procedure

Reports shall be made to the Planning Commission as soon as practical.

- a. The County Surveyor shall verify that the plat has been prepared by a Minnesota licensed land surveyor, that the section corner certificates have been recorded, that the plat complies with the provisions of MS Chapter 505, and the Mille Lacs County Plat Manual.
- b. The County Auditor/Treasurer shall state whether all taxes are paid on the subject property. State Law requires all taxes be paid to date.
- c. The County or Township Engineer, where one exists, shall report that the proposed public improvements meet the minimum requirements for all applicable ordinances. The Engineer shall also review and approve the submitted Engineer's estimate.
- d. The County Attorney shall state whether the fee simple title to the platted property is in the name of the subdivider according to the description on the plat and either the Title Commitment or Title Opinion and approve the plat for form and execution.
- e. The Zoning Administrator shall state whether the subdivision is in conformance with the Comprehensive Plan and Development Code and shall draft the Developer Agreement for review by the Planning Commission.

Within sixty (60) days of the receipt of the final plat, the Planning Commission shall make a recommendation to the County Board regarding the final plat and Developer Agreement.

The County Board may approve the final plat, and sign the plat if all requirements have been met. If the final plat is approved, the County Board Chair shall execute the Developer Agreement on behalf of the County.

Within one (1) year of the County Board's approval, the subdivider shall submit for signing by the responsible County Officials three (3) transparent, photographically produced reproducible copies of the Final Plat per MS Chapter 505. Once the County Officials have signed the final plat, the subdivider shall file the copies with the County Recorder. The Final Plat that is to be recorded in the County Recorder's Office one copy shall be marked "Official Plat" and the other copies marked "Copy". A recording fee, as determined by the County Recorder, shall be submitted to the County Recorder's Office.

#### Sec. 2-158 Basic Improvements

##### (1) General

Prior to commencing improvements within any subdivision, the subdivider shall enter into a Developer Agreement with the County, in addition to a Township Developer Agreement, should one be required. Said Developer Agreement shall outline the conditions of approval, the County's development and inspection standards, the amount of the financial surety to ensure that the improvements are completed as approved, and a deadline for completing all public improvements.

An irrevocable letter of credit in favor of the County in the amount of one hundred percent (100%) of the cost of improvements shall be posted by the

applicant prior to the commencement of improvements. This requirement may be waived by the County if the Township has a similar requirement.

After a final plat is approved by the County Board, the subdivider shall construct all improvements within the plat to meet County and Township specifications. Prior to commencement of construction, the County or Township Engineer shall review and approve the construction plans.

Drawings showing the public improvements (roads, related storm ponds and culverts, grading) as constructed shall be filed with the County Engineer.

All of the required improvements to be installed under the provisions of this Ordinance shall be designed by a Civil Engineer and/or a Licensed Land Surveyor and be inspected by the County or Township Engineer, where one exists, during the course of the construction. All of the inspection costs pursuant thereto shall be paid by the subdivider according to the Developer Agreement.

(2) Road and Highway Improvements

- a. Erosion control as illustrated in the Erosion Control Plan and detailed in the SWPPP shall be installed and inspected prior to construction commencing and in conformance with an approved NPDES permit. The Developer Agreement shall identify the inspector. The erosion control shall be removed as determined by the inspector.
- b. The right-of-way shall be cleared and the road, including curb and gutter where appropriate, constructed in accordance with standards and specifications for road construction as approved by the County or Township Engineer.

- c. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the County or Township Engineer.
- d. Road signs of the standard design approved by the County Engineer shall be installed at each street or road intersection.

(3) Sanitary Sewer and Water Distribution Improvements

- a. Sanitary sewers, both public and private, when required as part of the plat development, shall be designed by a certified designer or Civil Engineer, and installed as required by standards and specifications as approved by the County or Township Engineer.
- b. Water facilities, both public and private, when required as a part of the plat development, including pipe fittings, hydrants, etc shall be designed by a Civil Engineer, and installed as required by standards and specifications as approved by the County or Township Engineer.

(4) Public Utilities

- a. All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles whenever possible.
- b. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground utility installations, which traverse privately

owned property, shall be protected by easements.

(5) Other Improvements

All boundary corners, witness corners, lot and block corners, angle points and points of tangency and curvature indicated on the plat shall be marked and identified with a durable iron or steel survey monument as required by MS Chapter 505. Additional monuments shall be placed at all quarter-quarter corners on the perimeter of the plat.

At all section, quarter section, meander or witness corners on the perimeter of the plat or necessary to survey the boundary of the plat, a durable iron monument shall be set and a Certificate of Location of a Government Corner filed in accordance with MS Chapter 381.12.

All U. S., State, County and other official control monuments on or adjacent to the property shall be preserved in position whenever possible. The agency responsible for the control monument shall be contacted concerning its relocation.

The County Board may, when a subdivision is essentially complete, require the developer (subdivider) to have the monuments within the plat re-staked to replace monuments destroyed during construction.

Subdivision 4 Open Space Preservation  
(Cluster) Plats

Sec. 2-165 Objectives

The objectives of this subdivision are to:

- (1) Preserve permanent natural habitat, vegetated corridors for the movement of wildlife, scenic enjoyment, recreational use, agriculture and rural identity.
- (2) Allow innovation and greater flexibility in the design of residential developments.

(3) Provide for site development that maintains a low visual impact, particularly along arterial roadways and abutting properties.

(4) Create cohesive neighborhoods in order to establish local identity and community interaction.

(5) Physically integrate neighborhoods, open spaces, and places of destination in order to establish municipal identity and community interaction.

(6) Reduce the costs of construction and maintenance of public facilities, infrastructure and services.

Sec. 2-166 Development Standards

Open space preservation plats shall comply with the following minimum standards except where the County Board determines that alternative standards meet the intent of this division:

- (1) Land area.
  - a. Minimum gross acreage for open space preservation development is 20 acres.
  - b. A minimum of 50 percent of the eligible land for development shall be dedicated as preserved open space protected by a conservation easement or deed restrictions in favor of the city. Of that 50 percent, 35 percent shall be buildable area, except that in the A-1 district it shall be ten percent.

(2) Open space requirements.

Open space intended to be preserved as part of an open space preservation development shall meet the following criteria:

- a. Open spaces shall be protected by the placement of a conservation easement or deed restriction in favor

- of the Township or County over them.
  - b. Open space shall be in a contiguous, connected configuration including or adjacent to existing natural areas or parks.
  - c. Open space in long, narrow corridors in back yards does not qualify as open space for conservation easements.
  - d. Open space shall be maintained free of noxious weeds, litter or debris.
  - e. Open space shall be owned by an individual, homeowners' association, or other legal entity which will use the land for open space purposes pursuant to a conservation easement.
  - f. The County shall have the option of requiring that shoreline and areas along streams be included as preserved open space.
- (3) A homeowners' association shall be established to permanently maintain all preserved open space and recreational facilities. Such homeowners' association management agreements shall be established prior to the sale of any lots. Homeowners' association management agreements shall include the following:
- a. A legal description of the common lands or facilities.
  - b. A statement that membership in the association shall be mandatory for all purchasers of homes in the development and their successors.
  - c. Restrictions placed upon the use and enjoyment of the lands or facilities, including the persons or entities entitled to enforce the restrictions.
  - d. A mechanism for resolving disputes among the owners or association members.
  - e. Provide standards for scheduled maintenance of open spaces.
  - f. Provide a plan guaranteeing continuing maintenance of open spaces that shall be submitted to the County Board as part of the data requirements for an open space development.
  - g. A mechanism to assess and enforce the common expenses for the land or facilities, including upkeep, maintenance expenses, real estate taxes and insurance premiums.
  - h. The conditions and timing of the transfer of ownership and control of land or facilities to the association or the common ownership.
  - i. A statement that any proposed change in the articles of association or incorporation shall require the prior written approval of the County.
  - j. A provision which allows the County to enforce the terms of the Agreement and assess the cost back to the Homeowner's Association.
  - k. Any other matters the developer or County deems appropriate.
- (4) Water and sewer systems.
- a. Water may be provided by individual on-site wells, or by one or more community wells in open space areas, meeting all State Department of Health requirements.
  - b. Community sewage treatment systems are required and may be located in common open space within an easement. A sewage treatment system management plan must be submitted to the County that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:

- i. The ownership of the community sewage treatment system.
  - ii. An annual schedule for maintenance, inspection and monitoring of the community sewage treatment system.
  - iii. Contingency plan in the event of failure of the community sewage treatment.
  - iv. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
  - v. Assignment of responsibility for the management of and payment for the community system.
  - vi. The name and license number of the system's designer.
- (5) The dimensional regulations for open space preservation plats may be reduced from the underlying zoning district dimensional regulations provided they comply with the following minimums:
  - a. Minimum lot size is 100 feet by 150 feet.
  - b. Minimum building setbacks shall be as follows:
    - i. Front: 30 feet.
    - ii. Side: Ten feet.
    - iii. Rear: 20 feet.
  - c. Street standards shall comply with this article.
  - d. Accessory structures shall be allowed on preserved open space lots without a principal structure as provided for in the developer's agreement.
- (6) Residential lots shall be designed to achieve one or more of the following objectives:
  - a. Orient lots around a central focal point.
  - b. Locate lots to preserve woodlands, farmland or other natural features or character, including places of historic, archeological or cultural value and their environs.
  - c. Locate lots such that at least 50 percent of the lots within a neighborhood abut open space on at least one side. A local street may separate lots from open space.
  - d. Preserve views on-site and off-site to the maximum possible.
  - e. Locate neighborhood recreational open spaces such that they are an integral part of the neighborhood or the surrounding homesites, are at an elevation appropriate to their intended recreational use, have boundaries that are clearly defined and are accessible to all neighborhood residents from a public street.
  - f. Preserve natural habitat to the maximum extent possible in a contiguous, connected configuration. Natural open spaces may include, but are not limited to, fields, wetlands, slopes, bluffs, woods, lakes, ponds, streams, shore lands, and other environmentally sensitive areas.
  - g. Connect individual home sites with pedestrian corridors or sidewalks to larger open spaces and places of destination on-site and off-site. Open spaces should be accessible to pedestrians at roughly 1,200-foot intervals along public roadways. Pedestrian corridors between lots shall be at least 50 feet in width and

- buffered from view of adjacent properties.
- h. Buffer residential properties from incompatible uses with buffer zones of at least 100 feet to minimize land use conflicts. The buffer zones shall be thickly planted with native grasses, shrubs and trees. Roads may be included in the buffer that will create an effective barrier separating yards from fields and pastures.
  - i. Minimize development fronting onto existing arterial roads by establishing buffer zones with existing and native vegetation to protect rural roadside character and to improve public safety and traffic carrying capacity.
  - j. Locate septic systems on the most suitable soils for subsurface septic disposal.
  - k. Landscape common areas and street rights-of-way with native vegetation with high wildlife conservation value.

#### Sec. 2-167 Calculation of Base Density

To calculate the base density for a given tract for open space preservation plat purposes, the following shall apply:

- (1) Determine the eligible land area. Eligible land is all land outside of public rights of way, street easements, Type 3, 4, or 5 wetlands, floodplain, and above the ordinary high water mark of lakes.
- (2) Divide the eligible land by the lot area required by the zoning district then multiply by 1.15 to determine the number of lots.

Example:  
Eligible land area: 24 acres  
Zoning district density: 2.5 acres  
OSP density:  $(24/2.5) \times 1.15 = 11.04$ ,  
or 11 lots

At the discretion of the Planning Commission and County Board, density bonuses may be permitted which allow projects to be developed at a density greater than otherwise allowed provided that one or more of the following standards are met. Each standard provides an additional density increase of ½ lot above the allowed base density.

- a. Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
- b. Providing an additional ten percent open space above the required 50 percent preserved eligible land. The additional ten percent open space shall be buildable area.
- c. Maximum lot size one-half acre.

#### Sec. 2-168 Scope of Subdivision; Ownership of Common Areas

Operation and maintenance requirements for residential subdivision common open space facilities shall be as provided in this division. Where certain land areas or structures are provided within the subdivision for private recreational use or as common service facilities, the owner of such land and buildings shall enter into an agreement with the County to ensure their continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending upon which is more appropriate in the discretion of the County:

- (1) Dedicated to the public where a community-wide use would be anticipated;
- (2) Subdivider's ownership and control; or
- (3) Landowners' (homeowners') association ownership and control, provided all of the following conditions are met:

- a. The landowners' (homeowners') association must be established prior to the sale of any lot;
  - b. Membership must be mandatory for each owner and any successor in interest;
  - c. The open space restrictions must be in perpetuity and not for a specified term of years;
  - d. The association must be responsible for liability insurance, local taxes, and the maintenance of residential and other facilities;
  - e. The landowners (homeowners) must pay their pro rata share of associated costs and the assessment levied by the association shall become a lien on the property in accordance with the law; and
  - f. The association must be able to adjust the assessment to meet changed circumstances and needs.
- b. Vegetation of the site (pasture, woodlands, hedgerows, etc.).
  - c. All roads, buildings, utilities, property boundaries, and property use within 500 feet of the tract.
  - d. An outline of the land area to be protected as open space or park, the number and acreage of lots, areas proposed for stormwater management and on-site or off-site sewage treatment.
  - e. All possible future roads and open space on or adjacent to the subject property.
  - f. Preliminary calculation of the amount of acreage that is public road right-of-way and the amount of acreage that is wetlands regulated by the state department of natural resources and/or public water bodies.

(3) All information required to be submitted in Sec. 2-156 (2) a-u is required to be submitted with an open space preservation plat, with the addition of the following:

#### Sec. 2-169 Procedure

All procedures for a standard subdivision, as provided in Subdivision 3 of this article shall be followed for an open space preservation plat, with the addition of the following:

- (1) In addition to a pre-application meeting with the County, it is recommended that the applicant meet with potential conservation easement holders in order to be made fully aware of any procedures, policies, or other issues regarding the plat.
  - (2) In addition to a pre-application meeting with the County, a sketch/concept plan is required. In addition to those items required in Sec 2-157 (2) a-u, the following information shall also be provided:
    - a. Soil types and characteristics, such as depth to water table.
- a. A resource inventory presented on an aerial photograph at a scale of no less than one inch equals 200 feet, including the following:
    - i. Slopes of more than 33 percent with a minimum run of 20 feet.
    - ii. Soil types and characteristics, such as depth of water table.
    - iii. Vegetation inventory identifying the general cover types (woodland, pasture, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper of more than 18 inches when measured at a point four feet above the ground level. Vegetation types shall be classified as generally deciduous,

coniferous or mixed and described by plant community, relative age and condition. Trees to be removed for streets, drives, buildings, drainage or other purposes shall be identified.

- iv. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
- b. A calculation of the proposed open space preservation plat density as determined by Section 2-600, Subd. 4C.
- c. Homeowners' association documents, including bylaws, deed restrictions, covenants, and proposed conservation easements, prepared by the holder of the conservation easement.
- d. Management (replacement and repair) plan of collector sewage treatment systems as approved by the County.

## **DIVISION 7 VIOLATIONS AND PENALTIES**

### **Sec. 2-175 Sale of Lots from Unrecorded Data**

It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the Office of the County Recorder of Mille Lacs County.

### **Sec. 2-176 Recording and Recognition of Unapproved Plats**

It shall be unlawful to record or recognize as official in any public office, any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys, or other portion of the same intended to be dedicated to public or private use, for the use of purchase or owners of lots fronting on or

adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by enforcement or otherwise, the approval of the County Board.

### **Sec. 2-177 Misrepresentations as to Construction, Supervision, or Inspection of Improvements**

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the County to represent that any improvement upon any of the highways, roads, streets or alleys of addition or subdivision or any sewer in said addition to subdivision has been constructed according to the plans and specifications approved by the County Board, or has been supervised or inspected by the County, when such improvements have not been so constructed, supervised, or inspected.

### **Sec. 2-178 Penalties**

Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand (1,000) dollars and/or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense.

## **DIVISION 8 VALIDITY**

### **Sec. 2-179**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**DIVISION 9 REPEAL OF EXISTING  
ARTICLE**

Sec. 2-180

Any subdivision Article existing at the time of adoption of this Article, together with all amendments and supplements thereto, are, hereby repealed.

All subdivisions having received preliminary approval under the previous regulations or will receive preliminary approval within thirty (30) days of effectuation may continue under

the requirements set forth under the prior existing regulations provided application for final plat is received within one (1) year of effectuation of the Article.

**DIVISION 10 EFFECT**

This Ordinance shall take effect and be in full force on the 16<sup>th</sup> day of August, 2007, upon its adoption by the Mille Lacs County Board of Commissioners, and its publication in the official newspaper of Mille Lacs County, as provided by Minnesota Statutes.