

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

BE IT ORDAINED by the Council of Commissioners of the City of Summerset as follows:

**ARTICLE I – PURPOSE AND JURISDICTION**

**SECTION 1 – PURPOSE AND REPEAL OF ORDINANCE #15.**

Ordinance #15 is an ordinance regulating the subdivision of land within the jurisdiction of the City of Summerset. The Council of Commissioners of the City of Summerset has deemed these regulations and controls to be reasonable and reasonably related to the needs of the residents of Summerset and the surrounding area. Therefore, to eliminate conflict with these regulations, Ordinance #15 of the Summerset Municipal Code is hereby repealed in its entirety.

**SECTION 2 – JURISDICTION.**

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Summerset, South Dakota for the purpose of promoting the health, safety, and general welfare of the community.

**SECTION 3 – SEVERABILITY AND SEPARABILITY.**

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

**ARTICLE II – DEFINITIONS**

For the purposes of this Ordinance, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive. The terms "used" or "occupied" as applied to any land or building shall be construed to include the terms "intended, arranged, or designed to be used or occupied".

**ACCESSORY:** Incidental to a primary use or structure on the same lot.

**ALLEY:** A service roadway providing only a secondary means of access to abutting property and not intended for general traffic circulation.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

**BUILDING PERMIT:** Written permission issued by a Building Official for the construction, repair, alteration, or addition to a building.

**CITY:** The City of Summerset, South Dakota.

**CITY COMMISSION:** The City Commission of the City of Summerset

**CLEARING:** Removing vegetative cover.

**COMMUNITY WATER SYSTEM:** A public water system that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-four (24) year-round residents.

**DEDICATED PUBLIC RIGHT-OF-WAY:** A parcel of land that is conveyed to the public by the notation "DEDICATED PUBLIC RIGHT-OF-WAY" on a recorded plat for use as a public right-of-way (per SDCL 11-3-12).

**DENR:** The South Dakota Department of Environment and Natural Resources.

**DWELLING:** A structure or portion thereof that is used exclusively for human habitation.

**EASEMENT:** A grant of one or more property rights by the property owner to and/or for use by the public or another person. An easement is self-perpetuating and runs with the land unless otherwise stipulated.

**FACTORY-BUILT HOMES:** Structures built off-site and designed for long-term, single-family residential use. For the purpose of these regulations, factory-built homes consist of three (3) types: manufactured homes, mobile homes, and modular homes.

**FEMA:** The Federal Emergency Management Agency.

**GHOST PLATTING:** A method of master planning for future urban densities in large-lot subdivisions located within the City's platting jurisdiction. Platting for future urban lot densities is achieved by the preparation of a Layout Plat to provide for future lots, streets, and other improvements.

**GRADING:** Excavating, filling, or stockpiling soil.

**GRADING PERMIT:** Written permission issued by a Building Official for the excavation, grading, or fill of earth or other material. The grading permit is intended to regulate development of agricultural, residential, commercial, and industrial properties; grading of land within or adjacent to FEMA-designated flood hazard areas; and construction of subdivision roads or improvements.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

**HOMEOWNERS ASSOCIATION:** An association comprised of homeowners who reside in a subdivision or development or landowners who purchase property in the subdivision or development. The association may assess maintenance or common area fees as set forth in the association by-laws.

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

**LOT:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**LOT, CORNER:** A lot or parcel of land abutting two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred and thirty-three degrees (133°). A corner lot shall be deemed to have two (2) front yards and two (2) side yards.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. A double frontage lot shall be deemed to have two (2) front yards and two (2) side yards.

**LOT, INTERIOR:** A lot other than a corner lot. An interior lot shall be deemed to have one (1) front yard, two (2) side yards, and one (1) rear yard.

**LOT LINE:** A line of record bounding a lot that divides one lot from another lot or from a public street or any other public space.

**LOT LINE, FRONT:** The lot line separating a lot from a street right-of-way.

**LOT LINE, REAR:** The lot line opposite and most distant from the front lot line.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A lot or parcel of land whose deed has been recorded in the office of the Register of Deeds of Meade County prior to the effective date of this Ordinance.

**MANUFACTURED HOME:** A factory-built, single-family dwelling, designed to be a permanent residence, that meets the 1976 Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

Manufactured homes typically are not placed on a permanent foundation or basement and consist of one (1) or more transportable sections that do not have a permanently attached towing hitch and chassis.

**MOBILE HOME:** A factory-built, single-family dwelling, designed to be a permanent residence, and built prior to enactment of the 1976 Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code. Mobile homes typically are not placed on a permanent foundation or basement and consist of one (1) or two (2) transportable sections that have a permanently attached towing hitch and chassis.

**MOBILE HOME PARK (MHP):** A site containing three (3) or more spaces with required improvements and utilities that are leased for the long-term placement of factory-built homes, recreational vehicles, or travel trailers.

**MOBILE HOME SPACE:** A plot of ground within a mobile home court or park that is designed as the location for one (1) mobile home and any customary accessory use thereof.

**MODULAR HOME:** A factory-built, single-family dwelling, designed to be a permanent residence that meets state and/or City building codes. Modular homes typically are placed on a permanent foundation or basement and consist of one (1) or more transportable sections that do not have a permanently attached towing hitch and chassis.

**NON-COMMUNITY WATER SYSTEM:** A public water system that is not a community water system and regularly serves a transient population of twenty-five (25) or more people each day.

**OFF-SITE IMPROVEMENT:** An improvement required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.

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

**PLANNING COMMISSION:** The Planning and Zoning Commission of the City of Summerset

**PLANNING OFFICIAL:** The authority charged with the administration and enforcement of this Ordinance, as designated by the City Commission.

**PLANNING DEPARTMENT:** The Planning Official and/or his staff, designees, agents, or assigns.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

**PLAT:** A map drawn to scale from an accurate survey for the purpose of recording a subdivision of land.

**PLAT, FINAL:** A plat of a proposed subdivision prepared by a Registered Land Surveyor that is in a form that is ready to be recorded by the Register of Deeds and includes all items, certifications, and statements as set forth in Article IV, Section 4 of this Ordinance.

**PLAT, LAYOUT:** A plat of a proposed subdivision to be used to determine the physical layout, street, and utility systems, and suitability to the City of the proposed subdivision. This plan shall include all items set forth in Article IV, Section 2 of this Ordinance.

**PLAT, PRELIMINARY:** A plat of a proposed subdivision prepared by a Registered Land Surveyor to be used to establish the terms and conditions for development of a proposed subdivision. This plat shall include all items set forth in Article IV, Section 3 of this Ordinance.

**PUBLIC RIGHT-OF-WAY:** A strip of land defined by right-of-way lines on a plat that is intended to be occupied by a street, recreation trail, utility line, or other similar use and to be used by the public.

**PUBLIC RIGHT-OF-WAY EASEMENT:** A portion of a parcel of land that is defined by a notation on a plat as a permanent easement for use as a public right-of-way.

**PUBLIC UTILITY EASEMENT:** A right granted by an owner of property to a public utility or governmental agency to erect and maintain poles, wires, pipes, or conduits on, across, or under the land, for telephone, electric power, gas, water, sewer, or other utility services.

**RECORDED ACCESS:** A permanent easement or dedication providing legal access to an isolated tract of land.

**REGISTERED LAND SURVEYOR:** A surveyor registered and in good standing with the State of South Dakota.

**RESERVE STRIP:** An easement granted to the public for a strip of land to be held in trust until needed for road development or other beneficial public use. The easement may be converted to a Public Right-of-way Easement by resolution of the City Commission.

**RIGHT-OF-WAY LINES:** The lines that form the boundaries of a right-of-way.

**ROAD DISTRICT:** An association of land owners formed under the provisions of SDCL 31-12A to develop a community or subdivision road district with the intent and

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

purpose of maintaining the system of roads within the district such that they have the capacity to handle all of the internal traffic and provide adequate ingress and egress to the members of the entire district. The association shall develop rules and by-laws to govern the operation of the association including the election of officers, collection of fees, and the authorization to develop, repair, and maintain all roads within said system.

**SANITARY SEWER:** A municipal, community, small or individual sewage disposal system of a type approved by DENR.

**SETBACK:** The horizontal distance between a building (measured from the building line at grade) and a lot line.

**SETBACK LINE:** That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

**SIDEWALK:** A paved area paralleling and usually separated from the traveled way that is used as a pedestrian walkway.

**SIGHT TRIANGLE:** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**STEEP SLOPE:** Land areas where the slope of the ground exceeds twenty percent (20%).

**STREET:** A public thoroughfare that affords the principal means of access to abutting property. This term may be used interchangeably with "avenue", "boulevard", "drive", "highway", "road", or "roadway".

**STREET, ARTERIAL:** A street of considerable continuity connecting various sections of the City, or regions adjacent to or beyond the City, which is designed for high vehicular speed and large volumes of traffic, and may have the secondary function of providing access to abutting property.

**STREET, COLLECTOR:** A street of sufficient continuity to gather and convey traffic from local streets to arterial streets and having the secondary function of providing access to abutting property.

**STREET, CUL-DE-SAC:** A minor street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

**STREET, INDUSTRIAL:** A street designed to provide access to an area of industrial land use.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

**STREET, INTERIOR:** A street located within a subdivision.

**STREET, LOCAL:** A street having the primary function of providing access to abutting properties and the secondary function of moving traffic.

**STREET, MINOR:** A street used primarily for access to abutting property, including local streets and private streets.

**STREET, PRIVATE:** A right-of-way that provides vehicular and pedestrian access to an isolated tract of land where a public right-of-way is deemed impractical by the City.

**STREET LINE:** The boundary line where the street right-of-way line and the property line of the abutting property coincide.

**STREETSCAPE:** A design term referring to all of the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street furniture, street paving, landscaping (including trees and other plantings), awning and marquees, sidewalks, signs, and lighting.

**STREET SPECIFICATIONS:** The required standards to which streets within the jurisdiction of the City must be constructed.

**STRUCTURE:** A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Fences, walls used as fences, poles, lines, cables, mains, or other transmission or distribution facilities of public utilities are not considered to be structures under this definition.

**SUBDIVIDER:** The person(s) having an interest in land and in the process of creating a subdivision of said land.

**SUBDIVIDER'S ENGINEER:** The Professional Engineer registered and in good standing with the State of South Dakota who is the agent of the subdivider proposing to design and construct any new subdivision.

**SUBDIVISION:** The division of any tract or parcel of land into two (2) or more lots, sites, or other division for the purpose, whether immediate or future, of sale or building development. This term includes resubdivision. .

**SUPPLEMENTAL MATERIALS:** Those plans, reports, narratives, designs, requirements, agreements, covenants, and other materials necessary for the development of a subdivision. These include, but are not limited to, those items listed in Article IV, Section 3 of this Ordinance.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

**SURETY:** A fidelity or cash bond, provided by the subdivider to the City in lieu of immediate construction of required improvements, in an amount equal to the estimated cost of the improvements, as certified by the subdivider's engineer, plus fifteen percent (15%). The Planning Commission or the City Commission may request a review of the cost estimate by the City Engineer.

**TANGENT:** A straight line, departing from a curve, which is perpendicular to the radius of that curve.

**USGS Datum:** A United States Geological Survey Geodetic Survey Datum.

**USPLSS:** The United States Public Land Survey System.

**VARIANCE:** A specific exception, granted by the City Commission, to the terms of this Ordinance where such deviation will not be contrary to the public interest and will be granted due to circumstances peculiar to a property.

**VERTICAL CURVE:** The vertical surface curvature of a street centerline located between lines of different percentages of grade.

**ZONING ORDINANCE:** The ordinance adopted by the City to implement the comprehensive plan by regulating the location and use of buildings and uses of land.

**ARTICLE III – PROCEDURE FOR THE SUBDIVISION OF LAND**

**SECTION 1 – GENERAL REQUIREMENTS.**

- A. It shall be a violation of this Ordinance for any person having an interest in any land within the jurisdiction of the City to subdivide or resubdivide such land into lots other than in accordance with the provisions of this Ordinance.
- B. Any subdivision of land within the platting jurisdiction of the City containing two (2) or more lots, no matter how described, shall be platted or replatted, and said plat must be submitted to the Planning Commission for their consideration and recommendation to the City Commission for approval or rejection (per SDCL 11-6-31).
- C. Any parcel of land of less than forty (40) acres which is located within three (3) miles of the municipal limits of the City must be platted prior to the sale or transfer of the land (per SDCL 11-6-40). The Register of Deeds may not record any document of any sale or transfer of unplatted property that does not comply with this Section.
- D. The subdivider shall conform to lot densities established by the City's zoning regulations or, if the subdivision is outside of the City's municipal limits, not be less

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

than the minimum lot sizes established by ARSD 74:53:01, which establishes regulations for individual and small on-site wastewater systems.

- E. The subdivider shall be required to submit a petition for voluntary annexation of his subdivision into the City with the Final or Minor Plat Application if any portion of the subdivision is adjacent to the City's municipal boundary. For the purposes of this Ordinance, the term adjacent ignores any right-of-way or dedication that lies between the municipal boundary and the subdivision boundary.
- F. Land adjacent to a proposed subdivision shall not have its access left land-locked by a proposed subdivision. Sufficient proposed streets shall be extended as far as the boundary line of the parcel being subdivided, and provided with a temporary cul-de-sac in order to ensure normal circulation of traffic within the vicinity.
- G. The subdivider is required to install or construct the improvements hereinafter described prior to the review of the Final Plat Application by the City Commission unless the City Commission accepts appropriate surety in lieu of immediate construction or, in the case of improvements outside the municipal limits of the City; the City Commission approves a Developer's Agreement with the subdivider.
- H. All required improvements shall be:
  - 1. Constructed in accordance with adopted City Specifications;
  - 2. Installed per plans prepared by, and under the construction administration of, the subdivider's engineer. Said plans shall be approved by the Public Works Official and the Planning Official before the commencement of construction;
  - 3. Installed subject to inspection and approval by the Public Works Official and/or the Planning Official;
  - 4. Subject to the requirement that any changes to the approved plans shall be submitted as change orders by the subdivider's engineer to the Planning Official and approved by the Public Works Official and the Planning Official before the commencement of construction;
  - 5. Certified by the subdivider's engineer who shall provide one (1) set of stamped, as-built plans to the Planning Official within thirty (30) days after the final inspection and approval of the improvements by the Public Works Official. Failure to submit said as-built plans in a timely manner shall result in the denial of building permits and municipal utility connections within the subdivision until the drawings are accepted by the Planning Official.
  - 6. Subject to a warranty against defective workmanship or materials by the subdivider for a period of two (2) years after the final inspection and approval of the improvements by the Public Works Official. The subdivider shall make all

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

needed repairs to such improvements at the direction, inspection, and approval of the Public Works Official. The Public Works Department is hereby authorized to make such repairs at the subdivider's expense if, within ten (10) days after the first-class mailing of a notice in writing to the subdivider, the subdivider neglects to make, or undertake with due diligence to make, the directed repairs. However, in the case of an emergency where, in the judgment of the Public Works Official, delay would cause serious loss or damage, repairs may be made immediately after the mailing of said notice and the subdivider shall pay the cost of such repairs.

- I. Maintenance of public streets that have not been accepted for maintenance purposes by the City shall be the responsibility of the subdivider until said maintenance is accepted by the City Commission, in the case of streets outside of the municipal limits of the City, the City Commission approves a Street Maintenance Plan that provides for said maintenance.
- J. All property corners, including the beginning (point of curvature) and ending (point of tangency) of curves along property lines, shall be accurately marked on the ground with a five-eighths inch (5/8") to one and one-quarter inch (1 1/4") diameter iron rod at least eighteen inches (18") in length. Each bar is to be capped with an aluminum or plastic cap indicating the license number of the surveyor who placed the bar in the ground. The monumentation of all corners required by SDCL 11-3-2 shall be fixed in the ground at the locations shown on the approved Preliminary Plat before the Final Plat Application is submitted to the Planning Official for review. Lots shall be numbered or named in accordance with SDCL 11-3-3.
- K. Ghost platting shall be required for all subdivisions within the platting jurisdiction of the City that create one (1) or more lots of one (1) or more acres that may be resubdivided in the future. Those subdivisions utilizing the Minor Plat procedure that have not previously been subject to ghost platting may be exempted from this requirement by the City Commission. The ghost plat shall be included as part of the Developer's Agreement for the proposed subdivision and shall not be subject to the two-year effective life of a Layout Plat.
- L. The City Commission may formulate additional written administrative rules that govern the procedure for processing subdivisions. These procedures may outline the responsibility of parties concerned with subdivisions and subdivision processing, and may contain other information necessary to systematize handling and processing.
- M. Platting fees shall be set by resolution by the City Commission.

SECTION 2 – DESIGN REQUIREMENTS.

The design requirements set forth below shall be considered as minimum standards and may be exceeded by the subdivider.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

A. Design of subdivisions, blocks, and lots.

1. Existing features that would enhance the development of the area as a whole, such as trees, historic sites, or striking physical features, shall be preserved in the design of the subdivision.
2. No trees shall be removed from any subdivision nor any change of grade of land be made until an approved Grading Permit has been issued by a Building Official. Engineering reports may be required from the developer before issuance of the Grading Permit.
3. Each lot within the subdivision shall be provided with access to a street.
4. Easements for utilities and minor drainage ways shall be provided on every lot within the subdivision.
5. Low areas within the subdivision subject to periodic flooding shall not be developed except for such uses that are compatible with such an area. FEMA Floodway Maps and Flood Insurance Rate Maps may provide a guide to determining areas with flooding potential.
6. Land shall not be subdivided in a manner which omits part of the original tract to avoid otherwise necessary improvements, such as (but not limited to) stormwater management facilities or streets.
7. Street or subdivision names shall not duplicate by spelling or sound or otherwise be confused with the names of existing streets or subdivisions. Such names are subject to approval of the Planning Official after consultation with the appropriate Emergency Services Communication (9-1-1) Official and Register of Deeds.
8. Block lengths shall not exceed eight hundred feet (800') and shall normally be wide enough to allow two (2) tiers of lots of appropriate depth.
9. Lots in commercial and industrial zoning districts shall be designed to have sufficient depth and width to provide off-street loading, unloading, and parking for the proposed use.
10. Double-frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets, to overcome specific disadvantages of topography, or to provide mitigation from the effects of adjoining commercial or industrial zoning districts. The City Commission may require that a planting screen or an earth berm be constructed by the subdivider along the line of lots abutting an arterial street, topographic feature, or adjoining commercial or industrial zoning district.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

11. Side lot lines shall be designed at right angles to streets except on curves, where they shall be radial.

B. Design of soil erosion and sediment control features.

1. Topsoil and natural vegetation shall be disturbed as little as possible.
2. Topsoil removed in the grading of the subdivision shall not be used as fill, but shall be redistributed over the disturbed area.
3. All disturbances shall be stabilized by seeding or planting within ninety (90) days of the completion of grading or within thirty (30) days of the approval by the City Commission of the Certificate of Final Completion, whichever requirement provides the earliest seeding/planting date.

C. Design of water systems.

1. All proposed subdivisions within the City's municipal limits shall be required to connect to the available community water system at the sub divider's expense. The City Commission may grant an exception to this requirement if the Public Works Official determines that the available community water system cannot adequately supply the proposed subdivision because of a lack of capacity or sufficient pressure. If the City Commission allows the exception, the exception shall be conditioned upon the subdivider agreeing to sign a Developer's Agreement with the City that details the conditions for the subdivision's future connection to a community water distribution system.
2. All proposed subdivisions that are within the City's platting jurisdiction but are outside of the City's municipal limits may be required to connect to a community water distribution system as part of the requirements for the approval of the Final Plat of the subdivision. If the proposed subdivision is not required to connect to a community water distribution system, the City Commission shall require the subdivider to sign a Developer's Agreement with the City as a condition of approval of the Final Plat that details the conditions for the subdivision's future connection to a community water distribution system.

D. Design of sanitary sewer systems.

1. All proposed subdivisions within the City's municipal limits shall be required to connect to the City's sanitary sewer system at the subdivider's expense. The City Commission may grant an exception to this requirement if the Public Works Official determines that the City's sanitary sewer system cannot adequately serve the proposed subdivision because of a lack of capacity. If the City Commissioners allows the exception, the exception shall be conditioned upon the subdivider agreeing to sign a Developer's Agreement with the City that details

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

the conditions for the subdivision's future connection to the City's sanitary sewer system.

2. All proposed subdivisions that are within the City's platting jurisdiction but are outside of the City's municipal limits may be required to connect to a **municipal** sanitary sewer system as part of the requirements for the approval of the Final Plat of the subdivision. If the proposed subdivision is not required to connect to a municipal sanitary sewer system, the City Commissioners shall require the subdivider to sign a Developer's Agreement with the City as a condition of approval of the Final Plat that details the conditions for the subdivision's future connection a municipal sanitary sewer system.
3. The subdivision's sanitary sewer system shall be incorporated into the City's sanitary sewer system upon the City Commissioners approval of the Certificate of Final Completion.
4. Lift stations shall be avoided unless absolutely necessary. If a lift station is required, it shall be approved before installation by the City Commissioners as part of the subdivision's Sanitary Sewer Plan. The lift station shall be designed to carry wastewater originating in the subdivision, but may be required to carry wastewater from areas beyond the subdivision boundaries, in which case the City shall pay the costs for necessary oversizing. A subdivider wishing to use an existing lift station shall be required to reimburse the City for the proportionate share of the wastewater demand originating in his subdivision.

E. Design of stormwater management systems and facilities.

1. Planning and design of stormwater management systems shall not be based on the premise that problems can be transferred from one location to another.
2. Storm sewers and drainage structures shall be designed and installed in accordance with good engineering practice.
3. The Stormwater Management Plan shall not be considered a separate and standalone design plan but shall incorporate all aspects of site and grading plans.
4. Natural drainage flow paths shall be used for stormwater channels whenever possible. No natural drainage path shall be disturbed or altered to reduce the existing flow capacity.
5. Whenever a subdivision is traversed by a watercourse, drainage way, or stream, there shall be noted on the plat a major drainage easement or right-of-way conforming substantially with the boundaries of such existing or planned drainage way and shall be sufficient to contain the drainage channel and maintenance way for the upstream tributary area.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

6. Culverts shall be designed to withstand the effects of a 100-year, 24-hour rainfall, and may be required to be certified as such by a Professional Engineer.
7. Culverts shall be made of concrete or corrugated metal pipe and shall have a diameter of at least eighteen inches (18") unless otherwise first approved for use by the Public Works Official.
8. Culverts to be placed under public streets shall be installed with a protective concrete bulkhead on the upstream bank of the street.
9. The combination of street curb and gutter flow and storm sewer flow shall be designed to convey at least the 10-year return frequency event.
10. The post-development peak runoff volume shall not exceed the historic or predevelopment 100-year design storm peak runoff volume.

F. Design of utility systems.

1. Installation of a street light is required at each intersection and once every four hundred feet (400') along each subdivision street, whichever is less. Locations must be approved prior to installation by the Public Works Official and the local service provider.
2. All utilities shall be located underground throughout the subdivision unless the planning commission waives this requirement because of hardship. If there are existing utility facilities above ground, such facilities may qualify for hardship treatment. Underground service connections to every platted lot shall be installed.

G. Design of streets.

1. The design of all streets shall be in compliance with "A Policy on Geometric Design of Highways and Streets", current edition, and AASHTO's "Guidelines for Geometric Design of Very Low Volume Roads (ADT  $\leq$  400)".
2. All public streets shall be constructed to City Street Specifications. Such street construction shall be subject to inspection and approval by the City Engineer and/or the Public Works Official, or their representative(s) during construction and upon completion.
3. Subdivisions shall be provided with street connections to at least two (2) exterior public streets unless otherwise first approved by the City Commissioners.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

4. Development of Section Line Highways within the platting jurisdiction of the City shall conform to City Specifications.
5. Streets designed to have one (1) end permanently closed shall have a maximum length of eight hundred feet (800') and, at the closed end, a cul-de-sac turnaround having a minimum roadway diameter of ninety-six feet (96') of paved surface. The City Commissioners may allow an exception to the length requirement for those subdivisions that are outside of the City's municipal limits where the subdivider agrees to sign a Developer's Agreement with the City before the Final Plat Application is reviewed by the City Commission. In such cases, intermediate turn-arounds shall be provided at least every one thousand, two hundred feet (1,200').
6. Paved streets with curb, gutter, and sidewalks shall be required for all subdivision streets at the subdivider's expense. The City Commissioners may allow an exception to this requirement for those subdivisions that are outside of the City's municipal limits where the subdivider agrees to sign a Developer's Agreement with the City before the Final Plat Application is reviewed by the City Commission. This exception may allow installation of gravel streets (without curb, gutter, and sidewalks) that are built to the appropriate Meade County Road Specifications.
7. If the land to be subdivided abuts an existing street that is surfaced but not paved, the subdivider shall improve the street in compliance with City Specifications.
8. Street pavement shall be provided based on the volume and characteristics of traffic expected to use the street. The design must account for the subgrade soil, paving materials, and their behavior under load and probable climatic conditions. The design of street pavement shall be in compliance with the "AASHTO Guide for Design of Pavement Structures (current edition)". The application of the final two-inch (2") asphalt lift may be delayed until more than fifty percent (50%) of the lots are developed along the street, if first approved by the Public Works Official and properly bonded.
9. The minimum unobstructed vertical clearance above the driving surface shall be fourteen feet (14').
10. The minimum radius of a street's horizontal curves shall conform to the AASHTO Standard Design Policy.
11. The maximum grade of any street shall not exceed eight percent (8%). Vertical curves shall be designed to prevent abrupt changes and provide safe stopping sight distances for the design speed based upon AASHTO standards.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

12. The minimum grade of any street shall not be less than one-half percent (0.5%) to prevent the ponding of water on the street surface unless otherwise first approved by the Public Works Official. The exception to this requirement applies to the first thirty feet (30') of driving surface from any intersection, where the grade shall be zero percent (0%) plus or minus two percent ( $\pm 2\%$ ).
13. The typical design cross-slope of two percent (2%) shall be used unless otherwise first approved by the Public Works Official.
14. Geometric design features shall be consistent with the design speed of the street. Horizontal and vertical alignments must complement each other and be considered in combination.
15. Tangents between reverse curves shall be first approved by the City Engineer.
16. Street intersections shall be at an angle of ninety degrees ( $90^\circ$ ) unless otherwise first approved by the Public Works Official. The minimum turning radius for each intersection shoulder shall be twenty-five feet (25'). An increased turning radius shall be required for collector and arterial streets and for nonstandard intersection angles. Intersection offsets of less than one hundred and twenty-five feet (125') (centerline to centerline) shall not be allowed.
17. Pedestrian crosswalks, with cross bar pavement markings not less than eight feet (8') wide, shall be required where deemed essential to provide safe pedestrian access to schools, playgrounds, shopping centers, parks, and other community facilities.
18. Curb openings for driveways shall be a maximum of twenty feet (20') per lot in residential zoned areas and forty (40') per lot in commercial zoned areas.
19. Shared approaches for driveways are not permitted for single family residences.
20. Sidewalks shall be at least four feet (4') wide, located at least five feet (5') from the back of the curb, and placed on both sides of the street and on any other location deemed necessary by the City Commission. The City Commission, during its review of the Preliminary Plat Application, may allow sidewalk construction on one side of the street if the City Commission determines that sidewalks on both sides of the street are unnecessary. Sidewalks shall match pre-existing sidewalks in within the subdivision. Sidewalks may be installed after the construction of each residence or building within the subdivision, but a Certificate of Occupancy shall not be issued for any such residence or building until the sidewalk has been installed and inspected and approved by the Public Works Official or his designee. The City Commission may require the installation of sidewalks along previously existing streets within or abutting the subdivision.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

21. Installation of gang mail boxes and a vehicle turnout will be required if so requested by the Postmaster.
22. Alleys shall be required in commercial and industrial zoning districts unless other provisions are first approved by the City Commission for service access for loading, unloading, and parking. Alleys, when provided, shall be at least twenty feet (20') wide and surfaced with a minimum of six inches (6") of gravel that will be compacted. Alley/street intersection shoulders shall have a radius of at least ten feet (10'). Dead end alleys shall not be allowed.
23. Parking lots shall be designed and paved in conformity to the above standards unless otherwise first approved by the City Commission during the review of the Preliminary Plat Application. If the City Commission allows a gravel parking lot, the following minimum standards shall be met:
  - a) The parking lot site shall be graded to remove vegetation and to create a sub-base with a minimum slope of at least one percent (1%) to provide for adequate site drainage.
  - b) The sub-base shall be compacted.
  - c) A minimum of six inches (6") of gravel (3/4"-) shall be applied over the sub-base and compacted.
  - d) Periodic maintenance of the gravel parking lot shall be required.

SECTION 3 – PLAT APPLICATION AND REVIEW PROCEDURE.

- A. Prior to submitting an application to the Planning Department for a Layout Plat, a Preliminary Plat, or a Minor Plat, the subdivider shall make an appointment with the Planning Official to discuss: the ultimate land use of the proposed development; the suitability of the location of the proposed subdivision; the most advantageous subdivision plan; the arrangement of proposed streets, lots, and utility lines; the availability of service from Community water and City sanitary sewer mains (this will require the completion and submission of an Impact Analysis Report); and compliance with the ordinances and regulations of the City.
- B. The subdivider shall submit an original and two (2) copies of a Layout Plat Application to the Planning Department more than two (2) weeks (inclusive) before a regular meeting of the Planning Commission. The Layout Plat Application consists of a Layout Plat Application Form, a one-page written Layout Plat Description of the proposed subdivision and the subdivider's intent for the subdivision (including resubdivision), a scaled Layout Plat of the proposed subdivision (prepared on eight and one-half by eleven inch (8½" x 11") paper), an Impact Analysis Report, and any supplemental materials. The Application Form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable Layout Plat Application Fee is due and payable at the time of submission of the Application. Upon receipt of the Application, the Planning Official will inform the subdivider of the date, time, and location of the Planning

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

Commission meeting at which the Application will be received and reviewed. The Planning Official shall provide a copy of the Application to each Planning Commission member before the Planning Commission meeting.

- C. Upon receipt of the Application, the Planning Commission shall review the Layout Plat Application and discuss the requirements of this Ordinance and the Comprehensive Plan with the subdivider. The intent of the review is to provide the subdivider with sufficient guidance to enable the subdivider to prepare a Preliminary Plat and necessary supplemental materials. The Planning Commission may require the subdivider to provide additional information if such information is needed to fully review the Layout Plat and may continue its review of the Application until the additional information is provided by the subdivider. The Planning Commission shall forward a recommendation to approve, approve with conditions, or deny approval of the Application to the City Commission within thirty (30) days of the receipt of the Application, unless the subdivider agrees to an extension of this time limit.
- D. The City Commission, at its next regular meeting after the Planning Commission makes its recommendation, shall review the Layout Plat Application and the Planning Commission's recommendation and act upon said recommendation. Approval of a Layout Plat by the City Commission shall be effective for two (2) years from the date of approval. An extension(s) beyond the two (2) year period for a period not to exceed one (1) year may be granted by the City Commission.
- E. After the City Commission's approval of the Layout Plat the subdivider shall prepare a Preliminary Plat Application based upon the approved Layout Plat. The subdivider shall submit an original Preliminary Plat Application, a Plat Submission Checklist, and four (4) copies to the Planning Department more than three (3) weeks (inclusive) before a regular meeting of the Planning Commission. The Preliminary Plat Application consists of a Preliminary Plat Application Form, a Preliminary Plat of the proposed subdivision (prepared on fifteen by twenty-six inch (15" x 26") paper) by a Registered Land Surveyor, a copy of any covenants for the proposed subdivision, and any supplemental materials. The Application Form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable Preliminary Plat Application Fee is due and payable at the time of submission of the Application. Upon receipt of the Application, the Planning Department will inform the subdivider of the date, time, and location of the Planning Commission meeting at which the Application will be received and reviewed. The Planning Department may also solicit comments on the Application from other agencies or departments before the Planning Commission meeting and shall provide a copy of the Application to each Planning Commission member before the Planning Commission meeting.
- F. Upon receipt of the Application, the Planning Commission shall review the Preliminary Plat Application and ensure that the requirements of this Ordinance and the Comprehensive Plan have been met. The Planning Commission may require the subdivider to provide additional information if such is deemed necessary and

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

may continue its review of the Application until the additional information is provided by the subdivider. The Planning Commission shall forward a recommendation to approve, approve with conditions, or deny approval of the Application to the City Commissioners within thirty (30) days of the receipt of the Application, unless the subdivider agrees to an extension of this time limit. The subdivider may request that the Final Plat Application be reviewed immediately after completion of the review of the Preliminary Plat Application by the Planning Commission.

- G. The City Commission, at its next regular meeting after the Planning Commission makes its recommendation, shall review the Preliminary Plat Application and the Planning Commission's recommendation and act upon said recommendation. Approval of a Preliminary Plat by the City Commission shall be effective for two (2) years from the date of approval. An extension(s) beyond the two (2) year period for a period not to exceed one (1) year may be granted by the City Commission.
- H. Following approval of the Preliminary Plat by the City Commission, the sub-divider may proceed with the construction of streets and installation of other approved improvements.
- I. The subdivider, upon inspection and approval of streets and other required improvements by the Planning Official, Public Works Official, and/or the City Engineer (or their designees), shall submit a Final Plat Application to the Planning Department based upon the approved Preliminary Plat. The subdivider may request to provide surety sufficient to construct or install the improvements plus a fifteen percent (15%) administration reserve in lieu of immediate construction.
- J. The Final Plat Application shall be submitted to the Planning Department more than one (1) week before a regular meeting of the Planning Commission. This submission shall consist of an original Final Plat Application and four (4) copies. The Final Plat Application consists of a Final Plat Application Form and an original Final Plat of the proposed subdivision (prepared on fifteen by twenty-six inch (15" x 26") mylar). Two (2) mylar originals of the Final Plat Map may be required if the land being subdivided is located in two (2) counties. The mylar original(s), when submitted, shall include, in permanent black ink, the notarized signatures of the owner(s), and the signatures and seals (if applicable) of the surveyor, the County Treasurer(s) and Official (s) of Equalization or their designees, and the Highway Authority(s). The Application Form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable Final Plat Application Fee is due and payable at the time of submission of the Application. Upon receipt of the Application, the Planning Department will inform the subdivider of the date, time, and location of the Planning Commission meeting at which the Application will be received and reviewed. The Planning Department shall provide a copy of the Application to each Planning Commission member before the Planning Commission meeting.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

- K. Upon receipt of the Application, the Planning Department shall review the Final Plat Application and ensure the Final Plat conforms to the approved Preliminary Plat and that the conditions of approval of the Preliminary Plat have been met. The Planning Commission shall forward a recommendation to approve, approve with conditions, or deny approval of the Final Plat to the City Commission within thirty (30) days of the receipt of the Application, unless the subdivider agrees to an extension of this time limit.
- L. The City Commission, at its next regular meeting after the Planning Commission makes its recommendation, shall review the Final Plat Application and the Planning Commission's recommendation and act upon said recommendation. If the Final Plat is approved by the City Commissioners, the Planning Department shall, within fifteen (15) days of said approval, submit the signed mylar original(s) of the Final Plat to the office of the Register of Deeds to be recorded. No building or other applicable permits shall be issued within the newly-platted subdivision until the Register of Deeds has recorded the mylar original(s) of the approved Final Plat and the approved subdivision covenants (if covenants are to be applied by the subdivider) have been provided to the Planning Department (the subdivider shall provide a copy of the covenants with proof of filing with the appropriate Register of Deeds).
- M. The City Commissioners, upon approval of the Final Plat and upon receipt from the Public Works Official of a Certificate of Final Completion, may accept the dedication of public infrastructure, rights-of-way, and parks from the subdivider.

SECTION 4 – MINOR PLAT PROCEDURE.

- A. The purpose of a Minor Plat is to allow, without being subject to the requirements for Layout or Preliminary Plat review: consolidation of up to three (3) previously platted parcels of land; the adjustment of a common lot line between up to three (3) previously platted parcels of land; or the resubdivision of a previously platted parcel into three (3) or fewer lots.
- B. No lot created by a Minor Plat shall be included in another subdivision plat for a period of two (2) years from the Register of Deeds' filing date of the Minor Plat.
- C. Minor Plats shall not be allowed if extensions of Community water, City sanitary sewer, drainage facilities, or public streets would be required if the Minor Plat is approved.
- D. The subdivider shall submit a Minor Plat Application to the Planning Department more than three (3) weeks (inclusive) before a regular meeting of the Planning Commission. The Minor Plat Application shall consist of an original and four (4) copies of a Minor Plat Application Form and a Final Plat, prepared by a registered land surveyor, of the proposed subdivision (prepared on fifteen by twenty-six inch (15" x 26") paper) and one (1) copy of the plat on eight and one-half by eleven inch (8½" x 11") paper. The Application Form must be signed by the subdivider, the

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable Minor Plat Application Fee is due and payable at the time of submission of the Application. Upon receipt of the Application, the Planning Department will inform the subdivider of the date, time, and location of the Planning Commission meeting at which the Application will be received and reviewed. The Planning Department shall provide a copy of the Application to each Planning Commission member before the Planning Commission meeting. The subdivider shall not submit a mylar original of the Minor Plat to the Planning Department until after the Planning Commission has made its recommendation to the City Commission. The Mylar original shall have the signatures required in Article 3, Section 3, Paragraph J, above, when it is submitted to the City Commissioners for review.

- E. The Planning Commission shall review the Minor Plat Application and make a recommendation to the City Commission within thirty (30) days of receipt of a completed Minor Plat Application, unless the subdivider agrees to an extension of this time limit.
- F. The City Commission, at its next regular meeting after the Planning Commission makes its recommendation and after receipt by the Planning Department of the signed original mylar(s), shall review the Minor Plat Application and the Planning Commission's recommendation and act upon said recommendation. If the Minor Plat is approved by the City Commission, the Planning Department shall, within fifteen (15) days of said approval, submit the signed mylar original(s) of the Minor Plat to the office of the Register of Deeds to be recorded. No building or other applicable permits shall be issued within the newly-platted subdivision until the Register of Deeds has recorded the mylar original(s) of the approved Minor Plat.

**ARTICLE IV – PLAT PREPARATION REQUIREMENTS**

**SECTION 1 – MINOR PLATS.**

The content of a Minor Plat shall be the same as that of a Final Plat.

**SECTION 2 -- LAYOUT PLATS.**

The following information is required on a Layout Plat:

- A. A title showing the proposed name of the subdivision and the current legal description and location of the land proposed for subdivision.
- B. A scaled drawing of the proposed subdivision showing the location of lots, streets, and public areas.
- C. A north arrow, scale, creation date, and legend.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

D. A vicinity sketch showing the proposed subdivision in relation to surrounding development (this sketch may be on a separate 8½" x 11" sheet).

E. The proposed names of subdivision streets and the widths of their rights-of-way.

The subdivider is encouraged to provide additional information to support the Layout Plat Application.

**SECTION 3 – PRELIMINARY PLATS AND SUPPLEMENTAL INFORMATION.**

The following information is required on a Preliminary Plat:

A. The Plat title shall be centered at the top of the page and consist of two (2) parts: the primary title, which shall be the proposed name of the subdivision and shall be shown on the first line of the title; and the secondary title, which is located below the primary title and describes the subdivision, the description of the land being subdivided, and the location of the subdivision (including the section, township, range, and Black Hills Meridian) (per SDCL 11-3-7). The following are two examples of Plat titles:

**EXAMPLE 1 SUBDIVISION**

A plat of Lots 1-20 of Example 1 Subdivision, formerly Tract B of Out There Subdivision, located in the NE¼SE¼ of Section 22, T2N, R9E, B.H.M., Meade County, SD.

**EXAMPLE 2 SUBDIVISION**

A plat of Lots 1-6 of Example 2 Subdivision of the City of Summerset, formerly Outlot F of the Old Addition to the City of Summerset, located in the NW¼ of Section 19, T2N, R9E, B.H.M., City of Summerset, Meade County, SD.

B. A scaled map of the proposed subdivision showing the location, dimension, and area of the subdivision, lot, street, and dedication boundaries. Subdivisions, lots, and streets of adjoining subdivisions shall be shown on the map. Phase lines shall be shown if the subdivision is to be developed in phases.

C. A north arrow, scale, creation date, preparer name and address, and legend.

D. The location, width, and purpose of all easements and reserve strips.

E. The location and dimension of lands to be dedicated or reserved for streets, parks, open space, or other public use.

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

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

- G. A floodplain note addressing if any FEMA-defined Flood Hazard Area is present within the subdivision.
- H. A note (if there are any major drainage easements shown on the plat) stating that “Major drainage easements shall be kept free of all obstructions, including fences, and that the major drainage easement provides the Somerset Public Works Department, or their designee(s) the rights of entry, construction, and maintenance in order to facilitate drainage through these easements.”
- I. A note stating “An eight foot (8’) utility and minor drainage easement is hereby granted on the interior of all lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner.”
- J. All certifications and signature lines that are required on the Final Plat (see Section 4, Paragraph D, below).

The following supplemental information shall be required unless waived by the Planning Commission and City Commission during Layout Plat review:

- K. Three (3) copies of a Soil Erosion and Sediment Control Plan. Each copy shall contain the following:
  - 1. A scaled topographic survey map of the proposed subdivision site showing proposed lot lines and two-foot (2’) contour intervals.
  - 2. A soil erosion control plan showing locations and areas of anticipated soil disturbance and the proposed erosion control structures and practices that will be used to control the anticipated erosion;
  - 3. A sediment control plan detailing the structures and practices that will be applied to control sediment generated by on-site erosion;
  - 4. A seeding and planting plan for any screening strips or other landscaped areas required by the City Commissioners; and
  - 5. Evidence of acceptance of the subdivider’s application onto the State NPDES Permit by DENR.
  - 6. A Soils Engineering Report and/or an Engineering Geology Report may be requested by the City Commissioners when unstable soils or steep slopes are present within or adjacent to the subdivision.
- L. Five (5) copies of a Water Distribution Plan. Three (3) of the copies are meant to be used for review by the Planning Department, the Public Works Department, and the City Engineer. Two (2) of the copies are to be submitted to DENR by the Subdivider’s engineer for review and comment after review by City staff. Each copy shall contain the following:

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

1. A scaled plan and profile drawing showing the location and size of the water distribution system including such features as pipes, valves, fittings, hydrants, high pressure pumping equipment, pressure reduction valves, and the locations and methods proposed for connection to the Community Water System.
  2. A scaled drawing showing the location and size of the service tap for each lot.
- M. Five (5) copies of a Sanitary Sewer Plan. Three (3) of the copies are meant to be used for review by the Planning Department, the Public Works Department, and the City Engineer. Two (2) of the copies are to be submitted to DENR by the Subdivider's engineer for review and comment after review by City staff. Each copy shall contain the following information:
1. A scaled plan and profile drawing of the proposed subdivision's sanitary sewer system showing the location and size of all existing and proposed sewer facilities in and adjacent to the subdivision.
  2. The direction of flow of each sewer main, the location and type of each manhole and other sewerage system appurtenance, including lift stations, treatment plants, and connection locations to the City's Sanitary Sewer System; and the service tap location and method for each lot.
- N. Three (3) copies of a Stormwater Management Plan. The Plan shall provide stormwater management for the entire subdivision and each block within the subdivision. Each copy shall contain the following information:
1. A scaled plan and profile drawing of the location of existing and proposed drainage ways, detention structures, streams, and water features in and adjacent to the subdivision with a notation of the direction of water flow through the subdivision.
  2. The location of easements and rights-of-way for drainage ways, and maintenance access thereof.
  3. The location, size, and invert elevations of proposed drainage structures, such as culverts, bridges, pipes, drop inlets, and headwalls.
  4. A report on both pre- and post-development runoff within and through the subdivision.
  5. The area of land contributing runoff to each drainage structure.
  6. A report on the capacity of downstream drainage structures and channels and the effects of the proposed subdivision's development on downstream capacities.
  7. All stormwater management structures and conveyances shall be designed to accommodate a one hundred (100)-year, twenty-four (24) hour, design storm.
- O. Three (3) copies of a Utility (gas, electric, cable, and telephone) Distribution Plan. Each copy shall contain the following information:

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

1. A scaled plan and profile drawing showing the location of gas mains, street lights, electric lines, telephone lines, cable television lines, and facilities as necessary to serve each lot within the subdivision and, where necessary, adjacent property.
  2. A scaled map showing required easements, including anchor easements for guy wires.
- P. Three (3) copies of a Street Plan, which are meant to be used for review by the Planning Department, the Public Works Department, and the City Engineer. Additional copies may be required for review by the County Highway Superintendent(s) or the SDDOT Rapid City Regional Engineer. Each copy shall contain the following information:
1. A plan and profile drawing of the location and names of all streets in and adjacent to the proposed subdivision, the widths and areas of existing and proposed rights-of-way, the locations, dimensions, and areas of all parks and dedications, and the location of all required sidewalks, curbs and gutters, drop inlets, gang mail boxes, street name and traffic control signage, bike or walking paths, crosswalks, and curb cuts.
  2. A notation of any major street that is identified in the Major Street Plan.
  3. The topography of the subdivision at two-foot (2') contour intervals, unless a smaller contour interval is requested by the City Engineer, showing the location of streets and rights-of-way.

The City Commissioners may require that a traffic impact study be prepared for a large subdivision.

- Q. Three (3) copies of a Street Maintenance Plan, which will provide evidence that a legal entity will provide the mechanism for street maintenance and snow removal on all proposed subdivision streets, shall be submitted for all plats within the extraterritorial platting jurisdiction of the City. Each copy shall include one (1) or more of the following documents:
1. An agreement with Meade County indicating that the proposed street will be accepted by Meade County for road maintenance and snow removal.
  2. Evidence that a Road District has been established in accordance with SDCL 31-12A.
  3. An agreement to be approved by the City Commission which guarantees sufficient financial commitment to provide these services.
  4. A written request to be approved by the City Commission for a waiver based upon one or more of the following:
    - a) The proposed subdivision includes four (4) or fewer lots and resubdivision is unlikely under existing zoning or covenants;

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

- b) Unusual topographic restraints which would prevent acceptance of the street for public maintenance; or
  - c) Other unique circumstances proposed to the City Commission.
- R. One copy of the Preliminary Plat on 8½” x 11” paper and an electronic copy of the plat map, submitted via disk, e-mail, or other media approved by the Planning Official, in ArcView, AutoCAD, or other file format approved by the Planning Official or City Engineer.

SECTION 4 – FINAL PLATS.

The following information is required on Final Plats:

- A. The original Final Plat shall be drawn in waterproof black ink upon a fifteen by twenty-six inch (15” x 26”) mylar sheet (per SDCL 11-3-10).
- B. The title of the Final Plat shall be the same as that approved for the Preliminary Plat, except for modifications approved by the City Commission for phased development of the proposed subdivision.
- C. The Final Plat shall include the information shown on the approved Preliminary Plat (as described in Article IV, Section 3, Paragraphs A through I, above) except for modifications approved by the City Commissioners for phased development of the proposed subdivision.
- D. The following certifications and resolution shall appear on the Final Plat followed by lines for the appropriate signature(s) and date:
  - 1. The landowner, or his duly authorized agent, shall certify that the plat has been made at the request and under the direction of the landowner for the purposes indicated therein, that he or she is the owner of all land included therein, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. This certification shall be acknowledged before some officer authorized to take the acknowledgement of deeds, and this acknowledgement shall be endorsed on the plat (per SDCL 11-3-4).
  - 2. The Registered Land Surveyor who actually performed the survey or had the survey performed under his direct supervision shall certify that the plat is in all respects correct and shall attach thereto his official seal as specified in SDCL 36-18A-45 (per SDCL 11-3-4).
  - 3. The City Finance Officer shall certify that all special assessments that are liens upon any land included within such plat, as shown by the records of her office, have been fully paid.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

4. The County Treasurer shall certify that all taxes that are liens upon any land included within such plat, as shown by the records of her office, have been fully paid (per SDCL 11-3-9).
5. The County Official of Equalization shall certify that he has received a copy of such plat (per SDCL 11-3-9).
6. The appropriate Street or Highway Authority shall certify that the location of the proposed access to an abutting subdivision street(s) from the existing public street or highway is hereby approved and any change in the location of said access street(s) shall require additional approval. The signature lines for this certification may be required as many as four (4) times on the plat to accommodate the signatures of the City of Summerset Street Authority, the Meade County Highway Authorities, and/or the Rapid City Region Engineer for the South Dakota Department of Transportation.
7. A Planning Commission member shall certify that the Summerset Planning & Zoning Commission has reviewed such final plat on (date) and has recommended approval of the plat to the City Commission of the City of Summerset, South Dakota (per SDCL 11-6-26).
8. Every plat shall bear of copy of the resolution approving the plat by the City Commission (per SDCL 11-3-6), which shall state:

WHEREAS there has been presented to the City Commission of the City of Summerset, South Dakota, the within plat of the above-described lands, and it appears to this Council of Commissioners that:

- a. the system of streets set forth therein conforms to the system of streets of the existing plats of the City,
- b. all provisions of the City subdivision regulations have been complied with,
- c. all taxes and special assessments upon the tract or subdivision have been fully paid, and
- d. such plat and the survey thereof have been executed according to law,

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

This resolution shall be signed and dated by the Mayor and certified by the Finance Officer.

9. Every plat shall bear a certificate of the County Register of Deeds indicating the date and time of recording. This certification shall also indicate the location of filing by plat book and page number.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

**ARTICLE V – IMPROVEMENTS**

**SECTION 1 – REQUIRED IMPROVEMENTS.**

The Subdivider is required to install or construct the following improvements or provide by surety for their construction or installation prior to receiving approval of the Final Plat.

- A. All soil erosion and sediment control materials and facilities as described in the approved Soil Erosion and Sediment Control Plan. The subdivider is required to maintain these materials and facilities in a workmanlike manner until all grading, filling, and trenching has been completed and sufficient vegetation re-established to prevent further soil erosion or until released from this requirement by the Public Works Official .
- B. All water system mains, lines, and appurtenances described in the approved Water Distribution Plan. The subdivider is required to maintain this system until the Community Water System accepts the public portions of this system.
- C. All sanitary sewer system mains and appurtenances described in the approved Sanitary Sewer Plan. The subdivider is required to maintain this system until the City Commission accepts the public portions of this system.
- D. All stormwater management facilities and conveyances described in the approved Stormwater Management Plan. The subdivider is required to maintain these facilities and conveyances until the City Commission accepts these facilities and conveyances.
- E. All street lights and utility lines and mains described in the approved Utility Distribution Plan. The City shall assume responsibility for the street lights upon approval of the installation by the Public Works Official.
- F. All streets and streetscape features described in the approved Street Plan. The subdivider is required to maintain the streets and features until the City Commission accepts these streets and features or approves a Street Maintenance Plan for said streets.

**SECTION 2 – JOINT IMPROVEMENTS.**

- A. The City may participate in the cost of oversize improvements within or serving a subdivision if the City Commissioners deems that the oversize improvements are necessary to serve areas of land not in the subdivision.

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

- B. The City may participate in the cost of improvements within or serving a subdivision if the City Commission deems that a collector street within the subdivision is required to become an arterial street.
- C. City participation in the cost of joint improvements within or serving a subdivision is subject to the availability of City funds. The City may negotiate with the subdivider to repay such improvement costs through reimbursement from special assessments on new development in the area served by the joint improvements.

SECTION 3 -- IMPROVEMENTS PROPOSED BY THE SUBDIVIDER.

Any proposed improvements outside the boundaries of the proposed subdivision that the subdivider requests the City to make shall be noted on the Preliminary Plat. These improvements may relate to stormwater management, extension of water or sanitary sewer mains, streets, or other improvements.

**ARTICLE VI – EXPERIMENTAL SUBDIVISIONS**

- A. The City Commissioners may waive or modify the standards and requirements of these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:
  - 1. The use of unusual materials in constructing required improvements; or
  - 2. A new or untried design concept in the Summerset area which appears promising.
- B. The City Commissioners shall require the subdivider to provide a written proposal with the Layout Plat that states the nature of the experiment and justifies the reasons why the requirements of this Ordinance cannot be applied.
- C. In granting waivers, modifications, and approvals for experimental subdivisions, the City Commissioners may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so waived, modified, or approved. These conditions may include, without being limited to: personal, surety, performance, or maintenance bonds; affidavits, covenants, or other legal instruments.
- D. In addition, if the lands covered lie within a Flood Hazard Area they must comply with the requirements of the Flood Damage Prevention Ordinance.

**ARTICLE VII – VARIANCES**

Where the City Commission finds that extraordinary hardships due to unusual topographical or other conditions beyond the control of the subdivider may result from strict compliance with these regulations, it may vary the regulations so that substantial

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

justice may be done and the public interest secured; provided that the variance 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 Plan.

**ARTICLE VIII – VIOLATIONS AND PENALTIES**

A violation of any provision of this Ordinance or any amendment thereto, or failure to perform any act required hereunder, is a Class II Misdemeanor. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

**ARTICLE IX – FEES**

Fees for the submittal or application for a subdivision plat shall be based on the Density level of the smallest lot. At no time shall a plat be brought before the Summerset City Commission without proper fee's being collected. All plat fees shall be set at fifty-dollars (\$50) per each platted lot. However the City reserves the right to set the minimum plat fee as follows:

<b>Layout, Minor or Preliminary Plat Fees</b>	<b>*does not include any recording fees*</b>
Agricultural	\$1,000
Single Family Residential	\$1,000
One and Two Family Residential	\$1,000
Multi Family Residential	\$1,000
Central Commercial	\$1,000
General Commercial	\$1,000
Planned Development District	\$1,000
Minor Boundary Change	\$ 250
Final Plat Fee	\$ 750

Actual review costs exceeding the minimum plat fees will be charged to the applicant prior to approval of the City Commission.

The governing body may review plat fees periodically and adjust them by resolution. Due to unusual or unique circumstances, the foregoing may be lowered at the discretion of the board of commissioners.

**(Article IX Amended January 2014 by Ordinance 115A effective February 14, 2014)**

**BE IT FURTHER ORDAINED** by the Summerset City Commission that this Ordinance shall become effective in accordance to law.

Dated this 17<sup>th</sup> day of February, 2011.

CITY OF SUMMERSET

ATTEST:

CITY OF SUMMERSET ORDINANCE #115  
SUBDIVISION REGULATIONS

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Mayor Duane Fink

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Finance Officer Rebecca Phillips  
(SEAL)

Public Hearing Date: Jan 11, 2011  
First Reading: February 3, 2011  
Second Reading: February 17, 2011  
Published: February 26, 2011  
Effective: March 19, 2011

Vote: Butler: Aye  
Fink: Aye  
Wagner: Aye

Published once at the approximate cost of \$\_\_\_\_\_.