

# **SUBDIVISION ORDINANCE**

## **CITY OF FLANDREAU, SOUTH DAKOTA**

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## ARTICLE I

### GENERAL PROVISIONS

#### Section 101. Purposes

These regulations are adopted to provide for the harmonious development of the City of Flandreau 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.

#### Section 102. Applicability

In accordance of SDCL 11-6-26.1 and any other authority provided by law or as such statutes may be amended, the City of Flandreau does hereby exercise the power and authority to review and approve or disapprove plats for the subdivision of land within the City of Flandreau and for land in the area of extraterritorial jurisdiction.

#### Section 103. Amendments

Any provision of these regulations from time to time may be amended, supplemented, changed, modified, or repealed by the City Council according to law.

#### Section 104. Variances

1. Exceptional Conditions
  - a. General. The Planning Commission may recommend and the City Council may grant variances from the provisions of these regulations, but only after determining that:
    - (1) There are unique circumstances or conditions affecting the property.
    - (2) The variance is necessary for the reasonable and acceptable development of the property in question.

- (3) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.
- (4) The variance will not permit or encourage uses contrary to zoning regulations.
- b. Conditions. In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- c. Procedures. A petition for any such variations shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the City Council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- d. Where a proposed subdivision would contain no more than two (2) parcels or plots of land and no new roads, the procedure of preparing a preliminary plat may be waived by the Planning Commission.

## **Section 105. Enforcement, Violations, and Penalties**

### 1. General

- a. It shall be the duty of the Administrative Official to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- b. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the City Council, in accordance with the provision of these regulations, and filed with the County Register of Deeds.
- c. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.
- d. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

2. Violation and penalties. Any person, firm, or corporation who fails to comply with, or violates any of these regulations shall be guilty of a misdemeanor and may be punishable by a fine of up to one hundred dollars (\$200.00) for each and every day that any violator fails to comply with the provisions of these regulations. In addition to the penalties described, the City Council or any member thereof, may institute an appropriate action or proceedings to seek an injunction in a court of competent jurisdiction to prevent, retrain, correct or abate such violation or threatened violation and it is the duty of the City Attorney to institute such action.

### **Section 106. Interpretation, Conflict, and Seperability**

1. Interpretation. In their interpretation and application, these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. Seperability. Should any article, section, sub-section, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the subdivision ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

### **Section 107. Effective Date**

This ordinance shall take effect and be in force from, and after, its passage and publication according to law.

## **ARTICLE II**

### **SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

#### **Section 201. General Procedure**

The procedure for review and approval of a subdivision plat shall consist of three separate steps, in sequence: an informal discussion meeting with the Planning Commission or Administrative Official, preparation and submission of a preliminary plat of the proposed subdivision, and preparation and submission of a final plat of the subdivision.

#### **Section 202. Advisory Meeting with Planning Commission/Administrative Official**

1. Before filing a preliminary plat, the subdivider shall consult with the Planning Commission or Administrative Official for advice regarding general requirements, minimum standards of design and required improvement as set forth in this ordinance. A sketch of the proposal shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and existing community facilities. This informal review should prevent unnecessary costly revisions in the layout and development of the subdivision. The informal advisory meeting does not require formal application, fee, or filing of plat with the Planning Commission or City Council.

#### **Section 203. Preliminary Plat Approval**

1. General. After meeting informally with the Planning Commission or Administrative Official, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or the installation of any utilities. The preliminary plat shall provide all of the information indicated in Section 203.3 below. The preliminary plat will be subject to review and revision by the Administrative Official and Planning Commission.
2. Procedure:
  - a. Three (3) copies of the preliminary plat and the required supplemental material shall be filed with the City Finance Officer who shall transmit them to the Planning Commission. Such filing shall take place at least ten (10) days prior to the meeting of the Planning Commission at which it is to be considered.

- b. The Planning Commission shall study the said preliminary plat to see if it is consistent with the standards set forth in these regulations. Following a hearing and due consideration of the preliminary plat, the Planning Commission shall transmit all copies of the preliminary plat to the City Council together with its recommendation, within sixty (60) days after receipt thereof. Said recommendation shall include approval, disapproval, or suggestions for modification and the reasons thereof, and a discussion of the effect of said plat on the comprehensive plan. Said recommendation shall be of an advisory nature only. If the 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.
        - c. Following a hearing and due consideration of the preliminary plat, the City Council shall approve, disapprove, or modify the plat and shall impose those requirements or grant those variances in conformance with this ordinance deemed necessary and appropriate by the City Council for final approval. The action of the Council, together with all modifications, requirements, variances, and reasons thereof, shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider and one (1) copy retained by the City Finance Officer.
        - d. Approval of the preliminary plat by the City Council shall indicate approval of the development concept only and 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 (2) years from the date of such approval. An extension of time may be applied for by the subdivider and granted by the Council.
3. Preliminary plat Information. The preliminary plat shall meet the standards of design as set forth in Article III and shall show the following information:
  - a. Names of subdivision, names and addresses of the owners, and engineer or surveyor, and the names of adjoining property owners within 500 feet of any perimeter boundary of the subdivision. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
  - b. Date, north point and scale. Scale shall not be less than one - (1) inch equals one hundred (100) feet.

- c. Location of property lines, roads, existing utilities with size of lines, and other underground installations.
  - d. Acreage of land to be subdivided.
  - e. Proposed utility system.
  - f. Contours at an interval of not greater than five (5) feet; also, the locations of watercourses, bridges, wooded areas, and such other topographic features as may be pertinent to the subdivision.
  - g. Lot lines, lot numbers, and minimum building setback lines.
  - h. Location of proposed culverts and other drainage provisions.
  - i. Proposed improvements and grading.
  - j. Proposed easements, dedications, and reservations of land to be considered for sale or dedication to public use.
  - k. Names of new streets.
  - l. Copies of proposed deed restrictions, if any, shall be attached to the preliminary plat.
4. Plat Review Fee. A fee shall be levied for the examination and approval or disapproval of every plat reviewed by the Council. At the time preliminary plat(s) are filed with the Finance Officer, the subdivider shall pay to the Finance Officer the amount of ten dollars (\$10) for each plat and one dollar (\$1) for each lot shown on each plat.

#### **Section 204. Final Plat Approval**

1. General. The final plat shall conform substantially to the preliminary plat as approved; and it may constitute only a portion of the preliminary plat, which the subdivider proposes to record and develop.
2. Procedure:
  - a. Following the approval of the preliminary plat, if the developer/subdivider wishes to proceed, four (4) copies of the final plat and required supplemental material shall be filed with the Finance Officer, who shall transmit them to the Chairperson of the Planning Commission. Such filing shall take place at least ten (10) days prior to

the meeting of the Planning Commission at which it is to be considered.

- b. The Planning Commission shall study the said final plat to see if it is consistent with the minimum standards set forth in these regulations. Following due consideration by the Planning Commission, the Commission shall transmit three (3) copies of the final plat to the City Council, together with its recommendation, within sixty (60) days after receipt thereof. Said recommendation shall include approval, disapproval, or suggestions for modifications and reasons thereof, and a discussion of the effect of said plat on the comprehensive plan. Said recommendation shall be of an advisory nature only. If the 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 then receive due consideration by the City Council.
  - c. When the City Council has approved the final plat, one (1) copy shall be returned to the subdivider with the approval of the City Council certified thereon, for filing with the County Register of Deeds as an official plat of record within (90) days after the date of approval thereof by the City Council. Another copy certified by the Council will be transmitted to the appropriate Director of Equalization for his/her records.
3. Final Plat Information. The following information is required for final plats for subdivisions:
- a. The original or reproducible final plat shall be drawn in black ink and shall be a uniform size, fifteen (15) inches by twenty-six (26) inches or eight and one-half (8 ½) inches by fourteen (14) inches. The scale shall be one (1) inch equals one hundred (100) feet or larger.
  - b. The final plat shall show the following information:
    - (1) Date, title, name and location of subdivision, graphic scale, and true north line.
    - (2) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or infeasible by the City Council, these control points shall be the located section corners of the Coordinate System of the State of South Dakota.

- (3) Name and right-of- way width of each street, easements, or other right-of-way.
  - (4) Lot numbers, lot lines, and frontage dimensions.
  - (5) Location and description of monuments.
  - (6) Names of adjoining properties.
  - (7) Purpose for which sites are dedicated or reserved.
- c. The final plat shall be accompanied by:
- (1) 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 such owner dedicating streets, rights-of-way, and other sites for public use.
  - (2) Certification on plat by registered engineer as to the accuracy of survey and plat.
  - (3) Certification that the subdivider has complied with one of the following alternatives – alternative to be determined by the City Council:
    - (a) All improvements have been installed in accordance with the requirements of this ordinance, or;
    - (b) A security bond or certified check has been posted with the City Finance Officer in sufficient amount to assure such completion of all required improvements, or;
    - (c) At the City Council's discretion, the subdivider shall file a Letter of Assurance to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the City Council, such period not to exceed three years. An extension to that three-year period may be granted at the discretion of the City Council. Said Letter of Assurance shall be recorded with the Register of Deeds at the time of filing the Plat.

A copy of each Letter of Assurance shall be placed on file in the Finance Officer's Office and prior to the issuance of any permits, the permit applicant shall be presented with the Letter of Assurance so that he or she will be made aware of where the responsibilities lie for the installation of any improvements not yet in place.

- (4) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.
  - (5) Certification on plat by the City Council that the plat has been approved for recording in the office of the County Register of Deeds.
  - (6) A copy of the certificate of the County Director of Equalization that he has received a copy of such plat.
  - (7) Endorsed on plat or attached to the certificate of the county treasurer that all taxes which are liens upon any land included.
  - (8) Certification by the Administrative Official, when individual sewerage disposal or water systems are to be installed.
4. Guarantee in Lieu of Completed Improvement. No final subdivision plat shall be approved by the City Council or accepted for record by the Register of Deeds until the required improvements have been installed in accordance with the preliminary plat and approved by the Council; or in lieu of such prior construction, the Council may accept a security bond in an amount equal to the estimated cost installation of the required improvements, whereby improvements may be made and utilities installed without cost to the City of Flandreau in the event of default of the subdivider.

## **ARTICLE III**

### **GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN**

#### **Section 301. General**

1. The City Council shall impose the following general requirements and compel all subdividers to comply with the principles of design in the layout of subdivisions hereinafter described.
2. All proposed subdivision regulations shall conform to the comprehensive plan.

#### **Section 302. Suitability of the Land for Subdivision Development**

1. If the City Council finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all public agencies concerned, it has been determined that in the best interest of the public, the land should not be platted and developed for the purpose proposed, the Council shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.
2. The City Council may refuse to approve what it considers to be scattered or premature subdivision of land which would necessitate an excessive expenditure of public funds for the supply of such services such as undue maintenance costs for adequate roads.

#### **Section 303. Street Extensions**

1. The arrangement, character, extent, location and grade of all streets shall be in accordance with good planning principles and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.
2. 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 turn around having a radius of at least fifty (50) feet.

3. The street system for the proposed subdivision shall provide for extending existing streets at the same time or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.
4. The arrangement of streets in a new subdivision shall conform to the Major Street Plan and shall make provisions for the continuation of existing streets in adjoining areas or their proper projection where adjoining land is not subdivided.

**Section 304. Dedication of Right of Way and Roadway Width**

1. General. The following conditions shall govern the designation and minimum street right-of-way and roadway width:
  - a. The minimum widths of highways, arterial streets, residential collector streets, local residential streets, and marginal access to be dedicated to the City shall be indicated on the Major Street Plan and where not shown thereon shall not be less than as follows:

<u>Street Type</u>	<u>Minimum Dedicated Right-Of-Way Width</u>
Arterial	100 Feet
Collector	80 Feet
Local	66 Feet
Marginal Access	66 Feet
Alleys	20 Feet

- b. In undeveloped or vacant areas, the Planning Commission and City Council shall have the discretion to identify or classify a street as a “collector street”.
  - c. The minimum width for right-of-way and roadway widths in commercial and industrial districts shall be the same as required for arterials.
  - d. Minimum roadway widths:

<u>Street Type</u>	<u>Pavement Width (Measured from Curb Faces)</u>
Arterial	64
Collector	40
Local	34
Marginal Access	26

### **Section 305. Access to Arterials and Collectors.**

1. Where a subdivision borders on or contains an existing or proposed arterial, access to such roads may be limited. The City Council upon recommendation from the Planning Commission may require that access to such streets be limited by one of the following means:
  - a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial and screening shall be provided in a strip of land along the rear property line of such lots.
  - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel streets, with the rear lines of their terminal lots backing on the arterial.
  - c. A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).
  - d. Reverse frontage with screen planting contained in a non-access reservation along the rear property line, or;
  - e. Deep lots with rear service drives, or;
  - f. Other treatment as may be necessary to adequately protect residential properties and to afford separation of through and local traffic.

### **Section 306. Intersections**

1. Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than 70 degrees.
2. Road curb intersections shall be rounded by a radius of at least thirteen (13) feet on minor streets and twenty (20) feet on collector streets. When the smallest angle of the street intersection is less than ninety (90) degrees, the City Council may require curb radii of greater length.
3. 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 one hundred (100) feet of the right-of-way or any street which intersects such arterial street on the side on which such lot or parcel is located.

4. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be made.

**Section 307. Street Grades and Elevations**

1. Street grades shall conform to the following :

<u>Street Type</u>	<u>Maximum Percent Grade</u>
Arterial	7
Collector	8
Local	10

2. Minimum grades of any roadway shall not be less than 0.5 percent unless otherwise approved by the Council.

**Section 308. Dead-End Streets (Cul-de-sacs)**

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a diameter at the outside of the pavement of at least seventy-five (75) feet and a diameter at the outside of the right-of-way of at least one hundred (100) feet.

**Section 309. Private Streets, Reserve Strips and Alleys**

1. There shall be no private street platted within a subdivision.
2. There shall be no reserve strips in a subdivision except where their control is definitely vested in the City of Flandreau under conditions approved by the City Council as authorized by this ordinance.
3. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Council. Alleys may be required in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision is made for service access. Such alleys shall be dedicated to the public.

### **Section 310. Blocks**

1. Length. Block lengths shall not exceed twelve hundred (1200) 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.
2. Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevents two (2) tiers of lots, the Council may approve a single tier of lots of minimum depth.

### **Section 311. Lots**

1. The lot size, width, depth, shape orientation, and minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the requirements of zoning regulations and the requirements of the South Dakota Department of Environmental Protection.
3. Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and side street.
4. Each lot shall be provided with access to a street.
5. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
6. 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.

### **Section 312. Easements**

1. Except where alleys are permitted for the purpose, the Council shall require easements at least twenty (20) feet in width centered along all rear lot lines. Where necessary or advisable in the opinion of the City Council, similar easements shall be provided along side lot lines or across lots.
2. If the council deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

3. The property owner whose property is subject to such easements shall be responsible for its maintenance. The property owners shall keep the easement clear of any structure, debris trees, shrubs or landscaping whatsoever except that lawn grass, which shall be regularly mowed and annual vegetation, may be grown thereon, and no permanent fences shall be allowed.

## ARTICLE IV

### **REQUIRED IMPROVEMENTS PREREQUISITE TO FINAL APPROVAL**

#### **Section 401. General**

1. The subdivider is required to install or construct the improvements hereinafter described prior to receiving approval of his final plat or prior to having released the bonds or other securities which guarantee such required improvements.
2. All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk, or other requirement pavement.

#### **Section 402. Property Markers**

The corners of all lots and the beginning and ending of all curves on property lines shall be accurately marked on the ground with three fourths (3/4) inch diameter iron rods or pipes at least twenty- four (24) inches long.

#### **Section 403. Streets and Alleys**

The subdivider shall provide street pavements which shall be designed to carry the expected traffic and which shall be approved by the City Council.

The proposed streets shall be designed and inspected by a certified engineer and have the minimum improvements:

1. The removal of all top soil and grading to meet drainage requirements;
2. A minimum of six (6) inches of crushed gravel; and
3. If a paved street is proposed, an additional three (3) inches of crushed gravel and three (3) inches of asphalt paving is required.

#### **Section 404. Curbs and Gutters**

Standard "L" type curbs and gutters shall be placed on both sides of all streets in all non-residential subdivisions and residential subdivisions if required by the City Council.

### **Section 405. Sidewalks**

Portland cement concrete sidewalks, no less than four (4) feet wide and four (4) inches thick shall be constructed on both sides of all streets within a subdivision having more

than three (3) lots per gross acre, unless waived by the City Council. Each intersection shall be provided with gradual ramp from curb to sidewalk.

### **Section 406. Street Signs**

The City Council may require the subdivider to install durable street name signs at all intersections, which meet specifications of the City Street Superintendent. One street sign is required for each intersection.

### **Section 407. Water Supply System**

The subdivider shall install a complete water distribution system adequate for domestic supply and for fire protection needs to serve each lot or tract in every subdivision where connection is to be made immediately to a community or a utility water system in accordance with the City of Flandreau's design standards and specifications. In subdivisions inside the city limits where such connection to a system is not to be made immediately, plans shall be prepared for future installation of a water-distribution system to serve each lot or tract.

### **Section 408. Sanitary Sewers**

The subdivider shall construct a subdivision sewer system to adequately serve each lots and connect the subdivision system to the public system after the City Council and the South Dakota Department of Environment and Natural Resources has approved the design of the system.

### **Section 409. Storm Drainage**

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., for the proper drainage of all surface water shall be provided. Cross drains shall be provided to accommodate all natural water flow and they shall be of sufficient length to permit full width roadways and required slopes.

### **Section 410. Oversize Facilities**

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

**Section 4.11. Gas Lines.**

The subdivider shall arrange for and shall file his request at the earliest feasible date for as service desired for his subdivision. Where a source of gas supply is not within a reasonable distance for present installation, but under a gas line extension agreement gas service will be extended within five (5) years following the recording of the final plat, those portions of such lines which will lie within the portions of streets intended for vehicular traffic shall be installed.

**Section 412. Electric Power and Telephone Service.**

The subdivider shall arrange with the appropriate utility and shall file his request at the earliest feasible date for electric power and telephone service to his subdivision.

**Section 413. Inspection.**

Each facility constructed in the subdivision shall be designed and installed under inspection of a certified engineer at the cost to the subdivider.

## ARTICLE V.

### DEFINITIONS

Administrative Official – The duly designated administrative official(s) of the City of Flandreau with the charge of enforcing the subdivision ordinance.

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

City Finance Officer - The duly appointed Finance Officer of the City of Flandreau.

City Council (Council) - The duly elected City Council of the City of Flandreau.

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

Easement – A right to land generally established in a 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.

Engineer – The duly designated engineer acting on behalf of the City Council.

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 Moody County Register of Deeds.

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.

Planning Commission – The Flandreau Planning Commission.

Preliminary plat – 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.

Register of Deeds – The duly designated Register of Deeds of Moody County.

Sketch Plan – The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this ordinance, to evaluate feasibility and design characteristics at an early stage in the planning.

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.

Subdivider – The person(s), firm(s), or corporation(s) owning land in the process of creating a subdivision of said land.

Subdivision – The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development (whether immediate or future); provided that a division of land into lots or parcels of thirty-five (35) acres or more and not involving a new street shall not be deemed a subdivision. The term includes the establishment or dedication of a road, highway, street or alley through a tract of land, a resubdivision of land or lots; and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Utilities – Municipal and franchised utilities.

Zoning Ordinance – The Zoning Ordinance of the City of Flandreau