

TITLE 19
SUBDIVISION OF LAND

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that the current Title 19 shall be replaced in its entirety with the following TITLE 19:

(Title 19 replace in its entirety effective 12/16/05, Ordinance 2005-14)

Chapters:

19.01: General Provisions
19.02: Authority and Jurisdiction
19.03: Procedure
19.04: Design Standards
19.05: Required Improvements
19.06: Variances

CHAPTER 19.01
GENERAL PROVISIONS

SECTIONS:

19.01.01: Scope and Purpose
19.01.02: Definitions
19.01.03: Penalty

19.01.01: SCOPE AND PURPOSE

The purpose of this Title is to provide for the harmonious development of the municipality and its environs; for the coordination of streets within 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 a distribution of population and traffic which will tend to create conditions favorable to health, safety and convenience through the provision for an adequate scale of street, sanitary, water, utility and other improvements as land is subdivided.

19.01.02: DEFINITIONS

ALLEY: A minor public way having a narrow right-of-way and affording a secondary means of access to abutting properties.

CERTIFICATE OF OCCUPANCY: The instrument issued by the Building Inspector when a building has been inspected and found to meet adopted codes and ordinances relating to construction. Such certificate authorizes occupancy of said building.

COMPREHENSIVE/DEVELOPMENT PLAN: Any legally adopted part or element of the Comprehensive/Development Plan of the City. This may include, but is not limited to: Zoning Ordinance, Subdivision Ordinance, Community Facilities Plan, Major Street Plan, Capital Improvements Program and Land Use Plan.

DEVELOPER: Any person or group thereof proposing to transform a parcel of land by dividing the parcel

by platting and/or installing improvements for the purpose of sale and transfer to others.

EASEMENT: A right to land generally established in real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

FINAL PLAT: 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.

FUELBREAK: A strategically located strip or block of land varying in width, on which some vegetation has been modified to reduce the rate of fire spread to provide a safe place for fire fighters to work and where fires may be more readily controlled. A fuelbreak usually provides all wheel drive access and an advantageous area for quickly and safely constructing and manning a fire line.

HEALTH DEPARTMENT: The South Dakota Department of Health.

DEPARTMENT OF ENVIROMENT AND NATURAL RESOURCES: The South Dakota Department of Water and Natural Resources; also referred to as SD DENR.

LOT: A parcel of land intended for transfer of ownership or for building development.

MAJOR STREET PLAN: The major street plan adopted as an element of the comprehensive/development plan.

MARGINAL ACCESS STREET: Any street constructed with street section less than 40' from back of curb to back of curb and right of way width of less than 60'.

MASTER DRAINAGE AND FLOOD CONTROL PLAN: The Flood Boundary and flood Way Map and the Flood Insurance Rate Map (FIRM) as approved by the Federal Emergency Management Agency.

MOUNTAIN SUBDIVISION: All subdivisions located within the limits of the Black Hills Fire District in South Dakota and also any subdivisions where contours for any given cross section of the subdivision indicate an average cross slope greater than 15%.

OWNER'S ENGINEER: The Civil Engineer registered and in good standing with the State Board of Registration of South Dakota who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

OWNER'S SURVEYOR: The Land Surveyor registered and in good standing with the State Board of Registration of South Dakota who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

PLANNING COMMISSION: The Planning Commission for the City.

PRELIMINARY PLAN: The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

SPECIFICATIONS: The specifications which have been adopted by the City Council.

STREET: A tract of land, dedicated to public use, which affords the primary means of access to the abutting

property, but excluding private driveways serving only one (1) parcel of land.

SUBDIVISION: The division of a tract or parcel of land by plat or other instrument of conveyance into two (2) or more lots, sites, or other divisions thereof, with all resulting parcels being less than three (3) acres following the division, for the purpose of immediate or intended future sale or ownership transfer, which could be used as a building development. The term shall include any division that includes a new street regardless of the size of the resulting parcels following the division, re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(Subdivision Definition changed Effective 6-7-08, Ordinance 2008-05)

UTILITIES: Municipal and franchised utilities.

19.01.03: PENALTY

Any person in violation of the provisions of this Title, including any person who transfers or sells land without having the land platted or replatted, as may be required, or otherwise transfers or sells land without first obtaining any approval of the City Council required under this Title and registering as required with the Register of Deeds, shall forfeit and pay a penalty of One Hundred Dollars (\$100.00) for each portion of land so transferred or sold. The City may enjoin the transfer, sale or agreement by an action for injunction or may recover the aforesaid penalty by a civil action in any court or competent jurisdiction.

In addition to the aforementioned civil penalty, any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

**CHAPTER 19.02
AUTHORITY AND JURISDICTION**

- 19.02.01: Authority
- 19.02.02: Jurisdiction
- 19.02.03: Variances Prohibited

19.02.01: AUTHORITY

Pursuant to the authority granted by SDCL 1967 1106 as amended, the following regulations are hereby adopted by the City.

19.02.02: JURISDICTION

This Title shall govern all subdivisions of land within the jurisdiction of the City, including as provided for in SDCL 11-6-26.

19.02.03: VARIANCES PROHIBITED

Any subdivision of land within the City, or one mile thereof platted after January 1, 1993, shall not be eligible for variances under provisions set forth in this Title, except so as to allow approval of an Experimental Subdivision as provided for in Chapter 19.06 of this Title.

(Revision of 19.02.02 & 19.02.03 effective May 2, 2012, Ordinance 2012-04)

CHAPTER 19.03 PROCEDURE

Sections:

- 19.03.01: Procedure for Approval of Subdivision
- 19.03.02 : Procedure for Unofficial Review by Planning Commission
- 19.03.03: Preliminary Plan Requirements
- 19.03.04: Procedure for Review of Preliminary Plan
- 19.03.05: Final Plat Requirements
- 19.03.06: Procedure for Review and Approval of Final Plan and Plat
- 19.03.07: Guarantee in Lieu of Completed Improvement
- 19.03.08: Expiration of Approval of Preliminary Plan

(Revision of 19.03.01, 19.03.03, 19.03.04, 19.03.05, 19.03.06, and 19.03.07 effective May 2, 2012, Ordinance 2012-04)

19.03.01: PROCEDURE FOR APPROVAL OF SUBDIVISION

The procedure to be followed for approval of a subdivision within the jurisdiction of the City shall be as follows:

The developer shall submit to the Community Development Department a minimum of five (5) working days prior to the planning commission meeting a preliminary plan and statements of intent permitting unofficial review.

The planning commission will discuss these documents with the developer and will establish applicable comprehensive/development plan requirements, scale of improvements, design standards, and will review it for compliance with this Title.

Following approval of the preliminary plan by the City Council, developer shall prepare the final plans and required plats for submission to the Community Development Department a minimum of five working days prior to the planning commission meeting.

Upon finding that the final plans and plats are in substantial compliance with the approved preliminary, the planning commission will recommend its approval to the City Council.

Upon approval of the final plans and plat the planning commission shall forward the plans and plat and its recommendation for approval to the City Council.

The final plat shall be filed with the Register of Deeds upon approval by the City Council.

19.03.02: PROCEDURE FOR UNOFFICIAL REVIEW BY PLANNING COMMISSION

The planning commission shall process proposed subdivisions in accordance with this Chapter.

The procedure and/or requirements for unofficial review by the planning commission shall be as follows:

- A. The developer shall prepare a written declaration of intent concerning the tract of land to be subdivided in sufficient detail to clearly indicate the nature and purpose of the subdivision.

A written declaration of intent shall be submitted to the planning commission before approval of the preliminary plan;

- B. The developer shall prepare a plan which he/she shall submit to and discuss with the planning commission in order to establish the requirements of the zoning ordinance, drainage plans, major street plan and other features and requirements of the comprehensive/development plan that will influence the design of the subdivision;
- C. If the property proposed for development involves areas where, in the view of the planning commission, the soil characteristics, terrain, drainage, geology, ground cover or its location impose unusual requirements, the commission may request supplementary data to demonstrate the feasibility of subdividing the land;
- D. The developer may request a written statement setting out the range of requirements to be met in which instance the planning commission shall have a period of 30 days to comply; and
- E. At the request of the developer, the preliminary plan together with planning commission comments may be submitted to the City Council for their review and comment at a joint meeting with the developer.

19.03.03: PRELIMINARY PLAN REQUIREMENTS

Any preliminary plan shall include the following:

A map showing the general location of the property proposed to be subdivided which clearly shows the property boundary and its relation to surrounding development including property lines, roads, utilities, if any are present in the vicinity, and water courses with tributary drainage areas;

Contours from available data;

Sewer and water systems proposed with points of connection to existing service if public, and, if not, accompanied by reports by qualified engineers indicating from available information, the suitability of soils to accommodate private disposal systems, the probability of success of wells for water supply, and any significant problems of long term supply, pollution or maintenance problems of such wells or systems;

A narrative describing the nature of the intended development, its total area, its integrations into surrounding development and its impact on the community;

In the case of a mountain subdivision, a preliminary grading plan and definition of the amount and location of forest cover may be required;

Vicinity sketch;

Names of the Subdivision, Developer, Owner's Engineer and names and addresses of all adjacent land owners;

Date, northpoint and scale. The required scale shall be determined by the City Development Director/Building Official;

Location, width and purpose of all easements;

Location and dimension of land to be dedicated or reserved for parks, open space or other public use;

Lot number and block number clearly identifying each parcel of land and the dimensions of all lots;

Building line location shall be shown along each street;

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 plan;

A street plan containing the following information:

Location of all proposed streets within the subdivision and location of existing or proposed streets adjacent to the subdivision;

Widths of existing and proposed rights-of-way;

Clear identification of location and width of rights-of-way of any street adopted as part of the major Street Plan;

Street names which have been approved by the planning commission;

Topography at five (5) foot contour intervals unless a closer contour interval is required by the City Development Director/Building Official ;

Plan and profile of all streets;

Location of all required sidewalks and crosswalks; and

Curve data for the centerline of each street.

A storm drainage plan containing the following information:

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

Location, size and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of headwalls, etcetera;

Area of land contributing runoff to each drainage structure;

Location of easements and rights-of-way for drainage ways and maintenance of access thereof;

Typical cross sections of each drainage way; and

Direction of water flow throughout subdivision.

A sanitary sewer plan containing the following information:

Location and size of all existing and proposed sewers in the subdivision and location of all tie points and

sewer laterals of the subdivision;

Direction of flow of each sewer line;

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

Plan and profile of sewage system;

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

A gas, electric and telephone distribution plan containing the following information:

Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision and where necessary to abutting property; and

Required easements, including anchor easements for guy wires.

19.03.04: PROCEDURE FOR REVIEW OF PRELIMINARY PLAN

The procedure followed after submission of a preliminary plan for review shall be as follows:

Fifteen (15) copies of the preliminary plan and six (6) copies of the required supplemental material shall be submitted to Community Development Office which shall issue a receipt for the same when it is ascertained that the submission includes all requirements set forth in this Title. If, because of the nature of the subdivision more copies are required, the Development Director / Building Official shall specify the required number of copies;

The date of the planning commission meeting to review the plan shall be specified on the receipt;

When officially submitted and received, the planning commission shall have a maximum of 45 days in which to review, prepare and submit its recommendation and the plans to the City Council, provided, however, that the developer's engineer may agree to an extension not to exceed 30 days;

When officially submitted and received, the Community Development Office shall distribute copies of the plan as follows:

To the appropriate school district;

To any county and/or municipality within at least a three (3) mile radius of any portion of the proposed subdivision;

To any utility, local improvement and service district when applicable;

To U.S. Forest Service and the South Dakota Department of Game, Fish and Parks for review and recommendation regarding access roads, fuelbreaks and other measures designed to reduce fire hazards for mountain subdivisions;

To State Highway Department when applicable;

Applicable soil or water conservation districts for explicit review and recommendations regarding soil suitability and flooding problems;

To the SD DENR; and

To City Departments.

The above agencies, towns or cities shall have twenty-four (24) days from the date information is mailed to them to comment. Failure to respond within the allotted time shall be considered an approval unless an extension has been consented to by the developer and the City Council;

The planning commission shall review the preliminary plan to determine if is consistent with the standards set forth in this Title, and it shall only recommend approval for those preliminary plans which the commission finds to be developed in accordance with the intent, standards and criteria specified in this Title; and

If the commission shall determine from a review of the preliminary plan that the soil, slope, vegetation and/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 or otherwise entail an erosion hazard, the commission shall require the developer to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a registered professional engineer or the U.S. Soil Conservation Service.

19.03.05: FINAL PLAT REQUIREMENTS

The following information is required for final plats of subdivisions:

The original or reproducible final plat shall be drawn in black ink upon mylar or other approved reproducible medium not greater than twenty-six (26) by fifteen (15) inches. The scale shall be one (1) inch equals one hundred (100) feet for tracts under forty (40) acres, and one (1) inch equals four hundred (400) feet for tracts over forty (40) acres. Plat sizes may be adjusted to meet filing requirements of the Meade County Register of Deeds.

The final plat shall show the following information:

The boundary lines of the subdivision including distances and angles or bearings and all section lines. The names of all adjoining subdivisions or a description of adjoining unplatted areas and their street layout;

Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use;

The length of all straight lines, angles of intersection, length of curves and radius. All dimensions of each lot shall also be shown thereon. All dimensions shall be shown in feet and decimals of a foot to two (2) decimal places. The boundaries of the property, locations, scales and true north shall be shown;

Number to identify each lot and block or site; and

Subdivision names, scale, northpoint and date;

C. Each final plat submitted for review and approval of the City Council shall contain the

following certifications:

1. Surveyor's Certificate;
2. Owner's Certificate with notary statement;
3. Acknowledgement of Owner with notary statement;
4. Sturgis City Council Approval block;

Sturgis Planning and Zoning Commission Approval block;

Certificate of the Meade County Treasurer;

Certificate of the Street and Highway Authority;

Certificate of the Meade County Director of Equalization; and

Certificate of the Meade County Register of Deeds verifying that the final plan meets the requirements of that office.

- D. The final plat shall not be accepted, reviewed or any action taken thereon by the City Council if any of the requirements set forth above are not included. At the time of the approval of the final plat by the City Council, the required Meade County Register of Deeds filing fee must be submitted to the Finance Officer of the City by the developer. After approval of a final plat by the City Council, the Finance Officer shall record this plat with the Meade County Register of Deeds Office and no final plat shall be released to any other person by the Finance Officer between the time of approval of the plat by the City Council and the recording of the final plat by the Finance Officer with the Meade County Register of Deeds Office.

19.03.06: PROCEDURE FOR REVIEW OF FINAL PLAT AND PLAN

The procedure followed after submission of a final plan and plat for review and approval shall be as follows:

A final plan and required plat shall be prepared meeting the requirements of this Title and submitted to the Community Development Department five (5) working days prior to the planning commission meeting. The final plat shall be approved and stamped by the Meade County Treasurer prior to submittal to the Community Development Department.

The receipts issued by the Community Development Office for the fifteen (15) copies of the preliminary plan shall specify the date of the planning commission meeting for review of the plans and plat. The commission shall have 30 days in which to submit its recommendation to the City Council.

The City Council shall have a maximum of twenty (20) days to approve or disapprove the final plans and plat after receipt of the planning commission recommendation.

Not more than six (6) days after approval of the final plans and plat by the City Council, the final plat shall be recorded in the Office of the Register of Deeds. The recording fee shall be paid by the developer and shall be submitted at the time final application is made.

19.03.07: GUARANTEE IN LIEU OF COMPLETED IMPROVEMENT

No final subdivision plat shall be approved by the Planning Commission or accepted for record by the Register of Deeds until any required improvements listed shall be constructed in a satisfactory manner and approved by the City Development Director / Building Official or in lieu of such prior construction, the City may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the City in the event of default of the developer.

19.03.08: EXPIRATION OF APPROVAL OF PRELIMINARY PLAN

Approval of a preliminary plan shall be effective for one (1) year from the date of approval by the City Council. Extensions beyond the one (1) year limitation for a period of not to exceed three (3) months may be provided upon agreement between the City Council and the developer. If work has not been commenced within that time set forth herein, then the above review and approval shall be void and the process shall be followed in its entirety.

(Revision of 19.03.01, 19.03.03, 19.03.04, 19.03.05, 19.03.06, and 19.03.07 effective May 2, 2012, Ordinance 2012-04)

CHAPTER 19.04 DESIGN STANDARDS

SECTIONS:

19.04.01: Conformity to Comprehensive/Development Plan
19.04.02: Street Plan
19.04.03: Alleys
19.04.04: Sidewalks
19.04.05: Names
19.04.06: Blocks
19.04.07: Lots
19.04.08: Easements
19.04.09: Drainage, Inundation, and Storm Water Runoff Control
19.04.10: Building Restrictions
19.04.11: Non-Residential Subdivisions
19.04.12: Private Streets and Reserve Strips
19.04.13: Street Lights

(Revisions to 19.04.01, 19.04.02, 19.04.08, 19.04.09, 19.04.10, and 19.04.13 effective May 2, 2012, Ordinance 2012-04)

19.04.01: CONFORMITY TO COMPREHENSIVE/DEVELOPMENT PLAN

All proposed subdivisions shall conform to the comprehensive/development plan.

The densities established by the Zoning Ordinance and the Proposed Land Use Plan shall be observed by the developer.

All thoroughfares in the Major Street Plan shown as crossing or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated thereon.

A layout shall be made of the entire area proposed for development before and after final grading is completed. Such a plan shall show the proposed street and drainage pattern.

The improvements the owner proposes to make off-premises, outside the boundaries of the proposed subdivision, pursuant to the development of the subdivision shall be clearly noted on the preliminary plan. These improvements shall relate to drainage, utilities, extension of water mains, sewer mains, and other improvements necessary to permit development in the subdivision.

The improvements the owner proposes to make, if any, relative to off-premise improvements necessary to the development of the subdivision shall also be clearly noted on the preliminary plan. These improvements shall relate to drainage improvements necessary to carry runoff, extension of water mains, sewers and other improvements.

Minimum street construction standards shall be according to adopted specifications.

19.04.02: STREET PLAN

The arrangement, character, extent, location and grade of all streets shall be in accordance with good land

planning principles and shall be considered in their relation to existing and planned streets, to topographical conditions, orientation to vistas, to public convenience and safety and in appropriate relation to the proposed uses of land to be served by such street.

The street pattern shall lead traffic toward local shopping and neighborhood centers and to main thoroughfares; however, the number of streets which would tend to promote congestion converging upon any one point shall be held to a minimum. Creation of a "Five-Points" shall not be permitted.

The street pattern shall be in conformity with a plan for the most advantageous development of the entire neighboring area. Sufficient proposed streets shall be extended as far as 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 such proposed subdivision.

The street layout shall include residential collector and local residential streets of considerable continuity approximately parallel to and on both sides of any arterial street or railroad to reduce the number of intersections of local residential streets with through streets and crossings of railroad tracks.

Local residential streets in the subdivision shall be so laid out that their use by through traffic shall be discouraged.

Subdivisions which abut, or include within the proposed area to be subdivided, any highway or arterial street, shall provide the following:

A marginal access street, or

Reverse frontage with screen planting contained in a non-access reservation along the rear property line, or

Deep lots with rear service drives, or

Other treatment as may be necessary to adequately protect residential properties and to afford separation of through and local traffic.

Intersections of local residential streets with arterial streets shall be held to a minimum.

Unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner which omits part of the original tract to avoid drainage improvements.

Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted.

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 the existing streets.

Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround having a minimum right-of-way diameter of one hundred (100) feet and a minimum roadway diameter of seventy-five (75) feet. Between the street and the circle there shall be a one hundred (100) foot reverse radius unless otherwise approved.

A cul-de-sac shall not exceed five hundred (500) feet in length.

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. In no case shall a jog be permitted on an arterial street or highway.

The following conditions shall govern the designation and minimum street right-of-way and roadway width:

The minimum widths of highways, arterial streets, residential collector streets, local residential streets and marginal access streets to be dedicated to City or County shall be as indicated on the Major Street Plan and where not shown therein shall be not less than as follows:

<u>Street Type</u>	<u>Right-of-way</u>
Highways	210 feet
Arterials	80 feet
Residential Collector	60 feet
Local Residential	60 feet
Marginal Access	55 feet

In undeveloped or vacant areas, the Planning Commission shall have the discretion to identify or classify a street as a "collector street".

The amount of right-of-way deemed reasonable to be required by dedication shall not exceed one hundred (100) feet in width.

Minimum roadway widths:

<u>Street Type</u>	<u>Pavement Width (measured from Curb Faces)</u>
Highways	64 feet (total)
Arterials	60 feet (total)
Residential Collector	40 feet
Local Residential	40 feet
Marginal Access	35 feet

No on street parking shall be permitted on Marginal Access Streets.
Marginal Access Streets shall not be permitted in General residential zoned areas.

Street gradients shall be controlled by the following:

Street grades shall not exceed the following unless otherwise recommended and approved by the City Development Director / Building Official :

<u>Street Type</u>	<u>Percent Grade</u>
Highways	3.0%
Arterials	7.0%
Residential Collector	10.0%
Local Residential	12.0%
Marginal Access	12.0%

Minimum grades of any roadway shall not be less than 0.5% unless otherwise approved by the City Development Director / Building Official.

In a mountain subdivision the percent of grade shall be determined by the City Development Director / Building Official, but in no case shall grades exceed 12%.

Vertical curves shall be such as to prevent abrupt change and shall be as approved by the City Development Director / Building Official.

Alignment and visibility conditions:

Minimum radius of horizontal curvature on the centerline shall not be less than one hundred (100) feet.

Tangents between reverse curves shall be as approved by the City Development Director / Building Official.

Angular breaks in right-of-way alignment of more than two degrees are not permitted. Street pavement and curbs shall be curved in all cases.

Clear horizontal visibility, measured along the center line, shall equal or exceed at least six hundred (600) feet on arterial streets; three hundred (300) feet on collector streets; and at least two hundred (200) feet on marginal access streets.

Where there are roads in existence, engineering plans for right-of-ways must be so designated as to contemplate elimination of bends, crooks, and other undesirable hazardous conditions.

Intersections:

Submission of a grading plan showing existing conditions and a detailed design for intersections which are either unusual, or are located on difficult terrains, may be required by the City Development Director / Building Official.

Acute angles at street intersections are to be avoided insofar as possible but in no case will an angle of less than eighty (80) degrees be permitted.

Minimum radii of intersections:

1. Property lines at arterial street intersections shall be rounded with a radius of twenty-five (25) feet. An increased radius shall be required when the angle of intersection is less than ninety (90) degrees or when the intersection involves an arterial street.
2. Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than fifteen (15) feet.

19.04.03: ALLEYS

Alleys may be required in commercial and industrial districts, except that the planning commission and the City Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with Zoning Ordinance requirements. Such alleys shall have a minimum of twenty (20) feet of right-of-way and shall be dedicated to the public.

Alleys are not permitted in residential districts except when the planning commission and City Council determine special conditions warrant a secondary means of access.

19.04.04: SIDEWALKS

Portland cement concrete sidewalks, no less than four (4) feet wide and full four (4) inches deep, shall be constructed on both sides of all streets within any subdivision or any other place deemed necessary by the Planning Commission. If the sidewalks are constructed no wider than four (4) feet there shall be a boulevard constructed between the sidewalk and curb. If no boulevard is constructed the sidewalk must be a minimum of five (5) feet in width. The sidewalk location shall be approved by the Planning Commission.

19.04.05: NAMES

No street names shall be used which will duplicate by spelling or sound or will otherwise be confused with the names of existing streets. Street names are subject to the approval of the planning commission and the City Council.

Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval of the planning commission and the City Council.

19.04.06: BLOCKS

The lengths, widths and shapes of blocks shall be determined with due regard to the following:

- E. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
- F. Zoning Ordinance and Health Department requirements as to lot sizes and dimensions.
- G. Needs for convenient access, circulation, control and safety of street traffic.
- H. Limitations and opportunities of topography.

Block lengths shall not exceed twelve hundred (1,200) feet and shall normally be wide enough to allow two (2) tiers of lots of appropriate depth.

Pedestrian crosswalks, not less than ten (10) feet wide, may be required where deemed essential to provide circulation of access to schools, playgrounds, shopping centers, bus stops and other community facilities.

19.04.07: LOTS

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, and shall conform to the requirements of the Zoning Ordinance.

Lot dimensions shall conform to the requirements of the Zoning Ordinance and the requirements of the Health Department and the SDDENR. In such cases where requirements may conflict, the larger requirement shall govern.

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated, and shall conform to the requirements of the Zoning Ordinance.

Corner lots for residential use shall have extra width to permit appropriate building setback from both streets. In no case shall width be less than 60 feet.

Each lot shall be provided with access to a street.

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. Along the line of lots abutting such traffic artery or any other such disadvantageous feature, the developer shall put in a planting screen easement of not less than ten (10) feet in width, across which no right of access shall be provided.

Side lot lines shall be substantially at right angles to street except on curves where they shall be radial.

19.04.08: EASEMENTS

Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than fifteen (15) feet wide total unless otherwise approved by the City Development Director / Building Official.

Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a storm-water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall conform substantially with the lines of such existing or planned drainage way and shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream. Calculations necessary to establish the magnitude of the drainage way shall be provided by the owner's engineer.

Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or off-sets and to facilitate the use of easements for power distribution, telephone service and drainage.

19.04.09: DRAINAGE, INUNDATION AND STORMWATER RUNOFF CONTROL

A drainage plan shall be made for each subdivision by the owner's engineer. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area.

Drainage and flood control facilities shall be provided in conformity with the Master Drainage and Flood Control Plan.

The storm and sanitary sewer plan shall be made prior to other utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.

Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel.

Low areas subject to periodic inundation shall not be developed or subdivided except in compliance with the

flood plain district of the Zoning Ordinance or until the City Development Director / Building Official may establish the following:

The nature of the land use would not in itself impede surface water runoff and would not be subject to appreciable damage by inundation; or

The area may be filled or improved in such a manner as to prevent such periodic inundation, provided that such fill does not retard the flow of surface waters or result in increasing the water level endangering life and property of others; or

Minimum floor elevations may be established to prevent damage to buildings and structures.

The City Development Director / Building Official may require whatever additional engineering information he/she deems necessary to make a decision on subdivisions and other development which are in areas of questionable drainage.

Ponds and similar areas shall be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such areas constitute a necessary part of the drainage control system. However, the acceptance for maintenance of such park areas is subject to approval by the City Council.

Sewers shall be designed in accordance with good, accepted engineering practice and are subject to approval by the City Development Director / Building Official and the SD DENR.

For any development in which more than one (1) acre of land is to be disturbed, a storm water runoff control plan shall be prepared and submitted to the SD DENR for approval. No construction improvements may begin until said runoff control plan has been approved by the SD DENR and a copy of the approved plan submitted to and approved by the City Council.

19.04.10: BUILDING RESTRICTIONS

If the subdivision does not lie within the City limits or within an area subject to the jurisdiction of the City, the planning commission may require provision for minimum front, side and rear yards, based upon the standards of the Zoning Ordinance and Health Department regulations.

19.04.11: NON-RESIDENTIAL SUBDIVISIONS

Non-residential subdivisions shall be reviewed and processed by the Planning Commission.

19.04.12: PRIVATE STREETS AND RESERVE STRIPS

There shall be no private streets platted within a subdivision, and there shall be no reserve strips in a subdivision except where their control is vested in the City.

19.04.13: STREET LIGHTS

Street lights shall be installed by the developer at any intersection, the end of any cul-de-sac and at spacing's a maximum of four hundred feet (400') on long street segments without intersections. The developer shall submit his/her lighting plan and proposed poles and fixtures to the Development Director and Public Works Director for approval as part of the development process.

CHAPTER 19.05 REQUIRED IMPROVEMENTS

SECTIONS:

- 19.05.01: General Provisions Applicable to Improvement
- 19.05.02: Streets and Alleys
- 19.05.03: Curbs and Gutters
- 19.05.04: Water Distribution System
- 19.05.05: Sewers
- 19.05.06: Storm Sewers and Drainage
- 19.05.07: Property Markers
- 19.05.08: Street Signs
- 19.05.09: Oversize Facilities
- 19.05.10: Inspection
- 19.05.11: Acceptance of Improvements by the City

(Revision of 19.05.01, 19.05.04, 19.05.05, 19.05.06, 19.05.10, and 19.05.11 effective May 2, 2012, Ordinance 2012-04)

19.05.01: GENERAL PROVISIONS APPLICABLE TO IMPROVEMENT

The developer is required to install or construct the improvements hereinafter described prior to having released the bonds or other securities which guarantee such required improvements.

Any improvement required under these regulations shall be constructed in accordance with specifications and under the inspection of the City Development Director / Building Official.

Any public and private water main, sanitary sewer, lateral, storm, sewer and underground utilities shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk or other required pavement.

Any required improvement shall be guaranteed by the developer for a period of two (2) years from the date of formal acceptance by the City Council. Formal acceptance shall be action taken by the City Council at a regularly scheduled meeting of the Council and with the acceptance recorded in the minutes of the meeting.

19.05.02: STREETS AND ALLEYS

On any street and/or alley within the subdivision, and on any street and alley providing access to the subdivision, as required by the City Council, a suitable surface shall be constructed in accordance with adopted specifications.

19.05.03: CURBS AND GUTTERS

Standard 32 inch (32") type B concrete curbs and gutters shall be placed on both sides of any street in any subdivision or any place deemed necessary by the City Council.

19.05.04: WATER DISTRIBUTION SYSTEM

Any subdivision within the City shall have a water distribution system and shall be connected to the City's

water system owned and operated by the Sturgis Municipal Utility Board. The water system shall be provided at the expense of the developer.

The design and specifications of the water distribution system shall meet any adopted specifications. The water distribution system shall meet the requirements of the rules and regulations governing connections to and the use of the City's water system as adopted by the Sturgis Municipal Utility Board. The design and specifications of the water distribution systems shall be subject to the approval of the City Development Director / Building Official and the Sturgis Municipal Utility Board and the SD DENR. All water distribution lines shall be constructed in a publicly dedicated right-of-way, unless otherwise approved by the Municipal Utility Board and the City Council.

At such time as the water distribution system has been accepted by the City, this system shall become the property of the Sturgis Municipal Utility Board and shall be maintained by the Sturgis Municipal Utility Board. No private water system shall be allowed in the City without the approval of the Sturgis Municipal Utility Board and the City Council.

19.05.05: SEWERS

Any subdivision within the City shall have a wastewater collection system and shall be connected to the City's sewer system. The wastewater collection system and connection shall be provided at the expense of the owner and upon completion and acceptance of the system by the City, shall become the property of the City. Once the system has become the property of the City, the City shall be responsible for maintenance of the system. Any wastewater collection system shall be designed to provide for orderly expansion into surrounding areas. All wastewater collection lines shall be constructed in a publicly dedicated right-of-way, unless otherwise approved by the City Council.

The design and specifications of the sanitary sewer collection system shall meet all adopted specifications. The design and specifications of the sanitary sewer collection system shall be subject to the approval of the City Development Director / Building Official Public Works Director, the City Council and the SD DENR.

19.05.06: STORM SEWERS AND DRAINAGE

Storm sewers and drainage structures shall be designed and installed as required by the City Development Director / Building Official in accordance with accepted engineering practices. The storm sewer collection system shall be designed to meet the flow requirements of a ten (10) year storm.

19.05.07: PROPERTY MARKERS

The corner of any lot and the beginning and ending of any curve on property lines shall be accurately marked on the ground with 5/8 to 1 1/4 inch diameter iron rods or pipes at least eighteen (18) inches long with aluminum caps.

19.05.08: STREET SIGNS

The developer shall install durable street name signs at all intersections which meet specifications of the City. One (1) street sign is required for each intersection.

19.05.09: OVERSIZE FACILITIES

The City Council may participate in the cost of "oversize" improvements within a subdivision if it is

determined by the City Council that such oversize improvements are necessary to serve large areas of land not in the subdivision and if the cost of such oversize improvements is an unreasonable burden on the developer.

19.05.10: INSPECTION

Each facility constructed in any subdivision shall be installed under inspection of the developer's engineer. All work shall be performed in a workmanlike manner, using good construction practices commonly accepted in the Western, South Dakota area. In the event that any improvements are constructed which are not done in a workmanlike manner or where materials are used that do not meet the specification requirements of the City and State of South Dakota, then the City Development Director / Building Official shall have the right to require the developer to replace the improvements which are done improperly and the development shall not be accepted by the City Council until such replacement has taken place.

19.05.11: ACCEPTANCE OF IMPROVEMENTS BY THE CITY

No building permits shall be issued by the Building Inspector, and no structures or mobile homes shall be placed upon any lot within a subdivision until the water distribution system and the waste water disposal system have been accepted by the City for maintenance and until the developer has provided to the City Development Director / Building Official the back of curb elevations on all lots. In order for the water distribution system and the waste water disposal system to be accepted by the City, they must be complete and in working order and meet the specifications of the City and the City Development Director / Building Official. In the event that a developer is platting lots in sequence in a subdivision, all required improvements, including the water distribution system, waste water disposal system, sidewalks, curb and gutter and hard surface streets must be completed and approved and accepted for maintenance by the City on all pre-existing plats approved by the City Council, before a new final plat will be approved by the City Council.

Streets must be completed and approved and accepted for maintenance by the City within one (1) year of issuance of the first building permit, or no further building permits within the subdivision shall be issued.

(Revision of 19.05.01, 19.05.04, 19.05.05, 19.05.06, 19.05.10, and 19.05.11 effective May 2, 2012, Ordinance 2012-04)

**CHAPTER 19.06
VARIANCES TO DEVELOPMENT STANDARDS**

SECTIONS:

19.06.01: Hardship
19.06.02: Experimental Subdivisions
19.06.03: Conditions

19.06.01: HARDSHIP

Where the City Council finds that extraordinary hardships, due to unusual topographic or other conditions, beyond the control of the developer, may result from strict compliance with this Title, the City Council may vary the regulations of this Title so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Ordinance, Zoning Ordinance, Major Street Plan or other elements of the Comprehensive/Development Plan.

19.06.02: EXPERIMENTAL SUBDIVISIONS

The City Council may waive, vary or modify the standards and requirements of this Title if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

The use of unusual materials in constructing required improvements; or

A new or untried design concept which appears promising.

The City Council shall require the developer to provide a written proposal stating the nature of the experiment and justifying reasons why this Title cannot be applied.

The City Council may require additional guarantees, longer warranty periods or additional bonding for experimental subdivisions.

19.06.03: CONDITIONS

In granting variances, modifications and approvals for experimental subdivisions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified or approved. These conditions may include, without being limited to: personal, surety, performance or maintenance bonds; affidavits, covenants or other legal instruments.

(Title 19 replace in its entirety effective 12/16/05, Ordinance 2005-14)