

CHAPTER 13 – DESIGNATING LEGAL BOUNDARIES

ARTICLE 14 - SUBDIVISION ORDINANCE

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Section 13-14-101 General provisions.

All property not subdivided into lots, blocks and streets within the extra-territorial area beyond the corporate boundaries of City of Pierre shall hereafter be laid out under the direction of the City of Pierre - Hughes County Planning Commission or subject to its approval, and no other subdivision will be recognized by the City of Pierre and County of Hughes. This shall also include any re-subdivision of platted lands.

No officer, agent or employee of the City of Pierre or County of Hughes shall perform or cause to be performed, any construction or maintenance upon any street or public way purported to be dedicated as

a public street or public way by virtue of being shown as a plat, unless such plat shall have been approved as provided by these regulations.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-102 Definitions.

For the purpose of interpreting this ordinance, certain words used herein are defined as follows:

1. AGRICULTURE - The word "AGRICULTURE" shall mean the science of cultivating soil or producing crops or raising livestock for personal livelihood.
2. ALLEY - The word "ALLEY" shall mean a minor way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.
3. BUILDING LINE - The words "BUILDING LINE" shall mean a line on which the property fronts.
4. CITY - The word "CITY" shall mean the City of Pierre, South Dakota, together with all its governing and operating bodies.
5. CITY COMMISSION - The words "CITY COMMISSION" shall mean the duly elected governing body of the municipality.
6. COLLECTOR STREET - The words "COLLECTOR STREET" shall mean a street which is continuous through several residential districts and is intended as a connecting street between residential districts and arteries, highway, or business districts.
7. COUNTY - The word "COUNTY" shall mean Hughes County, South Dakota, together with all its governing and operating bodies.
8. COUNTY COMMISSION - The words "COUNTY COMMISSION" shall mean the duly elected governing body of the county.
9. CUL-DE-SAC - The word "CUL-DE-SAC" shall mean a short minor street having but one vehicular access to another street and terminated by a vehicular turn-around.
10. DEAD END STREET - The words "DEAD END STREET" shall mean a street other than a cul-de-sac with only one outlet and no turn-around.
11. ENGINEER - The word "ENGINEER" shall mean the City's Engineer, or his duly authorized representative.
12. EXTRA-TERRITORIAL PLAN - The words "EXTRA-TERRITORIAL PLAN" shall mean the plan or series of plans for the future development of Hughes County and approved, as may be

required, as the guide for future development. Such plan may also be called by such descriptive terms as a master plan, a comprehensive plan, community plan, or a development plan.

13. FINAL PLAT - The words "FINAL PLAT" shall mean any plat of any lot, tract, or parcel of land requested to be recorded by the Register of Deeds of Hughes County.

14. HALF STREET - The words "HALF STREET" shall mean a roadway of which only a portion of its right-of-way width has been platted.

15. LOCAL STREET - The words "LOCAL STREET" shall mean a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is used primarily for access to abutting properties.

16. MAJOR STREET - The words "MAJOR STREET" shall mean principal traffic thoroughfares more or less continuous across the City which are intended to connect remote parts of the City, or areas adjacent thereto, and act as principal connecting street with State and Federal Highways.

17. PLANNING COMMISSION - The words "PLANNING COMMISSION" or Zoning Commission shall mean the official Joint City of Pierre-Hughes County Planning Commission.

18. PRELIMINARY PLAT - The words "PRELIMINARY PLAT" shall mean any plat of any lot, tract or parcel of land that is not to be a plat of record, but is only a proposed division of land for review and study by the Planning Commission.

19. RE-SUBDIVISION - The word "RE-SUBDIVISION" shall mean the resubdivision of any part of all or any block or blocks of a previously platted subdivision, addition, lot or tract.

20. SHALL - The word "SHALL" whenever used in this ordinance will be interpreted in its mandatory sense.

21. STREET - The word "STREET" means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

22. STREET WIDTH - The words "STREET WIDTH" shall mean the shortest distance between the lines which delineate the rights-of-way of a street.

23. SUBDIVIDER - The word "SUBDIVIDER" shall mean any person, group, corporation, or other entity, or any agent thereof, dividing or proposing to divide lands so as to constitute a subdivision.

24. SUBDIVISION - The words "SUBDIVISION OR ADDITION" shall mean any division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future, of sale or of building development. It also includes re-subdivision or replatting of land, lots or tracts. Divisions of land for agricultural purposes in parcels of five (5) acres or more shall not be included within this definition, unless any such division of five (5)

acres or more includes the planning or development of a new street or access easement.

25. 100 YEAR STORM - A storm or precipitation event which has a one percent probability of occurring in any one year, also called the 100-year storm event.

26. 10 YEAR STORM - A storm or precipitation event which occurs at regular intervals, also called the 10-year storm event.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990; Ord. 1441, 1999.

Section 13-14-103 Procedure.

A. Pre-Application Procedure.

Prior to the filing of a preliminary plat, the subdivider shall consult with interested parties representing the City and County concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangements of streets, alleys, and lots, and the layout of utility lines. Conditional approval as to the general land use of the proposed subdivision must be obtained from the Planning Commission prior to preparation of the preliminary plat.

B. Preliminary Plat.

An application, in writing, for the tentative approval of the preliminary plat, together with six (6) prints, shall be filed with the Planning Commission at least two (2) weeks before the meeting of the Planning Commission, if the plat is to be acted upon at such meeting. The preliminary plat shall show the following:

1. The proposed name of the subdivision.
2. North point, scale, and date.
3. The names and addresses of the subdivider and of the engineer or surveyor.
4. The tract designation and other description according to the real estate records of the City or County Auditor and Recorder.
5. The boundary lines (accurate in scale) of the tract to be subdivided.
6. Contours with intervals of ten (10) feet or less referred to sea level may be required by the Planning Commission.
7. The location, width, and names of all existing platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and important features such as section lines, political subdivision or corporate lines.

8. All parcels of land intended to be dedicated for public use.
9. The layout, names, and widths of proposed streets and the layout and widths of alleys and easements.
10. The layout, numbers and approximate dimensions of proposed lots.
11. On a separate sheet, the proposed uses of land within the subdivision and layout of the sanitary sewer system including pipe size.
12. A certificate of intent to comply with the Sediment and Erosion Control Standards of Hughes County Conservation District. The Sediment and Erosion Control Standards shall be reviewed by the Hughes County Conservation District.
13. A preliminary drainage and grading plan which generally shows the existing drainage pattern for the area with any proposed cut and fill operations which would alter the existing drainage pattern and shows existing structures which may limit the flow in route to the major drainage way. The drainage plan should also illustrate the discharge route from point of collection to outlet. Any improvements to the drainage facility required because of the full development plan at the subject subdivision shall be noted.
14. The developers shall provide the City/County with a Soil Engineering Report and an Engineering Geology Report as hereafter defined:
 - a. Soils Engineering Report. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
 - b. Engineering Geology Report. The engineering geology report shall include an adequate description of the geology of the site including groundwater conditions, surface runoff, and flood plains, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading as affected by geologic factors.
 - c. The reports may be combined if the authors are qualified to address both engineering subject.

C. Final Plat.

Six (6) copies, one in ink on linen tracing cloth, or approved film, of the final plat shall be filed with the Planning Commission at least two (2) weeks prior to the meeting at which approval is requested. The City Commission and the County Commission must approve all final plats, and their action is final, regardless of the action taken by the Planning Commission. The final plat shall be drawn to scale as large as possible on a sheet 15" x 26" and shall show the following:

1. The boundary lines with accurate distances and angles, the exact location and width of all existing or recorded streets intersecting and boundary of the tract.
2. Angles and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines, accurately tied to the lines of the subdivision by distances and angles.
3. An accurate location of the subdivision in reference to the real estate records of the County.
4. The exact layout including:
 - a. Street names.
 - b. The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
 - c. All easements for rights-of-way provided for public services or utilities, drainage easements for surface and subsurface drainage facilities, and any limitations of the easements. Limitations for surface drainage easements shall include prohibition of structures, fences, and landscaping other than grass for designated drainage ways.
 - d. All lot numbers and lines with accurate dimensions in feet and tenths.
5. The accurate location, material, and approximate size of all monuments.
6. The accurate outline description of all property offered for dedication for public use with the purpose indicated thereon.
7. Proposed name of the subdivision.
8. Name of the sub-divider.
9. North point, scale, and date.
10. Certification by a registered land surveyor to the effect that the plan represents a survey made by him and that all monuments shown thereon actually exist, and that their locations are correctly shown.
11. A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to public use forever, signed and acknowledged before a Notary Public by the owner of the land and a complete and accurate description of the land subdivided and the streets dedicated.
12. All other certificates required by state laws.

The following items shall be filed with the Planning Commission the same time as the final plat.

- a.) A plan and profile shall be submitted to the City Engineer on a sheet 24" x 36" of each street with top of curb grades shown. Scales shall be as approved by the City Engineer.
- b.) The cross-section of proposed streets showing the width of roadways.
- c.) A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated.
- d.) A drainage plan showing the proposed drainage ways, storm sewer systems, and identification of flood plains. For drainage ways, the plans shall include calculation of the rainfall duration and intensity, calculations for peak flow within the development (100 year and 10 year storm events), the acreage, the calculated volume of flow for the tributary drainage basin, the velocity of flow in the drainage way, and the 100-year flood elevations along the drainage way. For internal drainage in the development, the plan shall include the flow into the development, the flow out of the development, and the approximate layout of the storm drainage system. The drainage plan shall provide the location of open channels, bridges, culverts, storm sewers, pond areas, and the location and size of easements for the drainage system. The proposed channel and/or pipe sizes, grades, and the approximate inlet locations and outlet connections shall be shown. The plan shall include a discussion and analysis of downstream and upstream facilities as shown on the route outlet map, and a discussion and analysis of drainage problems and solutions. When evaluating the drainage from the proposed subdivision, the developer must assume that the existing storm sewers, channels and other storm water facilities located downstream are at full capacity. The discharge from the development must not exceed the volume or rate of discharge prior to development. This may be accomplished by the use of storm water detention ponds, underground storage, or other methods satisfactory to the City Engineer. The proposed method shall detain storm water originating in the development until such a time as the existing system can accommodate the runoff.
- e.) Three (3) sets of plans, one which is reproducible, for roadway construction, sanitary sewer, and storm sewer, prepared by a registered civil engineer, shall be filed with the City prior to any construction in the subdivision. A land use plan of the subdivision and a community drainage plan shall also be submitted.

13. A Sediment and Erosion Control Plan which complies with the Sediment and Erosion Control Standards of the Hughes County Conservation District. The Sediment and Erosion Control Standards shall be enforced by the City of Pierre and Hughes County.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990; Ord. 1441, 1999; Ord. No. 1455, 1999.

Section 13-14-104 Design Standards.

A. Streets.

1. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to that of the existing and planned streets, to topographical conditions, to the public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Where such is not shown in the general plan for the community, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street impracticable.
3. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission 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.
4. Streets shall be laid out so that they shall intersect at right angles or near right angles.
5. Street right-of-way widths shall be as shown in the Street Plan for the extra-territorial limits and where not shown therein shall be not less than as follows:

Street Type	Right of Way Width	Roadway Driving Surface
Major Street	90	30
Collector Street	70	30
Local Street (residential)	66	30
Cul-de-Sac	50	30
Turn-around in Cul-de-Sac	110 ft diameter	100 ft diameter

6. Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining half of the street shall be platted within such subdivision.
7. Dead end streets or cul-de-sacs designed to be permanent, shall not be longer than six hundred (600) feet. No street shall dead end without a turn around.
8. Street grades shall be established with regard to topography, proposed land use, and the existing Community Drainage Plan and facilities in the area surrounding the land to be subdivided.

B. Alleys.

1. Alleys shall be provided in all districts where the Planning Commission deems they are necessary to assure service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
2. The minimum width of an alley shall be twenty (20) feet in industrial and commercial areas and sixteen (16) feet in residential areas.
3. Alley intersections and sudden changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

C. Easements.

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities when necessary and shall be at least ten (10) feet wide, five (5) feet on each side of the respective lot lines.
2. Where a subdivision is bounded by a watercourse, drainage way, channel, or stream, there shall be provided a storm water 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 as approved by the City Engineer.

D. Blocks.

1. The lengths, widths and shapes of blocks shall be determined with regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use proposed.
 - b. Zoning requiring as to lot size dimensions.
 - c. Needs for convenient access, circulation, control and safety of traffic.
 - d. Limitations of topography.

E. Lots.

The lot size, width, depth, and orientation, and the minimum building setback lines shall meet minimum zoning requirements of the zoning in the extra-territorial area of the City of Pierre and shall be appropriate for the location of the subdivision and for the type of development and use proposed.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-105 Improvements to be made by subdivider.

Before final approval of a plat is given, the sub-divider must provide a bond with corporate surety, or other assurance satisfactory to the City, which will assure the improvements required by the sub-divider will be completed according to the following timetable:

When the building permits have been issued for 50% of any 500-foot segment of street within the plat, the developer shall complete the application of gravel according to City specifications and within one year.

A. Roadway Construction.

1. All streets constructed shall be of the widths required in Section IV, A-5 of these regulations.
2. The right-of-way shall be graded for their full width to provide suitable finish grades for streets, with adequate surface drainage and convenient access to the lots.
3. The streets will be constructed with drainage ditches with slopes not steeper than two feet horizontal for each one foot vertical and at least two feet deep. The streets will be graveled with a minimum of six (6) inches of crushed gravel meeting City specifications.

B. Storm Sewer.

1. An adequate storm sewer system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where the runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.
2. All approaches will be constructed with culverts where it is necessary to maintain road ditch drainage.

C. Monuments and Markers.

1. Survey reference markers shall be a minimum of one-half (1/2) inch reinforcing bar and three (3) feet long with cap stating surveyor's registration number. These markers shall be placed on all boundary corners and block corners. The markers shall be set at such an elevation so that they will not be disturbed during construction and marked by a 2" x 2" wooden guard stake.
2. Lot markers shall be a minimum of one-half (1/2) reinforcing bar, twenty-four (24) inches long with cap stating surveyor's registration number, and shall be placed at all lot corners flush with the ground, or countersunk if necessary, in order to avoid being disturbed and marked by a 1" x 2" wooden guard stake.

D. Sanitary Sewer.

If a community sewer system with a separate treatment facility or a community sewer system connected to the City sewer system is proposed, the sanitary sewers shall be provided to adequately serve the subdivision and conform with the City sewer plan.

1. All sewer mains shall be PVC, ASTM D-3034 pipe or approved material.
2. A minimum of eight (8) inch sewer pipe shall be specified. If larger sewer is required, the City shall pay the difference in cost.
3. All joints shall be sealed by a joint approved by the City.
4. Wherever possible, sewers should follow the centerline of the street. All house connections shall be installed at the time of construction and stubbed out beyond the curb and gutter. Manholes shall be no farther than 400 feet apart, unless approved by the City.

In subdivisions where buildings on a single lot are to be served by septic tanks, the size of lots shall be sufficiently large to meet the minimum requirements of the zoning district in which it is located to accommodate adequate drainage fields. Septic tanks shall meet all local and state requirements.

E. Water Supply.

If a community water system or water supplied by the City is proposed, the water lines in the street and service lines to each lot shall be completed and compatible with the City water supply system. In the event water is to be supplied by wells to serve a single lot, lot sizes shall be large enough so as to assure that there will be no conflict between sewage disposal and water supply. The practicality of safe water supply by this method shall be approved by local and state authorities.

F. Utility Services.

All service for utilities shall be made available for each lot in such a manner as will eliminate the necessity for disturbing the street gravel and drainage structures when connections are made.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-106 Variances.

A. Hardship.

Where the Planning Commission finds there are extraordinary hardships resulting from strict compliance with these regulations, they may recommend to the City and County Commissions alteration of the regulations so that substantial justice may be done and the public interest secured; provided that such alteration will not have the effect of nullifying the intent and purpose of the general plan of the Community or these regulations. Such variances and modifications as may be granted under this section shall be by a majority of the full membership of the City Commission and the full membership of the County Commission independently.

B. Conditions.

In granting variances and modifications, the Planning Commission may require such conditions as it may, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-107 Penalties.

Violations of any provision or provisions of this subdivision ordinance by any sub-divider shall constitute a misdemeanor and upon conviction of such violation there shall be imposed a fine not exceeding one hundred dollars (\$100.00) and each day that such violation continues shall be a separate offense. In case a corporation is the violator of any provision of this ordinance, each officer, agent and/or employee in any way responsible for such violation thereof shall be individually and severally liable for the penalties therein prescribed.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-108 Validity.

If for any reason any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be held invalid, it shall not affect the remaining provisions of this, or any other ordinance of the City or County, to which these rules and regulations relate.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-109 Conflicting Ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Section 13-14-110 Effective Date.

The subdivision regulations shall take effect the 13th day of November, 1987.

Source: Ord. No. 1203, 1987, Rev. of Ord., 1990.

Sections 13-14-111 to 199, inclusive. Reserved.