

ORDINANCE MC23-93

1993 REVISED SUBDIVISION ORDINANCE

MINNEHAHA COUNTY, SOUTH DAKOTA

Minnehaha County Planning Department

Revised July 22, 2008

ORDINANCE MC23-93
1993 REVISED SUBDIVISION ORDINANCE
of
MINNEHAHA COUNTY, SOUTH DAKOTA

TABLE OF CONTENTS

	Page
ARTICLE 1.00	GENERAL PROVISIONS
1.01	Title 4
1.02	Purpose 4
1.03	Jurisdiction 4
1.04	Conformity with other Plans 4
1.05	Interpretation, Abrogation and Severability 4
1.06	Amendments 4
1.07	Definitions 5
1.08	Fees 6
ARTICLE 2.00	ENFORCEMENT
2.01	Powers and Duties 7
2.02	Variations and Exceptions 7
2.03	Violations 7
2.04	Penalties 7
ARTICLE 3.00	SUBDIVISION PLANS IN GENERAL
3.01	Plat Required 8
3.02	Recording, Use and Selling 8
3.03	Plat Approval Process 8
ARTICLE 4.00	PRELIMINARY PLAN
4.01	Information Required 10
4.02	Approval of Preliminary Plan 11
4.03	Effective Period of Preliminary Approval 11
4.04	Revisions to Preliminary Plan 11
ARTICLE 5.00	FINAL PLANS AND THE PLAT
5.01	Final Plans 12
5.02	The Plat 12
5.03	Road Names 13
ARTICLE 6.00	REPLATS AND PLAT VACATIONS
6.01	Replats 14
6.02	Vacation of Plats 14

ARTICLE 7.00	LOTS AND BLOCKS	
	7.01 Blocks	15
	7.02 Lots	15
ARTICLE 8.00	MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS	
	8.01 Arrangement and Design	16
	8.02 Minimum Road Right-of-Way	16
	8.03 Subdivision Road Standards	17
	8.04 Private Roads	17
	8.05 Intersections	18
ARTICLE 9.00	GRADING AND DRAINAGE	
	9.01 Grading Plan	19
	9.02 Drainage Plan	19
ARTICLE 10.00	EROSION CONTROL PLAN	
	10.01 Specifications	20
	10.02 Existing Features	20
ARTICLE 11.00	ASSURANCES FOR COMPLETION OF MINIMUM IMPROVEMENTS	
	11.01 Assurances Required	21
ARTICLE 12.00	CERTIFICATES REQUIRED	
	12.01 Certificates for Preliminary Plans	22
	12.02 Certificates for Plats and Replats	22

**ARTICLE 1.00
GENERAL PROVISIONS**

Section 1.01 Title

These regulations may be referred to as the 1993 Revised Subdivision Ordinance of Minnehaha County, South Dakota.

Section 1.02 Purpose

It is the purpose of this ordinance to regulate the subdivision of land so as to provide coordination of roads with other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sanitation facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to prevent premature land subdivision; to protect and provide for the public health, safety, and general welfare of the County; and to conform with the comprehensive plan.

Section 1.03 Jurisdiction

- A) These subdivision regulations shall apply to all subdivisions of land, as described herein, located within the unincorporated area of the county.
- B) It shall be unlawful for any person having control of any land within the jurisdiction of the County to subdivide or lay-out such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.
- C) No land shall be subdivided until the owner or developer has submitted the preliminary plan, if required, to the Planning Commission for its approval.
- D) No plat shall be recorded in the office of the Register of Deeds and no lots shall be sold from such plat unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of unplatted property except in accordance with this ordinance.

Section 1.04 Conformity With Other Plans

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

- A) The Comprehensive Plan for the County and the policies set forth therein.
- B) The Zoning Ordinance of the County.
- C) Other plans which may be or have been adopted that would affect the subdivision and use of the land.

Section 1.05 Interpretation, Abrogation and Severability

- A) In interpreting and applying the provisions of this Ordinance, these regulations are the minimum requirements for the promotion of public safety, health, and general welfare. It is not the intent of this Ordinance to repeal, abrogate or impair any existing easement, covenant, or deed restriction, where these provisions conflict or overlap. Whichever imposes the more stringent restrictions shall prevail.

- B) Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any portion thereof.

Section 1.06 Amendments

For the purpose of providing for the health, safety and general welfare of the community, the County Commission may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and the County Commission in the manner prescribed by law.

Section 1.07 Definitions

- 1) Arterial: a principal traffic artery which is more or less continuous across the County.
- 2) Building: any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.
- 3) Collector: a road which carries traffic from local roads to arterial roads and highways, including the principal entrance roads of a residential development and roads for circulation in such development.
- 4) Comprehensive Plan: any legally adopted part or element of the Comprehensive Plan of Minnehaha County.
- 5) County: Minnehaha County, South Dakota.
- 6) County Commission: the duly elected governing body of Minnehaha County.
- 7) Cul-de-Sac: a local road with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.
- 8) Dedicated: a grant of land to the public for their perpetual use.
- 9) Developer: the person who converts raw land into legally platted, buildable lots. The developer may or may not be the owner of the parcel or the builder of the structures which occupy the lots.
- 10) Double Frontage: a lot which abuts a road on two opposite sides (not a corner lot).
- 11) Easement: authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.
- 12) Final Plan: the final plan shall be comprised of final drainage and grading plans and the erosion control plan.
- 13) Frontage Road: a road generally located adjacent to an arterial road and used only for access to abutting property. The frontage road provides limited access to the arterial road.
- 14) Highway Superintendent - the person appointed by the County Commission to direct the operations of the Highway Department.
- 15) Local Road: a road intended to provide access to arterial and collector roads from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.

- 16) Lot: a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 17) Major Transportation Plan: the transportation plan adopted as part of the Comprehensive Plan by the County Commission.
- 18) Monument: a boundary marker of concrete, permanently planted and firmly fixed in the ground placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A steel rod, 5/8 inch x 12 inches, shall be placed at the center point on the monument.
- 19) Planning Commission: the body appointed by the County Commission.
- 20) Planning Director: the person appointed by the County Commission to direct the activities of the Planning Department and to administer and enforce the provisions of this ordinance. The Planning Director may designate such department staff as deemed necessary to carry out the assigned responsibilities. (*amended MC23-2-00*)
- 21) Plat: a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.
- 22) Preliminary Plan: the preliminary plan shall consist of the preliminary subdivision plan, and the preliminary drainage and grading plan.
- 23) Preliminary Subdivision Plan: Drawing or drawings indicating the proposed layout of the lots, blocks, and public rights-of- way within a subdivision.
- 24) Private Roadway: one that has not been dedicated, but rather reserved as public access to property. The private roadway shall be owned and maintained by the property owners which it serves, and shall be the full width of the easement including the driving surface and ditches.
- 25) Replat: a change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.
- 26) Right-of-Way: a strip of land occupied by a road, railroad, pedestrian walkway or other special use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels. Rights-of-way shall be dedicated to public use by the owner of the property on which such right-of-way is established.
- 27) Structures: anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.
- 28) Subdivision: the division of a parcel of land into two or more lots; or parcels 10 acres or less in size platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new road regardless of parcel size or the number of parcels.

Section 1.08 Fees. *(adopted by MC23-07-08 7-22-08)*

- A) A fee of \$250.00 shall be charged for the filing of a preliminary subdivision plan.
- B) A fee of \$250.00 shall be charged for the filing of a subdivision variance.
- C) The developer shall pay to the Planning Department a fee in the amount of \$250.00 for the plat plus \$25.00 for each lot shown on the plat or replat. Prior to release of the plat, the developer shall also pay for the cost of all road signs as specified in Section 8.01(C).
(amended MC23-04-05)

ARTICLE 2.00 ENFORCEMENT

Section 2.01 Powers and Duties

- A) The Planning Director is hereby authorized to enforce all provisions of this ordinance, to make interpretations of this ordinance, and to adopt and enforce rules and supplemental regulations in order to administer and clarify the provisions of this ordinance. Any appropriate actions may be taken by law or in equity to prevent any violation of this ordinance, to prevent unlawful construction, to recover damages, to correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below.
- B) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 2.02 Variations and Exceptions

Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of this ordinance would result in real difficulties or substantial hardship or injustice, the Planning Commission, after a report detailing the exception or variance by the Planning Director, may recommend and the County Commission may approve modifications in the requirements so that the developer may develop the property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this ordinance are preserved.

Section 2.03 Violations

- A) No person, firm, or corporation shall transfer, sell, or negotiate to sell any parcel either by reference to, exhibition of, or by the use of a subdivision plan before a plat of such subdivision has been approved by the County in accordance with this ordinance and has been filed with the County Register of Deeds.
- B) The subdivision of any lot or any parcel of land, by the metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading the terms of this ordinance shall not be permitted.
- C) No zoning or 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 this ordinance.

Section 2.04 Penalties

Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a Class 2 Misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day that the violation continues may constitute a separate offense. *(amended MC23-06-07 8-15-07)*

**ARTICLE 3.00
SUBDIVISION PLANS IN GENERAL**

Section 3.01 Plat Required

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer, owner, or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth below.

Section 3.02 Recording, Use and Selling

- A) No plat of any subdivision shall be allowed to be recorded with the Register of Deeds or have any validity until it has been approved in the manner prescribed by this ordinance. If any such unapproved plat is recorded, it is invalid and the County Commission shall institute proceedings to have the plat stricken from the records. *(amended MC23-3-03)*
- B) No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.
- C) No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance if it is found that such real property is contrary to the public health, safety, or welfare. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of his interest in said real property.
- D) Approval of any plat shall be contingent upon the plat being recorded within 120 days after the certificate of approval is signed by the Planning Director. *(amended MC23-05-06)*

Section 3.03 Plat Approval Process

- A) All proposed subdivision plats must be approved through a three-phase development process. When there are only a small number of lots being platted, the requirements for a sketch plan and preliminary plan may be waived by the Planning Director. *(amended MC23-3-03)*

- 1) Sketch Plan

- Prior to the submission of the preliminary plan to the Planning Commission, the developer shall present a sketch of the proposed plan to the Planning Director for discussion and comments regarding the requirements for the general layout of roads, reservations of land, road improvements, drainage, and similar matters as well as the availability of services.

- 2) Preliminary Plan

- Based on the discussion of the sketch plan, the applicant may submit the preliminary plan for approval. The preliminary plan shall provide all of the information indicated in Section 4.01. This plan will be subject to review by the Planning Director and Highway Superintendent, and approval of the Planning Commission and the County Commission.

3) Final Plans

The final plan shall consist of the plat, the final drainage and grading plan, and the final erosion control plan. The plat shall provide the information indicated in Section 5.02 and shall require the approval of the Planning Director. Either all or a portion of the preliminary plan may be platted for approval by the Planning Director. (*amended MC23-3- 03*)

B) Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plan and the plat, unless the resubdivision meets the requirements set forth in Section 6.01. The Planning Director may waive the requirements for a preliminary plan.

C) Filing Fee

The developer shall pay to the Planning Department a fee in the amount of \$250.00 for the plat plus \$25.00 for each lot shown on the plat or replat. Prior to release of the plat, the developer shall also pay for the cost of all road signs as specified in Section 8.01(C). (*amended MC23-04-05*)

**ARTICLE 4.00
PRELIMINARY PLAN**

Section 4.01 Information Required

Whenever a preliminary plan is proposed, the developer shall submit three copies at a scale of 100 feet to an inch, or 200 feet to an inch. The plans shall be submitted on sheets 15 by 26 inches or 22 by 34 inches in size. The preliminary plan shall be submitted to the Planning Department and shall contain the following:

A) Preliminary Subdivision Plan

- 1) The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision. All subdivision names shall be subject to approval by the Planning Director.
- 2) The names of all adjacent subdivisions and their platting pattern. Adjoining unplatted land shall be labeled as such.
- 3) The correct legal description. Notations stating acreage, scale, and north arrow.
- 4) The owner, developer, and surveyor's names and telephone numbers.
- 5) Vicinity map, showing locations of the preliminary plan and surrounding property for at least one mile in every direction.
- 6) Exterior boundaries of the proposed subdivision referenced to a corner marker of the U.S. Public Land Survey, and the total acreage encompassed thereby.
- 7) The location and width of all proposed and existing road rights-of-way, existing structures, easements, railroad rights-of-way, streams and water courses, lakes, wetlands, rock outcroppings, wooded areas, and other similar significant features.
- 8) The boundary lines of flood hazard areas.
- 9) Existing contours at vertical intervals not greater than five feet. A lesser interval may be required in those cases where the character or topography of the land is difficult to determine.
- 10) A systematic lot and block numbering pattern, lot lines and road names.
- 11) Approximate dimensions and acreage of all lots.
- 12) Certificates of approval for endorsement by the Planning Commission and County Commission.

B) Other Preliminary Plans. Generally, the following plans shall be submitted in conjunction with the preliminary plan:

- 1) Preliminary Drainage and Grading. The existing drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns.

- 2) Erosion Control. In any proposed subdivision in which an area greater than five acres will be disturbed, or in areas where topographic features are such that erosion, siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved.

Section 4.02 Approval of Preliminary Plan

After the preliminary plan has been recommended for approval or disapproval by the Planning Commission, it shall be submitted to the County Commission for its approval or disapproval. The approved plan shall be kept on file in the office of the Planning Director. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no zoning or building permits shall be issued based on the approval of the preliminary plan.

Section 4.03 Effective Period of Preliminary Approval

The approval of a preliminary plan shall be effective for a period of three years, at the end of which time approval of the subdivision plat or a portion thereof must have been obtained from the County Commission. Any plan which has not received approval for all or a portion of it within the period of time set forth herein, shall be null and void, and the developer shall be required to resubmit a new plan for preliminary approval subject to any new subdivision regulations.

Section 4.04 Revisions to Preliminary Plan

Minor amendments to an approved preliminary plan may be made at the discretion of the Planning Director and Highway Superintendent.

**ARTICLE 5.00
FINAL PLANS AND THE PLAT**

Section 5.01 Final Plans

Following the approval of the Preliminary Plan, if the developer wishes to proceed, final drainage, grading and erosion control plans shall be submitted to the Planning Director and Highway Superintendent for review and approval. Any or all of these plans may be deleted at the Planning Director's discretion.

Section 5.02 The Plat

Two copies and one reproducible mylar of the plat shall be submitted to the Planning Director for review and approval. If the plat is not approved by the Planning Director within ten (10) days of submittal, the plat shall be presented to the County Commission for action. The plat should be drawn at a scale of 100 feet to an inch from an accurate survey and on one or more sheets whose dimensions are as required by State Law. If more than two sheets are required, an index sheet of the same dimension shall be attached and filed. Plats which describe large agricultural tracts may be drawn at a scale of 200, 300 or 400 feet to the inch. The plat shall contain the following information: (*amended MC23-2-00*)

- A) The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision. Each plat shall be titled as follows: (Name) Addition in the quarter, Section , T N, R W of the 5th P.M., Minnehaha County, South Dakota.
- B) Scale and north arrow.
- C) The names of all adjacent subdivisions, all lot and block lines, type of easements, and rights-of-way.
- D) A systematic lot and block numbering pattern, lot lines and road names, and the square footage or acreage of all lots.
- E) The location and width of all proposed and existing rights-of-way, easements and private roadways.
- F) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest section corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
- G) Location of all monuments and permanent control points, and all survey pins, either set or located.
- H) The location and description of any portions of the property intended to be dedicated or granted for public use.
- I) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, roads, easements and type of easement, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- J) The radii, chords, length of curve, points of tangency, and central angles for all curvilinear roads and radii for rounded corners.

- K) Any boundaries or areas of designated floodways or flood hazard areas.
- L) Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of all roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.
- M) All formal irrevocable offers of dedication for all roads and other uses as required.
- N) Certificates as specified in Article 12.00.

Section 5.03 Road Names

- A) Roads obviously in alignment with existing roads shall bear the names of those roads.
- B) Provisions:
 - 1) No road names shall be used which duplicate, be the same in spelling or alike in pronunciation with any other existing roads. Road names shall not exceed 12 letters, including spaces. Road name suffixes shall be applied as follows:
 - Street - a road running east and west
 - Avenue - a road running north and south
 - Road - a road running east and west or north and south but which is not appropriate to name as a street or avenue
 - Lane - a road running northeast to southwest
 - Drive - a road running northwest to southeast
 - Trail - a road which wanders in different directions
 - Circle - all cul-de-sacs
 - Court - a road with two openings which enters and exits on the same road
 - Place - all private roads

**ARTICLE 6.00
REPLATS AND PLAT VACATIONS**

Section 6.01 Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a final plan of the subdivision, requiring the same review and approval procedures, including the fees, as the original preliminary and final plans. However, if the resubdivision meets the following requirements, then it may be submitted as a plat.

- A) The perimeter of the tract being replatted shall not be altered by the replat.
- B) The previous platting lines shall be shown on the plat.
- C) The grades shall not be changed from the drainage plan which was submitted and approved with the original plat, or if the grades are to be changed, or if no drainage plan was submitted with the original plat, then a drainage and grading plan shall be submitted and approved for the resubdivision.

Section 6.02 Vacation of Plats

Any plat or any part of a plat intended to be vacated shall be governed by the requirements of SDCL11-3. (*amended MC23-3-03*)

ARTICLE 7.00 LOTS AND BLOCKS

Section 7.01 Blocks

- A) The length, width, and shape of blocks shall be determined with regard to:
 - 1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2) The need for convenient access, circulation, and safety of traffic.
 - 3) Topographic conditions.
- B) Block lengths shall generally not exceed 1300 feet in length and shall be normally wide enough to provide for two tiers of lots of an appropriate depth.

Section 7.02 Lots

- A) Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on all lots in compliance with the zoning regulations.
- B) The minimum lot width required by the zoning regulations shall be measured along the building setback line.
- C) Corner lots for residential use shall have extra width to permit adequate building setbacks from both roads.
- D) All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.
- E) Side lot lines shall be at right angles to roads except on curves where they are radial, or when otherwise approved.
- F) Double frontage and reverse frontage lots shall be avoided except where essential to separate a development from traffic arteries, or to overcome specific disadvantages of topography and orientation. Driveways for such lots shall have access only to an interior subdivision road. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of higher traffic volumes.
- G) Plats for residential development adjacent to functioning railroad rights-of-way shall provide additional lot depth or width to provide for sufficient setback to offset the impact of the railroad traffic.
- H) Each lot shall abut a dedicated public right-of-way, approved private roadway or have an appropriate easement to a public road.
- I) Minimum lot size required by the zoning regulations shall not include any public right-of-way or private roadway easement.

ARTICLE 8.00
MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Section 8.01 Arrangement and Design

- A) Roads shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.
- B) All new subdivision roads shall be properly integrated with the existing system of roads. There should be a road connecting adjacent subdivisions where topographical and land use considerations permit.
- C) In order to maintain consistent signage throughout the County, it shall be the County's responsibility to erect road signs at all road intersections, both public and private, within the new subdivision. The owner or developer shall pay the County for all material and installation costs as determined by the Highway Superintendent.
- D) Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions.
- E) The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.
- F) All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication or the owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads (see Section 12.02). (*amended MC 23-1-99*)
- G) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of access easements, the following requirements shall apply: (*amended MC 23-1-99*)
 - 1) The access easement shall provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the access easement by the public or any governmental agency.
 - 2) Access easements shall be indicated on the plat.
 - 3) Any plat which shows an access easement as a means of access shall provide language in the owner's certificate (see Section 12.02) reserving the easement area for perpetual unobstructed access.

Section 8.02 Minimum Road Right-of-Way

- A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 66 feet shall be reserved for private roadways. A maximum right-of-way of 100 feet may be required on roads designated as arterial and collector.
- B) Cul-de-sacs are not encouraged but will be allowed where, due to physical constraints, they are necessary for the reasonable development of the subdivision. The minimum radius of a turnaround at the end of a cul-de-sac shall be 65 feet and the length of the road shall be generally limited to 500 feet. This shall also apply to private roadways.

Section 8.03 Subdivision Road Standards

- A) Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances exist.
- B) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.
- C) Minimum width of the driving surface shall be 24 feet. Ditches and driveways shall have a maximum side slope of 4:1. (*amended MC 23-1-99 and MC23-3-03*)
- D) If access to the subdivision is not a hard surfaced road, the subdivision roads may have a gravel driving surface. If access to the subdivision is hard surfaced or planned for hard surfacing, or if the size of development creates a significant traffic impact, the subdivision roads shall be hard surfaced.
- E) Gravel roads shall have an initial three inch lift of gravel spread over the driving surface. This lift shall be allowed to settle over one winter season. A second three inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt and portland cement concrete surfaces shall be constructed in accordance with specifications of the Highway Superintendent. At a minimum, there shall be a 6 inch granular base course and a 2 inch thickness of asphalt or a 7 inch thickness of portland cement concrete.
- F) Culverts under roadways shall be R.C.P. Culverts under driveways shall be either R.C.P. or C.M.P. Flared end sections or slope Portland cement concrete headwalls are required on all culverts within the road right-of-way.
- G) The size of culverts shall be determined by a drainage study for the entire subdivision. The minimum culvert diameter shall be 18 inches.
- H) A cross slope (crown) shall be provided on all roads at a rate of .04 feet per foot.
- I) The road ditch shall be at least 3 1/2 feet below the road grade.
- J) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Section 8.04 Private Roadways

- A) Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
- B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
- C) Any plat presented for approval which shows a private roadway as a means of access shall provide language in the Owner's Certificate in accordance with Section 12.02 reserving the private road for permanent unobstructed access to abutting property and establishing private responsibility for maintenance of the roads. (*amended MC23-3-03*)
- D) All road standards specified in Section 8.03 shall also apply to private roadways.

Section 8.05 Intersections

- A) Acute angles at road intersections are to be avoided in so far as possible, but in no case will an angle of less than 80 degrees be permitted.
- B) Not more than two roads shall intersect at one point unless specifically approved.
- C) Intersection offsets of less than 250 feet shall be avoided.

**ARTICLE 9.00
GRADING AND DRAINAGE**

Section 9.01 Grading Plan

The final grading plan for the subdivision shall be submitted to and approved by the Planning Director and Highway Superintendent.

A) Final Site Grading Plan

The grading plans shall show the contours with intervals acceptable to the Planning Director. The site grading plan shall also show the drainage arrows for each lot.

B) Final Road Grading Plan

The road grading plan shall show percent slope for all proposed roads, drainage arrows, and location and size of culverts.

Section 9.02 Drainage Plan

A) All drainage facilities including on-site detention, drainageways, detention ponds and drainage channels shall be shown on the drainage plan and is subject to the approval of the Planning Director and Highway Superintendent. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the County determines that the potential exists for impact beyond the development area, both upstream and downstream. The plan shall provide the following information:

- 1) Existing and proposed contour lines and the surface water drainage system, including any major alteration of the existing drainage pattern. Drainageways and detention ponds shall be designed for a 25 year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.
- 2) The boundaries of all drainage easements and detention ponds. A maintenance agreement for the upkeep of the detention ponds shall be filed with the plat.
- 3) Individual lot drainage shall be coordinated with the general surface drainage pattern for the area. Drainage shall be designed so as to avoid a concentration of storm drainage water from each lot to adjacent lots.
- 4) Surface water shall not be carried across or around any intersection.
- 5) Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain a culvert under the driveway when construction commences.

**ARTICLE 10.00
EROSION CONTROL PLAN**

Section 10.01 Specifications

Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Minnehaha Conservation District. Stripping of vegetation, regrading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. The Planning Director, with assistance of the Conservation District, shall require any further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on roads or other property. Every effort shall be made to retain the natural vegetation on all ditches and drainageways. Ditches and drainageways will not be disturbed without the approval of the Planning Director. Erosion control plans shall show:

- A) All proposed land disturbance including areas of excavation, grading, filling, removal, or destruction of topsoil and spreading of earth material.
- B) Provisions for erosion control during construction. Such provisions shall include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion will be designed to withstand the two year rain and be shown on the plan.

Section 10.02 Existing Features

Existing natural features which would add value to residential development or to the community as a whole, such as trees, water courses, and similar irreplaceable assets, should be preserved in the design of the subdivision.

ARTICLE 11.00
ASSURANCES FOR COMPLETION OF MINIMUM IMPROVEMENTS

Section 11.01 Assurances Required

No plat of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit assuring completion of all required improvements. (*amended MC23-3-03*)

**ARTICLE 12.00
CERTIFICATES REQUIRED**

Section 12.01 Certificates for Preliminary Plans

Certificates shall be attached to the preliminary plan in the following form:

COUNTY PLANNING COMMISSION APPROVAL

Approval of the preliminary plan of (Subdivision Name) Addition is hereby granted by the Minnehaha County Planning Commission on this day of , 20 .

Chair, County Planning Commission
Minnehaha County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the preliminary plan of (Subdivision Name) Addition was duly submitted to the Minnehaha County Board of County Commissioners, and that after due consideration the Board approved said preliminary plan at its meeting held on the day of , 20 .

County Auditor
Minnehaha County, South Dakota

Section 12.02 Certificates for Plats and Replats (amended MC 23-2-00)

Certificates shall be attached to the plat or replat in the following form:

SURVEYOR'S CERTIFICATE

I, (Name) , a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before (Date) , survey that parcel of land described as (Legal Description).

Dated this day of , 20 .

Registered Land Surveyor

(SEAL)

OWNER'S CERTIFICATE

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein) , and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, alleys and parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds, whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

If the plat does not include a certificate for Township Acceptance of Road Dedication, include:
(amended MC 23-1-99)

We also certify that construction and maintenance, including snow removal, of (name of roads) as shown on said plat shall be provided by (name) in accordance with the covenants filed with the Minnehaha County Register of Deeds, and said roads shall be kept and preserved at all times in a good condition of repair and maintenance. This shall remain in effect until a public entity accepts the maintenance of said roads.

OWNER'S CERTIFICATE FOR PRIVATE MAINTENANCE OF FACILITIES

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We also certify that ownership and maintenance of streets, roads, and alleys, parks and other open space, drainageways and detention areas, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowners Association except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

If private roadways are shown, include:

I further grant and certify that the roadway(s) shown as (Names of private roads) are private roadways which are hereby reserved as a permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the Owner, their lessees and assignees have the responsibility with respect to maintaining said private roadway. Said grant is to run with the land. As no dedication to the public is being made of said private roadways, the Owners, their lessees and assignees, of the property platted as (Name of subdivision) , shall at their own cost and expense keep and preserve said private roadways at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private roadways which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of said private roadways. This shall remain in effect until a public entity accepts the roadways as a public dedication.

If access easements are shown, include: (amended MC 23-1-99)

We further grant and certify that the access easement is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel for the purpose of access to the abutting property. The owner, their lessees and assignees shall maintain the easement area. They shall, at their own expense, keep the easement area in good repair and maintenance and clear of snow and other obstructions. No improvements of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of the access easement. This covenant shall run with the land.

If the plat is a replat, include:

We further certify that this platting of said described _____ (New subdivision name) does hereby vacate the following platting: _____ (Legal description of old plat) on file at the Register of Deeds Office in Book ____ Page ____, said plat, hereby vacated, being situated within described (New subdivision name) _____ as surveyed.

State of South Dakota)
)
County of Minnehaha)

On this ___ day of _____, 20__, before me, the undersigned officer, appeared (name), known to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness thereof, I have hereunto set my hand and official seal this ___ day of _____, 20__.
My commission expires:

Notary Public, Minnehaha County, South Dakota

TOWNSHIP ACCEPTANCE OF ROAD DEDICATION

I hereby certify that the Board of Supervisors of _____ Township, at an official meeting conducted on the ___ day of _____, 19__, accepted the roads indicated on the plat of (Name of subdivision) _____.

Clerk, _____ Township
Minnehaha County, South Dakota

COUNTY PLANNING DIRECTOR'S CERTIFICATE

I, Planning Director of Minnehaha County, do hereby certify that this plat has been reviewed by me or my authorized agent and has been approved.

Approved this ___ day of _____, 20__.

Planning Director
Minnehaha County, South Dakota

COUNTY AUDITOR CERTIFICATE

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this ___ day of _____, 20__.

County Auditor
Minnehaha County, South Dakota

DIRECTOR OF EQUALIZATION

I, the Director of Equalization of Minnehaha County, South Dakota, do hereby certify that a copy of the above plat has been filed in my office.

Director of Equalization
Minnehaha County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Minnehaha County, South Dakota, hereby certify that all taxes which are liens upon any land shown in the above plat as shown by the records of my office, have been paid in full.

Treasurer
Minnehaha County, South Dakota

REGISTER OF DEEDS

Filed for record this ___ day of _____, 20__ , at ___ O'Clock, __M., and recorded in book of plats on page ___ .

Register of Deeds
Minnehaha County, South Dakota