Title 16

SUBDIVISIONS

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Chapter 16.04

ADMINISTRATION AND ENFORCEMENT*

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* Prior ordinance history: Ord. 433.

16.04.010 Duties of administrative official, city planning commission, city council and courts on matters of appeal.

A. It is the intent of this title that all questions of interpretation and enforcement of the subdivision ordinance codified in this title shall be first presented to the planning administrator. The planning administrator shall provide a written response to said questions. If the individual or party wishes to appeal the decision of the planning administrator, such questions shall be presented to the city planning commission, who will make recommendation to the city council for its decision. Appeals from the decisions of the city council shall be as provided by law.

B. It is further the intent of this title that the duties of the city council in connection with this title shall include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this title and consistent with state law. Under this title, the city council shall have the duties of considering and adopting or rejecting proposed amendments or the repeal of this title, as provided by law, and of establishing a schedule of fees and charges as stated below. (Ord. 555 (part), 2002)

16.04.020 Administration and enforcement.

An administrative official who shall be known as the planning administrator and who shall be designated by the city council shall administer and enforce this title. He may be provided with the assistance of such other persons as the city council may direct.(Ord. 555 (part), 2002)

16.04.030 Purpose.

It is the purpose of this title to regulate the subdivision of land so as to coordinate streets/roads with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and

orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the comprehensive plan for the city and its area of extraterritorial jurisdiction.(Ord. 555 (part), 2002)

16.04.040 Authority.

In accordance with SDCL 11-6 and any other authority provided by law or as such statutes may be amended, the city exercises the power and authority to review and approve or disapprove plats for the subdivision of land within the city and for land in the area of extraterritorial jurisdiction.(Ord. 555 (part), 2002)

16.04.050 Jurisdiction.

These regulations shall apply to all subdivisions of land, as defined in this title, located within the city and its area of extraterritorial jurisdiction. It is unlawful for the owner, agent or persons having control of any land within the corporate limits of the city or within three miles of its corporate limits to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the state of South Dakota and the provisions of this title.(Ord. 555 (part), 2002)

16.04.060 Conformity with other plans.

In addition to the requirements established in this title, all subdivision plans and plats shall comply with the following laws, rules and regulations:

A. The comprehensive plan of the city and the policies set forth therein;

B. The zoning ordinance of the city;

C. The major street plan, showing the location, arrangement and character of existing and planned streets/roads;

D. Other plans or standards which may be or have been adopted that would affect the subdivision and use of the land.(Ord. 555 (part), 2002)

16.04.070 Schedule of fees, charges and expenses.

The city council shall establish a schedule of fees, charges and expenses and collection procedure for all requests pertaining to this title. The schedule of fees shall be posted in the office of the planning administrator and may be altered or amended only by the city council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.(Ord. 555 (part), 2002)

16.04.074 Park land dedication.

Dedication of land for park or playground purposes in areas annexed or master planned into the city.

A. When any land with the exception of highway commercial, industrial and medical zoned property is annexed or master planned into the city limits of this city, the person or persons requesting such annexation or master planning shall dedicate an area equal to five (5) percent of the land so annexed or master planned to be set aside for use as parks or playgrounds, under the jurisdiction of the City of Custer.

B. The location of such park and playground land shall be determined by the park and recreation board (hereinafter called board). In the event the owners of the land to be annexed or master planned are unsatisfied with

the decision of the board, an appeal to the city council may be taken within 30 days after notification to the owner in writing by the board.

C. The board upon approval of the city council may allow the owner to donate a sum in cash equal to five (5) percent of the value of the property to be annexed or master planned (but in no event less than $100.00) in lieu of dedication of land. Such decision shall be solely at the discretion of the board upon approval of the city council. The value shall be determined by the director of equalization and if not accepted by the owner, the valuation may be appealed to the city council within 10 days after notification to the owner in writing by the board.

D. This chapter shall not apply to forced annexation unless specifically set out in the annexation resolution.

E. Monies derived from this section shall be restricted for the sole purpose of park and playground acquisition and/or development.

F. Action, determination or dedication under this section may be deferred by the board until the latter of the annexation or master planning of the property in question is complete. (Ord. 701, 2011)

16.04.080 Right of entry.

In filing an application, the applicant shall be deemed to have granted to the city planning administrator and the city planning commission, building inspector and city council permission to inspect any and all structures and land involved in the application. Permission shall continue so long as the application or an appeal thereon is pending. (Ord. 555 (part), 2002)

16.04.090 Subdivision regulation enforcement.

No plat or plan of a subdivision of land located within the jurisdiction of this title shall be admitted to the records of the county or received or recorded by the county register of deeds until said plat has received final approval in writing by the city council. After adoption of the ordinance codified in this title by the city council, no building shall be erected or building permit issued within such territory unless the requirements as provided in this title have been fulfilled. If any building is erected in violation of this title, the planning administrator or other appropriate official may cause the building to be vacated or removed. (Ord. 555 (part), 2002)

16.04.100 Definitions.

The following words and phrases shall be as defined below:

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

ñArterialò means a principal traffic artery, more or less continuous across the city, which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the major street plan.

ñBasementò means any story located below the main floor.

ñBuildingò means any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.

ñCityò means The city of Custer, South Dakota.

ñCity specificationsò means the city specifications of the city, which have been adopted by the city council.

ñCollectorò means a street which carries traffic from local streets/roads to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development.

ñComprehensive planò means any legally adopted part or element of the comprehensive plan of the city.

ñCul-de-sacò means a local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

ñDedicatedò means a grant of land to the public for their perpetual use.

ñDeveloperò means the person who converts raw land into legally platted, buildable lots. The developer may or may not be the owner of the parcel or the builder of the structures which occupy the lots.

ñDouble frontageò means a lot which abuts a street on two opposite sides (not a corner lot).

ñEasementò means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

ñFrontage roadò means a street used only for access to abutting property where there will be constructed an expressway or arterial street.

ñLocal streetò means a street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.

ñLotò means a tract, plot or portion of a subdivision or other parcel of land intended as a unit.

ñLowest floorò means the lowest floor of the lowest enclosed area (including basement), but not including an unfinished crawl space used for access.

ñMain floorò means the lowest story in which more than six feet lies above grade for more than fifty (50) percent of the perimeter or in which any point is more than twelve (12) feet above grade.

ñMajor drainagewayò means the main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the city engineer.

ñMajor street planò means the major street plan adopted through the comprehensive planning process as approved by the city council.

ñMutual access easementò means an easement granting the perpetual right of abutting property owners to use a designated portion of property for common ingress and/or egress purposes. The easement area shall be maintained by the abutting property owners. The easement is not to be considered required frontage.

ñPlatò means a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

A. ñSketch Planò means an informal submittal to discuss the requirement of this title with a subdivider regarding a proposed subdivision.

B. ñPreliminary platò means drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision and all related engineering plans and documentation.

C. ñFinal platò means a plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the register of deeds.

ñPrivate street/roadò means one that has not been dedicated, but rather reserved as public access to property. The private street or road shall be owned and maintained by the property owners which it serves.

ñRight-of-wayò means a strip of land occupied by a street, railroad, pedestrian walkways or other special use. The use of the term ñright-of-wayò for platting purposes means that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

ñStructuresò means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

ñSubdivisionò means the division of any tract or parcel of land into two or more lots or tracts.(Ord. 555 (part), 2002)

Chapter 16.08

SUBDIVISION APPROVAL PROCEDURE GENERALLY*

Sections:

16.08.010 Plat required.
16.08.020 Recording, use and selling.
16.08.030 Plat approval--General.
16.08.040 Subdivision of a portion of a larger tract.

* Prior ordinance history: Ord. 433.

16.08.010 Plat required.

Whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, the subdivider, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth below. (Ord. 565 (part), 2002)

16.08.020 Recording, use and selling.

A. No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed in this chapter.

B. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this title, if it is found that such real property is contrary to the public health, safety or welfare. (Ord. 565 (part), 2002)

16.08.030 Plat approval--General.

The procedure for review and approval of a subdivision plat shall consist of three separate steps, in sequence: the preparation and submission of a sketch plan, preparation and submission of a preliminary plat of the proposed subdivision and preparation and submission of a final plat of the proposed subdivision. A sketch plan is not a required process but is highly encouraged to save time and expense in reaching general agreement with the city. (Ord. 565 (part), 2002)

16.08.040 Subdivision of a portion of a larger tract.

Whenever part of a tract is proposed to be subdivided, a sketch plan of the entire tract shall be submitted to the planning administrator at the same time of the preliminary plat. (Ord. 565 (part), 2002)

Chapter 16.10

SKETCH PLANS

Sections:

16.10.010 Sketch plan.
16.10.020 Sketch plan data.
16.10.030 Sketch plan procedures.
16.10.040 Sketch plan review fee.

16.10.010 Sketch plan.

Whenever the owner of any tract or parcel of land within the jurisdiction of this title intends to make a subdivision, the subdivider may before preparing a preliminary plat submit a sketch plan for review by the city planning commission and city council. A sketch plan prior to the preparation of the preliminary plat is to enable the subdivider to save time and expense in reaching general agreement with the city as to the form of the plat and the objectives of these regulations. (Ord. 566 (part), 2002)

16.10.020 Sketch plan data.

Sketch plans shall be legibly presented in either pen or pencil and shall be drawn to a convenient scale that will adequately and legibly represent the property, and shall contain the following information:

A. Name of subdivision if property is within an existing subdivision;

B. Proposed name if not within a previously recorded subdivision;

C. Name of property if no subdivision name has been chosen;

D. Name and address, including telephone number, of legal owner and/or authorized representative;

E. A graphic scale, north arrow and date;

F. A vicinity map showing the proposed subdivision in relation to the surrounding area roads, utilities, if any are present in the vicinity, and watercourses with tributary drainage areas;

G. Property lines, easements, right-of-ways, general boundaries of existing forested areas, location of one hundred year floodplain limits, platted or proposed streets, names and location of streets within one hundred (100) feet from the affected property;

H. Approximate location and size of existing and proposed sewers, water mains, drainage and other structures within the tract, and immediately adjacent thereto;

I. Contours from available data;

J. Preliminary proposals for extension of public utilities, discharge of surface water drainage, and general information describing the water system, including storage capacity and GPM flow from wells;

K. A narrative will describe the nature of the intended development, its total areas, its integration into surrounding development and its impact on the community. Any contemplated future development shall be included. (Ord. 566 (part), 2002)

16.10.030 Sketch plan procedures.

A. Five copies of the sketch plan, any supplementary material, and an 8.5 by 11 inch copy of the plan shall be filed with the planning administrator, at least twenty (20) days prior to the meeting of the city planning commission meeting at which it is to be considered.

B. The subdivider or authorized agent shall review with the city planning commission and city council the minimum standards of subdivision design set forth in Chapters 16.08 through 16.24 and any other adopted standards. This review should prevent unnecessary and costly revisions in the layout and development of the subdivision.

C. Approval of the sketch plan by the city council shall not constitute acceptance of the preliminary or final plat. The approval of the sketch plan shall lapse unless a preliminary plat based thereon is submitted within three years from the date of the approval. An extension of time may be applied for by the subdivider and may be granted by the city council, upon showing of extenuating circumstances. (Ord. 566 (part), 2002)

16.10.040 Sketch plan review fee.

No review fee shall be required for a sketch plan. (Ord. 566 (part), 2002)

Chapter 16.12

PRELIMINARY PLATS*

Sections:

16.12.010 Preliminary plat.
16.12.020 Preliminary plat data.
16.12.030 Preliminary plat procedures.
16.12.040 Plat review fee.

* Prior ordinance history: Ord. 433.

16.12.010 Preliminary plat.

Prior to approval of a final plat, the subdivider shall cause to be prepared a preliminary plat. The preliminary plat shall be prepared prior to the making of any street improvements or the installation of any utilities. (Ord. 567 (part), 2002)

16.12.020 Preliminary plat data.

The preliminary plat shall meet the standards of design as set forth in Chapter 16.20 and the applicable state and federal codes and shall show the following information:

A. Acreage of land to be subdivided;

B. Boundary lines of area to be subdivided and their bearings and distances;

C. Contours at an interval of not greater than five feet or at a lesser interval if deemed necessary by the public works director or designee;

D. Copies of proposed deed restrictions, if any, shall be attached to the preliminary plat;

E. Date, north point and graphic scale;

F. A diagram of the profiles, sections or elevations of all streets to be platted showing the natural and finished grade drawn to scale; curve data for the centerline of each street shall be included;

G. Location of all sidewalks and crosswalks;

H. Existing and proposed easements and their locations, widths and distances;

I. Lot lines and lot numbers;

J. Minimum building setback lines;

K. Periodic inundation. Any portion of the land in or adjacent to the subdivision subject to periodic inundation by storm drainage, overflow or ponding shall be clearly shown and identified on the plat;

L. Name of subdivision, names and addresses of owners, name and the certification and registration number of the engineer and the surveyor, and the names of owners of adjacent property;

M. Scale of one hundred (100) feet to one inch or larger;

N. Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools or other public uses; sites, if any, for semipublic, commercial or multifamily uses;

O. Streets on and adjacent to the tract and their names, widths, approximate grades and other dimensions as may be required;

P. The sanitary sewer plans shall contain the following information:

1. Location and size of all existing and proposed sewers in the subdivision and tie points of the subdivisions. Location of sewer laterals,

2. Direction of flow of each sewer line,

3. Location of each manhole and other sewerage system appurtenances including lift stations and treatment plants,

4. Profile of sewerage system;

Q. The water distribution plan shall contain the location and size of the water distribution system including pipes, valves, fittings, hydrants, high pressure pumping equipment, etc.;

R. The storm drainage plan shall contain the following information:

1. Location of proposed drainage ways, streams and ponds in the subdivision,

2. Location and size of proposed drainage structures including culverts, bridges, pipes and drop inlets,

3. Area of land contributing runoff to each drainage structure,

4. Location of easements and rights-of-way for drainage way, maintenance and access thereof,

5. Direction of water flow throughout the subdivision,

6. A more detailed drainage plan may be required by the public works director or designee;

S. Utilities on and adjacent to the tract showing proposed connections to existing utility systems and rear easements for utility poles and wires;

T. A vicinity sketch at a scale of four hundred (400) feet or less to one inch. (Ord. 567 (part), 2002)

16.12.030 Preliminary plat procedures.

A. Five copies of the preliminary plat, the required supplementary material, and an 8.5 by 11 inch copy of the plat shall be filed with the planning administrator at least twenty (20) days prior to the meeting of the city planning commission meeting at which time it is to be considered.

B. The city planning commission shall study the said preliminary plat to see if it conforms with the minimum standards and requirements as outlined in Chapters 16.08 through 16.24. After due consideration by the city planning commission, the commission shall transmit copies of the preliminary plat to the city council together with its recommendations within sixty (60) days after receipt thereof by the city. The recommendations shall include approval, disapproval or recommendations for modification and the reasons therefor, with a discussion of the effect of the plat on the comprehensive plan. The recommendations shall be of an advisory nature only. If the city planning commission does not act within sixty (60) days, the preliminary plat shall be deemed to have received a favorable recommendation in all respects and shall receive due consideration by the city council at itôs next regularly scheduled meeting unless the applicant agrees to an extension. After due consideration of the preliminary plat, the city council shall approve, disapprove or modify the recommendations of the city planning commission and may impose those requirements or grant those variances in conformance with this title deemed necessary and appropriate for final approval by the city council. The preliminary plat shall be approved or disapproved within ninety (90) days after receipt thereof by the city; otherwise the plat shall be deemed approved and a certificate to take effect shall be issued by the city council upon demand, unless the applicant agrees to an extension.

C. Approval of the preliminary plat by the city council shall not constitute acceptance of the final plat. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within two years from the date of such approval. In case of a phase project, the preliminary plat shall lapse unless the final plat for the final phase is submitted within six years. An extension of time may be applied for by the subdivider and granted by the city council upon showing of extenuating circumstances.. (Ord. 567 (part), 2002)

16.12.040 Plat review fee.

A fee shall be levied for the examination of every preliminary plat reviewed by the city council. At the time preliminary plats are filed with the planning administrator, the subdivider shall pay such fee as prescribed by Section 15.08.050. (Ord. 567 (part), 2002)

Chapter 16.16

FINAL PLATS

Sections:

16.16.010 Final plat.
16.16.020 Final plat data.
16.16.030 Final plat procedure.
16.16.040 Vacation of plat.

16.16.010 Final plat.

The final plat shall conform substantially to the preliminary plat as approved. It may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop. (Ord. 568 (part), 2002: Ord. 433 (part), 1995)

16.16.020 Final plat data.

The final plat shall give the following information:

A. All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points. Locations and descriptions of the control points shall be given. Except where deemed clearly unreasonable or

infeasible by the city council, these control points shall be located section corners of the coordinate system of the state;

B. Certification of plat by registered surveyor as to the accuracy of survey and plat;

C. Certification on plat by the mayor and city finance officer that the plat has been approved for recording in the office of the register of deeds;

D. Certification on plat of title showing that the applicant is the owner, that the making of the plat receives his consent and is in accordance with his desires and a statement by the owner dedicating streets, rights-of-way and any other sites for public use;

E. Certification on plat of title showing that the director of equalization certified that there is on record in the office a copy of the within described plat;

F. Certification on plat of title showing that the county treasury certified that all taxes which are liens upon the within described lands are fully paid according to the records of my office;

G. Certification on plat of title showing the register of deeds filing information;

H. Certification on plat of title showing that street authority has approved the access to the county or state highway, or the city or county road;

I. Date, title, name and location of subdivision, graphic scale and north arrow;

J. Vicinity sketch at a scale of four hundred (400) feet to one inch;

K. If applicable, certification that the subdivider has complied with one of the following alternatives: all the improvements have been installed in accordance with the requirements of this title; or a surety bond has been posted with the city in sufficient amount to assure such completion of all required improvements;

L. Location and description of monuments;

M. Lot numbers, lot lines and frontage dimensions;

N. Name and right-of-way width of each street, easement or other right-of-way;

O. Names and locations of adjoining subdivisions and streets, the location of adjoining unplatted properties and the names and addresses of the owners of adjoining unplatted properties;

P. The plat shall be at a scale of one hundred (100) feet to one inch or larger;

Q. Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording;

R. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sides with accurate dimensions to the nearest one hundredth of a foot; bearings of deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute;

S. All plats shall be uniform size overall as required by state law;

T. Sanitary sewer and water plans and specifications shall be approved by the South Dakota Board of Water and Natural Resources;

U. All formal irrevocable offers of dedication for all streets/roads, alleys, parks and other uses as required. (Ord. 568 (part), 2002: Ord. 433 (part), 1995)

16.16.030 Final plat procedure.

A. Six copies of the final plat and an 8.5 by 11 inch copy of the plat and the required supplementary material shall be filed with the city planning administrator at least twenty (20) days prior the city planning commission meeting at which it is to be considered.

B. Before city council approval, final plats must be endorsed with, or have attached, the certificate of the county treasurer that all taxes which are liens upon any land included in such plat, as shown by the records of his office, have been fully paid.

C. Before city council approval, final plats must be endorsed with, or have attached, the certificate of the street authority that access location to the adjacent streets or highways have been approved.

D. The city planning commission shall review the final plat to see if it conforms with the minimum standards and requirements as outlined in Chapters 16.08 through 16.24 and any requirements of the approved

preliminary plat. After due consideration by the city planning commission, the commission shall transmit copies of the final plat to the city council, together with its recommendations within sixty (60) days after receipt thereof by the city. The recommendations shall include approval, disapproval, or suggestions for modification and the reasons therefor, and a discussion of the effect of the plat on the comprehensive plan. The recommendations shall be of an advisory nature only. If the city planning commission does not act within sixty (60) days, the final plat shall be deemed to have received a favorable recommendation in all respects and shall receive due consideration by the city council unless the applicant agrees to an extension.

E. After due consideration of the final plat, the city council shall approve, disapproved or modify the recommendations of the city planning commission and may impose those requirements or grant those variances in conformance with this title deemed necessary and appropriate by the city council for final approval. The final plat shall be approved or disapproved within ninety (90) days after receipt thereof by the city unless the applicant agrees to an extension; otherwise the plat shall be deemed approved and a certificate to take effect should be issued by the city council upon demand.

F. The grounds for disapproval of any plat shall be stated upon the records of the city council. Any plat submitted for approval shall contain the name and address of a person to whom notice of meeting may be sent; and no plat shall be acted upon by the city council without affording a meeting thereon, notice of the time and place of which shall be sent by mail to said address not less than five days before the date fixed therefor. The approval of the final plat by the city council shall be deemed to constitute or effect an acceptance by the municipality or public of the dedication of any street or other ground shown on the final plat.

G. A fee shall be charged to the developer at the time of filing a final plat to cover the cost of any recording fees required by the county register of deeds. The fee is due and payable at city finance office at the time of filing the final plat. (Ord. 568 (part), 2002: Ord. 433 (part), 1995)

16.16.040 Vacation of plat.

A. Any such plat may be vacated by the proprietors thereof, at any time prior to commencement of construction of improvements or before the sale of any lots therein, by a written instrument declaring the same to be vacated, duly executed, acknowledged or approved and recorded in the same office with the plat to be vacated. The execution and recording of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in the plat. In cases where any lots have been sold, the plat may be vacated, as provided in this chapter, by all the owners of lots in the plat joining in the execution of the writing aforesaid.

B. Any part of a plat may be vacated under the provisions and conditions of subsection A of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in the plat. Nothing contained in this subsection shall authorize the closing or obstructing of any public highways laid out according to law.

C. When any part of a plat shall be vacated as aforesaid, the proprietors of the lots so vacated may enclose the streets, alleys and public grounds adjoining the lots in equal proportions.

D. The register of deeds, in whose office the plats are recorded, shall write in plain, legible letters across the part of the plat so vacated the word ñvacatedò and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.

E. No vacation of a plat will be granted after construction of improvements has commenced. Ord. 568 (part), 2002: Ord. 433 (part), 1995)

Chapter 16.18

RURAL SUBDIVISION

Sections:

16.18.010 Definitions.
16.18.020 Purpose.
16.18.030 Procedure.
16.18.040 Class A rural subdivision street requirements.
16.18.050 Class A rural subdivision improvements.
16.18.060 Class B rural subdivision street requirements.
16.18.070 Class B rural subdivision improvements.

16.18.010 Definitions.

ñRural subdivisionò means the division of a parcel of land into one or more lots or parcels for the purpose of transfer of ownership or building development, whether future or immediate. There shall be established two categories of rural subdivision as follows:

Class A Rural Subdivision. A parcel, divided into lots that are five acres or more in size, and is not served by central sewer and/or central water, that is for residential purposes, shall be deemed a Class A rural subdivision.

Class B Rural Subdivision. A parcel, divided into lots that are two acres or more in size, and is less than five acres, and not served by central sewer and/or central water, that is for residential purposes, shall be deemed a Class B rural subdivision.

A parcel divided into lots of two acres or less, or a parcel served by central sewer and central water, shall not be deemed a rural subdivision and shall be reviewed under the standards as set forth in sections 16.20 and 16.24 of this title. (Ord. 554 (part), 2002)

16.18.020 Purpose.

To provide areas of low density residential development where urban services (i.e. central water and sewer) are not available and the extension of these services are unlikely. Adequate provision for the supply of water and disposal of sewage shall be documented prior to approval of rural subdivision. Where rural subdivisions are allowed, minimum improvements required are the same as those required by the cityôs minimum subdivision standards, except for those exceptions/requirements established in this chapter. (Ord. 554 (part), 2002)

16.18.030 Procedure.

A. A layout plan shall be submitted to planning administrator to determine whether the proposal meets the criteria of a rural subdivision. The layout plan shall include a vicinity map of the request and a subdivision layout at a scale that will adequately represent the property and can be readable. The planning administrator shall determine from the layout plan whether the rural subdivision requirements shall apply.

B. If the layout plan meets the criteria of a rural subdivision, a subdivision plat shall be submitted in accordance with Section 16.08.010 of this code.

C. Whenever a lot or lots are platted as a rural subdivision and are subsequently replatted and do not meet the criteria for a rural subdivision, all procedures and public improvements, as required by this title, shall be met including the construction of required public facilities. (Ord. 554 (part), 2002)

16.18.040 Class A rural subdivision street requirements.

A. Gravel roads may be allowed if the planning commission and city council determine that the road will have no significant impact on air quality.

B. Gravel roads will meet city engineering specifications and all work shall be inspected and approved by the city engineer or the director of streets or designee.

C. If any gravel road is annexed into the city, public repair and maintenance, including snow removal, will not be provided until the road meets city hard surfacing pavement requirements and is officially accepted onto the city street system by resolution of the city council. A note shall be placed on the plat stating that the streets will not be accepted onto the city street system until they meet the minimum hard surfacing requirements of the city, or a notice to the owners shall be filed with the register of deed office stating that the streets will not be accepted onto the city street system until they meet the minimum hard surfacing requirements of the city. (Ord. 554 (part), 2002)

16.18.050 Class A rural subdivision improvements.

A. All minor streets shall have a minimum of a twenty-four (24) foot driving surface. No on-street parking shall be allowed.

B. For any major street identified on the major street plan, the road surfacing width shall be in accordance with Section 1502 of the city comprehensive plan.

C. A minimum of four inches of gravel surface shall be required.

D. A drainage ditch section shall be provided on both sides of the street. A minimum of three-to-one cross slope shall be provided.

E. Driveways shall not inhibit or restrict the flow of surface water and shall have the approval of the appropriate highway authority. A minimum eighteen (18) inch corrugated metal pipe shall be installed for the drainage ditch driveway crossing unless smaller size approved by the director of streets.

F. Individual wells or other approved water system shall be allowed, if they meet all state and local regulations.

G. Proposed on-site wastewater system(s) shall meet all state and local regulations. The applicant shall provide a plan and report that identifies the following information:

1. The location of percolation test holes and results of percolation tests. The minimum number of percolation tests to be conducted for the proposed subdivision shall be determined by the city engineer or director of water and wastewater or designee;

2. A profile of the soil to a depth to bedrock, impervious material and/or groundwater or to a depth of eight feet, whichever is less, shall be provided for each lot.

H. The location of all existing wells within the proposed subdivision and/or the location of any wells not within the proposed subdivision but located within two hundred (200) feet of any part of the proposed subdivision shall be provided.

I. A topographic map with contours at intervals not greater than five feet shall be provided, unless waived by the city engineer or the director of streets or designee.

J. Grading and drainage plans will not ordinarily be required unless, in the judgment of the city engineer or the director of streets or designee, potential drainage problems exist.

K. Sidewalks may be required if the city council determines there is an overriding public safety concern such as the necessity to provide a safe and direct route to a public school.

L. The gradient for any street shall not exceed twelve (12) percent.

M. The intersection and approach area where vehicles wait to enter the intersection shall not exceed five percent gradient for a minimum of fifty (50) feet from the intersection. (Ord. 554 (part), 2002)

16.18.060 Class B rural subdivision street requirements.

A. All streets shall be a graveled rural section road unless specified otherwise by planning commission, in accordance with Chapter 4 of the 2010 comprehensive plan.

B. No curb and gutter will be required unless in the opinion of the city engineer or the director of streets or designee, curb and gutter may be necessary to handle street drainage to prevent erosion.

C. If any paved rural section street is annexed into the city, public repair and maintenance, including snow removal, will be provided. (Ord. 675 (part), 2010; Ord. 554 (part), 2002)

16.18.070 Class B rural subdivision improvements.

A. All minor streets shall have a minimum of a twenty-four (24) foot driving surface with a two-foot gravel shoulder on both sides of the street. No on-street parking shall be allowed.

B. For any major street identified on the major street plan, the road surfacing width shall be in accordance with Section 1502 of the city comprehensive plan with a two-foot gravel shoulder on both sides of the street.

C. If pavement is selected, pavement thickness shall be in accordance with Section 16.24.020 of this code.

D. A drainage ditch section shall be provided on both sides of the street. A minimum of three-to-one cross slope shall be provided.

E. Driveways shall not inhibit or restrict the flow of surface water and shall have the approval of the appropriate highway authority. A minimum eighteen (18) inch corrugated metal pipe shall be installed for the drainage ditch driveway crossing unless smaller a size is approved by the director of streets.

F. Individual wells or other approved water system shall be allowed, if they meet all state and local regulations.

G. Proposed on-site wastewater system(s) shall meet all state and local regulations. The applicant shall provide a plan and report that identifies the following information:

1. The location of percolation test holes and results of percolation tests. The minimum number of percolation tests to be conducted shall be determined by state regulations.

2. A profile of the soil to a depth to bedrock, impervious material and/or groundwater or to a depth of eight feet, whichever is less, shall be provided for each lot.

H. The location of all existing wells within the proposed subdivision and/or the location of any wells not within the proposed subdivision but located within two hundred (200) feet of any part of the proposed subdivision shall be provided.

I. A topographic map with contours at interval not greater than five feet shall be provided, unless waived by the city engineer or the director of streets or designee.

J. Grading and drainage plans will not ordinarily be required unless, in the judgment of the city engineer or the director of streets or designee, potential drainage problems exist.

K. Sidewalks may be required if there is an overriding public safety concern such as the necessity to provide a safe and direct route to a public school.

L. The gradient for any street shall not exceed twelve (12) percent.

M. The intersection and approach area where vehicles wait to enter the intersection shall not exceed five percent gradient for a minimum of fifty (50) feet from the intersection. (Ord. 675 (part), 2010; Ord. 554 (part), 2002)

Chapter 16.19

MINOR PLATS

Sections:

16.19.010 Purpose.
16.19.020 Criteria.
16.19.030 Application requirements.
16.19.040 Procedure.

16.19.010 Purpose.

The purpose of this chapter is to allow parcels to be replatted into five or fewer lots without being subject to the procedural provisions of the full subdivision regulations of this title.

A. The minor plat procedure is to combine all of the requirements of the preliminary plat and final plat into one plat review period.

B. This exemption from the procedural requirements shall in no manner constitute an exemption from any of the design standards or requirements outlined in the subdivision regulations.

C. Applicability of the minor plat procedure to a specific case shall be determined by the criteria set forth in this chapter. (Ord. 569 (part), 2002)

16.19.020 Criteria.

A. No minor plat shall involve at any stage of the procedure the creation of more than five lots or parcels.

B. No property involved or created by a minor plat shall be involved in a subsequent minor plat procedure for a period of one year from the date of filing of the original minor plat procedure.

C. No minor plat shall be approved in any case in which the extension of public water, sewer or streets or any other physical improvement (excluding the installation of public sidewalks) is required by the subdivision regulations of this title.

D. No minor plat shall be approved in any case in which a variance to the subdivision ordinance has been applied for in accordance with Chapter 16.28 of this code.

E. No minor plat shall be approved unless it complies with all existing city land use regulations, the adopted comprehensive plan and its policies, and the adopted zoning ordinance.

F. No minor plat shall be approved unless it complies with all applicable local, state, and federal policies and laws. (Ord. 569 (part), 2002)

16.19.030 Application requirements.

A. The applicant for a minor plat must submit five copies and an 8.5 by 11 inch copy of the proposed minor plat to the planning administrator.

B. An accurate survey of the existing parcel(s) in the proposed minor plat shall be prepared by a state-registered land surveyor and submitted by the applicant to the planning administrator.

C. A topographic map with contour intervals of not more than five feet shall be required, unless the public works director deems such a topographic map unnecessary in the overall consideration of the request and intent of this title.

D. The applicant is required to submit all information that is normally required with a plat application according to this title. (Ord. 569 (part), 2002)

16.19.040 Procedure.

A. The city planning commission shall review the minor plat to see if it conforms with the minimum standards and requirements outlined in Chapters 16.08 through 16.24. After due consideration by the city planning commission, the commission shall transmit copies of the minor plat to the city council, together with its recommendations within sixty (60) days after receipt thereof by the city. The recommendations shall include approval, disapproval or suggestions for modification and the reasons therefor, and a discussion of the effect of the minor plat on the comprehensive plan. The recommendations shall be of an advisory nature only. If the city planning commission does not act within sixty (60) days, the minor plat shall be deemed to have received a favorable recommendation in all respects and shall receive due consideration by the city council at its next regularly schedule meeting unless the applicant agrees to an extension.

B. After due consideration of the minor plat, the city council shall approve, disapprove or modify the recommendations of the city planning commission, and may impose those requirements or grant those variances in conformance with this title deemed necessary and appropriate for final approval by the city council. The final plat shall be approved or disapproved within ninety (90) days after receipt thereof by the city, unless the applicant agrees to an extension; otherwise the plat shall be deemed approved and a certificate to this effect shall be issued by the city council upon demand. (Ord. 569 (part), 2002)

Chapter 16.20

DESIGN STANDARDS

Sections:

16.20.010 General.
16.20.020 Streets.
16.20.030 Alleys.
16.20.040 Blocks.
16.20.050 Lots.
16.20.060 Flood hazards.
16.20.070 Off-street loading and parking facilities.
16.20.080 Easements.
16.20.090 Community assets.
16.20.100 Conformance with other regulations.
16.20.110 Public sites and open spaces.
16.20.120 Large tracts or parcels.

16.20.010 General.

A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace. If, following adequate investigation, conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare or prosperity of the community or would necessitate an excessive expenditure of public financial resources for sewage and water facilities, other public facilities and streets, then the subdivision plat shall not be approved unless the subdivider formulates adequate methods for meeting such problems.

B. All required improvements shall be constructed or installed to conform to the provisions of this title and city specifications. (Ord. 433 (part), 1995)

16.20.020 Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

A. Street Extensions. The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the city council, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the city council deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least fifty (50) feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall street extensions of less width than the minimum width required in these regulations for a street in its category.

B. Dedication of Right-of-Way for New Streets. The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive plan, or, if not shown thereon, shall meet the following standards:

Street Type	Minimum Dedicated Right-of-Way Width (feet)
Parkway	150
Arterial	66
Collector	66
Minor	50
Marginal access	50
Alleys	30

All streets classified as arterial streets by the comprehensive plan shall have all points of access streets approved by the city council. Marginal access streets may be required by the city council for subdivision fronting on arterial streets.

C. Dedication of Right-of-Way for Existing Streets. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth on the preceding list. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the centerline of existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

D. Intersections. Streets shall intersect as nearly as possible at an angle of ninety (90) degrees and no intersection shall be at an angle of less than eighty (80) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than eighty (80) degrees, the city council may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial meet on the side on which such lot or parcel is located.

E. Horizontal and Vertical Street Curves. A tangent at least one hundred (100) feet long shall be introduced between reverse curb on arterial and collector streets. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

Street Type	Minimum Curve Radius (feet)
Arterial	300
Collector	300
Minor	100

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from a driverôs eyes, which are assumed to be four and one-half feet above the pavement surface, to an object four inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, are required.

F. Street Grades and Elevations. Street grades shall conform to the following:

Street Type	Maximum Percent Grade
Arterial	7
Collector	7
Minor	7

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half of one percent. The city council shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the city council shall require profiles or elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood heights.

G. Marginal Access Streets.

1. Where a subdivision abuts or contains an existing or proposed arterial street, the city council may require access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

2. Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the city council

may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

3. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the city council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

H. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.

I. Cul-de-Sacs. Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall have a turnaround having a radius at the outside of the pavement of at least fifty (50) feet, and a radius at the outside of the right-of-way of at least sixty (60) feet.

J. Street Name. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix.

K. Private Streets and Reserve Strips. There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the city or county under conditions approved by the city council as authorized in these regulations. (Ord. 433 (part), 1995)

16.20.030 Alleys.

Alleys shall be provided to give access to the rear of all lots. The minimum width of an alley shall be thirty (30) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end as determined by the city council. Alleys shall be provided in residential areas except in cases where the subdivider produces evidence of no need for alleys which is satisfactory to the city council. (Ord. 433 (part), 1995)

16.20.040 Blocks.

A. The lengths, widths and shapes of blocks shall be determined with due regard to the provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for convenient access, circulation, control and safety of street traffic; and limitations and opportunities of topography.

B. Block lengths shall not exceed one thousand two hundred (1,200) feet or be less than three hundred (300) feet, except as the city council considers necessary to secure efficient use of land or desired features of street layout.

C. Blocks shall be wide enough to allow two tiers of lots of minimum depth; provided, that where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two tiers of lots, the city council may approve a single tier of lots of minimum depth. (Ord. 433 (part), 1995)

16.20.050 Lots.

A. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Lot dimensions shall conform to the requirements of the zoning regulations. Residential lots shall not be less than fifty (50) feet wide nor less than seven thousand five hundred (7,500) feet in area.

C. Corner lots for residential use shall have sufficient width to provide thirty (30) feet to permit appropriate building setback from both streets.

D. The subdividing of the land shall be such as to provide, by means of a public street, each lot with frontage on or satisfactory access via a new street to an existing public street.

E. Double frontage, and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access shall be provided along the line of lots abutting such a traffic artery and other disadvantageous use.

F. Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 433 (part), 1995)

16.20.060 Flood hazards.

A. Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life or property, or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To insure that lots will be located only where they will provide flood-free house sites, the city council may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be completely free from the danger of flooding. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks.

B. The floor elevations of houses shall be high enough to be well above the extraordinary flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased. (Ord. 433 (part), 1995)

16.20.070 Off-street loading and parking facilities.

In commercial and industrial subdivisions, in the portions of residential subdivisions reserved for commercial or industrial uses, and the lots or parcels platted for commercial or industrial uses, lots or parcels platted for commercial or industrial sites shall be large enough to provide for off-street loading and unloading facilities and off-street parking facilities. (Refer to Section 1210 of the Custer City comprehensive plan. (Ord. 433 (part), 1995)

16.20.080 Easements.

A. Easements across lots or on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.

B. Where a subdivision is traversed by a watercourse, drainage may, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith. (Ord. 433 (part), 1995)

16.20.090 Community assets.

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and watercourses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the area. The city council may prepare a list of all such features within its area of planning jurisdiction which it deems worthy of preservation. (Ord. 433 (part), 1995)

16.20.100 Conformance with other regulations.

No final plat of land within the area of force and effect of existing zoning regulations will be approved unless it conforms with such regulations. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in the building code, or other official regulations, the most stringent standard shall apply. (Ord. 433 (part), 1995)

16.20.110 Public sites and open spaces.

A. Where a proposed park, recreation, school or other public use shown in a comprehensive plan is located in whole or in part in a subdivision, the city council may require the dedication or reservation of such area within the subdivision in those cases in which the city council deems it to be reasonable.

B. Where deemed essential by the city council, upon consideration of the particular type of development proposed in the subdivision not anticipated in the comprehensive plan, the city council may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for parks, schools, recreation and other public purposes. (Ord. 433 (part), 1995)

16.20.120 Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical resubdivision. (Ord. 433 (part), 1995)

Chapter 16.24

IMPROVEMENTS

Sections:

16.24.010 Monuments.
16.24.020 Streets.
16.24.030 Utility and drainage facilities.
16.24.040 Street name signs.
16.24.050 Requirements for approval of final plat.

16.24.010 Monuments.

A. All subdivision boundary corners and block corners (including points of curvature) shall be marked with permanent survey monuments. A permanent survey monument shall be a quarter-inch brass plate three inches in diameter, permanently attached to a shaft with a minimum length of two inches and a minimum diameter of one-half inch set flush in a concrete block twelve (12) inches deep into the ground and twelve (12) inches in diameter. The point shall be stamped in the plate with identifying information and the surveyorôs registration number. Except in cases where it is deemed clearly unreasonable or infeasible by the city council, these monuments shall be described in relation to the located section corners of the Coordinate System of the state. All lot corners shall be monumented with iron pins of a minimum of one-half inch in diameter and twenty-four (24) inches in length or with iron pipe of a minimum of three-quarters inch in diameter and twenty-four (24) inches in length.

B. In the event that points fall on solid bed rock, or on concrete or stone roadways, curbs, gutters or walks, a durable metal disk or cap shall be securely anchored in the rock or concrete and stamped with the survey point and the registration number of the land surveyor responsible for the establishment of the monument or marker.

C. In the event that the monuments or markers cannot practically be set because of steep terrain, water, marsh or existing structures, or if they should be lost as a result of proposed street, road or other construction,

one or more reference monuments shall be set. Affixed to the monument, in addition to the surveyorôs registration number, shall be the letters ñRMò or ñWC.ò Such reference monuments shall be set as close as practical to the true corner and shall meet the same physical standards that would be required for the true corner were it set. If only one reference monument is used, it must be set on the actual boundary line or a prolongation thereof. Otherwise, at least two reference monuments shall be set.

D. All monuments shall be in place prior to the approval of the final plat. However, to facilitate grading and installation of utilities, the subdivider may, if the city council consents, file a bond with the city, to insure placement of monuments within a period not to exceed six months after approval of the final plat. If the subdivider elects to file a bond for the placement of monuments, sufficient temporary staking shall be done to provide for grading and construction. Should conditions prohibit the placing of monuments on the line, off-set markings will be permitted; provided, however, that exact off-set courses and distances are shown on the subdivision plat. (Ord. 433 (part), 1995)

16.24.020 Streets.

All plans and specifications for street grading and surfacing, including curb and gutter and sidewalk, shall be presented to the city planning commission for approval.

A. Grading Specifications. All streets, roads and alleys shall be graded to their full widths by the subdivider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the city council. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. Rock, when encountered, shall be removed to the grade line. Junctions of cuts and fills will be undercut to a depth of one foot. In fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two feet below the natural ground surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

B. Minimum Pavement Widths. Pavement widths shall be measured back of curb to back of curb. Minimum pavement widths to be provided are:

Street Type	Back of Curb to Back of Curb Widths
Parkways	12 feet for each lane (traffic or parking)
Arterials	38 feet back to back
Collector	38 feet back to back
Minor	32 feet back to back
Marginal Access	32 feet back to back
Industrial and commercial	30 feet back to back

C. Street Pavement. Street pavement shall be provided for all streets and, according to current South Dakota State Department of Highways, standard specifications for either portland cement concrete pavement or bituminous concrete pavement. Such pavement shall be designed to be appropriate for the location of the street and for the type of development and use contemplated. The minimum requirements for surfacing of streets shall be four inches of aggregate base and two inches of bituminous concrete pavement. If full depth bituminous concrete paving is desired by the subdivider, each additional one inch of bituminous concrete pavement may replace two inches of aggregate base.

D. Curb and Gutter. Curb and gutter shall be provided in all subdivisions. Curbs shall not be less than six inches in height and shall be constructed of portland cement concrete. Backfill shall be higher than the curb and shall slope toward the curb in order to insure that surface water drains into the storm drainage system.

E. Sidewalks. For the safety of pedestrians in residential and commercial subdivisions, sidewalks constructed of portland cement concrete shall be constructed on each lot on both sides of the street to meet the following specifications:

1. Commercial developments: twelve (12) feet wide and four inches thick.
2. Multifamily or group housing developments: five feet wide and four inches thick.
3. Single-family or duplex housing developments: four feet wide and four inches thick. (Ord. 433 (part), 1995)

16.24.030 Utility and drainage facilities.

A. General. Sanitary sewer, storm sewer, water distribution, electrical, gas, telephone and communications, cable and all other utility lines shall be installed in rear lot easements or alleys wherever practical. Where it is impractical to install such utility lines in rear lot easements, they shall be installed within the unpaved portions of the street right-of-way except for sanitary and storm sewer lines which may be installed in the paved portion of the street right-of-way if it is impossible to install them in the unpaved portion. All utility lines will be buried underground according to accepted installation codes.

2. When it is impossible to install sanitary and storm sewer lines in the unpaved portion of the street right-of-way, all such utility lines, including service connections, shall be completely installed and inspected and approved by the planning administrator, following the grading of the street and prior to the application of any pavement base.

3. Where sanitary and storm sewer lines are to be installed in the unpaved portion of the street right-of-way, the installation of service connections may be delayed; provided, that at such time as these service connections are installed, they may be installed without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area at such depth as to interfere with the installation of service connections, the complete installation of service connections shall be required prior to the application of any pavement base.

B. Water Supply Improvements. Where the public water supply is reasonably accessible or available to the proposed subdivision, as determined by the city council, a complete water distribution system which shall adequately serve all lots, which shall include appropriately spaced fire hydrants, and which shall be properly connected with the public water supply system, shall be installed. Where a public water supply system is not reasonably accessible to the subdivision, alternate water supply facilities approved by the city council and the South Dakota Board of Water and Natural Resources, SDCL 34-A-2-3 et seq., shall be installed.

C. Sanitary Sewer Improvements. Where the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, as determined by the city council, a complete sanitary sewer system which shall adequately serve all lots and which shall be properly connected to the public sanitary sewer system shall be installed. Where a public sanitary sewer system is not reasonably accessible to the subdivision, alternate community sanitary sewer facilities, which shall be approved by the city council and the South Dakota Board of Water and Natural Resources, SDCL 34-A-2-3 et seq., shall be installed. In the event a community sanitary sewer is determined to be necessary by the city council and the South Dakota Board of Water and Natural Resources, SDCL 34-A-2-3 et seq., the same shall be installed and provision for its continued maintenance shall be established. In any case, sanitary sewer facilities shall be installed as required by standards and specifications as approved by the city council and the South Dakota Board of Water and Natural Resources, SDCL 34-A-2-3 et seq.

D. Storm Drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets and bridges for the proper drainage of all surface winter shall be installed. Cross drains shall be provided to accommodate all natural winter flow and they shall be of sufficient length to permit full width roadways and the required slopes. (Ord. 433 (part), 1995)

16.24.040 Street name signs.

The city council shall require the installation of durable street name signs at all intersections. (Ord. 433 (part), 1995)

16.24.050 Requirements for approval of final plat.

No final plat of any subdivision shall be approved unless:

A. The improvements listed shove have been made and installed in a satisfactory manner and approved by the city council prior to such final plat approval;

B. The subdivider agrees with the city that the city may construct those improvements listed in Sections 16.24.030 and 16.24.040 of this chapter and assess the cost thereof against the property benefitted;

C. The subdivider shall enter into a contract with the city to insure completion of the improvements listed in Sections 16.24.030 and 16.24.040 by the subdivider within one year. The performance of said contract shall be secured by the subdivider filing with the city a performance surety bond in an amount equal to one and one-quarter times the cost of making such improvements and for a period specified by the city, as estimated by the city, conditioned upon the payment of all construction costs incurred in making such improvements by the subdivider and all expense incurred by the city for engineering and legal fees and other expense in connection with the making of such improvements in order to insure the construction of the improvements in a satisfactory manner. (Ord. 433 (part), 1995)

Chapter 16.28

VARIANCES

Sections:

16.28.010 General.
16.28.020 Procedure.
16.28.030 Fees.
16.28.040 Conditions.

16.28.010 General.

The city council may grant subdivision variances from the design and improvement standards of this title upon receiving a recommendation from the planning commission that strict compliance would result in undue hardship to the subdivider/applicant, the granting of such variance will not adversely affect the public, and shall meet the conditions as identified in Section 12.28.040. Any variance granted shall not have the effect of nullifying the intent or purpose of the subdivision ordinance, zoning ordinance, major street plan or other elements of the city comprehensive plan and shall be solely granted on a case by case basis. The city council may not by variance permit subdivision for building purposes in areas situated within the floodway of a flood of one hundred year frequency as defined by the Federal Emergency Management Agency, without compliance with all applicable provisions of Chapter 15.16 of this code. (Ord. 570 (part), 2002)

16.28.020 Procedure.

A. The applicant shall include with the submission of the preliminary plat an application and written statement describing the requested variance and the facts of hardship upon which the request is based. The planning commission and city council shall consider each requested variance at a public meeting.

B. In granting variances, the city council may impose such conditions as will, in its judgment, secure substantially the objectives of this title including the preparation and filing of a recordable document describing the variance and conditions in full.

C. When any variance is granted, the approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based. (Ord. 570 (part), 2002)

16.28.030 Fees.

The fee required for filing an application for variance to the subdivision regulations is as stated in the most recently adopted fee schedule. (Ord. 761, 2015: Ord. 570 (part), 2002)

16.28.040 Conditions.

The city council shall not approve variances unless it first makes findings based upon the evidence in each specific case that:

A. The granting of the variance will not be detrimental to the public health, safety or general welfare, or injurious to other adjoining properties;

B. Because of the particular physical surroundings, shape or topographic conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of this title were enforced;

C. The variance will not cause a substantial increase in public costs; and

D. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or the comprehensive plan. (Ord. 570 (part), 2002)