

**CITY OF BOX ELDER ORDINANCE # 711
TO AMEND BOX ELDER CODE OF ORDINANCES, CHAPTER 36 - SUBDIVISIONS**

WHEREAS, the City of Box Elder seeks to enhance the clarity and consistency of its Subdivision ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Box Elder that Box Elder Code of Ordinances, Chapter 36, Subdivisions be amended to read as follows:

Chapter 36 SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 36-0. Title.

This chapter shall be known as the Subdivision Regulations for the City of Box Elder, South Dakota.

Sec. 36-1. Scope and purpose.

(a) The purpose of this chapter is to provide for harmonious development of the City and its environs; for the coordination of streets within the subdivisions with other existing or planned streets or with other features of the comprehensive plan; for adequate open spaces for traffic, recreation, light and air, and for distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

(b) Any subdivision of land containing two or more lots, no matter how described shall be platted or replatted, and shall be submitted to the Planning Commission for their consideration and recommendation to the Council for approval or rejection, or reviewed and approved in accordance with SDCL §11-3-6.

(Ord. No. 565, § 152.001, 7-19-2016)

Sec. 36-2. Jurisdiction.

This chapter shall govern all lands within the platting jurisdiction of the City. The City has properly adopted a comprehensive plan and a major street plan and has filed a certified copy of the major street plan in the office of the register of deeds of Meade County or Pennington County. SDCL §11-3-6 has defined the platting jurisdiction of the City to be the land or any part of the land included in any addition or subdivision that is within, adjoining or contiguous to the boundaries of the City. Further, SDCL §11-6-26 has granted to the City platting jurisdiction of land within three miles of its corporate limits and not located in any other City or beyond a line equidistant between the two cities unless otherwise agreed to by a majority vote of the City Council of each City.

(Ord. No. 565, § 152.003, 7-19-2016)

State law reference(s)—Municipal approval for adjoining addition or subdivision, SDCL §11-3-6; other subdivisions outside municipal corporation limits, SDCL §11-6-26.

Sec. 36-3. Adoption of regulations, amendments.

(a) The regulations, restrictions, area and boundaries set forth in this chapter may from time to time be amended, supplemented, revised or repealed as provided by law. The Planning Director for the City is to review this chapter and make recommendations for revisions to the Planning Commission or City Council as provided by law.

(b) Before an adoption of its subdivision regulations or any amendment thereof, the City Council shall hold at least one (1) public hearing. Notice of the time and place of the hearing shall be given once at least ten (10) days in advance by publication in a legal newspaper of the City. Any interested person shall be given a full, fair, and complete opportunity to be heard at the hearing, and the Council may refuse to adopt the ordinance, with or without amendment.

(c) Subdivision regulations may include requirements as to the extent to which and the manner in which the streets of the subdivision shall be graded and improved, and water, sewer, and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the subdivision. The regulations may provide for the tentative approval of the plat previous to such improvements and installation; but any such tentative approval shall not be entered on the plat.

(Ord. No. 565, § 152.004, 7-19-2016)

Sec. 36-4. Statements of policy.

If at any time during the course of application review, completion of subdivisions, construction, enforcement or any other action authorized under the provisions of this chapter; the City Council becomes aware of impracticable procedures, unforeseen circumstances or other relevant situations not compatible with this chapter, the Council may modify or waive any regulation or procedure; where the modification still allows for compliance in relation to the intent of this chapter.

(Ord. No. 565, § 152.005, 7-19-2016)

Sec. 36-5. Conformity to city plans.

(a) All proposed subdivisions shall conform to the comprehensive plan, future land use plan and master transportation plan, unless otherwise approved.

(b) The densities established by City zoning regulations and the proposed future land use plan shall be observed by the applicant.

(c) All thoroughfares (arterial/collector) in the master transportation plan shown crossing or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated.

(d) Minimum street construction standards shall be according to adopted local and national recognized specifications, such as the City's Infrastructure Design Standards, Ten States Standards, etc.

(Ord. No. 565, § 152.033, 7-19-2016)

Sec. 36-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Clearing means removing vegetative cover, soil, rubble, structures, or similar materials.

Commission, planning and zoning commission, or planning commission means any City's Planning and Zoning Commission created under the terms of SDCL §11-6.

Comprehensive plan means the document which describes in words, and may illustrate by maps, plats, charts and other descriptive matter, the goals, policies and objectives of the City to interrelate all functional and natural systems and activities relating to the development of the territory under the jurisdiction of the city.

Council means the City Council of Box Elder City, South Dakota.

DANR means the State's Department of Agriculture and Natural Resources.

Dedicated public right-of-way means a parcel of land that is conveyed to the public by the notation "dedicated public right-of-way" on a recorded plat for use as a public right-of-way.

Developer means any person or group thereof proposing to transform or subdivide a parcel of land.

Development agreement means a written agreement or amendment to a written agreement between the City and one or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.

Drainage basin means a sub area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.

Easement means a grant of one or more property rights by the property owner for use by the public or a utility or another person or entity. An easement is self-perpetuating and executed upon the land unless otherwise stipulated.

Erosion and sediment control plan means a plan submitted with the preliminary plan and with the construction drawings, including narrative and/or drawings prepared by the developer that establish management practices to be employed and temporary and permanent facilities to be installed to control soil erosion and prevent sedimentation impacts to adjacent properties and public facilities during and after the construction of the subdivision.

Excavation means any operation in which earth, rock, or other material in or below the ground is moved or otherwise displaced by means of tools, equipment, or explosives, and includes grading, trenching, digging, ditching, drilling, auguring, tunneling, scraping, and cable or pipe plowing or driving, except:

1. tilling of soil and grading to a depth of twelve (12) inches and the tilling of soil for agricultural purposes to a depth of eighteen (18) inches;
2. pothole repair and grading of an existing public road if the pothole repair and grading does not extend more than eighteen (18) inches below the finished roadway;
3. any vehicle operation or operation involving the use of any hand tool, other than a power tool, so long as such operation does not extend more than eighteen (18) inches below the surface of the groundline within the right-of-way;
4. any road and ditch repair or road and ditch activity that does not extend more than eighteen (18) inches below the surface of the original groundline within the right-of-way;
5. digging in a cemetery;
6. digging in a planned sanitary landfill; and
7. any bar test survey deemed necessary by an operator in response to a suspected natural gas, propane, or other combustible liquid or gas leak that is necessary to ensure public safety in an emergency.

FEMA means the Federal Emergency Management Agency, the federal agency under which the National Flood Insurance Program (NFIP) is administered.

Geotechnical report means a report submitted with the preliminary plan, prepared by and stamped by a licensed engineer, practicing in the field of geotechnical engineering, that evaluates the existing soil conditions of the project site prior to the new development. The geotechnical report should include descriptions of generalized site conditions, surface and subsurface conditions and recommendations for site preparation, excavation, grading, structural fill, foundation design, seismic considerations, concrete design, concrete and metal corrosion protection, pavement design, and soil moisture control. The report would include exhibits and appendices showing a vicinity

map, site plan, boring locations, boring logs, test results and any other information used by the geotechnical firm in determining their recommendations.

Grading means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Grading permit means the instrument used to permit the excavation, grading or fill of earth or other material within the procedures and regulations contained in this chapter. The grading permit is intended to regulate development of residential, public, commercial and industrial properties; grading of land within or adjacent to FEMA designated flood hazard areas and construction of subdivision roads.

Grading Plan means a drawing showing the proposed grading of a subdivision in reference to the existing topography of the site.

1. *Rough Grading Plan*. A drawing submitted with or incorporated into the preliminary plan that shows existing contour topography overlain with approximate proposed grading information including contour topography, retaining wall locations, and slopes for the subdivision area.
2. *Final Grading Plan*. A drawing submitted with the construction drawings showing the proposed grading of a subdivision site by identifying contour topography, spot elevations, slopes, curb elevations, road grades, road profiles, building pad elevations, cross sections, retaining wall elevations etc., to the hundredth of a foot for existing and proposed conditions.

Improvements means changes or additions to land necessary to support the development or use of real property, such as, but not limited to, boulevards, bridges, culverts, curbs and gutters, electrical transmission and service lines, natural gas lines, potable water mains and service lines, sanitary or storm sewers, sidewalks, street grading and surfacing, street lights, survey monuments, telephone lines, and other similar items

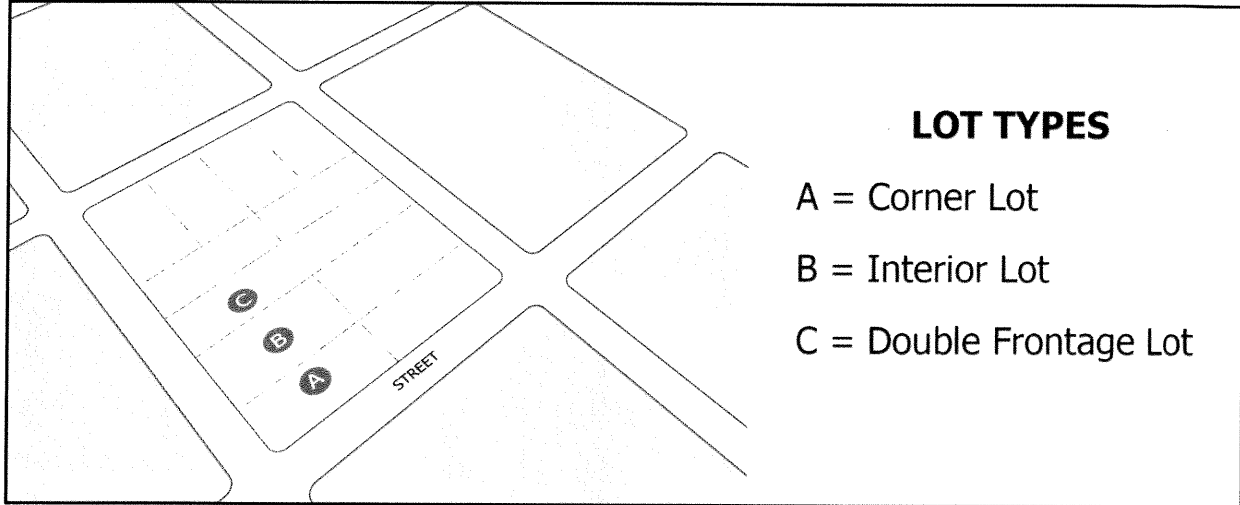
Improvement completion assurance means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed use, or multifamily project.

Infrastructure means construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, and water, sewer and gas systems or parts thereof.

Layout plan means a layout plan is a generalized land use plan that permits an early and informal evaluation of a proposed subdivision. A generalized layout plan provides the City and the applicant an opportunity to determine the development's conformance with the comprehensive plan, the City's zoning regulations and development requirements.

Local improvement means a public improvement provided to a specific area benefiting that area and usually paid for by special assessment on the benefiting property owners.

Lot means a parcel of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership, considered as a unit used or proposed to be used for a certain use, or occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having at least the minimum areas required by this chapter for a lot in the district in which the same is situated, and having its principal frontage on a public highway, road, street or private road or right-of-way deemed adequate by the public agency having jurisdiction.



LOT TYPES

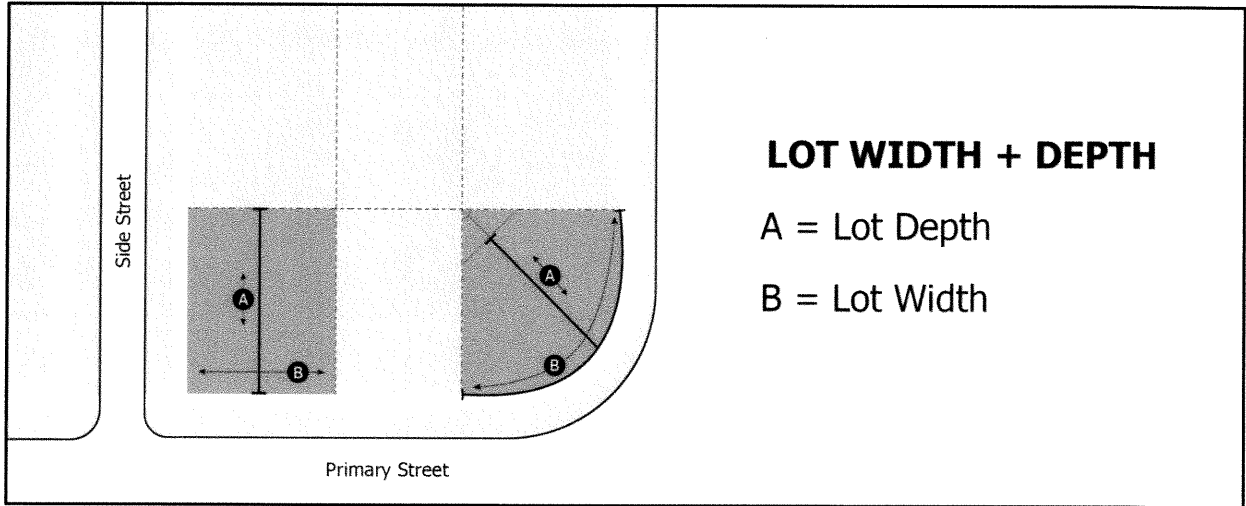
- A = Corner Lot
- B = Interior Lot
- C = Double Frontage Lot

Lot area means the total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, corner, means a lot of which at least two adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than 135 degrees.

Lot, coverage, percentage of, means the permissible percentage of lot area which may be covered by buildings, including covered porches and accessory buildings.

Lot depth means the average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.



LOT WIDTH + DEPTH

- A = Lot Depth
- B = Lot Width

Lot, double frontage, means a lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.

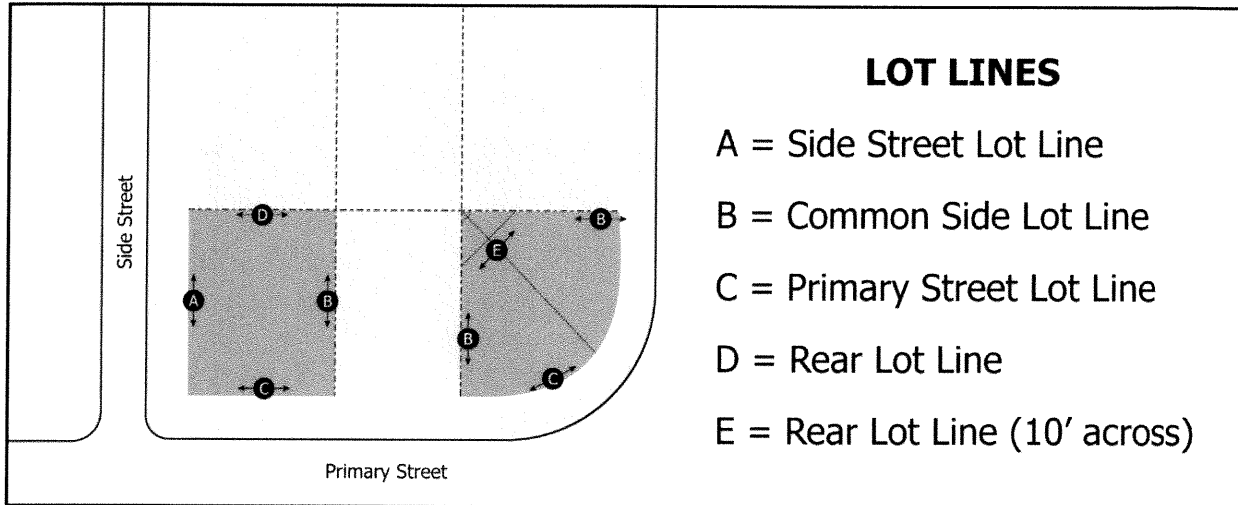
Lot frontage means the length of the front lot line measured at the street right-of-way line.

Lot, front of, means the line of an interior or through lot which abuts a street; in a corner lot, the term "front of lot" means the shortest line that abuts a street. When the lines are of equal length, the lot shall be considered to front on that street having the longest block frontage.

Lot, improved, means a lot with buildings or structures.

Lot, interior, means a lot other than a corner lot. An interior lot shall be deemed to have one (1) front yard, two (2) side yards, and one (1) rear yard.

Lot line means a line of record bounding a lot that divides one lot from another lot or from a public street or any other public space.



Lot line, front, means the lot line separating a lot from a street right-of-way.

Lot line, rear, means the lot line opposite and most distant from the front lot line. In those cases where a lot has more than one front lot line, side lot lines shall be designated at a ratio of one side lot line per front lot line, and the remaining undesignated lot lines shall be designated as rear lot lines.

Lot line, side, means any lot line other than a front lot line or rear lot line.

Lot, manufactured home, means a designated area of land within a manufactured home park established by an approved manufactured home park permit, to be separately leased or rented for the placement of a manufactured home, recreational vehicle, or travel trailer to be used as a residence.

Lot, net area of, means the total horizontal area included in the rear, side and front lot lines or proposed street lines. No alley, street, public way, private right-of-way, public land or any area proposed for the foregoing purposes shall be included in determining the net area of the lot.

Lot of record means land designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed filed among the land records in the office of the registrar of deeds for Meade County and Pennington County.

Lot width means the horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MUTCD means the Manual of Uniform Traffic Control Devices.

Major/master street plan means the major/master street plan adopted by the City which consists of a map or written narrative, or both, of the City's future collector and arterial streets that are incorporated as part of the City's comprehensive plan or as a stand-alone document that has been approved in accordance with the provisions of SDCL §11-6-17 through SDCL §11-6-18.2.

Marginal access street means any street constructed with a street section of less than forty (40) feet from back of curb to back of curb and a right-of-way of less than sixty (60) feet.

Monument means a permanent survey marker established by a licensed surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with engineering specifications.

Off-site improvement means an improvement required to be made off-site as a result of an application for development, and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.

Owner's engineer means the engineer registered and in good standing with this state who is the agent of the owner proposing to design or construct any new subdivision.

Owner's surveyor means the land surveyor registered and in good standing with this state who is an agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

Parcel means an unplatted unit of land described by metes and bounds with a unique tax identifier number.

Percentage of grade means the vertical rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The centerline of a street shall be used to determine the grade of the street.

Plan, conceptual, means a plan of a proposed subdivision to be used to determine the phasing, physical layout, street and utility systems, and suitability to the city of the proposed subdivision.

Plat means a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, all drawn to scale.

Plat, final, means a plat of a tract of land that complies with the requirements of this chapter and is in the form for recording with the county register of deeds office pursuant to SDCL §11-3, and includes all items, certifications and statements required by this chapter.

Plat, plan or layout, preliminary, means a plat of a proposed subdivision to be used to establish the terms and conditions for development of a proposed subdivision. This plat shall include all items set forth in this chapter and SDCL §11-3.

Plat, minor, means a subdivision or consolidation of property, which creates no more than five lots, tracts or parcels; and where no public street or access easement is sought to be dedicated, and in compliance with SDCL §11-3.

Property line means the boundary line of a parcel or lot.

Public right-of-way means the entire area between property boundaries which is owned by a government, dedicated to public use, or impressed with an easement for public use; primarily used for pedestrian or vehicular travel; and publicly maintained, in whole or in part, for such use. The term "public right-of-way" includes, without limitation, the public street, shoulder, gutter, curb, sidewalk, sidewalk area, parking or parking strip, and any other public way.

Public right-of-way easement means a portion of a parcel of land that is defined by a notation on a recorded plat as a permanent easement for use as a public right-of-way; generally, the right of one to pass over or utilize the property of another.

Public utility easement means a right granted by an owner of property to a public utility or governmental agency to erect and maintain poles, wires, pipes, or conduits on, across or under the land for telephone, electrical power, gas, water, sewer, or other utility services.

Record of survey map means a graphic illustration of a survey of land prepared in accordance with state laws

Registered land surveyor means a registered land surveyor, registered in good standing and legally authorized to practice land surveying under the provisions of SDCL §36-18-6.

Regulatory flood means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately one hundred (100) years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Reserve strip means an easement granted to the public for a strip of land to be held in trust until needed for road development or other beneficial public use. The easement may be converted to a public right-of-way easement by resolution of the council.

Right-of-way lines means the lines that form the boundaries of a right-of-way.

Road, right-of-way width means the distance between property lines measured at right angles to the centerline of the street.

Road district means an association of landowners formed under the provisions of SDCL §31-12A, to develop a community or subdivision road district with the intent and purpose of maintaining the system of roads within the subdivision such that they have the capacity to handle all of the internal traffic and provide adequate ingress and egress to the members of the entire subdivision.

Sanitary sewer means a city, community, small or individual sewage disposal system of a type approved by the DANR.

Sewage, private, means an on-site method of sewage treatment, designed, installed, operated and maintained by the owner of the premises in accordance with the requirements and standards of DANR.

Sewage, public, means a sanitary system owned, operated and maintained by a public agency, where waterborne wastes from sanitary facilities in dwellings, accessory buildings, business or industrial establishments or any combination thereof are conducted through pipes to a sewage treatment plant and disposal system approved by DANR as to design and construction and operated and maintained in accordance with the standards and requirements of the department.

Setback means the required distance between any structure and any property line on the lot on which the structure is located.

Sidewalk means a slab of concrete utilized for pedestrian foot traffic, which is located within the public right-of-way.

Sidewalk area means the area between the curb of a street and the adjacent property line.

Specifications means detailed instructions that designate the quality and quantity of materials and workmanship expected in construction. These specifications shall be adopted by resolution of the City Council.

Street means any public thoroughfare that affords the principal means of access to abutting property. The term "street" may be used interchangeably with avenue, boulevard, drive, highway, road or roadway or similar uses. All streets must be within a platted public right-of-way.

Street, alley, means a narrow, minor public way providing a secondary means of access abutting properties. Alleys shall not provide the only means of access.

Street, arterial, means a street serving the highest traffic volume corridors and major centers of activity. Traffic studies and AASHTO standards shall be used to determine the final design criteria for all arterial streets. These streets are designed with limited access to preserve capacity and enhance safety. Locations for arterial streets are as depicted on the City's adopted Master Transportation Plan.

Street, centerline of, means established as a centerline of a street by the City Council, or any state, county, or other official or public agency having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or if there is no centerline established or if there exists conflict among several maps, the centerline of a street shall be the line lying midway between the street right-of-way lines thereof. When the street lines are indeterminate and pavement or a well-defined traveled way exists, the centerline is assumed to be a line midway between the edges of such pavement or traveled way.

Street, collector, means a street, which collects traffic from other minor streets and channels it into the arterial street system. Collectors provide for land access and traffic circulation within and between residential

neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the arterial streets. The cross section of a collector street may vary widely depending on the scale and density of adjacent land uses and desired character of the local area. Left turn lanes should be considered on collector streets adjacent to nonresidential development.

Street, commercial, means a street intended primarily to facilitate the movement of automobiles and other goods carriers into and within a commercial development.

Street, cul-de-sac, means a street having one (1) end connecting to the street system and having one (1) closed end terminated by a turnaround.

Street grade means the officially established grade of the street upon which a lot fronts, or in its absence, the established grade of other streets upon which lots abut at the midpoint of the frontage of the lot thereon. If there is no official established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street, expressway, means a street that is similar to a freeway but can include some at-grade intersections at cross-streets. Access may be either fully or partially controlled with small amounts of direct land access. Expressways are intended to provide high levels of mobility, rather than to provide local property access.

Street, freeway, means a divided, limited access facility with no direct land access and no at-grade crossing or intersections. Freeways are intended to provide the highest degree of mobility serving higher traffic volumes and longer-length trips.

Street, industrial, means a street intended primarily to facilitate the movement of large trucks or other goods carriers into and within an industrial or development site.

Street intersection means any street which joins another street at an angle, whether or not it crosses the other street.

Street, lane/place: means a street serving a residential site of not more than four (4) dwellings, whose purpose is to provide primary access to abutting properties and to move traffic generated from abutting properties to nearby streets.

Street line means the legal boundary line where the street right-of-way line and the property line of the abutting property coincide.

Street, local, means a street serving a residential site of more than ten (10) dwellings, whose purpose is to provide direct access to abutting property and to move traffic to collector and other major streets.

Street, minor, means streets used for access to abutting property, including local streets and private streets.

Street, private, means rights-of-way that provide vehicular and pedestrian access to isolated tracts of land where a public right-of-way is deemed impractical by the council.

Street, public, means any existing public or dedicated right-of-way approved and accepted by the common council for public maintenance.

Street, rural road, means a street providing a means of direct or indirect access to abutting property but having no curb and gutters at the edges of the traveled roads. Rural roads generally require parallel roadside drainage ditches to transmit surface drainage. Driveway approaches, generally, require cross culverts to maintain ditch flow. Rural roads shall be classified and built according to City street standards.

Subdivider means the person owning land and in the process of creating a subdivision of the land.

Subdivision means the division of any tract or parcel of land into two or more lots, sites or other division for the purpose, whether immediate or future, of sale or building development and includes re-subdivision. This definition does not apply to the conveyance of a portion of any previously platted tract, parcel, lot, or site if the conveyance does not cause the tract, parcel, lot, or site from which the portion is severed to be in violation of any existing zoning ordinance or subdivision regulation applying to such tract, parcel, lot or site.

Subdivision, major means all subdivisions of three (3) or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the General Plan, official zoning map and streets master plan, or these regulations.

Subdivision, minor means any subdivision containing less than five (5) lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the general plan, official zoning map, streets master plan or these regulations.

Subdivision plat means the final map or drawing, on which the applicant's plan of a subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County for filing.

Subdivision ordinance means any ordinance adopted by the City to regulate the subdivision of land so as to provide coordination of streets with other subdivisions and the major street plan, adequate areas set aside for public uses, water and sanitation facilities, drainage and flood control, and conformity with the comprehensive plan.

Supplemental materials means those plans, reports, narratives, designs, requirements, agreements, covenants and other materials necessary for the development of a subdivision.

Surety means a fidelity or cash bond, provided by the subdivider to the City's Finance Officer in lieu of construction of required improvements, in an amount equal to the estimated cost of the improvements, as certified by the owner's engineer, plus fifteen (15) percent. The Planning Commission or the City Council may request a review of the cost estimate by the City's Engineer.

Temporary zoning or subdivision ordinance means an ordinance adopted as an emergency measure for a limited duration.

Transfer of development rights (TDR) means the removal of the right to develop or build on land in one area and the transfer of that right to another area or district where such transfer is permitted.

Unnecessary hardship means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of considering the purposes of this ordinance.

Utility means municipal, franchised and contracted utilities. electric utility, public utility, gas utility, municipal utility, municipal power agency, joint action agency, consumers power district, pipeline company, telecommunications company, and rural water system.

Utility Easement means the area designated for access to construct or maintain utilities on privately or publicly owned land

Valid means a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.

Variance means a relaxation of a restriction of this Code granted by the board of adjustment where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of this Code restriction would result in unnecessary hardship while meeting the intent of the regulation.

Well means an artificial excavation or opening in the ground, made by means of digging, boring, drilling, getting, or by any other artificial method, for the purpose of obtaining groundwater. Any series of openings, borings, or drillings developed and pumped collectively by a single pump unit shall be considered as one well.

(Ord. No. 565, § 152.006, 7-19-2016)

Sec. 36-7. Responsibilities.

- (a) *Applicant.* The applicant shall prepare plats and shall install improvements consistent with these regulations and other referenced City ordinances, regulations, standards, and specifications in editions which are applicable at the time the subdivision application is filed. The applicant is responsible for paying all fees which are listed in these regulations at the time required.
- (b) *Planning department.* The City's Planning Department will review all plats for their conformity to City regulations. As a part of its examination, the Planning Department will consult with interested public or private agencies for the purpose of determining whether or not the plat is in conformity for orderly growth and development of the City.
- (c) *Director.* The City's Planning Director, following criteria provided in this chapter, shall have the authority to recommend approval or denial to the Planning Commission and City Council on all conceptual, preliminary, minor, and final subdivision plans, lot line adjustments or lot consolidation plats, and vacation of easements as defined by this chapter.
- (d) *City council.* The City Council shall hear recommendations of the Planning Commission and have final jurisdiction of all approvals and appeals. Plats shall be approved or disapproved within ninety (90) days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the City Council on demand; provided, however that the applicant for the approval may waive this requirement and consent to the extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the City Council. The approval of a plat by the City Council shall not be deemed to constitute or affect an acceptance by the City or public of the dedication of any street or other ground shown on the plat.
- (e) *City engineer.* The City Engineer, following criteria provided in this chapter, shall have the authority to recommend approval or denial to the Planning Commission and City Council of development engineering plans and development agreements for public improvements submitted by the applicant.
- (f) *Planning commission.* The City's Planning Commission shall have the authority to hold a public meeting for preliminary subdivision plans and instruments for the vacation of public right-of-way. It shall review preliminary subdivision plans and make recommendations to the City Council after conducting a public meeting.

(Ord. No. 565, § 152.008, 7-19-2016)

Sec. 36-38. Development agreements.

(a) *Purpose.* A development agreement may be negotiated and executed between an applicant and the City to set forth the specific requirements, elements, and aspects of a development.

(b) *Procedure.* All development agreements, upon proper execution, shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:

- (1) A legal description of the land subject to the development agreement.
- (2) The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
- (3) The configuration of the property as shown on the project's development plan.
- (4) A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-ways, or utilities.
- (5) The time frames for performance by parties.
 - a. Timeframe for warranty expiration and to complete warranty work.
- (6) A description of the various City approvals required before the commencement of construction, issuance of building permits, and other procedures that will be required after approval of the development agreement.
 - i. City approval and acceptance of infrastructure.
 - a. City inspects final infrastructure.
 1. If completed and accepted by City staff, Infrastructure Acceptance Form completed by Developer and Developer Engineer. Form submitted to City Engineer and presented to Public Works and Planning and Zoning Committee and City Council.
 2. Infrastructure Acceptance Form accepted by Resolution by City Council. The Resolution date establishes the acceptance date and beginning of warranty period.
 3. In not completed, bonding is necessary.
 - a. Developer Engineer provide cost estimate of unfinished improvements.
 - b. This establishes bonding amount.
- (7) Provisions for enforcement of the terms and conditions of the development agreement.
- (8) Provisions for making amendments to the development agreement.
- (9) The time limitation of the agreement.
- (10) Such other terms which may be proposed and agreed to between the City and the applicant.

(c) *Limitations.* A development agreement under this section may not:

- (1) Limit the City's authority in the future to enact a land use regulation or take any action allowed under SDCL.
- (2) Require the City to change the zoning designation of an area of land within the City in the future.
- (3) Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation, including a review and recommendation from the Planning Commission and the conducting of a public hearing.
- (4) The City may not require a development agreement as the only option for developing land within the City.
- (5) To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter or concern shall be governed by SDCL and the applicable land use regulations in this Code.

(d) *Expiration.* A development agreement shall be signed and notarized by all parties within one (1) year from the date of City Council approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Planning Director for an extension of up to six (6) months. Approval of this extension may only be granted by the City Council.

Sec. 36-9. Plat errors and omissions.

Corrections of errors and omissions on a plat document shall be accomplished in the manner provided in SDCL §43-18-11.

(Ord. No. 565, § 152.032, 7-19-2016)

Sec. 36-10. Subdivision application fees.

The City Council shall set by ordinance ~~resolution~~ the application fees for subdivisions in the master fee schedule.

Sec. 36-11. Violations and penalties.

Any person violating any provision of this code shall be assessed a civil penalty by means of an administrative citation issued by the Enforcement Officer and shall be payable directly to the City. A continuing violation of this code constitutes a separate and distinct violation each day that the violation exists. Penalties assessed by an administrative citation shall be collected in accordance with the master fee schedule.

Violations of this chapter also constitute a Class 2 misdemeanor for each day in violation. In addition to any fine or penalty assessed by the court, the violator shall pay all court costs and expenses involved in the case.

(Ord. No. 565, § 152.099, 7-19-2016)

Sec. 36-12. Required certificate language for plats.

See Appendix A of this Chapter.

Secs. 36-13—36-31. Reserved.

ARTICLE II. PRE-APPLICATION MEETING, CONCEPTUAL PLAN REVIEW

Sec. 36-32. Pre-application meeting.

- (a) Applicants are encouraged to submit a request for a pre-application meeting with the Planning Director or their designee to discuss proposed development plans on an informal basis before submitting any formal applications to the City.
- (b) The applicant may present a conceptual drawing or sketch of the proposed subdivision plan along with other information for the Planning Director to determine the appropriate subdivision application process required for approval.
- (c) The Planning Director or their designee shall provide copies of all relevant application forms, specifications and regulations related to the applicant upon the applicant's request.

Sec. 36-33. Conceptual plan review.

- (a) *Conceptual plan review.* The conceptual plan review process is not required and is used to provide information to the applicant regarding the design of the proposed subdivision and subsequent application processes. (b) *Declaration of intent.* For conceptual plan review, the applicant shall prepare a written declaration of intent concerning the tract of land to be subdivided, re-subdivided, or consolidated in sufficient detail to clearly indicate the nature and purpose of the subdivision thereof.
- (c) *Layout plan.* The applicant or their designee shall prepare a layout plan or generalized land use plan which shall be submitted to the Planning Director for discussion and review with the Planning Commission, in order to determine applicable requirements (i.e. zoning regulations, drainage plans, major street plan and other features and requirements of the comprehensive plan, development plan, and master transportation plan that will influence the design of the subdivision).
 - (1) Layout plans should include the following information:
 - (i) Site plan;
 - (ii) Vicinity map;
 - (iii) Lot configurations with approximate areas designated in square feet;
 - (iv) Location of proposed streets within the subdivision boundary;
 - (v) Topography at a minimum of five foot (5') contour intervals; and
 - (vi) Adjacent development information including property lines, roads, and water courses.
- (d) If the property proposed for development involves areas where in the view of the Planning Commission the soil characteristics, terrain, drainage, geology, groundcover or its location impose unusual requirements, the Planning Commission may request supplementary data be provided to demonstrate the feasibility of subdividing the land.
- (e) The concept plan shall act as a guide for subsequent preliminary and final plan application submittals and will have no official standing or approval. Once concept plan recommendations have been received, the applicant may apply for preliminary plan approval consistent with the submitted concept plan and recommendations provided by the Planning Commission.

(Ord. No. 565, § 152.020, 7-19-2016)

Secs. 36-34—36-60. Reserved.

ARTICLE III. PRELIMINARY PLAN

Sec. 36-61. Content.

A preliminary plan is a tentative plan of a proposed subdivision which requires the installation of public improvements. Unless the proposed subdivision meets the requirements of Article IV. Minor Plats, review and recommendation of a preliminary plan by the Planning Commission and approval by the City Council is required before an applicant can proceed with a final plan application for all or part of the area within the preliminary plan application. The preliminary plan, at a minimum shall include the following:

- (1) A completed and signed preliminary plan application including the names and contact information for the developer/owner, developer/owner's engineer, and names and address of all adjacent landowners;
- (2) A site plan showing:
 - (a) the general location of the property(ies) proposed to be subdivided;
 - (b) existing development including, but not limited to: property lines, road, and utilities if any are present in the vicinity;
 - (c) improvements the developer proposes to make off-premises, outside the boundaries of the proposed subdivision, relating to drainage, utilities and other improvements necessary to permit development within the subdivision.
- (3) A narrative describing the nature of the intended development, its total area, its integrations into surrounding development and land uses, and its impact on the community;
- (4) A preliminary plat showing:
 - (a) the date, north point and scale;
 - (b) contours, watercourses with tributary drainage areas, or any portion of land in or adjacent to the proposed subdivision subject to the periodic inundation by storm drainage, flooding, overflow, or ponding from available data. Note: A drainage/flood analysis shall be provided if applicable or requested by the City);
 - (c) lot and block numbers clearly identifying each parcel of land and dimensions of all lots;
 - (d) location and dimension of land to be dedicated or reserved for parks, open space, or other public uses;
 - (e) location, width and purpose of all easements; and
 - (f) proposed phasing, if applicable.
- (5) A street plan containing the following information:
 - (a) Location of all proposed streets within in the subdivision and location of existing or proposed streets adjacent to the subdivision;
 - (b) Widths of existing and proposed public/private dedicated rights-of-way;
 - (c) Clear identification of location and width of rights-of-way of any street adopted as part of the master transportation plan or major street plan;
 - (d) Street names including proposed and existing;

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- (e) Topography at no more than five-foot intervals unless alternative intervals are required by the City;
 - (f) Plan and profile of all streets and utility improvements including: curve data for the centerline of each street, proposed pavement section/road depths to show asphalt, base course, subgrade, and fillets.
 - (g) Location of all required sidewalks, ada ramps, and crosswalks;
- (6) A storm drainage plan which takes into account adjacent properties and containing the following:
- (a) Location of easements and rights-of-way for drainageways and maintenance of access thereof;
 - (b) Typical cross-sections of each drainageway;
 - (c) Direction of water flow throughout the proposed subdivision; and
 - (d) Plan, profile, and details of proposed stormwater piping and appurtenances.
- (7) A sanitary sewer plan containing the following:
- (a) Location of each manhole and other sanitary sewage system appurtenances including lift stations and treatment plants;
 - (b) Plan and profile of the sewage system;
 - (c) Location and size of all existing and proposed sanitary sewer in the subdivision and all tie points and sewer laterals in the subdivision; and
 - (d) Direction of flow of each sanitary sewer line.
- (8) A water distribution plan that contains the location and size of the water distribution system including pipes, valves, fittings, hydrants, high pressure pumping equipment and other equipment.
- (9) A gas, electrical, telephone, etc., plan containing the following:
- (a) Location of all poles and subsurface facilities as necessary to serve each lot or parcel of land within the subdivision and where necessary to abutting property; and
 - (b) Required easements, including anchor easements for guy wires.
- (10) Landscaping plans (if applicable or requested by the City) for common areas.
- (11) Geotechnical report (if applicable or required by the City) certified by a licensed engineer in the State of South Dakota indicating from available information the suitability of soils to accommodate private sewage disposal systems, the probability of success of wells for water supply, and any other significant problems of long-term supply, pollution or maintenance problems of such wells or systems.
- (12) Traffic impact study (if applicable or requested by the City).
- (13) Preliminary title report (if applicable or requested by the City) dated within ninety (90) days of application submittal date.
- (14) Covenants, Conditions, and Restrictions (CC&Rs) outlining the proposed set of rules governing the use of certain pieces of property within a given development. (if applicable or requested by the City).
- (15) Proposed development agreement (if applicable or requested by the City).
- (Ord. No. 565, § 152.022, 152.040(A) 7-19-2016)

Sec. 36-62. Procedure for review.

The procedure followed after submission of the preliminary plan shall be as follows:

- (1) One (1) PDF copy of the preliminary plan application, and supportive materials outlined in Sec. 36-31 shall be submitted by the applicant to the Planning Office, which shall issue a receipt for the same when it is ascertained that the submission includes all the requirements set forth in this chapter for a preliminary plan. If, because of the nature of the subdivision more copies are required, the Planning Director shall specify the required number of copies.
- (2) The applicant shall be notified in writing of the date of the Planning Commission meeting where the preliminary plan and supportive materials will be reviewed.
- (3) The Planning Office shall, at an upcoming regularly scheduled Planning Commission meeting, distribute copies to the Commission. The Planning Commission shall have a minimum of thirty (30), but no more than forty five (45) days from the date of distribution, to review, prepare and submit its recommendation and the plans to the City Council. However, the applicant may agree to an extension, should extenuating circumstances arise.
- (4) The Planning Office shall also distribute copies of the preliminary plan as follows:
 - (a) To the appropriate school district;
 - (b) To any county or City within a three (3) mile radius of any portion of the proposed subdivision;
 - (c) To any utility, local improvement and service district when applicable;
 - (d) To the state department of transportation, when applicable;
 - (e) To any applicable soil or water conservation districts for explicit review and recommendation regarding soil suitability and flooding problems;
 - (f) To the State DANR, when applicable; and
 - (g) To the applicable City departments.
 - (h) The above listed agencies shall have ten (10) days from the date the information is mailed (hardcopy or electronic) to them to submit comments. Any agency may make a request for review time extension; however, failure to respond within the allotted time shall be considered an approval unless an extension has been consented to by the applicant and the Planning Commission.
- (5) The Planning Commission shall review the preliminary plan to determine if the plan is consistent with standards set forth in this chapter, the comprehensive plan, master transportation plan, other applicable City ordinances and policies; and it shall only recommend approval to the City Council for those preliminary plans which the Commission finds to be developed in accordance with the intent, standards and criteria specified in this chapter.
- (6) If the Commission determines during review of the preliminary plan that the soil, vegetation or drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the construction of the subdivision where one or more acres are disturbed; or otherwise entail an erosion hazard, the applicant shall provide an approved DANR soil erosion and sedimentation control plan and specifications to the Planning Commission for their review. Such control plan and specifications shall be prepared by a licensed registered professional engineer or the U.S. Soil Conservation Service.

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- (7) The Planning Commission shall make a recommendation to the City Council, to either approve, approve with conditions, or deny the preliminary plan as submitted with reason thereof. This recommendation shall be placed on an upcoming regularly scheduled City Council meeting agenda.
 - (8) Upon receipt of the Planning Commission recommendation, the City Council shall review and either approve, approve with modifications, or deny the preliminary plan.

(Ord. No. 565, § 152.023, 7-19-2016)

Sec. 36-63. Expiration of approval.

Approval of the preliminary plan shall be effective for twelve (12) months from the date of approval by the City Council. Extensions beyond the twelve (12) months shall not exceed six (6) months provided upon agreement between the City Council and the applicant. If work has not commenced within the time set forth herein, then the above review and approval shall be void and the process shall begin anew, unless an extension is agreed to by City council.

(Ord. No. 565, § 152.024, 7-19-2016)

Secs. 36-64—36-86. Reserved.

ARTICLE IV. MINOR PLATS

Sec. 36-87. Purpose; when permitted.

- (a) The purpose of a minor plat is to allow platting, without being subject to the requirements for conceptual or preliminary plan reviews.
- (b) A minor plat involves the consolidation of five (5) or fewer previously platted parcels; or the subdivision of a previously platted parcel into five (5) or fewer lots where there is no requirement for right-of-way improvements or public infrastructure improvements. Minor plats may also be permitted for the adjustment of a common lot line between ten (10) or fewer parcels of land. Subdivision of land into parcels greater than forty (40) acres in each parcel, falling within the City's extra-territorial jurisdiction which are utilized for agricultural purposes, will not require platting.
- (c) Minor plats shall not be permitted if alteration or extension of public utility mains, public drainage facilities or public streets, are required for approval.

(Ord. No. 565, § 152.025, 7-19-2016)

Sec. 36-88. Content, procedure for approval of minor plat.

- (a) Minor plats filed with the City shall comply with this Chapter, SDCL §11-3-10, and the platting requirements of the County in which the property(ies) are contained. Minor plats shall be drawn on mylar with water-proof black ink, and each signature shall be made with permanent ink. The minor plat shall include:
 - (1) Name of the subdivision;
 - (2) Certificates: (Note: See Appendix A of this Chapter for the required certificate language for Meade/Pennington County.)
 - (i) of Ownership;
 - (ii) of the City's Planning Commission;
 - (iii) of the Street Authority;

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- (iv) of the County Treasurer;
 - (v) of the County Director of Equalization; and
 - (vi) of the City's Finance Officers.
 - (vii) Resolution of approval of the City Council, with Mayor's signature block attested by the City's Finance Officer; and
 - (viii) Certificate of Register of Deeds.
- (b) Minor plat submittals shall at a minimum include, but not be limited to, the following:
- (1) A completed and signed minor plat application including the names and contact information for the developer/owner, developer/owner's engineer, surveyor, and names and addresses of all adjacent landowners;
 - (2) One (1) PDF copy of:
 - (i) A narrative describing the nature of the intended development, its total area, its integrations into surrounding development and land uses, and its impact on the community;
 - (ii) Any and all Covenants, Conditions and Restrictions (CC&Rs) applicable to the property(ies);
 - (iii) Proposed minor plat. A scaled drawing, prepared by a licensed surveyor in the State of South Dakota, of the proposed lots showing the location, dimensions, and area of lots created including:
 - a. The north arrow, scale, creation date, preparer name and address, and legend;
 - b. The location, width, and purpose of all easements and reserve strips;
 - c. A note on the drawing stating: "An eight foot (8') utility and minor drainage easement is hereby granted on the interior of all lot lines." Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowners.
 - d. When applicable, a note on the drawing stating: "Major drainage easements shall be kept free of all obstructions. Major drainage easements provide the City's Public Works Department the rights of entry, construction, and maintenance in order to facilitate drainage through these easements."
 - e. The lot and block number (if needed) that clearly identifies each parcel of land;
 - f. When applicable, the one hundred (100) year flood hazard area and floodway shall be shown.
 - g. If any defined FEMA flood hazard areas are present within the parcel(s), a note on the drawing stating: "Flood insurance rate map panel [] with an effective date of [] indicates the presence of a flood hazard area within the area represented on this plat."
 - (iv) A title showing the former legal description, and the proposed legal description of the new parcels;
 - (3) When indicated by the Planning Director, one (1) mylar copy, fully executed by the owner's parties. The Planning Director may require additional copies if the property(ies) are located in more than one (1) county.
- (c) The applicant shall first meet with the Planning Director to determine if the requirements set for submission of a minor plat have been met.

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- (d) The applicant shall submit one (1) copy of the minor plat application, and supportive materials outlined above to the Planning Department. The Planning Department shall issue a receipt for the same when it is ascertained that the submission includes all the requirements set forth in this chapter for a minor plat.
 - (e) The applicant shall be notified in writing of the date of the Planning Commission meeting where the minor plat and supportive materials will be reviewed.
 - (f) The Planning Department will convey at a minimum, the minor plat application with associated documents to all City departments, City fire district, school system, County highway authority, County sheriff's office, emergency services communication center, area utility companies, and other agencies deemed appropriate by the Planning Department. Each agency shall be given ten (10) days to review and comment on the conformance with applicable regulations.
 - (g) The Planning Commission will review the minor plat to see if it is consistent with the standards set forth in this article, City zoning regulations, comprehensive plan, master transportation plan, other applicable ordinances, and that no public improvements are required.
 - (h) The Planning Commission shall make a recommendation to the City Council, to either approve, deny, or recommend modification of the plat as submitted with reason thereof. This recommendation shall be placed on an upcoming regularly scheduled City Council meeting agenda.
 - (i) Upon receipt of the Planning Commission's recommendation, the City Council shall review and approve, deny, or request modification to the minor plat. The City Council shall have the authority to impose requirements or grant subdivision variances as deemed necessary, and appropriate for final approval.
 - (j) The subdivider will submit a mylar complying with SDCL §11-3-10 for signature. In the event the property being subdivided lies within two (2) counties, two (2) original mylar documents shall be produced for signature and filing in each county.

(Ord. No. 565, § 152.026, 7-19-2016)

Sec. 36-89. Expiration of approval.

Approval of the minor plat shall be effective for twelve (12) months from the date of approval by the City Council. Extensions beyond the twelve (12) months shall not exceed six (6) months provided upon agreement between the City Council and the applicant. If work (physical effort to achieve the end resolve) has not commenced within the time set forth herein, then the above review and approval shall be void and the process shall begin anew, unless an extension is agreed to by the City Council.

Secs. 36-90—36-119. Reserved.

ARTICLE V. FINAL PLATS

Sec. 36-120. When required; content.

- (a) Subdivision of land into parcels greater than forty (40) acres in each parcel, falling within the City's extra-territorial jurisdiction and are utilized for agricultural purposes, will not require platting.
- (b) Final plats filed with the City shall comply with this Chapter, SDCL §11-3-10, and the platting requirements of the County in which the property(ies) are contained. Final plats shall be drawn on mylar with water-proof black ink, and each signature shall be made with permanent ink. The final plat shall include:
 - (1) Name of the subdivision;

(2) Certificates: (Note: See Appendix A of this Chapter for the required certificate language for Meade/Pennington County.)

- (i) of Ownership;
- (ii) of the City's Planning Commission;
- (iii) of the Street Authority;
- (iv) of the County Treasurer;
- (v) of the County Director of Equalization;
- (vi) of the City's Finance Officers;
- (vii) Resolution of approval of the City Council, with Mayor's signature block attested by the City's Finance Officer; and
- (viii) Certificate of Register of Deeds.

(Ord. No. 565, § 152.028, 7-19-2016)

Sec. 36-121. Content, procedure for approval.

- (a) *Description.* A final plat and final improvement drawings provides a permanent and accurate record of the exact size and location of the lots, blocks, streets, drainage areas, easements, and other parcels of land within a subdivision. When filed with the County Register of Deeds, a final plat becomes the legal instrument when location and boundaries of separate land parcels within the subdivision are identified. If the applicant plans to develop a property in phases, the property may be divided into separate final plats or filings. In phased subdivisions each phase requires a separate final plat application and review.
- (b) *Annexation application is required.* The developer, when platting or subdividing land within the extra-territorial jurisdiction of the City that is contiguous/adjacent to the City boundary, shall be required to submit a voluntary annexation application with the final plat application. For the purpose of this section, the terms "contiguous" and "adjacent" ignore any right-of-way or dedication that lies between the City boundary and the subdivision property.
- (c) *Completion of improvements required.* The developer is required to engineer and install or construct any improvements required prior to the review and approval of the final plat by the City Council unless the City Council accepts appropriate surety in lieu of construction. Sufficient surety shall be made for all required improvements.
- (d) *Submittals.* Final plat submittals shall at a minimum include, but not be limited to, the following:
 - (1) A completed and signed final plat application including the names and contact information for the developer/owner, developer/owner's engineer, surveyor, and names and addresses of all adjacent landowners;
 - (2) One (1) PDF copy of:
 - (i) Any and all covenants or deed restrictions applicable to the property(ies);
 - (ii) Proposed final plat. A scaled drawing, prepared by a licensed surveyor in the State of South Dakota, of the proposed lots showing the location, dimensions, and area of lots created including:
 - a. The north arrow, scale, creation date, preparer name and address, and legend;
 - b. The location, width, and purpose of all easements and reserve strips;

c. A note on the drawing stating: “An eight foot (8’) utility and minor drainage easement is hereby granted on the interior of all lot lines.” Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowners.

d. When applicable, a note on the drawing stating: “Major drainage easements shall be kept free of all obstructions. Major drainage easements provide the City’s Public Works Department the rights of entry, construction, and maintenance in order to facilitate drainage through these easements.”

e. The lot and block number (if needed) that clearly identifies each parcel of land;

f. When applicable, the one hundred (100) year flood hazard area and floodway shall be shown.

g. If any defined FEMA flood hazard areas are present within the parcel(s), a note on the drawing stating: “Flood insurance rate map panel [] with an effective date of [] indicates the presence of a flood hazard area within the area represented on this plat.”

(iii) Final improvement drawings, including but not limited to: street plan, storm drainage plan, water distribution plan, utility plan, landscaping, as described in Sec. 36-61 of this Chapter.

(iv) A title showing the former legal description, and the proposed legal description of the new parcels;

(3) When indicated by the Planning Director, one (1) mylar copy, fully executed by the owner’s parties. The Planning Director may require additional copies if the property(ies) are located in more than one (1) county.

(4) When indicated by the Planning Director, one (1) copy of the development agreement (if applicable) in a form approved by the City Council fully executed by the owner’s parties.

(5) Surety for subdivision improvements (if applicable).

(6) Inspection fees (if applicable).

(e) *Review.*

(1) The applicant shall submit one (1) copy of the final plat application, and supportive materials outlined above to the Planning Department. The Planning Department shall issue a receipt for the same when it is ascertained that the submission includes all the requirements set forth in this chapter for a final plat. The applicant shall be notified in writing of the date of the Planning Commission meeting where the final plat and supportive materials will be reviewed.

(2) The Planning Department will convey at a minimum, the final plat application with associated documents to all City Departments, City Fire District, school system, County Highway Authority, County Sheriff’s Office, emergency services communication center, area utility companies, and other agencies deemed appropriate by the Planning Department. Each agency shall be given ten (10) days to review and comment on the conformance with applicable regulations.

(3) The Planning Commission will review the final plat to see if it is consistent with the standards set forth in this article, City zoning regulations, comprehensive plan, master transportation plan, and other applicable ordinances. The Planning Commission shall make a recommendation to the City Council, to either approve, deny, or recommend modification of the plat as submitted with reason thereof. This recommendation shall be placed on an upcoming regularly scheduled City Council meeting agenda.

(4) Upon receipt of the Planning Commission’s recommendation, the City Council shall review and approve, deny, or request modification to the final plat. The City council shall have the authority to impose requirements or grant subdivision variances as deemed necessary, and appropriate for final approval. The denial or suspension of a final plat shall be provided in writing to the applicant.

(5) Upon approval, the applicant shall submit a mylar complying with SDCL §11-3-10 for signatures. In the event the property being subdivided lies within two (2) counties, two (2) original mylar documents and other

supporting materials shall be produced for signature and filing in each county. It shall be the applicant's responsibility to record all fully executed documents with the Meade County or Pennington County Register of Deeds.

(Ord. No. 565, § 152.029, 7-19-2016)

Sec. 36-122. Expiration of approval.

Approval of the final plat shall be effective for twelve (12) months from the date of approval by the City Council. Extensions beyond twelve (12) months shall not exceed six (6) months unless agreed upon between the City Council and the applicant. If work has not commenced within the time set forth herein, then the above review and approval shall be void and the process shall begin anew, unless an extension is agreed to by the City Council.

Secs. 36-123—36-140. Reserved.

ARTICLE VI. VACATING CERTAIN PROPERTY RIGHTS

Sec. 36-141. Easements.

- (a) *Description.* A vacation of easement is a process used to eliminate all or a portion of an easement for utilities, drainage, access, egress, non-access, planting screens or any other easement designated on a plat. The vacation of easement is reviewed and recommended by the Planning Commission to the City Council for final decision. Vacation of easements shall be conducted in accordance with state law.
- (b) *Pre-application meeting required.* The prospective applicant shall meet with the City to discuss the proposed vacation. Planning Department staff shall determine the type of easement applications that are required and provide the necessary application information. Generally, vacation of easement applications can be classified into three categories:
 - (1) *Vacation of utility easement.* The applicant receives a sample utilities letter from the Planning Department. The applicant sends out the utility letter and vacation instrument to all utility companies in order to determine the impact of the proposed vacation on utilities. The utility companies shall be instructed within the letter to respond directly to the City's Planning Department.
 - (2) *Vacation of drainage easement.* The applicant submits a drainage report prepared by a licensed professional engineer in the State of South Dakota. The report shall determine the impact of the proposed vacation on the existing and future drainage. A site plan may be required.
 - (3) *Vacation of access, egress, non-access, planting screen or other easements.* An application for vacation of an access, egress, non-access, planting screen, or other vacation easement shall be signed by all affected property owners requesting the easement vacation.
- (c) *Submission of documents and supplemental material.* The applicant shall submit the required application, fees, the specified number of copies of the vacation of easement exhibit and other specified information to the Planning Department. The vacation instrument shall be prepared by a licensed professional land surveyor at the applicant's expense, and marked "Exhibit A." The vacation instrument shall include the book and page number of the original document dedicating the easement.
- (d) *Review and approval.* Upon receipt of a complete application, the Planning Department shall provide all information to other relevant City departments. City departments shall have ten (10) working days from receipt of the applications to complete their review and to recommend approval, denial, or suspension of the application. Applications not acted on within ten (10) working days of submittal (approved, denied or

suspended) shall be deemed approved. The application shall be sent to the Planning Commission for review and recommendation to the City Council.

- (e) *City council action.* The city Council will then act on the recommendation from the Planning Commission during their next regularly scheduled meeting and the plat shall be recorded by the applicant at the Meade County or Pennington County register of deeds. If denied, or suspension is imposed, this shall be provided in writing to the applicant.
- (f) *Suspended timelines.* If any City Department Director, Planning Commission or City Council determines that the application for the vacation of easement does not contain the specified and required information, the review timeline shall be suspended and the applicant shall be notified of the deficiency. When complete and sufficient information is provided by the applicant, the review timeline shall be re-engaged, with an additional five (5) working days added to the remaining balance of the review timeline. Applications suspended for more than ninety (90) consecutive days, due to an incomplete application or failure of the applicant to provide requested information, shall be denied. Applicants may appeal to the City Council for extensions, providing that the appeal is heard within ninety (90) days of the suspension.
- (g) *Appeal of suspended timelines.* When the applicant does not concur with the suspended timeline, an appeal can be filed to the City Council; who, with consideration being given to the disputed items, may approve or deny the vacation of easement plat document in its entirety.
- (h) *Approval criteria.* The City Council, as applicable, may approve a vacation of easement provided that the utility companies consent to the vacation of the easement or the City Engineer determines that the drainage is not adversely affected, or the vacation of the easement does not alter a recorded easement without the prior approval of the easement holder.
- (i) *Required documentation.* The following information is required for vacation of easements:
 - (1) A completed and signed application.
 - (2) Copies of a site plan showing all the existing development including building footprints, driveways, curb cuts, utility service lines, sidewalks, and etcetera. The site plan must be drawn to a scale such as one inch equals ten feet (1" = 10') or one inch equals twenty feet (1" = 20'). One (1) paper copy of the site plan at 8½ inches by 11 inches and one (1) PDF copy, must be furnished.
 - (3) The original vacation instrument shall be prepared by a licensed professional land surveyor at the applicant's expense and titled "Exhibit A." The vacation instrument shall include the book and page number of the original document dedicating or granting the easement.
 - (4) Vacation of drainage easement. The applicant shall submit a drainage report. The report shall determine the impact of the proposed vacation on the existing and future drainage.
 - (5) Vacation of utility easement. The applicant shall submit letters from the utility companies consenting to the proposed vacation.
 - (6) Vacation of access/egress easement. The application shall be signed by all affected property owners requesting vacation of an access easement.
 - (7) Vacation of planting screen and non-access easement. The applicant shall submit a site plan with the locations of the existing and adjacent approach locations, existing easements, spacing and clearance, and street intersections as indicated in the infrastructure design criteria manual.

(Ord. No. 565, § 152.030, 7-19-2016)

Sec. 36-142. Public right-of-way and section line highway.

- (a) *Description.* A vacation of public right-of-way or vacation of section line highway is used to eliminate public rights-of-way that are no longer needed for public improvements or access or egress. The vacation requires the review and recommendation of the Planning Commission, and approval by resolution of the City Council, including an exhibit showing the area to be vacated.
- (b) *Review.* The procedure for review of applications under this sections is as follows:
- (1) The applicant shall submit an application to the Planning Department, which includes the legal description of the property for which the vacation is requested and which is signed by the property owner along with a copy of a vacation instrument marked "Exhibit A" prepared by a licensed professional land surveyor. The vacation instrument shall include book and page number of the original plat dedicating right-of-way if applicable.
 - (2) A petition for right-of-way vacation or vacation of section line highway must be signed by property owners whose property adjoins that part of the street, alley or public ground to be vacated. The petition for vacation must be notarized.
 - (3) The applicant shall send out certified return service utility letters and the vacation instrument to all utility companies in order to determine the impact of the proposed vacation on utilities. The utility companies are notified within the letter that they are to reply directly to the City's Planning Department.
 - (4) Upon receipt of the vacation instrument and all of the responses from the utility companies, the Planning Commission shall have fifteen (15) working days to complete their review and provide a recommendation and resolution prepared by the City Attorney's Office to the City Council.
 - (5) The City Council will review the resolution and Planning Commission recommendations.. The resolution shall be set for public hearing at the following City Council meeting with formal action being taken at an upcoming regularly scheduled meeting. A $\frac{2}{3}$ vote of all members is required to vacate a public right-of-way.
 - (6) The City Council shall conduct a public hearing on the vacation of right-of-way or vacation of section line highway petition. Notice of the hearing shall be published once each week for at least two (2) successive weeks with the City Council taking formal action on the petition not less than ten (10) days from last publication of the notice.
- (c) *Suspended timelines.* If any City Department Director, the Planning Commission or City Council determines that the application for the vacation of a public right-of-way or section line does not contain the specified and required information, the review timeline shall be suspended and the applicant shall be notified of the deficiency. When complete and sufficient information is provided by the applicant, the review timeline shall be re-engaged, with an additional five (5) working days added to the remaining balance of the review timeline. Applications suspended for more than ninety (90) consecutive days, due to an incomplete application or failure of the applicant to provide requested information, shall be denied. Applicants may appeal to the City Council for extensions, providing that the appeal is heard within ninety (90) days of the suspension.
- (d) *Appeal of suspended timelines.* When the owner or designated agent does not concur with the suspension of timeline an appeal can be filed with the City Council; who, with consideration being given to the disputed items, may approve or deny the vacation of public right-of-way or section line in its entirety.
- (e) *Approval criteria.* The City's Engineer shall recommend to the Planning Commission, who shall recommend to the City Council, who shall approve or deny the vacation of public right-of-way or section line provided, the exhibit and supporting documents comply with the following approval criteria:

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- (1) The vacation serves the interest of the City by removing maintenance or liability risks;
 - (2) The property interest being vacated is no longer necessary for City operations;
 - (3) The land to be vacated is no longer necessary for the public use and convenience;
 - (4) The vacation will not create any landlocked properties;
 - (5) The vacation will not render access to any parcel unreasonable; and
 - (6) The vacation will not reduce the quality of public services to any parcel of land.
- (f) *Zoning.* Notwithstanding any provision in this section to the contrary, the zoning on any property vacated by the City shall be changed without further action as of the effective date of the vacation to that zoning of the property to which ownership of the vacated property attaches as a result of such vacation by the City. When possible, a separate consolidation plat to re-plat the vacated area into a larger usable piece of land shall be submitted by the landowner receiving the vacated parcel.
- (g) *Required documentation.* The following information, at a minimum, is required for vacation of public right-of-way and vacation of section line highway:
- (1) A completed and signed application and fees;
 - (2) Petition of vacation signed by property owners;
 - (3) Configuration and dimensions of the area being vacated;
 - (4) Lot configurations and areas adjacent to the vacated right-of-way; and
 - (5) "Exhibit A" prepared by a licensed professional land surveyor showing area of vacation.

(Ord. No. 565, § 152.031, 7-19-2016)

Secs. 36-143—36-167. Reserved.

ARTICLE VII. IMPROVEMENTS

DIVISION 1. GENERALLY

Sec. 36-168. Applicable codes and standards, generally.

All improvements required under these regulations shall be designed in accordance with the standards contained herein, constructed and inspected in accordance with the following City codes and design and criteria manuals as adopted and amended unless an exception has been granted:

- (1) Infrastructure Design Criteria (current edition);
- (2) Standard Specifications for Public Works Construction (current edition);
- (3) Chapter 34 - Streets, sidewalks, and other public places;
- (4) Chapter 42 - Utilities; and
- (5) All other City criteria adopted by City ordinance or resolution including exceptions to the criteria approved by the City Engineer or City Council.

(Ord. No. 565, § 152.040(A), 7-19-2016)

Sec. 36-169. Inspection, guarantee.

- (a) Each facility constructed in any subdivision shall be installed under inspection of the developer's engineer, city engineer and public works director, or his designee. All work shall be performed in a workmanlike manner, using good construction practices commonly accepted in the western area of the state.
- (b) In the event that any improvements are constructed which are not completed in a workmanlike manner or where materials are used that do not meet the specification requirements of the City and the State regardless of homeowner or resident use, then the City Engineer or designated representative shall have the right to require the developer to replace the improvements which have been improperly installed and the development shall not be accepted by the City Council until such replacement has been completed and approved.
- (c) Any required improvement shall be guaranteed by the developer for a period of not less than two (2) years from the date of formal acceptance by the City Council. Formal acceptance shall be by action taken by the City Council at a regularly scheduled meeting, and with the acceptance completed by resolution and recorded in the minutes of the meeting.

(Ord. No. 565, § 152.041(A), 152.042, 7-19-2016)

Sec. 36-170. Acceptance of improvements required.

- (a) No building permits shall be issued and no structures or manufactured homes shall be placed upon any property within the subdivision until the water distribution system, wastewater collection system, streets and sidewalks have been accepted by the City for maintenance and until the developer has provided the back of curb elevations on all lots to the City's Planning Department.
- (b) In the event the developer is platting lots in phases, all required improvements, including the water distribution system, wastewater collection system, sidewalks, streets, curb and gutter and drainage system must be completed, approved and accepted for maintenance by the City for all pre-approved plats by the City Council, prior to approval of the final plat for each individual phase.
- (c) In the event the developer has posted a surety bond, the City Council may choose to allow the sidewalks and streets be completed, approved and accepted for maintenance within one (1) year of the issuance of the first building permit. If the required improvements are not completed and fully accepted within one (1) year, no further building permits will be issued for the development until required improvements are fully accepted for maintenance by the City Council.

(Ord. No. 565, §§ 152.021, 152.043, 7-19-2016)

Sec. 36-172. Maintenance responsibilities; surety bond.

Maintenance of public streets, storm sewers and related infrastructure that have not been accepted for maintenance purposes by the City, or by any other governmental entity, shall be the responsibility of developer and landowner. A surety bond shall be placed in force, for one hundred fifteen percent (115%) of the estimated cost of remaining improvements, and shall stay in place until improvements are completed, and the maintenance is accepted by the City Council.

(Ord. No. 565, § 152.021, 7-19-2016)

Secs. 36-173—36-197. Reserved.

DIVISION 2. DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS

Sec. 36-198. Public water and sewer construction and inspection.

Where possible, all public and private water mains, sanitary sewers and storm sewers shall be installed and inspected as necessary to prevent the future cutting of pavement of any street, sidewalk or other required pavement.

In instances where existing streets, roads, or other pavements must be cut to install public and private water mains, sanitary sewers and storm sewers, the City shall require the developer to return any cut roads or pavements to existing conditions through mill and overlay or other acceptable methods the City Engineer sees fit.

(Ord. No. 565, § 152.040(A), 7-19-2016)

Sec. 36-199. Water distribution system.

- (a) All subdivisions of land within the City's jurisdiction shall have a water distribution system and shall be connected to the City's water system unless otherwise approved by the City Council. The system and related connections shall be provided at the expense of the developer.
- (b) All distribution lines shall be constructed in a publicly dedicated right-of-way, unless otherwise authorized by the City Council.
- (c) Upon completion, inspection, and acceptance of the system by the City, the system shall become the property of the City, and the City shall be responsible for maintenance of the system.

(Ord. No. 565, § 152.041(D), 7-19-2016)

Sec. 36-200. Sanitary sewer system.

- (a) All subdivisions within the City shall have a sanitary wastewater system and shall be connected to the City's sanitary wastewater system. The wastewater system and connection thereof shall be provided at the expense of the developer.
- (b) All wastewater systems shall be designed to provide for orderly expansion into surrounding areas. All wastewater system lines shall be constructed in dedicated public rights-of-way, unless otherwise approved by the City Council.
- (c) Upon completion, inspection, and acceptance of the system by the City, the system shall become the property of the City, and the City shall be responsible for maintenance of the system.

(Ord. No. 565, § 152.041(E), 7-19-2016)

Sec. 36-201. Oversized and joint improvements.

- (a) The City Council may participate in the cost of oversized improvements within a subdivision if it is determined that the oversized improvements are necessary to serve large areas of land not in the subdivision.
- (b) The developer, when approved by the City Council, may not be required to pay the full cost of any highway or arterial street, but shall participate in the cost of these improvements in the amount that a collector street (including all utility and drainage improvements) would cost if situated where the highway or arterial street is located.
- (c) Request for oversize improvement reimbursement must be submitted and approved by the City Council prior to preliminary plan approval. The developer shall enter into an agreement prior to City Council approval of the final plat. The agreement shall include oversize improvements to be completed, the allocation of costs and timing of reimbursement.

(Ord. No. 565, § 152.041(J), 7--19-2016)

Sec. 36-202. Landscaping.

When applicable, landscaping shall be incorporated into projects, and shall be constructed in a workmanlike manner and contain native plant species compatible with the region.

(Ord. No. 565, § 152.040(A), 7-19-2016)

Sec. 36-203. Property markers.

All property corners, including the beginning (point of curvature) and ending (point of tangency) of curves along property lines, shall be accurately marked on the ground with a five-eighths inch ($\frac{5}{8}$ ") to one and one quarter inch ($1\frac{1}{4}$ ") diameter iron rod at least eighteen inches (18") in length. These bars are to be capped with an aluminum or plastic cap indicating the license number of the surveyor who placed the bar in the ground.

(Ord. No. 565, §§ 152.021, 152.041(H), 7-19-2016)

Sec. 36-204. Blocks.

- (a) *Block depths.* Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to railroads, state or federal highways, arterial roadways, waterways or as otherwise authorized by the City Council for good cause.
- (b) *Block lengths.* Blocks shall not be more than one thousand two hundred feet (1,200') long, unless otherwise approved by the City Council. Upon recommendation by the Planning Commission the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (c) *Pedestrian access.* Pedestrian crosswalks, not less than ten feet (10') wide, may be required by the City Council upon recommendation by the Planning Commission as applicable and where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.

(Ord. No. 565, § 152.040(B), 7-19-2016)

Sec. 36-205. Lots.

- (a) *Arrangement.* The lot arrangement shall take into account topography or other conditions, so that there will be no issues in securing building permits to build on all lots, in compliance with the laws of the City and in providing driveway access to buildings on the lots from an approved street.
- (b) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the City's zoning regulations. Where lots are more than double the minimum required area for the zoning district, upon recommendation by the Planning Commission the City Council, as applicable, may require that the lots be arranged so as to allow further subdivision and the opening of future streets where necessary to serve the potential lots, all in compliance with the City's zoning regulations and this article.
- (c) *Side lot lines.* Side lot lines shall be substantially perpendicular. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setback from both streets, and allowing for cross-lot visibility for motorists on both intersecting streets.
- (d) *Lot dimensions to comply with state regulations.* Where applicable lot dimensions shall also conform to the requirements of the Department of Health and the DENR. In such case where requirements of the City may conflict with the State, the most restrictive requirement shall govern.
- (e) *Access.* Each lot shall be provided with access to a public street or other access as provided by the infrastructure design criteria manual adopted by the City.

(Ord. No. 565, § 152.040(C), 7-19-2016)

Sec. 36-206. Streets.

- (a) Any and all streets or alleys within a subdivision, and any street or alley providing access to the subdivision, shall be designated rights-of-way and paved unless a suitable surface is otherwise approved by the City Council in accordance with construction specifications adopted by the City.
- (b) The configuration, location and grade of all proposed streets shall be in accordance with good land planning principles and shall meet the intent of the major street plan.
- (c) Streets and public rights-of-way shall be provided in relation to existing and proposed streets and topographical conditions, taking into consideration public convenience and safety; in appropriate relation to the proposed uses of land to be served by the streets.
- (d) The street pattern shall lead traffic toward local shopping and neighborhood centers and to the main thoroughfares; however, the number of streets would tend to promote congestion converging upon one point shall be held to a minimum. Creation of three- and five-point intersections less or more than ninety degrees (90°) shall be avoided.
- (e) Designated local or residential streets shall be designed to discourage the utilization of through traffic, in any residential area, when possible.
- (f) The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area. Proposed streets shall extend, at a minimum, to the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity. Land abutting a proposed subdivision shall not be left land-locked by subdivision of land.
- (g) The street layout including residential collector and local residential streets shall consider continuity, and run approximately parallel to and on both sides, where possible, of arterial streets or the railroad to reduce the number of intersections of local residential streets with through streets and crossings of the railroad tracks.

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- (h) Where there exists a dedicated or platted half-street right-of-way adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted.
 - i) Where there exists an unpaved dedicated or platted street adjacent to the tract to be subdivided, the developer shall be required to provide concrete curb and gutter, sidewalks, and asphalt mat for existing streets. All streets shall conform to the master transportation plan and the city infrastructure design standards manual.
 - (j) Streets designed to have one end permanently closed (i.e. turnaround (cul-de-sac) shall be designed and constructed to meet the requirements outlined in the City's most recently adopted Infrastructure Design Standards
 - (k) Street alignment, with centerline offsets of less than one hundred fifty feet (150') shall not be permitted. In no case shall an offset be permitted on any arterial or collector street.
 - (l) There shall be no private streets platted within a subdivision, and there shall be no reserve strips in a subdivision except where the control is vested in the city.
 - (m) The minimum right-of-way widths of highways, arterial streets, residential collector streets and local residential streets, and marginal access streets to be dedicated to City or County shall be as indicated in the City's Master Transportation Plan, and consistent with the outlined specifications of the City's adopted Infrastructure Design Standards.
 - (n) In no case shall on-street parking be permitted on marginal access streets. In no case shall marginal access streets be permitted in residential zoned areas. In other zoning areas, marginal access streets may only be utilized as the secondary access means to property.
 - (o) Street grades shall not exceed the criteria outlined in the City's adopted Infrastructure Design Standards.
 - (p) Unless otherwise noted in the City's adopted Infrastructure Design Standards, at a minimum, a thirty inch (30") Type B concrete curb and gutter shall be placed on both sides of any street in all subdivisions, unless otherwise recommended by the City Engineer and approved the City Council.

(Ord. No. 565, § 152.040(D), § 152.041(B), § 152.041(C), 7-19-2016)

Sec. 36-207. Alleys.

- (a) Alleys may be required in commercial and industrial zoned districts; except the City Council may waive this requirement upon recommendation by the Planning Commission where other definite and assured provisions are made for service access, such as off-street parking, loading and unloading facilities consistent with the other applicable ordinance requirements. Such alleys shall have a minimum twenty five foot (25') right-of-way and shall be dedicated to the public.
- (b) All Alleys required in commercial and industrial zoned areas, shall at a minimum be paved twenty feet (20') in width and no less than six inches in depth concrete. In no case shall the developer be permitted to install gravel alleyways.
- (c) Alleys are not permitted in residential districts except when recommended by the Planning Director, City Engineer, or the Planning Commission for approval by the City Council when it is determined special conditions warrant a secondary means of access. Alleys, if approved, shall be paved and constructed as per City design standards.

(Ord. No. 565, § 152.040(E), 7-19-2016)

Sec. 36-208. Street lights, street signs, and traffic control devices.

- (a) The developer shall be responsible for installation of all required street lighting, signage, and traffic control devices. The developer shall prepare and submit a plan during the platting process that is MUTCD compliant, including durable street name signs, traffic control devices at all public street intersections, and streetlights. The City may accept the installed improvements for maintenance, when the final plan is approved.
- (b) Streetlights shall be of metal construction and installed by the developer at all intersections, the end of a cul-de-sac, and at intermittent spacing of four hundred feet (400') along street segments without intersections.
- (c) The developer shall install durable street signs at all intersections which meet the requirements outlined in the City's Infrastructure Design Standards. A minimum of one (1) sign is required at each intersection, additional signs may be recommended by the City Engineer and Planning Director and required by the City Council during preliminary or final plan approval.

(Ord. No. 565, §§ 152.021, 152.041(G), 152.041(I), 7-19-2016)

Sec. 36-209. Sidewalks.

- (a) The applicant's responsibility for constructing sidewalks shall be as follows:
 - (1) The applicant shall be responsible for constructing all corner ramps, sidewalk connecting the corner ramps along the radius and all sidewalks on lots which no building permit is anticipated (drainage lots, utility lots, other common lots, or lots within the City's three (3) mile platting jurisdiction). All corner ramps and sidewalks shall meet ADA requirements.
 - (2) Sidewalks are considered City infrastructure and shall require warranty for two (2) years. Sidewalks shall be installed and inspected before the City officially accepts the infrastructure through the currently adopted city standards and applicable forms, except when the City Council permits installation prior to the issuance of a certificate of occupancy for the primary structure on the lot.
- (b) All sidewalks shall meet the requirements outlined in the City's Master Transportation Plan and adopted Infrastructure Design Standards

(Ord. No. 565, § 152.040(F), 7-19-2016)

Sec. 36-210. Street names; road suffixes by designation.

- (a) Street names. Street names shall not be duplicated by spelling or sound, such that they may be confused with the names of existing streets. Street names are subject to the approval of the Planning Director, emergency communications services center, postal service and geographical information system administrators of both Meade County and Pennington County.
- (b) Road suffixes. To promote variety in street naming the following suffixes shall be assigned based on usage. For the purposes of this section, the term "preferred use" refers to a subset of use cases where the given suffix should be used more than in other situations. Some suffixes may be listed in more than one use case.

Arterial/Collector Roadways:	
<u>Suffix:</u>	<u>Preferred Use:</u>
Boulevard	Main Throughways (i.e. Larger Rights-Of-Way)
Avenue	Collector Roadways
Parkway	Can Be Used For Any Arterial Roadways, But Preference For Suffix Is Roadways Divided By A Median
Road	North-South Roadways
Drive	East-West Roadways
Collector/Local Roadways:	
<u>Suffix:</u>	<u>Preferred Use:</u>
Avenue	Avoid Using For Smaller Roadways (i.e. Collector/Local)
Street	For Larger Or Smaller Roadways
Lane	For Smaller Roadways
Trail	For Smaller Roadways
Way	For Smaller Roadways
Road	North-South Roadways
Drive	East-West Roadways
Other:	
<u>Suffix:</u>	<u>Preferred Use:</u>
Court	Cul-De-Sacs
Circle	Roadways With Two (2) Openings That Enter And Exit Onto The Same Roadway
Loop	More General Than Circle; May Include Streets That Loop Onto Themselves, Or Form A Semi-circle Connecting Different Streets
Less Common Suffixes (i.e. Not Presently In Use In Box Elder)	
Larger Roadways:	Bypass; Causeway; Route

Smaller Roadways:	Alley; Bend; Center; Corner; Course; Crescent; Crossing; Hill; Pass; Path; Pike; Point; Run; Spur; Terrace
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(Ord. No. 565, § 152.040(G), 7-19-2016)

Sec. 36-211. Subdivision names.

Subdivision names shall not be duplicated or be deceptively similar to any other subdivision name. Subdivision names are subject to the approval of the City and the Meade County and Pennington County Registrars of Deeds.

(Ord. No. 565, § 152.040(H), 7-19-2016)

Sec. 36-212. Easements.

- (a) Standard or specific utility, drainage, or other easements shall be provided and as otherwise needed on rear, side and front lot lines, and shall be not less than eight feet (8') on each side of the lot line, or no less than sixteen feet (16') in width unless otherwise recommended by the Planning Commission and approved by the City Council.
- (b) Where a subdivision is traversed by a watercourse, drainageway or stream, there shall be provided a major stormwater drainage easement or right-of-way conforming substantially within the lines of existing or planned drainageway.
- (c) The width of such drainage easement or right-of-way shall be engineered and sufficient to contain the ultimate channel flow for the tributary area upstream, and maintenance way. Calculations necessary to establish the magnitude of the drainageway shall be provided by the developer's engineer.

(Ord. No. 565, § 152.040(I), 7-19-2016)

Sec. 36-213. Drainage, inundation, stormwater runoff and flood control.

- (a) Consideration and provision for drainage shall be in accordance with the City's Infrastructure Design Standards and City Standard Construction Specifications and Details,, and state and federal requirements. When applicable, a stormwater collection system shall be designed to meet the flow requirements of a ten (10) year storm. The one-hundred (100) year storm event will also be considered for life safety.
- (b) If subdivision improvements are required, a drainage plan and report shall be prepared for each subdivision by the applicant's engineer. Plans may be required to receive approval from DANR, U.S. Army Corps of Engineers, and FEMA prior to obtaining approval from the City.
- (c) Adequate provisions shall be made to provide drainage facilities needed within the subdivision, taking into account the ultimate development of the tributary area, or off-site drainage provisions shall be verified or established.
- (d) Primary consideration shall be given to gravity flow improvements for storm and sanitary sewer improvements.
- (e) Off-premises drainage easements and improvements may be required.
- (f) Upon recommendation from the Public Works Director or the City Engineer the Planning Commission or City Council may require additional engineering information necessary to make a decision on subdivisions and other development, which are in areas of questionable drainage.

- (g) Development within designated areas of the floodplain shall require a floodplain development permit and shall comply with all requirements of the flood area construction regulations in Chapter 12.
- (h) Areas subject to periodic inundation of flood waters shall not be developed or subdivided except in strict compliance with the City's flood development regulations and if it is shown that the nature of the land use would not itself impede surface water runoff and would not be subject to appreciable damage by inundation. The area may be filled in such a manner as to prevent periodic inundation, provided that engineered fill does not retard the flow of surface waters or result in increasing the water level endangering life and property of others.
- (i) Ponds and similar areas shall be accepted by City Council for maintenance only if sufficient land is dedicated as public recreation area or park or if such areas constitute a necessary part of the drainage control system.
- (j) For any development in which more than one acre of land is to be disturbed, a stormwater runoff control plan shall be prepared by a licensed engineer and submitted to the DANR for approval. No construction improvements may begin until the runoff control plan has been authorized by the DANR and a copy of the approved plan provided to the City for approval by the City Engineer.

(Ord. No. 565, § 152.040(J), §152.041(F), 7-19-2016)

Sec. 36-214. Building restrictions.

Where the subdivision of land falls outside the boundaries of the City, but within the three (3) mile platting jurisdiction, the Planning Commission may recommend the City Council require additional provisions on front, side and rear yards, based upon the standards of City zoning regulations, and State DANR requirements.

(Ord. No. 565, § 152.040(K), 7-19-2016)

Secs. 36-215—36-228. Reserved.

APPENDIX A. REQUIRED CERTIFICATE LANGUAGE FOR PLATS

The following certificate language and signature lines shall be required on all minor and final plats.

The Planning Director shall review the requirements of this section annually and propose any changes or modifications to the text contained herein to ensure compliance with Meade and Pennington County requirements for the recordation of subdivision plats, including amendments or vacations subsequent thereto.

1. Meade County:

a. **CERTIFICATE OF COUNTY TREASURER**

I, the Treasurer of Meade County, South Dakota, do hereby certify that all taxes, which are liens upon the within described lands, are fully paid, according to the records of my office.

Dated this ____ day of _____, 20__

Treasurer of Meade County

b. **CERTIFICATE OF FINANCE OFFICER**

State of South Dakota

County of Meade S.S.

I, Finance Officer of the City of Box Elder, do hereby certify that all special assessments which are liens upon the described lands are fully paid according to the records of my office.

Dated this ____ day of _____, 20__

Finance Officer of the City of Box Elder

c. **CERTIFICATE OF PLANNING & ZONING DIRECTOR**

I, Planning & Zoning Director of the City of Box Elder, have reviewed this plat and have found it to conform to the Subdivision requirements of Chapter 36.120 of the Box Elder Municipal Code and as such I have approved this Plat as Final Plat.

Dated this ____ day of _____, 20__

Planning & Zoning Director of the City of Box Elder

d. **RESOLUTION OF THE GOVERNING BOARD**

Whereas, there has been presented to the Governing Board of the City of Box Elder, South Dakota, the within Plat of the above described lands, and it appearing to this Board that:

- a. The system of streets conforms to the system of streets of existing plat and section lines of the City,
- b. Adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible,
- c. All provisions of the City Subdivision Regulations have been complied with.
- d. All taxes and special assessments upon the property have been fully paid.
- e. And the plat and survey have been lawfully executed.

NOW THEREFORE, BE IT RESOLVED that the said plat is hereby approved in all respects.

Dated this ____ day of _____, 20__

Mayor
City of Box Elder

Attest:
Finance Officer, City of Box Elder

e. **CERTIFICATE OF DIRECTOR OF EQUALIZATION**

I, the Director of Equalization of Meade County, South Dakota, do hereby certify that I have on record, in my office, a dated copy of the within described plat.

Dated this ____ day of _____, 20__

Director of Equalization of Meade County

f. **CERTIFICATE OF HIGHWAY OR STREET AUTHORITY**

The location of the proposed property lines with respect to the Highway or Street as shown hereon, is hereby approved. Any approaches or access to the Highway or Street will require additional approval.

Dated this ____ day of _____, 20__

Highway or Street Authority

g. **CERTIFICATE OF OWNERSHIP**

State of South Dakota
County of Meade S.S.

I, the undersigned do hereby certify that I am the owner of the land shown and described hereon; that the survey was done at my request for the purpose indicated hereon; that I do hereby approve the survey and within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a dedication of the fee of such land.

Owner _____

On the ___ day of _____, 20__, before me, a Notary Public, personally appeared _____, known to me to be the person described in the foregoing instrument and acknowledged to me that (he,she) signed the same.

Notary Public: _____

My Commission Expires: _____

h. **CERTIFICATE OF SURVEYOR**

State of South Dakota
County of Meade S.S.

I, _____, Registered Land Surveyor No. _____ in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon I have surveyed that tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or Restriction of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and Seal,

(Name) Registered Land Surveyor Date

i. **CERTIFICATE OF REGISTER OF DEEDS**

Note: Title only and leave blank space

2. Pennington County:

a. **CERTIFICATE OF COUNTY TREASURER**

I, the Treasurer of Pennington County, South Dakota, do hereby certify that all taxes, which are liens upon the within described lands, are fully paid, according to the records of my office.

Dated this ____ day of _____, 20____,

Treasurer of Pennington County

b. **CERTIFICATE OF FINANCE OFFICER**

State of South Dakota
County of Pennington S.S.

I, Finance Officer of the City of Box Elder, do hereby certify that all special assessments which are liens upon the described lands are fully paid according to the records of my office.

Dated this ____ day of _____, 20____,

Finance Officer of the City of Box Elder

c. **CERTIFICATE OF PLANNING & ZONING DIRECTOR**

I, Planning & Zoning Director of the City of Box Elder, have reviewed this plat and have found it to conform to the Subdivision requirements of Chapter 36.120 of the Box Elder Municipal Code and as such I have approved this Plat as Final Plat.

Dated this ____ day of _____, 20____,

Planning & Zoning Director of the City of Box Elder

d. **RESOLUTION OF THE GOVERNING BOARD**

Whereas, there has been presented to the Governing Board of the City of Box Elder, South Dakota, the within Plat of the above described lands, and it appearing to this Board that:

- a. The system of streets conforms to the system of streets of existing plat and section lines of the City,

-
- b. Adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible,
 - c. All provisions of the City Subdivision Regulations have been complied with.
 - d. All taxes and special assessments upon the property have been fully paid.
 - e. And the plat and survey have been lawfully executed.

NOW THEREFORE, BE IT RESOLVED that the said plat is hereby approved in all respects.

Dated this ____ day of _____, 20__

Mayor
City of Box Elder

Attest:
Finance Officer, City of Box Elder

e. **CERTIFICATE OF DIRECTOR OF EQUALIZATION**

I, the Director of Equalization of Pennington County, South Dakota, do hereby certify that I have on record, in my office, a dated copy of the within described plat.

Dated this ____ day of _____, 20__

Director of Equalization of Pennington County

f. **CERTIFICATE OF HIGHWAY OR STREET AUTHORITY**

The location of the proposed property lines with respect to the Highway or Street as shown hereon, is hereby approved. Any approaches or access to the Highway or Street will require additional approval.

Dated this ____ day of _____, 20__

Highway or Street Authority

g. **CERTIFICATE OF OWNERSHIP**

State of South Dakota
County of Pennington S.S.

I, the undersigned do hereby certify that I am the owner of the land shown and described hereon; that the survey was done at my request for the purpose indicated hereon; that I do hereby approve the survey and within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a dedication of the fee of such land.

Owner _____

On the ___ day of _____, 20___, before me, a Notary Public, personally appeared _____, known to me to be the person described in the foregoing instrument and acknowledged to me that (he,she) signed the same.

Notary Public: _____

My Commission Expires: _____

h. CERTIFICATE OF SURVEYOR

State of South Dakota
County of Pennington S.S.

I, _____, Registered Land Surveyor No. _____ in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon I have surveyed that tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or Restriction of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and Seal,

(Name) Registered Land Surveyor Date

i. CERTIFICATE OF REGISTER OF DEEDS


State of South Dakota
County of Pennington S.S.

Filed this ___ day of _____, 20_____.

Document Number _____

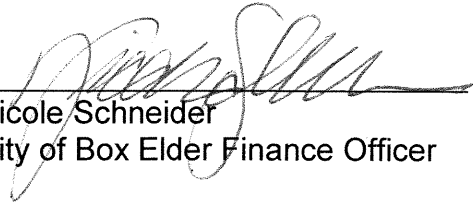
Register of Deeds

Dated this 3rd day of January, 2023.



City of Box Elder

ATTEST:


Nicole Schneider
City of Box Elder Finance Officer

First Reading: 12/20/2022
Second Reading: 01/03/2023
Published: 01/11/2023
Effective: 01/31/2023

