



Subdivision Ordinance

Effective: June 20, 2010

**Northwest Associated
Consultants, Inc.**

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CHAPTER 1: TITLE AND APPLICATION

SECTION

- 11-01-1: Title
- 11-01-2: Purpose
- 11-01-3: Jurisdiction
- 11-01-4: Platting Authority
- 11-01-5: Relation to Other Laws and Regulations
- 11-01-6: Policy

11-01-1: TITLE: Chapters 1 through 14, inclusive, shall be known as the “St. Francis Subdivision Ordinance,” and will be referred to as “this Ordinance.”

11-01-2: PURPOSE: The Council, being aware of the responsibility which it has for the adoption of rules and regulations designated for the protection of health, safety, general welfare, and convenience of the community, deems it necessary to provide regulations requiring platting, and for subdividing of property within the City for the following purposes: (1) to encourage well-planned, efficient and attractive construction, and to prevent the use of land that is not feasible for subdivision; (2) to provide for the health and safety of current and future residents by requiring necessary services such as properly designed and located streets, drainage, and an adequate sewage disposal and water supply; (3) to place the cost of improvements against those benefiting from their construction; (4) to make all subdivision of property conform as nearly as possible to the Comprehensive Plan; (5) to secure equitable handling of all subdivision plans by providing uniform procedures and standards; (6) to assure the general design of subdivisions complies with the Zoning Chapter, State Building Code and other pertinent regulations of the City, the County, and the State of Minnesota. All subdivisions platted within the jurisdiction of the City of St. Francis after the adoption of this Ordinance shall, in all respects, fully comply with the regulations set forth in this Ordinance to assure new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, and be designed with adequate municipal services and efficient movement of traffic.

11-01-3: JURISDICTION: The rules and regulations governing plats and subdivisions of land contained in this Ordinance shall apply to all lands lying within the corporate limits of the City.

11-01-4: PLATTING AUTHORITY: The St. Francis City Council shall serve as the platting authority of the City in accordance with Minnesota Statute Chapters 462.358, as may be amended. No plat or replat shall be filed or accepted for filing by the Office of

the County Recorder or Registrar of Titles unless adopted by the affirmative vote of the majority of the members of the City Council approving such plat or replat. Building permits shall not be issued for any structure on a lot in any proposed subdivision that has not been approved by the City Council. The City Council shall not permit any public improvement to be installed or provide associated services unless the preliminary plat is approved.

11-01-5: RELATION TO OTHER LAWS AND REGULATIONS: The provisions of this Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements which are equal to or more restrictive, or with restrictive covenants running with the land to which the City is a party except that the most restrictive shall apply. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

11-01-6: POLICY:

- A. The subdivision of land and the subsequent development of a subdivision are subject to the control of the City pursuant to the St. Francis Comprehensive Plan for the orderly, planned, efficient and economical development of the City.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other menace. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, natural resource protection, potable water, domestic waste water, streets, and capital improvements such as parks, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.
- C. The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan, Park and Trail Plan, Stormwater Management Plan, Water Plan, Sanitary Sewer Plan, and the Capital Improvement Plan of the City.
- D. The provisions of this Ordinance are in addition to and not in replacement of provisions of all Building Codes and the Zoning Ordinance. Any provision of the Building Code and Zoning Ordinance shall remain in full force and effect except as may be contradictory to the provisions hereof. Where any provision conflicts with any other provision, the most restrictive provision shall be applied.

CHAPTER 2: RULES AND DEFINITIONS

SECTION

- 11-02-1: Application of Rules
- 11-02-2: Definitions

11-02-1: APPLICATION OF RULES: The language contained in this Ordinance shall be interpreted in accordance with the following rules of construction as applicable:

- A. The singular includes the plural and the plural the singular.
- B. The present includes the past and future tenses, and the future tense includes the present tense.
- C. The masculine gender includes the feminine and neuter genders.
- D. Whenever a word or term defined hereinafter appears in this Ordinance, its meaning shall be construed as set forth in such definition.
- E. In the event of conflicting provisions, the more restrictive shall apply.
- F. The word "shall" is always mandatory and not discretionary.
- G. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

11-02-2: DEFINITIONS: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given them.

ADMINISTRATIVE SUBDIVISION. In dealing with platted property, a subdivision where the intent is to permit the adding of a parcel of land to an abutting lot or adjust a lot line.

ALLEY. A public or private right-of-way which affords a secondary means of access to abutting property.

APPLICANT. The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered for or reviewed.

BUILDABLE LAND. Contiguous land area occurring within the property lines of a parcel or lot excluding wetlands and/or water courses.

CAPITAL IMPROVEMENT PLAN. A proposed timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means of financing each project.

CERTIFICATE OF SURVEY. A document prepared by a land surveyor that precisely describes area, dimensions, and location of a parcel or parcels of land and additional information such as existing and proposed building or structure locations, existing and proposed elevations, and other site features may that be required by the City.

CITY ADMINISTRATOR. The person hired by the St. Francis City Council who is responsible for supervising governmental operations and implementing City policies.

CITY ATTORNEY. The person designated by the City Council to be the City Attorney for the City of St. Francis.

CITY BUILDING OFFICIAL. The person designated by the City Council to be the City Building Official for the City of St. Francis.

CITY COUNCIL. The governing body for the City of St. Francis.

CITY ENGINEER. The person designated by the City Council to be the City Engineer for the City of St. Francis.

CLERK. The St. Francis City Clerk.

COMMON INTEREST COMMUNITY (CIC). Contiguous or non-contiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for: (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of, or (iv) construction, maintenance, repair or replacement of improvements located on one (1) or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

COMPREHENSIVE PLAN. The comprehensive development plan made and adopted by the City of St. Francis indicating the general locations recommended for major thoroughfares, streets, parks, public buildings, zoning districts and other public improvements.

CONTOUR MAP. A map on which shapes of land surfaces are shown by lines connecting points of equal elevations. The contour interval is the vertical difference between contour lines.

CUL-DE-SAC. (See Street)

DESIGN STANDARDS/STANDARD SPECIFICATIONS. The specifications for the preparation of concept plans, preliminary plats, and final plats indicating, among other things, the optimum minimum or maximum dimensions of such features as rights-of-way and blocks, as set forth in this Ordinance.

DEVELOPER. The legal or beneficial owner(s) of a parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT. The construction, installation or alteration of any structure, the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course, current or cross section of any water body or watercourse or the division of land into two (2) or more parcels.

DOUBLE FRONTAGE LOTS. See Lot.

DRAINAGE COURSE. A water course or indenture for the transmission of surface water.

EASEMENT. A grant by the property owner for temporary or permanent use of a strip of land by the public, a corporation, or persons for specific purposes.

ESCROW. Deposited funds in an account maintained by the governmental unit specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

FINAL PLAT. The final map, drawing or chart on which the developer's plan of subdivision is presented to the City Council for approval and which, if approved, shall be submitted to the County Register of Deeds or Registrar of Titles.

FINANCIAL GUARANTEE. A financial security consistent with Section 11-XX-11 of this Ordinance, posted with the City with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City.

FRONTAGE. The width of a lot or building site measured on the line separating it from a public street right-of-way.

GRADE, PERCENTAGE OF. The rise or fall of a street in feet for each one hundred (100) feet of horizontal distance measured at the center line of the street.

HIGH WATER LEVEL. The water level in a watercourse which could be predicted to occur as a result of the critical 100-year or 500-year rainfall event using U.S. Department of Agriculture Soil Conservation Service methodology, as approved by the City.

IMPROVEMENT, PUBLIC. Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

KEY MAP. A map drawn to a comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it, to a given distance.

LAND DISTURBANCE. Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

LAND SURVEYOR. A land surveyor licensed in the State of Minnesota.

LOT. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof. Lots may be classified as follows:

- A. **LOT, BASE.** Lots meeting all specifications in the Zoning District prior to being subdivided into a two family dwelling, townhouse, or quadraminium subdivision.
- B. **LOT, BUTT.** Any lot located immediately between two (2) corner lots.
- C. **LOT, CORNER.** A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- D. **LOT, FLAG.** A lot without the required full lot width on a public roadway and with access to the public roadway provided to the bulk of the lot by means of a narrow strip or private easement.
- E. **LOT, INTERIOR.** A lot other than a corner lot.
- F. **LOT, THROUGH (DOUBLE FRONTAGE).** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width).

LOT FRONTAGE. That boundary of a lot abutting a public right-of-way having the least width.

LOT LINE. The property line bordering a lot except that where any portion of a lot extends into the public right-of-way, shall be the lot line for purposes of this Ordinance.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum front building setback line.

METES AND BOUNDS. A method of property description whereby properties are described by means of their directions and distance from an easily identifiable location.

NATURAL WATER WAY. A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a ponding area or stream.

OUTLOT. A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose (i.e., parks, trails, stormwater holding, etc.) as designated in a developer's agreement or other agreement between the City and the developer.

OWNER. An individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Ordinance.

PARKWAY. See Street.

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

PLANNED UNIT DEVELOPMENT (PUD). A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, or a commercial or industrial development which contains two or more principal buildings. The units or buildings may be for sale, rent, or lease, and may also involve clustering of the units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated

as condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units.

PLANNING COMMISSION. An appointed body that advises the City Council on matters related to growth and development in the City of St. Francis.

PLAT. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute 505, as may be amended, and containing all elements and requirements for forth in the Subdivision Ordinance adopted pursuant to Section 462.358 and Chapter 505.

PLAT, FINAL. (See Final Plat)

PLAT, PRELIMINARY. (See Preliminary Plat)

PRELIMINARY PLAT. The preliminary map or drawings and accompanying material described in Section 11-06 of this Ordinance indicating the proposed layout of the subdivision to be submitted to the City for their consideration for compliance with the Comprehensive Plan, the Zoning Ordinance, and these regulations along with required supporting data.

PROTECTIVE COVENANTS. A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the County Recorder or the Registrar of Titles. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

REGISTERED LAND SURVEY. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

RESOURCE INVENTORY. A quantitative summary of existing natural features of a site or area including topography, soil types, site vegetation, and hydrolic characteristics.

RESUBDIVISION (REPLAT). A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining

such right-of-way and not included within the dimensions or areas of such lots or parcels.

RIGHT-OF-WAY WIDTH, ROAD. The horizontal distance between the outside edges of a road right-of-way.

SETBACK. The minimum horizontal distance between the foundation wall of a structure and the property line, ordinary high water mark of a wetland or stormwater pond nearest thereto.

STREET. A public roadway, whether improved or unimproved, and whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private ingress and egress roadways shall not be considered streets. City streets shall be categorized by functional classification.

- A. **ARTERIAL STREET.** A type of road that is characterized by limited access and a design capacity to move relatively large volumes of traffic in an expedient manner. Arterials are divided into principal arterials and minor arterials based on their access, the traffic volume they carry and the areas they serve.
- B. **COLLECTOR STREET.** A type of road that functions to provide connections between neighborhoods and from neighborhoods to arterial streets and/or areas with concentrations of business. They typically have lower traffic volumes and speeds than arterials, but higher than local streets. Collectors are divided into those roads that are designed to distribute traffic from major generators or from minor collectors to and from arterial roads (major collectors) and those roads that are designed to distribute traffic from major collectors or arterials to and from local streets (minor collectors).
- C. **CUL-DE-SAC.** A short local street having one (1) end open street to traffic and being permanently terminated by a vehicular turn-around at the other.
- D. **LOCAL STREET.** A type of road that functions to provide access to adjacent properties and from properties to collectors and/or arterial streets. Speeds and traffic volumes are typically lower than collector or arterial streets.
- E. **SERVICE STREET.** A frontage or backage road, marginal access street, or otherwise designated street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

STREET WIDTH. The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

SUBDIVISION. The creation of one (1) or more lots under the provisions of this Ordinance or any division of an existing lot. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION DESIGN STANDARDS. The guidelines, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary and final plat.

TRAIL. An easement or land dedication given to the City for the purpose of providing walking and/or bicycling routes to City residents. The trails shall provide recreational opportunities and access to parks, natural areas, and public land in accordance with the City's adopted Comprehensive Plan and Parks and Trails Plan.

VARIANCE. A modification or variation of the provisions of this Ordinance as applied to specific properties, where an unusual hardship on the land exists.

WATERCOURSES. Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of stormwater or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

ZONING ADMINISTRATOR. The duly appointed officer charged with the administration and enforcement of the Zoning Ordinance.

ZONING ORDINANCE. The St. Francis Zoning Ordinance, as may be amended, regulating the use of land within St. Francis.

CHAPTER 3 - GENERAL PROVISIONS

SECTION

- 11-03-1: Compliance with Comprehensive Plan, Zoning Ordinance and Official Map
- 11-03-2: Fees
- 11-03-3: Registered Land Surveys
- 11-03-4: Metes and Bounds
- 11-03-5: Building Permits
- 11-03-6: Variances
- 11-03-7: Premature Subdivision
- 11-03-8: Planned Unit Developments
- 11-03-9: Common Interest Community (CIC) Plats

11-03-1: COMPLIANCE WITH COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP: No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, or Official Maps.

11-03-2: FEES: The fees for all applications and for all permits shall be established by the City Council. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

11-03-3: REGISTERED LAND SURVEYS: All Registered Land Surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all Registered Land Surveys.

11-03-4: METES AND BOUNDS:

- A. Conveyances by metes and bounds shall be prohibited except in the following cases:
1. A subdivision meeting the qualifications and following the procedures of Administrative Subdivision in Section 11-04. (Ord 177, SS, 10-21-12)
 2. A subdivision creating no more than one (1) new lot and both resulting lots are ten (10) acres or greater in size with three hundred (300) feet or more of frontage. (Ord 177, SS, 10-21-12)

- B. Divisions by metes and bounds creating new parcels shall follow the same procedure as established for a preliminary plat. Application requirements may be waived at the discretion of the Zoning Administrator.

11-03-5: BUILDING PERMITS: No building permit shall be issued by the City for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this Ordinance have been fully met or exceptions from this requirement have been formally established by a development contract.

- A. Prior to issuance of any building permit on any lot within a subdivision, the City of St. Francis shall have received a site survey showing proposed grading, drainage, and building pad elevations along with a certification by a registered land surveyor or engineer that the survey is in compliance with the approved subdivision record plans for grading, drainage, stormwater, and erosion control.
- B. Prior to the issuance of any certificate of occupancy for any lot within the subdivision, the City of St. Francis shall receive a written certification from a registered land surveyor or registered engineer which states that the grading, drainage and building pad elevations are in general compliance with the final certified grading plan for the subdivision.
- C. Except for approved model homes, building permits shall not be issued for any new subdivision until such a time as the improvements are deemed acceptable and ready for such use by the City Engineer.

11-03-6: VARIANCES: The City Council may approve variances from the minimum standards of this Ordinance when, in its opinion, exceptional and undue hardship may result from strict compliance.

- A. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds that each and every one of the following apply:
 - 1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land.

2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the vicinity in which the development site is situated.
 3. That the granting of the variance will not increase the flood hazard or flood damage potential.
 4. That the use proposed by the applicant would not result in a stage increase violating the requirements of Minnesota Statutes, Chapters 104 and 105, as may be amended, and any applicable requirements imposed by the Federal Emergency Management Agency.
 5. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
 6. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
 7. That the hardship is not a result of an action or actions by the owner, applicant or any agent thereof.
- B. Procedure. The procedures for processing variance applications shall comply with the applicable provisions of the St. Francis Zoning Ordinance, as may be amended.

11-03-7: PREMATURE SUBDIVISION: Any concept plan, preliminary plat, final plat deemed premature pursuant to the following criteria shall be denied by the City Council:

- A. Conditions for Establishing a Premature Subdivision. A subdivision may be deemed premature should any of the following conditions be found:
1. Inconsistency with the Comprehensive Plan including any of the following:
 - a. Land Use Plan.
 - b. Transportation Plan.
 - c. Utility (sewer and water) plans.
 - d. Stormwater Management Plan.
 - e. Capital Improvement Plan.
 - f. Growth management policies.
 2. Inconsistency with Urban Development Policies. A proposed urban subdivision shall be inconsistent with the following policies of the City if:

- a. The urban subdivision is not located within the utility service area or the staged growth area as established by the City's Comprehensive Plan.
 - b. The cost of utilities and street extensions is not covered by one or more of the following:
 - (1) One hundred (100) percent of the street and utility costs are privately financed by the developer.
 - (2) The cost of regional and/or oversized trunk utility lines can be financed by the City when recommended by the City Engineer.
 - (3) The cost and timing of the expenditure of City funds is consistent with the City's Capital Improvement Plan.
 - c. The developer payments will offset additional costs of utility installation or future operation and maintenance.
3. Roads or Highways are inadequate to serve the Subdivision. A proposed subdivision shall have inadequate roads or highways when:
- a. Roadways which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of The County and/or the Minnesota Department of Transportation, said roads are inadequate for intended use.
 - b. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two years.
 - c. The traffic generated by the proposed subdivision requires City street improvements that are inconsistent with the St. Francis Capital Improvement Plan.
4. Water Supply. A proposed subdivision shall be deemed to have an inadequate water supply when:

- a. The City water system has inadequate wells, storage, or pipe capacity to serve the subdivision.
 - b. The water utility extension is inconsistent with St. Francis water plans and/or does not offer the opportunity for water main looping to serve the urban subdivision.
 - c. The extension of water mains does not provide adequate water pressure for personal use and fire protection.
 - d. For rural subdivisions, the site cannot demonstrate the capabilities to provide for access to private water supplies sufficient for the needs of the proposed subdivision.
5. Waste Disposal Systems. A proposed subdivision shall be deemed to have inadequate waste disposal systems when:
- a. The urban sewered subdivision is not located inside the City's utility service area.
 - b. The City has insufficient utility service area and pipe capacity to serve the subdivision if developed to its maximum density.
 - c. The subdivision will result in a sewer extension inconsistent with St. Francis Sewer Plan and Capital Improvement Plan.
 - d. For rural subdivisions, the site cannot demonstrate the capabilities to provide for a primary and alternate septic site on each parcel to be created.
6. Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:
- a. Surface or subsurface water retention and runoff are such that it constitutes a danger to the structural security of the proposed structures.
 - b. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
 - c. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

- d. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

11-03-8: PLANNED UNIT DEVELOPMENT (PUD). In recognition of changing trends, techniques and materials in the process of urban development, the City Council and Planning Commission shall provide flexible means to permit development flexibilities by planned unit development (PUD), as established by the St. Francis Zoning Ordinance. The PUD shall be reviewed and judged in accordance with applicable provisions of the City Zoning Ordinance. Each application for PUD shall be considered as an individual case and shall be reviewed in terms of its land use, circulation and traffic patterns, population and marketability, construction design, and timing.

11-03-9: COMMON INTEREST COMMUNITIES (CIC) PLATS: All Common Interest Community plats shall provide a master plan for the project to include building/unit placement for all units within the project including future phases. All units shall be required to be numbered consecutively throughout the development starting with "Unit 1". Said numbering system shall then continue throughout the development utilizing the numbering system identified by the master plan, even if certain buildings are constructed out of order.

CHAPTER 4 - ADMINISTRATIVE SUBDIVISION

SECTION

- 11-04-1: Qualification
- 11-04-2: Application
- 11-04-3: Submittal Requirements
- 11-04-4: Procedure
- 11-04-5: Recording

11-04-1: QUALIFICATION: The following circumstances may be considered an administrative subdivision:

- A. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to minimum area requirements of the St. Francis Zoning Ordinance.
- B. In the case of a request to combine two (2) existing platted lots.
- C. In the case of a request to divide a base lot, which is a part of a recorded plat upon which has been constructed a two family dwelling, townhouse, or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or structure to be in violation of this Chapter, the Zoning Ordinance, or the State Building Code.
- D. The subdivision of multiple tenant commercial and industrial buildings in conformance with any applicable provisions of the St. Francis Zoning Ordinance.

11-04-2: APPLICATION: Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of such subdivision, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an administrative subdivision. The administrative subdivision application shall be considered to be officially filed when the City Zoning Administrator or designee has received the application and has determined that the application is complete.

11-04-3: SUBMITTAL REQUIREMENTS:

- A. Complete application form.
- B. Application fee.
- C. Acreage calculations for the existing and proposed lots.
- D. A certificate of survey (full size, 11" x 17" reduction, and electronic copy) prepared by a licensed land surveyor identifying the following:
 - 1. Scale (engineering only) of one (1) inch equals no more than one hundred (100) feet.
 - 2. Topography with two (2) foot contours.
 - 3. Name and address, including all telephone numbers, of legal owner and/or agent of property.
 - 4. North point indication.
 - 5. Boundaries, dimensions, and area of existing lots being subdivided and new lots to be created.
 - 6. Legal descriptions of existing parcel and legal description of proposed new lots.
 - 7. Easements of record.
 - 8. Water courses including delineated wetlands. The ordinary high water level (OHWL) of any DNR protected waters, 100 year flood elevations of all watercourses (wetlands, ponds, lakes, streams, etc.). The 500 year flood elevation shall be identified when required by the City Engineer.
 - 9. All encroachments, easements, or rights-of-way encumbering the property.
 - 10. Existing buildings, structures, and improvements within the parcel to be platted and those one hundred (100) feet outside the boundaries of the subject parcel.
 - 11. Locations, widths and names of all public streets, rights-of-way or railroad rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within one hundred (100) feet.

12. Proposed driveway locations and locations of existing driveways within one hundred (100) feet.
13. Location of any abandoned wells and confirmation of their being sealed.
14. The toe and top of any bluffs.
15. Additional data determined appropriate by the Zoning Administrator or designee to ensure compliance with City requirements.
16. Drainage and utility easements, minimum ten (10) feet wide, along all lot lines. These easements may be centered on a lot line shared between lots created by the Administrative Subdivision.
17. A copy of percolation tests and soil borings for all lots if required by the City Engineer.
18. The existing and proposed lot corners shall be staked at the site for review by the Zoning Administrator or designee.

11-04-4: PROCEDURE:

- A. A development application form with required fees shall be submitted to the City of St. Francis.
- B. The Zoning Administrator shall request input by the City's planning, engineering, and legal staff, as appropriate, and shall forward copies of the application to agencies and utility companies responsible for review of the application.
- C. Administrative subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or County Highway Department. Written notice and a copy of the proposed administrative subdivision shall be filed with the Minnesota Department of Transportation and/or County Highway Department for review and comment. Final action on an administrative subdivision shall not be taken until the minimum thirty (30) day review period has elapsed or until all referenced parties have signed off, whichever first occurs.
- D. The Zoning Administrator shall have authority to request supportive information pertinent to the administrative subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.

- E. Decision. The Zoning Administrator shall reach a decision on the requested administrative subdivision within one hundred twenty (120) days of complete application, unless the applicant agrees to an extension of the review period.
1. The Zoning Administrator may approve the administrative subdivision with conditions that shall be met to ensure the administrative subdivision is compliant with the regulations of the St. Francis Subdivision and Zoning Ordinances, as may be amended, and other applicable requirements.
 2. The Zoning Administrator shall prepare findings and deny a subdivision if the administrative subdivision is found to be premature as defined by the criteria of Section 11-4-7 (Premature Subdivision) of this Ordinance or fails to comply with regulations of the St. Francis Subdivision and Zoning Ordinances, as may be amended, or other applicable requirements.
 3. Decision Appeal. The applicant may appeal an administrative subdivision denial following the appeal procedure outlined in the St. Francis Zoning Ordinance.
 4. Prior to certification by the City of the approval of the administrative subdivision, the applicant shall supply the deed(s) granting to the City the easements and/or right of way required in Section 11-4-4 above.

11-04-5: RECORDING:

- A. If the administrative subdivision is approved by the Zoning Administrator, the applicant shall record the deed, and the accompanying survey, in the Office of the County Recorder within sixty (60) days after the date of approval, otherwise the approval of the administrative subdivision shall be considered void.
- B. When the land for which the administrative subdivision abuts a State highway, County road, or County highway, a certificate or other evidence showing submission of the administrative subdivision to the Minnesota Department of Transportation and/or County Highway Department shall be filed with the County Recorder of Deeds, with the administrative subdivision.

CHAPTER 5 - CONCEPT PLAN

SECTION

- 11-05-1: Concept Plan
- 11-05-2: Information Required for Concept Plan
- 11-05-3: Filing and Review of Application
- 11-05-4: Determination of Requirement for Environmental Review

11-05-1: CONCEPT PLAN: While not always a formal requirement developers are encouraged to prepare a concept plan depicting the subdivision proposal for informal review prior to filing a formal preliminary plat application. On the basis of the concept plan, the City shall informally advise the developer as promptly as possible of the extent to which the proposed subdivision generally conforms to the design standards of this Ordinance. Concept plan review does not convey any legal development rights to the applicant. Concept plans are required for all Planned Unit Developments, Subdivisions with Variance, any subdivision resulting in six (6) or more parcels, or any subdivision that results in new right-of-way dedication.

11-05-2: INFORMATION REQUIRED FOR CONCEPT PLAN: The concept plan shall include large scale, reduced scale (11" x 17"), and electronic copies of the following information (number of copies to be determined by the Zoning Administrator):

- A. Name, address, and all telephone numbers of developer/owner.
- B. Date of plan preparation and dates of revision.
- C. Scale of plan (engineering scale only: one (1) inch equals one hundred (100) feet).
- D. North arrow indication.
- E. Legal description.
- F. Property location map illustrating the site location relative to adjoining properties and streets.
- G. Scaled drawing (engineering scale only) illustrating property boundaries and approximate boundaries of any significant constraints such as ponds, wooded areas, wetlands, or bluffs.
- H. Drawing showing conceptual street and lot layout.

- I. Proof of ownership or legal interest in the property in order to make application.
- J. Current and proposed land use and zoning.
- K. Evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the Comprehensive Plan and Subdivision Ordinance.
- L. Additional information, pursuant to this section, as required by the Zoning Administrator.

11-05-3: FILING AND REVIEW OF APPLICATION:

- A. Procedure:
 - 1. An applicant shall meet with City staff to discuss a proposed development and investigate the City requirements for pursuing a development application. The pre-application meeting shall be scheduled with the Zoning Administrator in advance.
 - 2. The City recommends the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to submitting a formal concept application.
 - 3. A development application form for concept plan along with the associated information and fee established by the City Council shall be submitted to the City of St. Francis.
 - 4. The Zoning Administrator shall submit copies of the concept plan and associated information to other staff, committees, consultants, or agencies as appropriate.
 - 5. At the applicant's request, the Zoning Administrator shall forward the concept plan submittals to the City's advisory boards and City Council for their consideration at regularly scheduled meetings to solicit informal review and comment on the project's acceptability in relation to the City's Comprehensive Plan and development regulations. The applicant or designee shall be present at all meetings with advisory boards and the City Council.
- B. Development Rights: Concept plan review shall not convey any legal development rights to the applicant.

11-05-4: DETERMINATION OF REQUIREMENT FOR ENVIRONMENTAL REVIEW:

- A. The Zoning Administrator shall review the concept plan and shall determine if the project crosses thresholds for a mandatory Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), or Alternative Urban Area-Wide Review (AUAR) documents pursuant to Minnesota Rules or shall determine if the City will require elective environmental documents for the project. If such documents are required, the Zoning Administrator shall notify the developer of any applicable environmental review requirements.
- B. In addition to the standard requirements, an escrow deposit shall be submitted by the applicant to cover City costs for preparing or reviewing and administering any necessary EAW, EIS or AUAR or environmental documents the City chooses to require.
- C. Environmental review under this Section, or other State of Minnesota mandated process, shall terminate the review schedule for the purposes of Minnesota Statutes Section 15.99. The City's review schedule shall re-start upon resubmission of a complete application including the results of the environmental review process.

CHAPTER 6 – PRELIMINARY PLAT

SECTION

- 11-06-1: Preliminary Plat
- 11-06-2: Information Required for Preliminary Plat
- 11-06-3: Determination of Requirement for Environmental Review Documents
- 11-06-4: Additional Information Required
- 11-06-5: Filing and Review of Application

11-06-1: PRELIMINARY PLAT:

- A. After the completion of the concept plan process, or in cases where Concept Review is not required, the owner or developer shall file with the City of St. Francis an application for preliminary plat. The preliminary plat stage is the point in the process that all information pertinent to the proposed development is furnished by the developer for review by the City Staff, City advisory committees, and the City Council, any other applicable agencies, and the public (through the public hearing process). The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes proposed to occur during and after development. The preliminary plat is a plan depicting how property is proposed to be subdivided and developed.
- B. Additional information or modifications may be required by the City Staff, City advisory committees, or City Council and additional information may be requested during the review process. In certain cases, some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

11-06-2: INFORMATION REQUIRED FOR PRELIMINARY PLAT: Preliminary plat information is typically furnished on plan sheets. However, some information is more appropriately submitted in other forms. The plat, and associated information, shall be submitted in a form that is legible, organized and understandable. The preliminary plat application shall consist of maps and accompanying documents. An owner or applicant shall submit large scale, reduced scale (11" x 17"), and electronic copies of the following information (number of copies to be determined by the Zoning Administrator):

- A. Boundary and topographic survey prepared by a licensed land surveyor identifying the following:
 - 1. Scale (engineering only) one (1) inch equals not more than one hundred (100) feet.

2. North point indication.
3. Existing parcel boundaries to be platted with dimensions and area.
4. Existing legal description.
5. Easements of record.
6. Delineated wetland boundaries, to include the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters. Floodplain as shown on Federal Emergency Management Agency (FEMA) FIRM map.
7. Floodplain as shown on Federal Emergency Management Agency (FEMA) FIRM map.
8. All encroachments.
9. Existing topography, buildings, structures and improvements within the parcel to be platted and those within one hundred (100) feet outside the boundaries of the subject parcel.
10. Location, widths and names of all public streets or rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within one hundred (100) feet.
11. The outside boundary of the subject property is to be clearly marked with survey monuments and indicated on the drawing.

B. Resource Inventory identifying the following:

1. Topographic contours at two (2) foot intervals including contours covering a minimum of two hundred (200) feet of adjacent properties and sufficient to identify tributary areas of watersheds draining onto or through the site. Spot elevations at the overflow point of basins and for existing infrastructure on or adjacent to the site such as pipe, inverts, manhole castings, curbs, etc. shall also be provided.
2. Soils report indicating soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, and hydraulic conductivity.
3. Hydrologic characteristics, including surface watercourses, floodplains, delineated wetlands, natural swales, and drainageways. Ordinary high

water level and 100 year flood elevations of adjoining water courses, lakes, wetlands, streams, etc. at the date of the survey and approximate high and low water elevations. The 500 year flood elevation shall be identified when required by the City Engineer.

4. General outlines of existing buildings, land use, and natural features such as waterbodies or wooded areas, roads, driveways, and property boundaries within three hundred (300) feet of the tract. This information shall be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet with a project overlay map.

C. Preliminary Plat identifying the following:

1. The proposed name of the plat which name shall not duplicate the name of any plat theretofore recorded in the county in which the plat is located and the City of St. Francis.
2. Date of application, name, address, phone numbers and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney or other principal involved in the development of the plat.
3. Proof of ownership or legal interest in the property.
4. Existing Comprehensive Plan land use and zoning designation within and abutting the proposed plat. Any zoning changes needed and reference to any zoning or similar land use actions that are pertinent to the proposed development.
5. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes and rivers).
6. Boundary line survey and legal description.
7. North arrow and graphic engineering scale of one (1) inch equals one hundred (100) feet.
8. Existing covenants, liens, or encumbrances.
9. Proposed lot lines, dimensions, and the gross and buildable acreage of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown. Proposed lot and block numbers.

10. Building pad, minimum building setbacks shown on each lot indicating dimensions of the setbacks. Location and width of buffer yards where the subdivision adjoins a collector or arterial street, railroad right-of-way or overhead transmission lines.
 11. Layout of streets, showing right-of-way widths, centerline street grades and approximate radii of all curbs, and names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.
 12. Access, right-of-way widths, driveways, and street classifications shall be consistent with City standards.
 13. Parks, trails, or other areas intended for public use or common ownership.
 14. Any additional information pursuant to this Ordinance as requested by the Zoning Administrator.
 15. Dates of plan preparation and revision dates.
 16. All delineated wetlands and the ordinary high water level (OHWL) of DNR protected waters.
- D. Preliminary Grading, Drainage and Erosion Control Plan (based upon a boundary and topographic survey) identifying the following:
1. Scale (engineering only) at one (1) inch equals one hundred (100) feet maximum.
 2. North point indication.
 3. Location of natural features including, but not limited to, tree lines, delineated wetlands, water courses, ponds, lakes, streams, drainage channels, ordinary high water level (OHWL) and 100 year storm elevations, bluffs, steep slopes, etc.
 4. Existing contours at one (1) foot intervals shown as dashed lines for the subject property.
 5. Proposed grade elevations at one (1) foot intervals shown as solid lines.
 6. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all

ponds and watercourses including those which drain beyond the boundaries of the subdivision.

7. Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls.
8. Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales and drainage channels within one hundred (100) feet of the subject property. Existing pipe sizes, grades, rim and invert elevations and normal and high water elevations shall be included.
9. If the subject property is within or adjacent to a 100 year floodplain, flood elevation and locations shall be shown.
10. Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
11. Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot.
12. Locations, sizes, grades, rim and invert elevations of all proposed stormwater facilities, including ponds, proposed to serve the subject property.
13. Phasing of grading.
14. The location and purpose of all oversize, non-typical easements.
15. All soil erosion and sediment control measures to be incorporated during and after construction shall be shown. All erosion and sediment control plans shall be in accordance with Minnesota Pollution Control Agency's Best Management Practices. Locations and standard detail plates for each measure shall be in accordance with City standards and included on the plan.
16. All re-vegetation measures proposed for the subject property shall be included on the plan, including seed and mulch types and application rates.
17. Preliminary drainage plan, including the configuration of drainage areas and calculations for one (1) year, ten (10) year, one hundred (100) year flood elevations. The 500 year flood elevation shall be identified when required by the City Engineer.

18. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections.
 19. Date of plan preparation and dates of all revisions.
 20. Plan preparer (licensed engineer).
- E. Preliminary Utility Plan (based upon a boundary and topographic survey) identifying the following:
1. Scale (engineering only) at one (1) inch equals one hundred (100) feet maximum.
 2. The location, dimensions, and purpose of all easements.
 3. Location and size of existing sanitary sewers, water mains, culverts, or other underground facilities within the subject property and to a distance of one hundred (100) feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.
 4. Location and size of proposed sanitary sewers, water mains, culverts and other stormwater facilities, or other underground facilities within the subject project and to a distance of one hundred (100) feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.
 5. Water mains shall be provided to serve the subdivision by extension of an existing municipal system.
 6. Municipal sanitary sewer trunk facilities, laterals and service connections shall be designed and installed in accordance with the design standards approved by the City Engineer.
 7. The location of hydrants and valves for all proposed water mains.
 8. All other utilities shall be located and designed in accordance with the requirements of the City Engineer.
 9. Date of plan preparation and dates of all revisions.
 10. Plan preparer (licensed engineer).

11-06-3: DETERMINATION OF REQUIREMENT FOR ENVIRONMENTAL REVIEW DOCUMENTS:

- A. The Zoning Administrator shall review the preliminary plat and shall determine if the project crosses thresholds for a mandatory Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), or Alternative Urban Area-Wide Review (AUAR) documents pursuant to Minnesota Rules or shall determine if the City will require elective environmental documents for the project. If such documents are required, the Zoning Administrator shall notify the developer of any applicable environmental review requirements.
- B. An escrow deposit in addition to the standard requirements shall be submitted by the applicant to cover City costs reviewing and administering an EAW, EIS or AUAR.
- C. Environmental review under this Section, or other State of Minnesota mandated process, shall terminate the review schedule for the purposes of Minnesota Statutes Section 15.99. The City's review schedule shall re-start upon resubmission of a complete application including the results of the environmental review process.

11-06-4: ADDITIONAL INFORMATION REQUIRED:

- A. Evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined in this Ordinance.
- B. Phasing Plan. For phased subdivisions, preliminary plats shall include a phasing plan that includes:
 - 1. The sequence of development and approximate areas, number of lots in each phase, total area and buildable area per phase, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each.
 - 2. Any trail/sidewalks within the approved phase of the preliminary plat shall be constructed along with streets and utilities and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
 - 3. A site grading plan that is coordinated with the phasing plan to avoid premature disruption of land or long term storage of excess materials.

4. A development agreement that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided.
- C. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long-term maintenance of these open spaces areas.
- D. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent properties.
- E. Landscape and screening plans showing landscape plantings for street boulevards, subdivision entrances, and buffer yards. Such plans shall specify plant locations, varieties, and sizes, and include elevations of monument signs and the location, ownership, and maintenance responsibilities of the monument signs.
- F. Park, trail, and sidewalk plans.
- G. If required by the City Engineer, a traffic study for the subdivision including traffic generation, traffic distribution of the existing capacity of existing streets, and resulting level of service (LOS) of existing streets at the subdivision build out.
- H. Examples of Housing Product. Illustration of building footprint, floor plans, and building elevations.
- I. Soil tests for areas where streets are proposed and other soil information as requested by the City Engineer.
- J. Three (3) copies of a wetland replacement plan shall be provided (if applicable).
- K. A build out plan (ghost plat) illustrating a realistic future urban lot and block layout and street system. Development represented by this ghost plat shall be consistent with the future land use as depicted in the Comprehensive Plan.
- L. Other information deemed appropriate by City staff.

11-06-5: FILING AND REVIEW OF APPLICATION:

- A. Procedure:
 1. Pre-Application Meeting. Prior to submitting a preliminary plat application (following a concept plan review, if one occurs), the property

owner/applicant shall meet with City staff to discuss the application. Through this meeting, the Zoning Administrator or designee may summarize the City's concept plan review comments and offer suggestions pertaining to additional information or design changes that may assist in expediting the preliminary plat review. The developer shall schedule the meeting with the City Administrator in advance.

2. Neighborhood Meeting. While not required, the City recommends that the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to preliminary plat application.
3. The person applying for preliminary plat approval shall submit to the City a complete application and all other information required according to the deadline and meeting schedule established by the City. The application shall address the informational requirements of Section 11-06-2 of this Ordinance and also any issues identified through the concept plan review procedure.
4. A complete preliminary plat application shall include:
 - a. A graphic and written description of the information requirements outlined in Section 11-06-2 of this Ordinance.
 - b. Applications shall be accompanied by a fee and processing escrow established by the City Council.
5. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing within fifteen (15) City business days if the application is found to be incomplete.
6. The Zoning Administrator shall refer copies of the preliminary plat to other staff, committees, consultants, or agencies as appropriate.
7. A preliminary plat abutting upon any existing or proposed trunk highway, County road or County State-aid highway shall be subject to review of the Minnesota Department of Transportation and/or the County Highway Department, as appropriate. Written notice and a copy of the proposed preliminary plat shall be filed with the Minnesota Department of Transportation and/or the County Highway Department for review and comment. Final action on a preliminary plat shall not be taken until the minimum thirty (30) day review period has elapsed.
8. Upon receipt of a complete application, the Zoning Administrator shall prepare a report and refer the application to the Park Commission and the Planning Commission.

9. The Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. The City shall mail written notification of the proposed preliminary plat to property owners located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
10. The Planning Commission shall take public testimony at the public hearing and evaluate the requested preliminary plat against the premature subdivision criteria of Section 11-03-7 of this Ordinance, the performance standards of this Ordinance, the performance standards of the St. Francis Zoning Ordinance, and other City requirements. The Planning Commission shall make findings and offer a recommendation for either preliminary plat approval or denial. The Planning Commission may offer a recommendation of approval with conditions necessary to satisfy City regulations.
11. The Zoning Administrator shall prepare a staff report of the findings and recommendations of the Planning Commission. The findings may include specific conditions of approval or findings related to denial of the plat.
12. The City Council shall take action on the application within one hundred twenty (120) days following delivery of a complete application in accordance with the regulations of this Ordinance, unless an extension is agreed to in writing by the applicant. If it approves the preliminary plat, the City Council may impose conditions it considers necessary to protect the public health, safety and welfare.
13. The City Council may deny or require modifications to a proposed preliminary plat when said plat fails to comply with any of the requirements of this ordinance, or other applicable regulations, including the zoning ordinance. In addition, the City Council may deny or require modifications to a proposed preliminary plat when the City Council finds that despite technical compliance with applicable ordinances, the plat design results in a likelihood of extraordinary public costs for future maintenance, extraordinary threat to existing natural or environmental features (including woodlands, wetlands, and other water resources), or the potential for public safety hazards that are not typical for subdivisions in St. Francis.

14. The City Council shall take action on the application which shall include findings of fact, and shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. The lack of a simple majority Council vote to affirmatively approve a preliminary plat shall be a denial of the requested application.
15. If approved by the City Engineer, grading of the site included in the preliminary plat may occur after approval of the preliminary plat and the approval and recording of a development agreement for the grading work, including financial securities. Grading activities shall comply with the requirements of Section 11-06-2.D of this Ordinance.

CHAPTER 7 - FINAL PLAT

SECTION

- 11-07-1: Filing and Requirements for Application
- 11-07-2: Information Required for Final Plat
- 11-07-3: Review, Approval or Denial
- 11-07-4: Form and Content
- 11-07-5: Recording
- 11-07-6: Construction and Record Plans

11-07-1: FILING AND REQUIREMENTS FOR APPLICATION: Approval of a preliminary plat by the City Council is an acceptance of the general layout and indicates the developer may proceed toward final plat approval in accordance with the City Council approval of the preliminary plat, including conditions. The following filing and requirements of application shall be adhered to prior to review:

- A. A complete application for final plat shall be submitted no later than one (1) year after the date of approval of the preliminary plat, or a time as provided in the developers agreement. Otherwise, the preliminary plat approval shall be considered void, unless an extension is requested in writing, and for good cause, is granted by the City Council.
- B. The final plat applications for subsequent phases, as described by the approved phasing plan, shall be submitted within one (1) year of approval of the final plat for the previous phase. An extension may be requested in writing for City Council approval.
- C. In considering time extensions for final plat submittals, the City Council shall consider the reasons for the extension. If the developer is unable to fulfill the schedule of the approved phasing plan, the City Council may consider allocating to a different development project the utility service area that was committed to the next phase of the plat. The subject plat would then wait until the following year for final plat or utility service area approval for its next phase.
- D. The final plat application shall incorporate all the conditions of City Council approval of the preliminary plat. Formal application for final plat shall not be considered complete until such a time as a complete set of preliminary plat documents, incorporating all City Council conditions of approval, is received by the City. In all other respects, the final plat shall substantially conform to the preliminary plat, as approved. It may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at that time, provided that such portion conforms with all the requirements of this Ordinance

and further provided that the remaining phases of the development are platted as outlots.

- E. Approval of the engineering specifications required by this Ordinance pertaining to water supply, drainage, domestic wastewater, potable water, street lighting, gas, electric service, cable and telephone, grading, roadway standards, widths, and surfacing of streets, shall be completed by the City Engineer and appropriate development contracts prepared prior to approval of the final plat by the City Council.

11-07-2: INFORMATION REQUIRED FOR FINAL PLAT:

- A. A large scale, reduced scale (11" by 17"), and electronic copies of the preliminary plat and of supporting documents illustrating all changes and conditions that were required as part of preliminary plat approval (number of copies to be determined by the Zoning Administrator). This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.
- B. One (1) up-to-date (within three (3) months) title insurance commitment for the property being subdivided, as may be required by the City Attorney.
- C. One (1) copy of any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowner's association documents, or common interest community documents.
- D. Documents and information necessary to fulfill the conditions of approval of the preliminary plat.
- E. Final Plat General Information.
 - 1. Name of the subdivision. The first phase of a development shall be called out as the "First Addition." Subsequent phases shall be consecutively numbered.
 - 2. Location by section, township, range, county, and state as well as descriptive boundaries of the subdivision based upon an accurate traverse, giving angular and linear dimensions.
 - 3. Scale (engineering only) not larger than one (1) inch equals one hundred (100) feet.
 - 4. North point indication.

5. The location of monuments shall be shown and described. Monuments shall be at all property corners and at the ordinary high water level of all wetlands.
6. Location and accurate dimensions of all lots, outlots, streets, and other features. Lots and blocks shall be numbered.
7. A listing of the total area of each lot and outlot measured in gross square feet per lot, area per block and total area of the plat.
8. A listing of the lot width of all lots, measured at the front yard setback line.
9. The exact location, widths and names of all proposed streets.
10. The location and width of all easements to be dedicated.
11. Land dedicated as public park shall be labeled as outlot(s) on the final plat and provide City access. The deed for said outlot(s) shall be given to the City with the final plat.
12. Name and address of the registered surveyor of the plat with certification by such surveyor on the form required by Minnesota Statutes 505.03, as may be amended.
13. Statement dedicating all easements for installation and maintenance of utilities and drainage facilities over, under, and along the areas designated as drainage and utility easements, all of which provide City access.
14. Statement dedicating all streets or other rights-of-way to the public.
15. Final grading and construction plans shall be prepared and submitted in accordance with City standards.
16. Copies of permits from Department of Natural Resources (DNR), Corp of Engineers, Minnesota Pollution Control Agency (MPCA), Department of Health, and other agencies as applicable. Such permits shall be required as conditions of final plat approval.
17. Final stormwater management plan.
18. Final wetland report and mitigation plan.
19. Final tree preservation plan.
20. Development Contracts.

- a. The City Engineer shall have a development financial requirement worksheet prepared and attached to the development contract.
- b. The developer shall meet with the City staff to finalize the terms of the development contract.
- c. Upon finalization of the development contract, the City Administrator shall have the final copy of the contract signed by all appropriate parties. The development contract shall be recorded against the property.
- d. Financial securities shall be posted with the City as outlined in the development contract.
- e. Final grading and utility plans shall be approved by the City Engineer and made a part of the development contract.
 - (1) No grading shall be allowed until after approval of a preliminary plat and a development contract for the grading.
 - (2) No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a final plat and a development contract for the sewer, water, and streets.

F. Additional Final Plat Information.

- 1. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, trees, and other important features. Lot lines to show dimensions in feet and hundredths.
- 2. An identification system for all lots and blocks.
- 3. True angles and distances to the nearest established street lines or official monuments.
- 4. Municipal, Township, County or section lines accurately tied to the lines of the subdivision by distances and angles.
- 5. Radii, internal angles, points and curvatures, and lengths of all areas.
- 6. Accurate location of all monuments. Pipes or steel rods shall be placed at the corners of each lot and at the edge of wetlands.

7. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein.
8. Certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown thereof exist as located and that all dimensional and geodetic details are correct.
9. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat, and the dedication of streets and other public areas.
10. Approval by signature of City, Township, and County officials concerned with the approval of the plat.
11. Form for approval of the City Council as follows: Approved by the Council of the City of St. Francis, this _____ day of _____, 20_____.

Signed _____ (Mayor)

_____ (City Clerk)

11-07-3: REVIEW, APPROVAL, OR DENIAL: After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections which follow.

- A. The final plat application shall be considered to be officially filed when the Zoning Administrator has received and examined the application and has determined that the application is complete.
 1. The following requirements shall be met before consideration of the final plat by the City Council:
 - a. The final plat shall substantially conform to the approved preliminary plat and phasing plan.
 - b. City Attorney approval of the status of title/property ownership related to the final plat.
 - c. Completed development contract including all required financial securities and timeframe for final plat and final grading completion.

- d. Conditions attached to approval of the preliminary plat shall be fulfilled or secured by the development contract, as appropriate.
 - e. All fees, charges, and escrow related to the preliminary or final plat shall be paid in full.
 2. The City staff receiving final plat copies shall, as appropriate, submit reports to the City Council within ten (10) working days, documenting and expressing their recommendation on the final plat.
 3. The City Council shall act on the final plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered in the proceedings of the City Council. The lack of a simple majority Council vote to affirmatively approve the final plat shall be a denial of the requested application.
 4. Sewer, water, and streets shall only be installed in the area included in the approved final plat. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until:
 - a. Approval of a final plat.
 - b. Approval of a development contract addressing, among other things, sewer, water, and streets.
 - c. Recording of the development contract.
- B. The City Council may deny the subdivision if it makes any one (1) or more of the following findings:
 1. The proposed subdivision is in direct conflict with adopted applicable general and specific Comprehensive Plans of the City.
 2. That the physical characteristics of this site, including but not limited to topography, existing vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.
 3. That the site is not physically suitable for the proposed density of development.
 4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.

5. That the design of the subdivision or the type of improvements are likely to cause serious public health and/or safety problems.
6. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
7. That the proposed subdivision will not provide adequate extension of infrastructure including roads or utilities to surrounding property.
8. The proposed final plat is not in substantial conformance with the approved preliminary plat.

11-07-4: FORM AND CONTENT: The final plat shall be of the form and content as prescribed in the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines, as may be amended, and by State Statute.

11-07-5: RECORDING:

- A. After approval of the final plat by the City Council, the developer shall submit three (3) full size mylar copies of the final plat, one (1) 11" x 17" reduction of the final plat and dedication page, and one (1) electronic copy in a format compatible with the City's Engineering Standards.
- B. After approval and execution of the development contract, the contract shall be recorded.
- C. The developer shall record the plat within ninety (90) days after the date of approval, otherwise the approval of the final plat shall be considered void, unless the developer requests an extension, in writing, and receives approval from the City Council. The subdivider shall, immediately upon recording, furnish the City Clerk with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by the county.
 1. When the land for which the final plat abuts a state highway, county road, or county state aid highway, a certificate or other evidence showing submission of the preliminary plat to the Minnesota Department of Transportation and/or the County Highway Department shall be filed with the County Recorder of Deeds, along with the final plat.

2. When the final plat includes outlots to be used for drainage or other City purposes, such outlots shall be dedicated to the City prior to the issuance of building permits and shall provide City access.

D. Recording Final Plats of Multi-Phased Plats: The recording of final plats of multi-phased plats shall be addressed as part of the development contract.

11-07-6: RECORD PLANS AND MAPPING: Upon completion of construction of roads, sanitary sewer, water mains, storm sewer facilities, grading, and tree preservation, the developer shall submit to the City Engineer field marked construction plans showing changes in the work, and one (1) electronic copy of the original plans in a format compatible with the City's computer system. The City Engineer shall prepare record drawings at the developer's expense using the data provided as well as supplemental survey information to be gathered by the City Engineer. The City Engineer will also update City base and utility maps to include the new subdivision and infrastructure improvements at the developer's expense.

CHAPTER 8 - DESIGN STANDARDS

SECTION

- 11-08-1: Conformity with the Comprehensive Plan and Zoning Ordinance
- 11-08-2: Land Requirements
- 11-08-3: Blocks
- 11-08-4: Lots
- 11-08-5: Additional Standards For Lots in the Rural Service Area
- 11-08-6: Streets and Alleys
- 11-08-7: Easements
- 11-08-8: Public Utilities
- 11-08-9: Park Dedication
- 11-08-10: Tree Preservation

11-08-1: CONFORMITY WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE: A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, and to the St. Francis Zoning Ordinance, as may be amended.

11-08-2: LAND REQUIREMENTS:

- A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.
- B. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

11-08-3: BLOCKS:

- A. Length. The length, width, and acreage of blocks shall be sufficient to accommodate the size of lots required for the area by the zoning ordinance and to provide for convenient access, circulation, control and safety of street design. The maximum length of blocks shall be one thousand two hundred (1,200) feet and the minimum length six hundred (600) feet. Blocks over nine hundred (900) feet long may require pedestrian ways at least twenty (20) feet wide at their approximate center. The use of additional pedestrian ways to schools, parks, and other destinations may be required.

- B. Arrangement. A block shall be so designed as to provide two (2) tiers of lots unless it adjoins a major collector, arterial street, railroad, thoroughfare, watercourse or park or where topographic or other conditions render the block arrangement unreasonable.
- C. Block Depth. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth, except where topography or other conditions render the block depth unreasonable.

11-08-4: LOTS:

- A. Area. The minimum lot area, width and depth shall not be less than that established by the St. Francis Zoning Ordinance in effect at the time of the preliminary plat application. Minimum lot area shall consist of buildable land exclusive of wetlands, utility transmission easements and pipeline easements that encumber lot development.
- B. Public Street Frontage. All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback.
- C. Butt Lots. Butt lots within subdivisions shall be discouraged. Where such lots must be used to fit particular design, they shall be platted at least twenty (20) percent wider than the average width of interior lots in the block.
- D. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- E. Width. All lots shall have the minimum width measured at the minimum front yard setback.
- F. Flag Lots. Flag lots are prohibited.
- G. Single and Two Family Lot Access. All new single and two family urban lots shall be designed to receive direct access from a local street. Access to minor collectors is discouraged, but may be allowed if access to a local street is impractical. Direct lot access from an arterial or major collector street is prohibited.
- H. Commercial, Industrial, and Multiple Family Lot Access. New commercial, industrial, and multiple family lots fronting on an arterial or major collector street shall be designed to minimize the number of direct access points through the following methods listed in preferential order. If the highest preference is not possible, the next preference shall be utilized until an access method is possible.

1. Access from a local street.
 2. Frontage road serving multiple properties.
 3. Frontage driveway or connected parking lot with cross easements serving multiple properties.
 4. Shared driveways.
 5. One (1) driveway access, no closer than two hundred (200) feet to another driveway and that meets the City's minimum spacing standards from a street intersection. All driveways shall be reviewed for consistency with the City's access management guidelines.
- I. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the St. Francis Zoning Ordinance.
- J. Watercourses. Watercourses and buffers shall be contained within outlots.
- K. Grading for Drainage. Lots shall be graded so as to provide drainage away from building locations and shall conform to the approved final grading plan. Stormwater drainage from an improved lot shall not be directed at an adjoining property at a rate above a predevelopment condition except where drainage is directed to a designed drainage easement or stormwater management system.
- L. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- M. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collector or arterial streets, City or State highways, or where topographic or other conditions render subdividing otherwise unreasonable. Additional lot depth and a minimum twenty (20) foot wide landscaped buffer yard shall be provided where a lot backs onto a major collector or arterial street.
- N. Irregular Shaped Lots. On single family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the City an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.

- O. Building Expansion. All single-family residential lots shall be designed in consideration of potentials for buildings accommodating garages, porches and decks, etc. without need for setback variance. Said buildings and structures are to be compatible in size and character with the surrounding area.
- P. Lot Remnants/Outlots. All remnants of lots below minimum lot size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels. Outlots may be platted within a subdivision to delineate future development phases, commonly owned open spaces or land to be dedicated to the public for park, drainage and utility or other public purpose. The outlet shall be sized in a manner to accommodate its intended use. An outlot shall be platted into a lot and block prior to issuance of a building permit. No building permits shall be issued for an outlot except for City structures allowed as a recreational or utility component in an open space area.
- Q. Ground Slope Limitations. Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than twelve percent (12%) in grade, unless approved by the City Engineer.

11-08-5: ADDITIONAL STANDARDS FOR LOTS IN THE RURAL SERVICE AREA:

- A. All lots proposed to be serviced by an individual sewage treatment system shall provide a site evaluation to determine if said lot is suitable for the installation of an individual sewage treatment system in accordance with Minnesota Rules Chapter 7080. Lots which are unable to support an individual sewage treatment system shall not be permitted. The Site Evaluation shall be completed by a State Certified Individual Sewage Treatment System Designer.
- B. All lots must contain a one acre contiguous parcel of land at the proposed building site that meets the following physical characteristics:
 - 1. Within the one acre contiguous parcel there shall be a proposed building site with a minimum dimension of one hundred (100) feet by one hundred (100) feet. The proposed building site shall have at least a three (3) foot separation between the final surface elevation of the lot and the highest known ground water elevation. The highest know water table is to be determined by the presence of mottled soil in soil tests. The balance of the one acre shall not include any Type 1-8 Wetlands. Lots requiring fill material in order to meet the three (3) foot separation requirement shall provide the City with a grading plan. The grading plan shall note the location of the area to be filled, the location of the proposed individual sewage treatment system and alternate individual sewage treatment

system locations and borrow sites if applicable. Any material used as fill shall be in conformance with Uniform Building Code Standards. The City may also require compaction tests and a soils engineering report for any area that is filled.

2. The finished lot shall have an average slope of twelve (12) percent or less subject to review of the City Engineer.
 3. The proposed building site shall have soils with the structural capacity to support normal buildings, driveways and usable yards. Lot dimension requirements are as listed in the Zoning Chapter.
- C. On each newly created lot outside of the Urban Service Area there shall be an area preserved for the construction of two (2) additional drain fields. The area set aside for these drain fields shall be of a size and so located that drain fields can be constructed that will meet all standards of the Minnesota Department of Health and the Pollution Control Agency.

11-08-6: STREETS AND ALLEYS: The arrangement, character, extension, width, grade, and location of all streets shall conform to the St. Francis Engineering Manual and Comprehensive Plan. Such streets and alleys shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of stormwater, to public convenience and safety, and in relation to proposed uses of land served by the streets.

A. Streets.

1. Street Connections.

- a. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, topographic conditions, runoff of stormwater, public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- b. The arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations approved by the City Engineer.

2. **Temporary Cul-de-Sacs.** In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than one hundred fifty (150) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac and applicable Fire Code requirements. The temporary cul-de-sac shall be placed inside a temporary roadway easement if it is located outside street right-of-way. At such time as such a street is extended, the acreage covered by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around. The temporary cul-de-sac shall be surfaced in bituminous and signed as a future through street to alert the public that the road is planned to continue into the next development upon future subdivision. Financial security shall be required for removal or restoration as determined by the City Engineer.

3. **Re-subdivision of Large Lots and Parcels.** 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 streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.

4. **Subdivisions Abutting Major Rights-of-Way.** Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, County Road, or local collector street, provision may be made for a service street approximately parallel and adjacent to the boundary of such right-of-way; provided that due consideration is given to proper circulation design, setbacks from an intersection on the major rights-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, and for lot depths.

5. **Widths.** Right-of-way widths and pavement widths (face to face) of curb shall be as follows:

Classification	Right-of-Way	Pavement Width
Major Collector/Parkway	100 feet min.	Determined by the City Engineer
Minor Collector	80 feet min.	40 feet
Local Street	60 feet min.	32 feet
Service Road	50 feet	28 feet
Cul-de-sac Street	60 feet min.	32 feet
Cul-de-sac Radius	60 feet min.	50 feet

6. **Street Intersections.** Insofar as practical, streets shall intersect at right angles, and in no case shall the angle formed by the intersection of two (2)

streets be less than sixty (60) degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.

7. Deflections. When connecting street lines deflect from each other, or when a single street deflects at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials and three hundred (300) feet for collectors and all other streets. The City Council may allow greater or lesser sight distances and of such radii as the City Engineer shall determine for special cases.
8. Street Intersection Offsets. Street intersection jogs shall have a centerline off-set of one hundred fifty (150) feet or more when applied to minor streets and service streets. In all other cases they shall be avoided.
9. Tangents. A tangent of at least one hundred (100) feet shall be introduced between points of reverse curves of arterial and collector streets.
10. Cul-de-Sacs. Cul-de-sacs shall be designed to cover as short a distance as possible. The maximum length of a street terminating in a cul-de sac shall be five hundred (500) feet for developments in the Urban Service Area and one thousand (1,000) feet for developments in the Rural Service Area. The maximum length of a dead end street, that is intended to serve adjacent unsubdivided property that is suitable for development, shall be seven hundred fifty (750) feet for developments in the Urban Service Area and one thousand five hundred (1,500) feet for developments in the Rural Service Area. The distance of the street shall be measured along the centerline of the street from the intersection of origin to the end of the right-of-way. A cul-de-sac meeting City Code requirements shall be required at the end of all dead end streets. Dead end streets in the Rural Service Area may be increased in length if the development complies with the following performance standards:
 - a. The maximum density on the dead end street shall not exceed sixteen (16) residential units.
 - b. All streets within the development shall be bituminous.
 - c. A future street plan, noting the continuation of the dead end street to exiting street(s), shall be provided. All streets noted in the future street plan must be reasonable in their design and economically feasible. The distance from the end of the street to the nearest

existing street shall also be less than one thousand five hundred (1,500) feet.

- d. Secondary access and/or internal looping of the proposed streets shall be provided if site conditions permit.
11. Centerline Gradients. All centerline gradients shall be at least five-tenths (0.5) percent and shall not exceed eight (8) percent unless approved by the City Engineer.
12. Vertical Curves. Changes in grade shall be connected by vertical curves and shall meet the requirements for the design speed of the roadway.
13. Marginal Access Streets. Marginal access streets shall be so aligned that their use by through traffic is discouraged.
14. Service Streets. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the City Council may require a street approximately parallel to and on each side of the right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. The service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. The distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
15. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance; and except where the City Council finds it practical to require dedication of the other half when adjoining property is subdivided. In such cases, the developer shall provide an escrow in an amount determined necessary to construct the full street. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract prior to the granting of access.
16. Private Streets. Except as may be allowed through planned unit development, private streets shall not be approved nor shall public improvements be approved for any private streets.
17. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the City Council.
18. Platting of Small Tracts. In the platting of small tracts of land fronting on a limited access highway where there is no convenient access to existing

entrances and where access from such plat would be closer than one-half (1/2) mile from an existing access point, a temporary entrance permit for a period not exceeding two (2) years may be granted. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, such temporary entrance permits shall become void at the discretion of the City.

19. Access to Arterial and Collector Streets. Access of local streets onto arterial and collector streets shall be in accordance with the Engineering Manual.
20. Right-of-Way Dedication.
 - a. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional right-of-way width and street reconstruction shall be provided within the subdivision to meet the standards of this Ordinance.
 - b. Additional right-of-way and roadway widths may be required by the Council to promote public safety and convenience when special conditions require it.
 - c. All proposed streets shown on the plat shall be in conformity to City, County and State plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.
21. Grading. The full width of the right-of-way of all streets and alleys dedicated in the plat shall be graded to the lines and cross sections as shown on the grading plan submitted to and approved by the City Engineer. Exceptions to the width of grading may be granted where topography or tree cover warrant.
22. Soil Investigation. To determine sub-grade soils classification and bearing capacity of the soils in the proposed development, a soil investigation report shall be prepared under the supervision of a soils engineer associated with a qualified soils testing service and be provided to the City Engineer. The report shall contain the design recommendation for street section based on seven (7) ton design. In proposed streets, soils investigation shall be performed at intervals not to exceed five hundred (500) lineal feet. The soil borings completed during the investigation shall be at least ten (10) feet in depth below the proposed finished grade and five (5) feet below the proposed elevations of utilities. Ground water levels shall be reported at each boring. Elevations shall be in mean sea level

datum. Locations of borings shall be measured in the field and accurately shown on the plans.

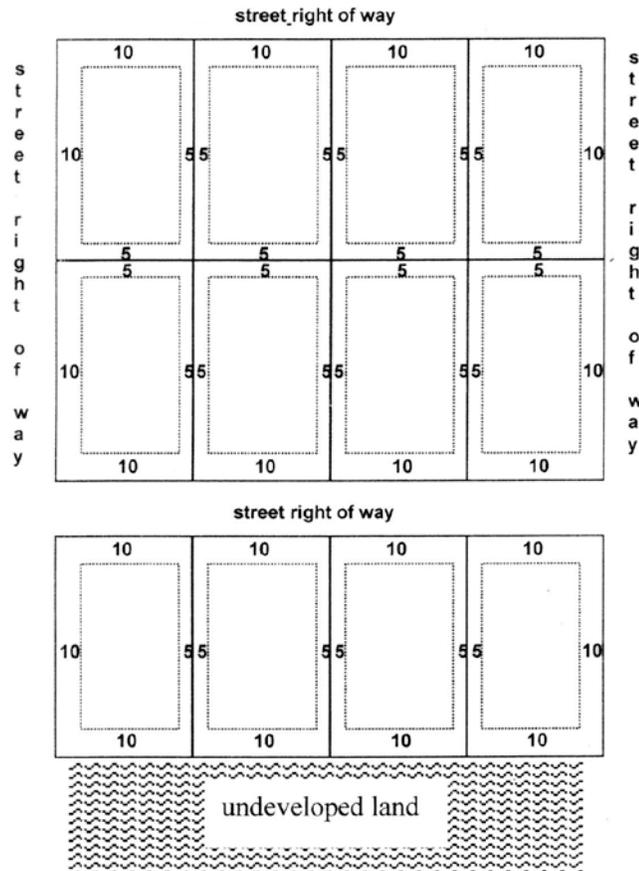
23. **Base and Surfacing.** All streets shall be improved with a concrete or bituminous surface. Pavement sections shall be in accordance with City standard detail plates. Except in the case of model homes, as may be approved by the City, no building permit shall be issued for any lot or parcel in a subdivision prior to the installation of the base course of bituminous. The wear course of bituminous shall be placed following the construction season or, if so designated by the City Council, up to two (2) years from the date of final plat approval. Exceptions to this provision may be granted by the City Council at their discretion as part of a development contract. This requirement may, for plats outside of the Urban Service Area, be modified or held in abeyance, or gravel-based, oiled or dust palliative treated streets may be substituted if recommended by both the Planning and Zoning Commission and the City Engineer, and approved by a four-fifths (4/5) majority of the Council. All roads to be constructed will be constructed per specifications by the City Engineer.
24. **Concrete Curb and Gutter.** All curb shall be concrete with integral gutter. The standard curb shall be Type B618 for Commercial and Industrial uses and Type D418 for Residential uses in accordance with the City Engineering Development Standards.
25. **Boulevards.** All boulevards shall be sodded. In the Rural Service Area the boulevards may either be sodded or prepared with adequate topsoil and seeded, as determined by the City Engineer.
26. **Sidewalks.** Concrete sidewalks are required on one (1) side of residential streets and may be required on both sides of the streets with the outside edge located one (1) foot from the property line, and on pedestrian ways as directed by the City Council. The Council may also require a bituminous trail to be installed in lieu of the sidewalk when appropriate. All sidewalks and trails shall be built to the specifications (including width) of the City Engineer as found in the City of St. Francis Engineering Development Standards. The City Council may waive this requirement in rural subdivisions or in areas where there may be limited need or feasibility. Sidewalks shall be installed prior to the installation of the bituminous wear course. The developer shall notify all lot purchasers of sidewalk construction plans.
27. **Driveways.** All concrete aprons and driveways shall be constructed from the curb to the property line. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk for the width of the driveway shall be reconstructed to driveway specifications for thickness

but shall not alter the grade or lines of the sidewalk. Where driveways shall be permitted to access onto thoroughfare or collector streets, provisions shall be made for an on-site turn around area which would provide access to the thoroughfare or collector street in a forward direction. All driveway aprons between the back of curb and sidewalk shall be concrete within the Urban Service Area.

28. Lighting. Street lights conforming to City specifications shall be installed at the locations approved by the City Engineer. Easements may be required along property lines from utility easements on rear lot lines to rights-of-way so as to provide for a street light interval not to exceed three hundred fifty (350) feet.
29. Signs. All signs shall be installed by the developer in accordance with the Minnesota Manual on Uniform Traffic Control Devices and the City of St. Francis Engineering Development Standards.
30. Street Trees. In all subdivisions, street and yard trees shall be planted in accordance with applicable landscaping and screening requirements of the Zoning Ordinance, right-of-way ordinances and Engineering Manual.

11-08-7: EASEMENTS:

- A. Lot Lines. Drainage and utility easements at least ten (10) feet wide shall be provided on all lot lines (see diagram below). These easements may be centered on common rear and side lot lines. At a minimum, these easements shall be ten (10) feet wide along all lot lines on streets and along all boundaries with land not being developed. The easements shall provide continuity of alignment from block to block. In cases where utilities are necessary between lots, the minimum width shall be twenty (20) feet or larger as determined by the City Engineer. At deflection points, an easement for a pole line anchor shall be provided where necessary.



- B. Drainage Channels. Easements shall be provided along each side of the centerline of any waterway or drainage channel. The easements shall be of a sufficient width to provide for proper maintenance and protection of the waterway or channel, stormwater runoff, and the installation and maintenance of drainage systems. Such easements for drainage purposes shall be of a width determined by the City Engineer and shall provide City access.
- C. Utilities. Easements shall be provided for all sanitary sewer, water main, and stormwater facilities. The easements shall be of a sufficient width to provide for City access, proper maintenance, replacement, and protection of the facilities.

11-08-8: PUBLIC UTILITIES:

- A. Watermain. Watermain size shall be a minimum eight (8) inch diameter, unless otherwise stated in the City's Comprehensive Plan. Watermain shall be poly vinyl chloride (PVC-C900) pipe and shall meet all the requirements of the City Engineer's Association of Minnesota standard utility specification for watermain and service line installation and American Water Works Association standard.

1. Mains shall be valved at intervals not to exceed eight hundred (800) feet. Valve type shall be in accordance with City standard specifications.
 2. "Dead end" mains shall be looped if exceeding the allowed length of a cul-de-sac. The distribution system may require installing a larger main to benefit the entire water service in the City. The City Engineer shall determine location and size of mains larger than eight (8) inches in residential areas. In commercial/industrial areas, watermain up to twelve (12) inches may be required to meet normal distribution required in the development. The cost of normal distribution size and appurtenances shall be the responsibility of the developer. Size of pipe over and above the normal shall be installed and financed in accordance with City policy. All pipe sizes shall be consistent with the City's Comprehensive Plan.
- B. Water Supply. Service connections shall be stubbed into the property line and new individual wells are not permitted as a primary water source for parcels created in the Urban Service Area. In all subdivisions outside the Urban Service Area, the subdivider shall either: (1) install a system providing each lot with an adequate supply of portable water, or (2) state on his preliminary plat that purchasers of individual lots will be required to install their own approved wells. Private wells shall comply with all requirements of State law.
- C. Fire Hydrants. Installation shall be pursuant to plans approved by the City Engineer and the St. Francis Fire Department and shall be located in accordance with Insurance Service Office (ISO) and International Fire Code standards. Hydrants shall be placed at the end of all "dead ends," cul-de-sacs and at street intersections. Hydrant type and installation shall be in accordance with City standard specifications and shall not exceed five-hundred (500) foot spacing in the Urban Service Area.
- D. Sanitary Sewer. Sanitary Sewer shall be a minimum of eight (8) inch pipe and shall be of a material approved for use in the City by the City Engineer. Main size will be determined by the sewage flow and grade in accordance with the City of St. Francis Sanitary Sewer Plan.
1. Size of pipe shall be determined by lateral service and/or trunk service. Lateral service shall be the responsibility of, and cost shall be borne by, the serviced property. The incremental cost to install trunk sewer in lieu of lateral sewer will be borne by the City for developments not deemed premature and provided sufficient funds are available in the trunk sewer fund.
 2. House Services. All services shall be installed in accordance with the City's standard specifications.

3. Electronic final design plans shall be submitted to the City in the format required by the City Engineer, typically AutoCAD, to allow the completion of record plans by the City Engineer.
- E. Sanitation. Water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains, at the applicant's expense or under the provisions of applicable statutes and ordinances.
- F. Telephone, electric, cable, gas service lines and/or other public utilities are to be placed underground in accordance with the City's Right-of-Way Ordinance.
- G. Conduit shall be installed for all road crossings by the developer in cooperation with the utilities prior to street construction.

11-08-9: PARK DEDICATION:

- A. Dedication Required.
 1. In every plat, replat, or subdivision of land allowing development for residential, commercial, industrial or other uses or combination thereof, or where a waiver of platting is granted (but excluding simple lot line adjustments which do not create additional lots), or when required by Section 11-08-9 A 3, a reasonable portion of such land shall be set aside and dedicated by the owner or owners to the general public as open space for parks, playgrounds, trails, or public open space.
 2. It is hereby found and declared that, as a general rule, it is reasonable to require dedication of an amount of land equal in value to that percentage of the undeveloped land set forth in Section 11-08-9.B of this Ordinance. Said land shall be suitable for public use as parks and playgrounds for one of the afore described purposes and the City shall not be required to accept land which will not be usable for parks and playgrounds or which would require extensive expenditures on the part of the public to make usable. This dedication shall be in addition to the property dedicated for streets, alleys, or the public ways or easements.
 3. A developer of a mobile home park, multiple-family development, institutional, commercial or industrial development, for which no subdivision of property is required, shall comply with the above requirement if dedication of land for park and recreational purposes or the payment of fees in lieu thereof, prior to receiving the City approval of the

plot plan for such development; however, where formerly residential property is redeveloped at higher density, the required dedication shall be based only on the increase in number of housing units created by the development.

- B. Dedication Formula. The amount of land required to be dedicated by a developer shall be based upon the gross area of the subdivision or development which could be developed for residential, commercial, or industrial purposes, and shall be determined as follows:
1. Residential Development. The park dedication requirement for a residential subdivision or development shall be ten (10) percent of the gross area included in the subdivision or development.
 2. Industrial Development. The park dedication requirement for an industrial subdivision or development shall be five (5) percent of the gross area included in the subdivision or development.
 3. Commercial Development. The park dedication requirement for commercial subdivision or development shall be three (3) percent of the gross area included in the subdivision or development.
- C. Credit for Private Open Space. Where a private open space for park or recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, a credit of up to twenty-five (25) percent of the requirements of Section 11-08-9.B may be given, provided that the following conditions are met:
1. That such land area is not occupied by non-recreational buildings and is available for the use of all residents of the proposed subdivision.
 2. That required setbacks shall not be included in the computation of such private open space.
 3. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be defeated or eliminated without the consent of the Council.
 4. That the proposed private open space is of a size, shape, location, topography, and usability for park or recreational purposes or contains unique natural features that are important to be preserved.
 5. That the proposed private open space reduces the demand for public recreational facilities to serve the development.

- D. Conformance with Comprehensive Plan. Land dedicated under this provision shall reasonably conform to the Comprehensive Plan. The Park Commission and the Planning Commission shall review proposed dedication of land or proposed payment of cash in lieu of land and shall recommend to the Council appropriate action. If the Comprehensive Plan of the parcel of land to be divided show public property in excess of that required in Section 11-08-9.B.1, the Planning Commission and the Council shall, before they approve or disapprove of the plat, consider the Comprehensive Plan and determine whether to take the necessary steps to acquire, by purchase or condemnation, all or part of the public property as shown on the Comprehensive Plan.
- E. Cash in Lieu of Dedication. The City shall have the option to require cash contributions in lieu of accepting dedication of land or the City may require a combination of land dedication and cash payment.
- F. Cash Payments in Special Fund. Contributions of cash payments in lieu of land dedication shall be placed in a special fund which shall be held and used by the City to acquire land for, or to improve parks, playgrounds, trails, public open space, or storm water holding areas or ponds.
 - 1. The City shall require a cash payment in lieu of park dedication whenever the proposed dedication of land for public use is not needed, is not suitable for the intended use, is too small for practical maintenance, or whenever cash payment would be more beneficial to the development of the overall park system that dedication of land within the property to be developed. If the City elects to accept a cash payment in lieu of land dedication, the following amounts will be paid:
 - a. In a Residential subdivision, the subdivider or developer shall pay the City the amount identified on the City's fee schedule per unit.
 - b. In an Industrial subdivision cash payments in lieu of park dedication shall be equal to five (5) percent of the market value of the subdivision land, but shall not exceed three times the park dedication fee for a single family residential unit as determined by the Council by resolution.
 - c. In a Commercial subdivision cash payments in lieu of park dedication shall be equal to three (3) percent of the market value of the subdivision land, but shall not exceed three times the park dedication fee for a single family residential unit as determined by the Council by resolution.

2. The estimate of market value under Sections 11-08-9.F.1.b and 11-08-9.F.1.c shall include value added to the property by utilities, streets, and other public improvements serving the land but shall exclude value added by all other improvements to the land.
3. If the City accepts park dedication, in an amount less than that specified in Section 11-08-9.B, the subdivider or owner shall pay in addition a fraction of the park dedication fee otherwise payable, the numerator of which is the difference between the percentage of land dedicated and the percentage of land required to be dedicated, and the denominator of which is the percentage of land to be dedicated.
4. If the City requires park dedication in excess of the amount required in Section 11-08-9.B, the City shall pay to the subdivider or owner the market value of the land in excess of the percentage of land required to be dedicated.
5. If any of the procedures for the determination of the park dedication fee is contained in this Subdivision are determined by any Court to be invalid for any reason whatsoever, the park dedication fee shall then be determined as follows:
 - a. The Planning Commission shall determine the market value of the land at the time of final plat or plot plan approval; and,
 - b. A percentage equal to the percentage of land to be dedicated as contained in Section 11-08-9.B, shall be applied to the market value and shall be the park dedication fee.

G. Time of Dedication or Cash Payment.

1. The requirements of this Subdivision shall apply at the time of the final approval of the plat, replat, subdivision, waiver of platting, or plot plan approval and shall apply to any plat, replat, subdivision, waiver of platting, or development requirements of this Subdivision receiving final approval after the effective date of this Subdivision.
2. No final plat shall be approved by the City until all amounts owed under this Subdivision for cash payment in lieu of park dedication have been paid to the City.
3. Notwithstanding Subd 11-08-9.G.2 of this Ordinance, the City may approve a development contract that specifies a different payment schedule where appropriate.

11-08-10: TREE PRESERVATION: All subdivisions shall be designed, constructed, and maintained in conformance with the following policy that existing, healthy trees on the site are preserved to the maximum extent feasible.

CHAPTERS 9-10 - RESERVED

CHAPTER 11 – REQUIRED IMPROVEMENTS

SECTION

- 11-11-1: Required Public Improvements
- 11-11-2: Subdivision Monuments
- 11-11-3: Payment of Installation of Improvements
- 11-11-4: Utility Area and Unit Charges
- 11-11-5: Financial Guarantee
- 11-11-6: Development Contract
- 11-11-7: Improvements Completed Prior to Approval of the Final Plat
- 11-11-8: Trunk Facilities
- 11-11-9: Alternate Installation
- 11-11-10: Construction Plans, Inspection and Warranty
- 11-11-11: Maintenance of Improvements
- 11-11-12: Certificate of Occupancy

11-11-1: REQUIRED PUBLIC IMPROVEMENTS:

- A. No final plat shall be approved by the City Council until improvements of the land and construction of streets, sidewalks and trails, together with all other necessary facilities in the plat have been designed and satisfactorily arranged in accordance with regulations outlined for land improvement and construction and conditions of subdivision approval. The developer shall be required to provide the improvements listed in this Ordinance installed in accordance with the engineering policy, standards and specifications, as may be amended. All improvements shall be subject to inspection and approval by, and accomplished in such sequence as is determined by the City, via the City Engineer.
- B. In addition to construction on land, streets, and trails, the developer, as part of the final plat, shall install and pay for light poles, fixtures and street name signs as approved by the City and the utility company serving the location. Such installations shall be completed before the street is surfaced.

11-11-2: SUBDIVISION MONUMENTS:

- A. Durable iron monuments meeting the minimum requirements of State law shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners. Monuments shall be placed by a Registered Land Surveyor. Monument placement shall meet

the current accepted standards of practice for surveying including the County Surveyor requirements.

- B. All lot corners and survey control monuments shall be set in accordance with State Statutes and shall be in place within one (1) year of the time the plat is recorded.
- C. Stakes showing the locations of easements shall be provided by the applicant upon request of the City. The stakes shall be wood laths and will be used only to insure the proper location of utilities on the easements. The stakes shall not be intended to be permanent survey monuments.
- D. All Federal, State, City, or other official benchmarks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.
- E. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the City Engineer.

11-11-3: PAYMENT FOR INSTALLATION OF IMPROVEMENTS: All public improvements for new subdivisions shall be furnished and installed at the sole expense of the developer. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement (representing the benefit to such lands) to be allocated in accordance with City policies and shall be outlined in the development agreement.

- A. Prior to installation of any required improvements by the developer and prior to approval of the final plat, the developer shall enter into a development contract and provide cash escrow, letter of credit, or similar guarantees to the City related to performance, and/or for installation of public improvements, and/or developer to install improvements.
 - 1. The developer shall furnish and construct improvements at their sole cost and in accordance with plans and specifications and usual development contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said development contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require all public and private utility material standards and installation requirements to be met and shall be approved by the City Engineer.

2. The agreement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit or certified check determined by the City. The amount of the deposit or security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit amount shall be equal to one hundred fifty (150) percent of the Engineer's estimate.
3. On request of the applicant, but at the sole discretion of the City, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the deposit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
4. Guaranteed completion of the required improvements undertaken by the developer as approved by the City within a specified time after commencement of any construction in the subdivision, or the portion thereof less than the entire subdivision to be developed at any one time as approved by the City Council, provided that the City Council for good cause may extend the period of time in which the improvements must be installed.
5. If the required improvements are not completed within the specified time period or a period approved by the City Council as hereinabove provided, all financial securities shall be turned over to the City and applied toward the cost of the required improvements. Any balance after the improvements have been made shall be returned to the developer upon written request.
6. No developer shall be permitted to start work on any other subdivision improvements without special written approval of the City Council.

11-11-4: UTILITY AREA AND UNIT CHARGES:

- A. The following utility area and unit connection charges shall be collected with any new subdivisions and housing units in accordance with the public improvement financing policy of St. Francis, as may be amended:
 1. Trunk sanitary sewer area and connection charges.
 2. Trunk water main area and unit connection charges.

3. Storm sewer trunk area and unit connection charge.

11-11-5: FINANCIAL GUARANTEE:

A. The development agreement requires the developer to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this section.

1. Escrow Deposit, Certified Check:

- a. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made with the City Clerk in a sum equal to the total costs for all improvements to be furnished and installed by the developer pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City.
- b. The City shall be entitled to reimburse itself out of said escrow deposit or for any cost and expense incurred by the City for completion of the work in case of default of the developer under said contract, and for any damages sustained on account of any breach thereof.
- c. Upon completion of the work and termination of any liability, the balance remaining in said escrow deposit shall be refunded to the applicant.

2. Irrevocable Letter of Credit.

- a. If the applicant is required to furnish an Irrevocable Letter of Credit, the sum shall be payable to the order of the City and delivered to the City in an amount as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the City.
- b. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Administrator.
- c. The City shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the City for completion

of work (including legal fees) in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.

11-11-6: DEVELOPMENT CONTRACT:

- A. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the developer shall enter into a written development contract with the City requiring the developer to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the contract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat, and provide for proper execution, recording, and other action required. Approval of the development contract shall be by City Council resolution.
- B. For a project involving a phasing plan, the initial development contract shall allow for grading, wetland mitigation, and installation of stormwater management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the development contract and payment of financial securities. Such work shall comply with the approved grading plan.
- C. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and stormwater facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate development contract for improvements beyond those covered in previous contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the development contract for the phase is approved, executed, and recorded.
- D. The initial development contract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the contract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the developer.
 - 1. Each approved and executed development contract shall be recorded. Each contract shall state that it is binding upon the developer, his/hers or their heirs, personal representative, and assigns. It shall stipulate that:
 - a. All improvements called for in the plat, or in any supplementary contracts, shall be complete within the time specified by the City.

- b. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for construction on said lots, until all improvements required under City regulations for the proposed subdivision have been made or arranged in a manner provided for in this section.
2. The development contract shall include provisions for construction work inspection by the City and assurance that the developer will conform with current testing requirements and quality control procedures of the City of St. Francis. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
3. The development contract shall require the developer to provide a certification from a land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.
4. The development contract shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements.
5. A time schedule for completion of the work shall be determined by the City upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
6. The development contract shall include action remedies in the event of default including:
 - a. The City may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.
 - b. The City reserves the right to withhold building permits for violation of any terms of the development contract.

11-11-7: IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT: Improvements within a subdivision which have been completed prior to application for approval of the final plat, or execution of the contract for installation of the required improvements, shall be accepted as equivalent improvements in compliance with these requirements only if the City Engineer certifies that the existing

improvements conform to applicable standards and is evidence of payment for the work that has been completed and has been presented in such form(s) reasonably required by the City.

11-11-8: TRUNK FACILITIES: Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated as outlined in the development agreement.

11-11-9: ALTERNATE INSTALLATION: The City may elect to install any or all of the requirement improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.

11-11-10: CONSTRUCTION PLANS, INSPECTION AND WARRANTY:

- A. A minimum of four (4) full size copies, one (1) eleven (11) inch by seventeen (17) inch copy, and one (1) electronic copy of the construction plans shall be furnished to the City Engineer review and approval. Additional copies may be required by the City. Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the developer, by a professional engineer who is registered in the State of Minnesota, and said plans shall contain professional certification. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for approval and for an estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development contract.
- B. Inspection. All required improvements on the site that are to be installed under the provisions of these regulations shall be inspected during the course of construction by the City Engineer at the applicant's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.
- C. The developer shall provide to the City a written warranty that all required improvements on the site meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The developer is responsible for having all such inspections and testing completed at their expense.

11-11-11: MAINTENANCE OF IMPROVEMENTS: The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination with the development contract.

11-11-12: CERTIFICATE OF OCCUPANCY:

- A. No certificate of occupancy shall be issued by the Building Official for any building in the subdivision prior to all improvements outlined in the development contract having been installed. Exceptions to this provision may be granted by the City Council at their discretion as part of the development contract.
- B. Prior to issuance of a temporary certificate of occupancy, the property owner and prospective buyer, under a purchase agreement for the property, shall execute a right of access for City erosion control maintenance in a form provided by the City.

CHAPTER 12 – RESERVED

CHAPTER 13 - ENFORCEMENT

SECTION

- 11-13-1: Violations
- 11-13-2: Penalties
- 11-13-3 Application to City Personnel
- 11-13-4: Injunction

11-13-1: VIOLATIONS: The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes plus, in either case, all costs of prosecution.

- A. Sale of Lots from Unrecorded Plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of the City of St. Francis, unless said plan, plat or replat shall have first been recorded in the office of the County Register of Deeds.
- B. Receiving or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Misrepresentations. It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvement has not been so constructed, supervised or inspected.

11-13-2: PENALTIES: Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day during which compliance is delayed or such violation continues shall constitute a separate offense and may be prosecuted as such.

11-13-3: APPLICATION TO CITY PERSONNEL: The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

11-13-4: INJUNCTION: In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the City, in addition to other remedies, shall have the authority to institute appropriate civil action including injunction and other equitable processes to enforce the provisions of this Ordinance and, at the reasonable discretion of the civic court, shall recover reasonable court costs and attorney's fees that are incurred due to the enforcement of the subject violation.

CHAPTER 14 – SEVERABILITY, SUPREMACY & EFFECTIVE DATE

SECTION

- 11-14-1: Severability
- 11-14-2: Supremacy
- 11-14-3: Effective Date

11-14-1: SEVERABILITY:

- A. Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
- B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

11-14-2: SUPREMACY

- A. When any condition imposed by a provision of this Ordinance on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other City ordinance or regulation, the more restrictive conditions shall prevail.
- B. This Ordinance is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

11-14-3: EFFECTIVE DATE.

Passed by the St. Francis City Council this _____ day of _____ 20_____.

By: _____
_____, Mayor

ATTEST:

By: _____
_____, City Clerk