Ordinance #42

Ordinance #42, An ordinance establishing subdivision regulations for Roberts County South Dakota, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Chapter 11-2 and 11-3 1967 SDCL, and amendments thereof, and for the repeal of all in conflicts herewith

ARTICLE I. GENERAL PROVISIONS

Section 101. Purposes

These regulations are adopted to provide for the harmonious development of Roberts County and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, and convenience through the provision for an adequate scale of street, sanitary, water, utility, and other improvements as land is subdivided.

Section 102. Applicability

In accordance with SDCL 11-2-28 and any other authority provided by law or as such statutes may be amended, Roberts County does hereby exercise the power and authority to review and approve or disapprove plats for the subdivision of land within the unincorporated areas of Roberts County.

Section 103. Amendments

Any provision of these regulations from time to time may be amended, supplemented, changed, modified, or repealed by the Board of County Commissioners according to law.

Section 104. Variances

1. Exceptional Conditions

    a. General. The Board of County Commissioners may grant variances from the provisions of these regulations, but only after determining that:

        (1) There are unique circumstances or conditions affecting the property.

        (2) The variance is necessary for the reasonable and acceptable development of the property in question.

        (3) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.

        (4) The variance will not permit or encourage uses contrary to zoning regulations.

b. Conditions. In approving variances, the Board of County Commissioners may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

c. Procedures. A petition for any such variations shall be submitted in writing by the subdivider at the time when the petition is filed for the consideration of the Board of County Commissioners. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

d. Where a proposed subdivision would contain up to four (4) parcels or plots of land, including the parent parcel, and no new roads, the procedure of preparing a Concept Plan or Preliminary Plan may be waived by the Planning Commission or Board of County Commissioners. Any subsequent subdivision of the parent parcel of any lot where the requirement for a concept plan or preliminary plan was previously waived shall require a concept and/or preliminary plan including the previously subdivided lots prior to final plat approval.

Section 105. Enforcement, Violations, and Penalties

1. General

   a. It shall be the duty of the Administrative Official to enforce these regulations and to bring to the attention of the County Attorney any violations or lack of compliance herewith.

   b. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

   c. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

2. Violation and penalties. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or refuses to comply with or resists the enforcement of any provision of this Subdivision Ordinance may be subject to a civil or criminal penalty. The penalty for violation of this Subdivision Ordinance shall be five hundred dollars ($500.00) or imprisonment for not more than thirty (30) days, or both, and in addition the violator shall pay all costs and expenses involved in the case. Each and every day that such violation continues after notification may constitute a separate offense. All fines for violation shall be paid to the County Auditor and shall be credited to the General Fund of the County. In addition to the penalties described, the Board of County Commissioners or any member thereof, may institute an appropriate action or proceedings to seek an injunction in a court of competent jurisdiction to prevent, retrain, correct or abate such violation or threatened violation and it is the duty of the County Attorney to institute such action.

Section 106. Interpretation, Conflict, and Seperability

1. Interpretation. In their interpretation and application, these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare.

2. Conflict. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

3. Seperability. Should any article, section, sub-section, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the subdivision ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

Section 107. Effective Date

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

ARTICLE II. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 201. General Procedure

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

Section 202. Concept Plan

1. The purpose of the Concept Plan is for the subdivider and Planning Commission to introduce the plan for development and share concerns for the ability of the plan to meet general requirements, minimum standards of design, and the compatibility of the subdivision with the comprehensive land use plan and other development or utility policies. This plan will aid the subdivider in preparing a more readily accepted Preliminary Plan for each phase and help prevent revisions in the layout and development of the subdivision. This review should prevent unnecessary costly revisions in the layout and development of the subdivision.

2. Before filing a Preliminary Plan, the subdivider shall submit a Concept Plan for review by the Administrative Official and Planning Commission.

    a. The Planning Commission or Board of County Commissioners may waive the requirement for review by the Planning Commission following an informal meeting with the subdivider at the respective Boards' meeting.

    b. The Concept Plan would still require review by the Administrative Official and any other individuals recommended by the respective Board at the informal meeting.

3. One (1) paper copy of the Concept Plan shall be submitted to the Administrative Official. The Administrative Official may also request electronic copies in a PDF, DWG and GIS shapefile of the Concept Plan at the time of submittal of the paper copy or any point thereafter. A Concept Plan shall include the following information.

    a. General

        1) The proposed name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.

        2) Names, addresses, and telephone numbers of the owner(s), subdivider(s), land surveyors, and engineer(s).

        3) Vicinity map to scale, showing the locations of the proposed subdivision and other property for at least three hundred thirty (330) feet in every direction.

4) The legal description(s) and notations stating acreage, scale, north arrow and date of survey.

5) The proposed zoning districts.

6) A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.

7) Locations and widths of all existing and proposed easements.

8) Locations and sizes of all public facilities, schools, libraries, fire stations, parks, tree masses, wetlands and other significant natural features.

9) Any expectations for County reimbursements.

10) Proposed phasing for development with estimated timelines.

11) Disclosure of proposed variances.

b. Streets

1) The general layouts of streets and access points to adjacent street systems.

2) The general layout of pedestrian connectivity.

3) Rights-of-way widths.

4) Street names.

5) Type of street section.

c. Sanitary Sewer

The general layout of the proposed sanitary sewer system including locations of gravity sewers and force mains, lift stations, and connection points to the existing system.

d. Water

The general layout of the proposed water main system including connection points to the existing system.

e. Drainage and Grading

The Concept drainage and grading plan shall include and provide information regarding significant changes to grading, drainage, and proposed manner of controlling stormwater runoff to preconstruction/subdivision volumes.

4. The administrative official may waive the requirement for certain information or manners of submittal prior to review by the Planning Commission. The administrative official may request additional information, copies, or manners of submittal.

Section 203. Preliminary Plan Approval

1. General.

   After review of the Concept Plan, the subdivider shall cause to be prepared a Preliminary Plan prior to the making of any street improvements or the installation of any utilities. The Preliminary Plan shall provide all of the information indicated in Section 203.3 below. The Preliminary Plan will be subject to review and revision by the Administrative Official and Planning Commission.

2. Procedure:

   a. One (1) paper copy of the Preliminary Plan shall be submitted to the Administrative Official. The Administrative Official may also request electronic copies in a PDF, DWG and GIS shapefile of the Preliminary Plan at the time of submittal of the paper copy or any point thereafter. Such filing shall take place at least ten (10) days prior to the meeting of the Planning Commission at which it is to be considered.

   b. The Planning Commission shall study the said Preliminary Plan to see if it is consistent with the standards set forth in these regulations. Following a hearing and due consideration of the Preliminary Plan, the Planning Commission shall approve, disapprove, or modify the plan and shall impose those requirements or grant those variances in conformance with this ordinance deemed necessary and appropriate by the Board for final approval. The action of the Board, together with all modifications, requirements, variances, and reasons thereof, shall be noted on all copies of the Preliminary Plan application. One (1) copy shall be returned to the subdivider and one (1) copy retained by the County Auditor.

   c. Approval of the Preliminary Plan by the Planning Commission and Board shall indicate approval of the development concept only and shall not constitute acceptance of the final plat. The approval of the Preliminary Plan shall lapse unless a final plat, based thereon, is submitted within five (5) years from the date of such approval. An extension of time may be applied for by the subdivider and granted by the Board.

3. Preliminary Plan Information. The Preliminary Plan shall meet the standards of design as set forth in Article III and shall show the following information:

   a. Names of subdivision, names and addresses of the owners, engineer and/or land surveyor, and the names of adjoining property owners within 500 feet of any perimeter boundary of the subdivision. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.

   b. Date, north point and scale. Scale shall not be less than one - (1) inch equals one hundred (100) feet.

c. Location of property lines, roads, existing utilities with size of lines, and other underground installations.

d. Acreage of land to be subdivided.

e. Proposed utility system.

f. Contours at an interval of not greater than five (5) feet; also, the locations of watercourses, bridges, wooded areas, and such other topographic features as may be pertinent to the subdivision.

g. Lot lines, lot numbers, and minimum building setback lines.

h. Location of proposed culverts and other drainage provisions.

i. Proposed improvements and grading.

j. Proposed easements, dedications, and reservations of land to be considered for sale or dedication to public use.

k. Names of new streets.

l. Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plan.

4. Plan Review Fee.

A fee shall be levied for the of every Preliminary Plan reviewed by the Planning Commission. The Board of County Commissioners shall, by resolution, establish a fee schedule to for the administration of this ordinance.

Section 204. Final Plat Approval

1. General.

The final plat shall conform substantially to the Preliminary Plan as approved; and it may constitute only a portion of the Preliminary Plan, which the subdivider proposes to record and develop.

2. Procedure:

a. Following the approval of the Preliminary Plan, if the developer/subdivider wishes to proceed, one (1) paper copy of the Final Plat shall be submitted to the Administrative Official. The Administrative Official may also request electronic copies in a PDF, DWG and GIS shapefile of the Final Plat at the time of submittal of the paper copy or any point thereafter. Such filing shall take place at least ten (10) days prior to the meeting of the Planning Commission at which it is to be considered. The Administrative Official shall then forward copies of the final plat, and any electronic copies of the PDF, DWG, and GIS shapefile of the Preliminary Plan, and required supplemental material filed with the Auditor and/or Administrative Official, to the Chairperson

of the Planning Commission. Such filing shall take place at least ten (10) days prior to the meeting of the Planning Commission at which it is to be considered.

b. The Planning Commission shall study the said final plat to see if it is consistent with the minimum standards set forth in these regulations. Following due consideration by the Planning Commission, the Commission shall transmit the final plat to the Board of County Commissioners, together with its recommendation, within sixty (60) days after receipt thereof. Said recommendation shall include approval, disapproval, or suggestions for modifications and reasons thereof, and a discussion of the effect of said plat on the comprehensive plan. Said recommendation shall be of an advisory nature only. If the Planning Commission does not act within sixty (60) days, the final plat shall be deemed to have received a favorable recommendation in all respects, and shall then receive due consideration by the Board of County Commissioners.

c. When the Board of County Commissioners has approved the final plat, one (1) copy shall be returned to the subdivider with the approval of the Board of County Commissioners certified thereon, for filing with the County Register of Deeds as an official plat of record within (90) days after the date of approval thereof by the Board of County Commissioners. Another copy certified by the Board will be transmitted to the appropriate Director of Equalization for his/her records.

3. Final Plat Information.

The following information is required for final plats for subdivisions:

a. The original or reproducible final plat shall be drawn in black ink and shall be uniform size. The scale shall be one (1) inch equals one hundred (100) feet or larger.

b. The final plat shall show the following information:

1) Date, title, name and location of subdivision, graphic scale, and true north line.

2) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or infeasible by the Board of County Commissioners, these control points shall be the located section corners of the Coordinate System of the State of South Dakota.

3) Name and right-of- way width of each street, easements, or other right-of-way.

4) Lot numbers, lot lines, and frontage dimensions.

5) Location and description of monuments.

6) Names of adjoining properties.

7) Purpose for which sites are dedicated or reserved.

c. The final plat shall be accompanied by:

(1) Certification on plat of title showing that the applicant is the owner, that the making of the plat receives his consent and is in accordance with his desires, and a statement by such owner dedicating streets, rights-of-way, and other sites for public use.

(2) Certification on plat by registered engineer or licensed surveyor as to the accuracy of survey and plat.

(3) Certification that the subdivider has complied with one of the following alternatives – alternative to be determined by the Board of County Commissioners:

(a) All improvements have been installed in accordance with the requirements of this ordinance, or;

(b) A security bond or certified check has been posted with the County Auditor in sufficient amount to assure such completion of all required improvements, or;

(c) At the Board of County Commissioners' discretion, the subdivider shall file a Letter of Assurance to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the Board of County Commissioners, such period not to exceed three years. An extension to that three-year period may be granted at the discretion of the Board of County Commissioners. Said Letter of Assurance shall be recorded with the Register of Deeds at the time of filing the Plat.

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

(4) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.

(5) Certification on plat by the Board of County Commissioners that the plat has been approved for recording in the office of the County Register of Deeds.

(6) A copy of the certificate of the County Director of Equalization that he/she has received a copy of such plat.

(7) Endorsed on plat or attached to the certificate of the county treasurer that all taxes which are liens upon any land included.

(8) Certification by the Administrative Official when individual sewerage disposal or water systems are to be installed.

Section 205. Guarantee in Lieu of Completed Improvement.

1. No final subdivision plat shall be approved by the Board of County Commissioners or accepted for record by the Register of Deeds until the required improvements have been installed in accordance with the Preliminary Plan and approved by the Commission; or in lieu of such prior construction, the Commission may accept a letter of assurance, or a security bond in an amount equal to the estimated cost installation of the required improvements, whereby improvements may be made and utilities installed without cost to the Roberts County in the event of default of the subdivider.

2. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract (Letter of Assurance) in writing with the County requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by a Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any sub-contractors authorized to proceed thereunder and with any other work being done or contracted by the County in the vicinity. At the County's discretion they may require that the agreement require the subdivider make an escrow deposit or in lieu thereof to furnish a performance bond. On request of the subdivider the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The time for completion of the work and several parts thereof shall be determined by the Board of County Commissioners upon recommendation of the Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision.

   a. If The County Requires A Financial Guarantee: The contract (Letter if Assurance) provided above shall require the subdivider to make an escrow deposit or in lieu thereof furnish a performance bond as follows:

      1. Escrow Deposit: An escrow deposit shall be made with the County Auditor in a sum equal to one hundred (100) percent of the total cost as estimated by the Engineer, including cost of inspection by the County, of all the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat.

         The County shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the County for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.

3. Performance Bond: In lieu of making the escrow deposit above described, the subdivider may furnish a public contractor's performance bond in form prescribed by statute, with corporate surety in a penal sum equal to one hundred (100) percent of the total cost as estimated by the Engineer, including cost of inspection by the County, of all of the improvements to b e furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the County's Attorney and filed with the County Auditor.

Section 206. Subdivision Process Exemptions

To ensure timely review of minor plats and replats (including plats for transfer of ownership) that do not discernibly impact surrounding properties, environmental resources, or public facilities, no concept plan, preliminary plan, or construction plans may be required unless required by Section 104.1.d. Minor plats, replats, and lot line adjustments can be approved in accordance with the remaining applicable provisions of Section 204 [Final Plat Approval].

1. Minor Plat Requirements:

   A minor plat is a plat containing up to four (4) lots, or a Condo plat with a Master Deed or Lease prepared in accordance with SDCL 43-15A-4, and must meet ALL of the following requirements:

   a. Does not require the dedication of right-of-way or construction of new streets, except that arterial roadways identified on the Major Street Plan will be required to dedicate the necessary right-of- way;

   b. Does not create any public improvements other than sidewalks;

   c. Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;

   d. Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;

   e. Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;

   f. Does not adversely affect the remainder of the parcel or adjoining property; and

   g. Does not conflict with any provision or portion of the growth management plan, official map, zoning ordinance, or these regulations.

2. Replat: A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat.

3. Boundary line adjustments.

The purpose is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow minor enlargement or reduction of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, and to correct situations where an established use is located across a lot line, or for other similar purposes. When an application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines, a boundary line adjustment or replat will be required for those lots. A boundary line adjustment shall include a surveyed site plan including all information required for a plat. The survey shall be submitted to the planning office with a title report of the entire parcel. A development lot agreement may also be required to officially join parcels to comply with zoning requirements. If the legal description given does not meet the requirements listed below for a boundary line adjustment, other applicable subdivision ordinance provisions shall be followed.

A boundary line adjustment application:

a. Shall not result in the creation of an additional lot, parcel, or building site;

b. Shall not result in a lot that does not qualify as a building site pursuant to this title;

c. Shall not relocate an entire lot from one lot of record to another lot of record;

d. Shall not reduce the overall area in a plat or parcel devoted to open space;

e. Shall not be inconsistent with any restrictions or conditions of approval for a recorded plat;

f. Shall not involve lots which do not have a common boundary;

g. Shall not result in the required minimum lot sizes that do not meet the zoning ordinance requirements;

h. Shall not result in the creation of a nonconforming setback for any existing building; and

i. Shall meet all transfer and recording requirements of the county register of deeds.

ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Section 301. General

1. The Board of County Commissioners shall impose the following general requirements and compel all subdividers to comply with the principles of design in the layout of subdivisions hereinafter described.

2. All proposed subdivision regulations shall conform to the comprehensive plan.

Section 302. Suitability of the Land for Subdivision Development

1. If the Board of County Commissioners finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all public agencies concerned, it has been determined that in the best interest of the public, the land should not be platted and developed for the purpose proposed, the Board shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

2. The Board of County Commissioners may refuse to approve what it considers to be scattered or premature subdivision of land which would necessitate an excessive expenditure of public funds for the supply of such services such as undue maintenance costs for adequate roads.

Section 303. Street Extensions

1. The arrangement, character, extent, location and grade of all streets shall be in accordance with good planning principles and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

2. Where, at the determination of the Board of County Commissioners, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties, where the Board of County Commissioners deems it necessary, such dead – end streets shall be provided with a temporary turn around having a radius of at least fifty (50) feet.

3. The street system for the proposed subdivision shall provide for extending existing streets at the same time or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

4. The arrangement of streets in a new subdivision shall conform to the Major Street Plan and shall make provisions for the continuation of existing streets in adjoining areas or their proper projection where adjoining land is not subdivided.

Section 304. Dedication of Right of Way and Roadway Width

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

   a. The minimum widths of highways, arterial streets, residential collector streets, local residential streets, and marginal access to be dedicated to the County, or any other road authority, shall be indicated on the Major Street Plan and where not shown thereon shall not be less than as follows:

Street Type	Minimum Dedicated Right-Of-Way Width
Arterial	100 Feet
Collector	80 Feet
Local	60 Feet
Alleys	20 Feet

   b. In undeveloped or vacant areas, the Planning Commission and Board of County Commissioners shall have the discretion to identify or classify a street as a "collector street".

   c. The minimum width for right-of-way and roadway widths in commercial and industrial districts shall be the same as required for arterials.

   d. Minimum roadway widths:

Street Type	Pavement Width (Measured from Curb Faces)
Arterial	60
Collector	36
Local	24
Alleys	20

Section 305. Access to Arterials and Collectors.

1. Where a subdivision borders on or contains an existing or proposed arterial, access to such roads may be limited. The Board of County Commissioners upon recommendation from the Planning Commission may require that access to such streets be limited by one of the following means:

   a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.

   b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel streets, with the rear lines of their terminal lots backing on the arterial.

c. A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

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

e. Deep lots with rear service drives, or;

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

Section 306. Intersections

1. Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less that 70 degrees.

2. Road curb intersections shall be rounded by a radius of at least thirteen (13) feet on minor streets and twenty (20) feet on collector streets. When the smallest angle of the street intersection is less than ninety (90) degrees, the Board of County Commissioners may require curb radii of greater length.

3. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within one hundred (100) feet of the right-of-way or any street which intersects such arterial street on the side on which such lot or parcel is located.

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

Section 307. Street Grades and Elevations

1. Street grades shall conform to the following :

Street Type	Maximum Percent Grade
Arterial	7
Collector	8
Local	10

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

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

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

Section 309. Private Streets, Reserve Strips and Alleys

1. There shall be no private street platted within a subdivision.- unless road association is established.

2. There shall be no reserve strips in a subdivision except where their control is definitely vested in the Roberts County under conditions approved by the Board of County Commissioners as authorized by this ordinance.

3. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Board. Alleys may be required in commercial and industrial districts, except that the Board of County Commissioners may waive this requirement where other definite and assured provision is made for service access. Such alleys shall be dedicated to the public.

Section 310. Blocks

1. Length. Block lengths shall not exceed twelve hundred (1200) feet or be less than three hundred (300) feet, except as the Board of County Commissioners considers necessary to secure efficient use of land or desired features of street layout.

2. Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevents two (2) tiers of lots, the Board may approve a single tier of lots of minimum depth.

Section 311. Lots

1. The lot size, width, depth, shape orientation, and minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot dimensions shall conform to the requirements of zoning regulations and the requirements of the South Dakota Department of Agriculture and Natural Resources.

3. Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and side street.

4. Each lot shall be provided with access to a street.

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

6. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Section 312. Easements

1. Except where alleys are permitted for the purpose, the Board shall require easements at least twenty (20) feet in width centered along all rear lot lines. Where necessary or advisable in the opinion of the Board of County Commissioners, similar easements shall be provided along side lot lines or across lots.

2. If the Board deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

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

ARTICLE IV. REQUIRED IMPROVEMENTS PREREQUISITE TO FINAL APPROVAL

Section 401. General

1. The subdivider is required to install or construct the improvements hereinafter described prior to receiving approval of his/her final plat or prior to having released the bonds or other securities which guarantee such required improvements.

2. All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk, or other requirement pavement.

3. The Roberts County may participate, at its discretion, by sharing in the responsibility of street and utility construction costs.

Section 402. Property Markers

The corners of all lots and the beginning and ending of all curves on property lines shall be accurately marked on the ground with 5/8 to 1¼ inch iron rods which at least eighteen (18) inches long.

Section 403. Streets and Alleys

The subdivider shall provide street pavements which shall be designed to carry the expected traffic, and which shall be approved by the Board of County Commissioners.

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

1. The removal of all top soil and grading to meet drainage requirements;

2. A minimum of six (6) inches of crushed gravel; and

3. If a paved street is proposed, an additional three (3) inches of crushed gravel and three (3) inches of asphalt paving is required.

Section 404. Curbs and Gutters

Standard “L” type curbs and gutters shall be placed on both sides of all streets in all non-residential subdivisions and residential subdivisions if required by the Board of County Commissioners.

Section 405. Sidewalks

The Board of County Commissioners may require cement concrete sidewalks, no less than four (4) feet wide and four (4) inches thick on a four (4) inch gravel base, shall be constructed on both sides of all streets within a subdivision having more than three (3) lots per gross acre, unless waived by the Board of County Commissioners. Grades shall meet handicap access requirements. Sidewalks shall be placed in the public right-of-way way one (1) foot outside the property line. Each intersection shall be provided with gradual ramp from curb to sidewalk.

Section 406. Street Signs

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

Section 407. Water Supply System

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

Section 408. Sanitary Sewers

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

Section 409. Storm Drainage

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

Section 410. Oversize Facilities

The Board of County Commissioners may participate in the cost of "oversize" improvements within a subdivision if it is adjudged that such oversize improvements are necessary to serve large areas of land not in the subdivision and if the cost of such oversize improvements is an unreasonable burden on the subdivider.

Section 411. Electric Power and Telephone Service.

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

Section 412. Inspection.

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

Section 413. Payment for Installation of Improvements

The required improvements to be furnished and installed by the subdivider, which are listed and described, are to be furnished and installed at the sole expense of the subdivider; provided, however, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

ARTICLE V. DEFINITIONS

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

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

County Auditor - The duly elected Auditor of Roberts County.

Board of County Commissioners (Board) - The duly elected Board of County Commissioners of Roberts County.

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

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

Developer – See "Subdivider."

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

Engineer – The duly designated engineer acting on behalf of the Board of County Commissioners.

Final Plat – A plat of a tract of land, which meets the requirements of these regulations and is in form for recording in the office of Roberts County Register of Deeds.

Lot – A parcel of land intended for transfer of ownership or for building development.

Major Street Plan – The Major Street Plan adopted as an element of the Comprehensive Land Use Plan.

Parent Parcel – The original, primary tract of land from which smaller lots, tracts, parcels are created through a subdivision or land division.

Planning Commission – The Roberts County Planning Commission.

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

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

Street – A tract of land, dedicated to public use, which affords the primary means of access to the abutting property, but excluding private driveways serving only one (1) parcel of land.

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

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

Surveyor (Land Surveyor) – A person licensed in good standing and legally authorized to practice land surveying in South Dakota.

Utilities – Municipal and franchised utilities.

Zoning Ordinance – The Zoning Ordinance of Roberts County.

Adopted this ___ Day of _____, 20__

ROBERTS COUNTY

_____
Chairperson,
Board of County Commissioners

ATTEST:

_____
County Auditor