



## City of Vermillion Planning Commission Agenda

5:30 pm Regular Meeting

Monday, March 14, 2011

City Hall

Large Conference Room – 2<sup>nd</sup> Floor

25 Center Street

Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. February 28, 2011 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
  - a. Proposed zone change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)
  - b. Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.
6. **Old Business**
7. **New Business**
8. **Staff Reports**
9. **Adjourn**

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities.

After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed.

During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish.

Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

**Meeting Assistance:** The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Unapproved Minutes  
Vermillion Planning Commission  
Monday February 28, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on February 28, 2011 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Gruhn, Muenster, Reasoner, Tuve, and Iverson. Absent: Howe.

Also present were José Dominguez, City Engineer, Farrel Christensen, Building Official, Andy Colvin, Assistant to the City Manager, and Darby Ganschow, USD Representative.

2. Minutes

a. January 24, 2011 Regular Meeting; February 8, 2011 Special Meeting.

Moved by Forseth to approve the January 24, 2011 Regular Meeting and the February 8, 2011 Special Meeting minutes, seconded by Tuve. Motion carried 7-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Fairholm. Motion carried 7-0.

4. Visitors to be Heard

5. Public Hearing

a. Proposed zone change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)

Jose Dominguez reported that Troy Gregoire has submitted plans for a Planned Development District (PDD) for the old Wheeler Inn property. Jose stated that Mr. Gregoire has submitted plans that fulfill the first phase of the Planned Development Process that will essentially create a new zoning district for the City. The district will include a mix of residential and commercial uses. Lance Weatherly, consultant for the owner, stated that the PDD was the best way to approach the project. Lance also reported that Mr. Gregoire only intends to construct a storage building at this time with more plans to develop in the future. Questions were raised about the dead-end of Cottage Place and the reason for a half of a street. Jose reported that the street right-of-way is only 33 feet, which is half of the width of a normal street and that additional right-of-way would cut into existing structures.

Commissioner Muenster inquired whether a public notice was posted on the property prior to the hearing. It was determined that a notice was not posted according to ordinance requirements. Chairman Iverson ended the

hearing and instructed staff to re-post for a new hearing to be held on March 14<sup>th</sup>.

b. Comprehensive Plan Amendment - Adoption of a Future Land Use Map for the City of Vermillion.

Andy reported that it has been the recommendation of SECOG that the City expedite the process of updating the City's future land use map in light of plans to adopt a Joint Jurisdictional Ordinance. Andy presented a proposed map to the Planning Commission for discussion, requesting that any changes made to the draft be in a motion.

Moved by Forseth to adopt the map as presented, seconded by Muenster. Reasoner requested discussion on the proposed map prior to voting on the motion. Discussion followed on how the proposed boundaries were determined. Staff reported that the boundaries include major transportation corridors and more developable areas. It was also stated that the prior versions of the land use map were presented to the City/County planning group. The alternate versions encompassed more area than the proposed draft and were not looked upon favorably by the County representatives. Andy clarified that the Future Land Use Map is only for planning purposes and does not, by itself, grant any authority over the area included in the map.

Reasoner offered a substitute motion to amend the map by extending the boundaries east to Saginaw and south to the Missouri River, seconded by Fairholm. Fairholm, Reasoner and Iverson voted yes; Forseth, Gruhn, Muenster and Tuve voted no. Substitute motion failed.

The original motion to adopt the map as proposed carried 7-0.

c. Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.

Jose reported that City staff has been working to revise the existing subdivision regulations for several months. Jose stated that the existing regulations were adopted in 1967 and have changed very little, leaving the City with outdated standards that are difficult to interpret. Jose reviewed the existing and proposed regulations citing major differences between the two. Jose also reviewed the proposed process to approve plats and subdivision plans. Minor plats with five or fewer lots will be approved by the City Engineer and major plats will be approved by the Planning Commission and City Council. Jose also reviewed the difference between plats and plans to the Planning Commission, stating that the Golf Course development is the only subdivision plan currently on file. Discussion and Questions followed.

It was the consensus of the Planning Commission to continue the hearing until March 14<sup>th</sup> after the City Attorney has had a chance to review the proposed regulations.

6. Old Business

7. New Business

Matt Fairholm requested the City look into annexing the Airport and Wastewater Treatment Plant. Staff indicated that annexing the airport is authorized under state law, but the area will need to be surveyed in order to describe any territory to be annexed. Staff also noted that the annexation of the airport does not extend the City's boundaries to the airport's boundaries upon annexation, so land adjacent to the airport is not considered adjacent to City limits.

8. Staff Reports

9. Adjourn

Moved by Fairholm to adjourn, seconded by Forseth. Motion carried 7-0.

Chairman Iverson declared the meeting adjourned 7:08 p.m.



# *Planning Commission Agenda Memo*

**From:** José Domínguez, City Engineer

**Meeting:** March 14, 2011

**Subject:** Rezone from R-2 and GB to Cottage Place Planned Development District.  
(Old Wheeler Inn Property, located approximately at 14 West Cherry Street)

**Presenter:** José Domínguez

**Background:** Banner Associates has submitted the above rezoning request on behalf of the owners, Mr. Troy Gregoire, Mr. Mike Manning and Mr. Larry Anthofer. The development area will include the location of the old Wheeler Inn property and the properties fronting Cottage Place. Over the last month or so, City staff has offered input to the consulting engineer. The current plan calls for the construction of a 60-foot by 100-foot storage building fronting Cottage Place. There are future plans that could include constructing commercial and residential units within the development.

During the initial planning stages, it became apparent that the proposed uses would not fit within either a GB or R-2 district. The creation of a Planned Development District seemed to be the best choice to continue with the proposed construction. The Planned Development (PD) process also provides for more public input and oversight by the Planning Commission.

**Discussion:** Providing for a PD allows the Planning Commission and City Council to attach conditions to the project. The PD also fosters public input and a more customized development. Of the many requirements in the GB and R-2 districts, there are several that cannot be met by the Cottage Place District:

1. Area A of the Cottage Place District would allow, as a permitted use, mixed commercial/residential within what is now a GB district.
2. Area B of the Cottage Place District would allow, as a permitted use, multiple dwellings within what is now a GB district.
3. Area C of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a 12-plex. In addition, the planned district would also allow, as permitted uses, a myriad of commercial uses ranging from contractor's shop to motor vehicle sales and display. With the exception of the duplex dwelling units, all of the other uses are not allowed within the R-2 district.

5. Public Hearings; item a

4. Area D of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a building larger than a 12-plex. A 4-plex is the largest multiple dwelling structure allowed within the R-2 district.

In addition to the changes in zone, it has been agreed that, in order for some of the proposed buildings to be constructed along Cottage Place, additional right-of-ways will have to be dedicated to the public. Cottage Place is currently classified as an alley. City ordinance does not allow for the construction of buildings with the only frontage being an alley. In order to remove this obstacle, the applicants have agreed to dedicate the additional right-of-way and, thus, making Cottage Place into half a street.

Today, the engineer is presenting the initial development plan. The Planning Commission is asked to allow questions from the public and allow any input by the public on the project. At this meeting, the Planning Commission is also asked to place any addition regulations on the project. Staff looked at issues, such as utilities, transportation access, parking, setbacks, fire/building codes, and standards for rental housing during the preliminary review. The majority of these items has been addressed and has been included in the proposed development plan.

**Conclusion/Recommendations:** The Planning Commission is asked to take action on the initial development plan. The initial development plan is also the act to re-zone the property to the Cottage Place Planned Development District. Once the City Council adopts the ordinance changing the zoning to the planned development, the Planning Commission will have another chance to review the project when a final development plan is presented. The Planning Commission is the last stop before construction once the initial plan has been approved, unless a major amendment to the project is made.

Should the Planning Commission look favorably on the proposal to create the Cottage Place District, staff recommend the plan be approved with the following conditions:

- Residential units be limited to Areas B and D only
- That any construction within Area B require an egress/ingress easement from West Cherry Street
- Area C be used for construction of storage sheds only
- Contractor's shop/storage yard in Area C only be used for storage and no repairs or sales occur on the premises
- Lot widths be included in the lot and yard regulations for the allowable uses

# COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

## INITIAL DEVELOPMENT PLAN

**PROJECT NAME:** COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

**OWNERS:**  
 TROY GREGOIRE MIKE MANNING LARRY ANTHOFER  
 500 CRAWFORD CT 30 CYPRESS DR 514 SHARPE  
 VERMILLION SD 57069 VERMILLION SD 57069 VERMILLION SD 57069

**ADDRESS:** LOCATIONS IDENTIFIED ON PLAN INCLUDING THE BELOW ADDRESSES  
 14 W. CHERRY ST, VERMILLION SD  
 23 COTTAGE PLACE, VERMILLION SD  
 25 COTTAGE PLACE, VERMILLION SD  
 502 COTTAGE STREET, VERMILLION SD  
 508 COTTAGE STREET, VERMILLION SD  
 514 COTTAGE STREET, VERMILLION SD

**EXISTING GREGOIRE LEGAL DESCRIPTION:**

- W225' OF LOT 4 & W 225' OF N 5' OF LOT 5 BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 293' OF 1 & 2 Exc H-1 BLOCK 85 ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 293' OF 3 BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 150' OF S 94' OF E 293' OF 5 & W 150' OF NE 49' OF E 293' OF 6 SUBJECT TO EASEMENT BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- THE W 50' OF THE S 94' OF 5 AND THE W 50' OF THE N 49' OF 6, SUBJECT TO A 20' ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, BLOCK 85, ADDITION TO SNYDERS CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

**PROPOSED GREGOIRE LEGAL DESCRIPTION :**

- TRACTS 1, 2, 3 & 6, COTTAGE PLACE ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

**EXISTING MANNING LEGAL DESCRIPTION:**

- E 50' OF THE W 100' OF THE S 94' OF 5 AND THE E 50' OF THE W 100' OF THE N 49' OF 6, SUBJECT TO A 20' ROAD EASEMENT ALONG THE SOUTH SIDE THEROF, ALL IN BLOCK 85, ADDITION TO SNYDER'S, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- S 50' OF 6, N 58' OF 7, AND THE S 74', EXCEPT THE S 10' OF THE E 165' OF 7, BLOCK 85, ADDITION TO SNYDER'S, CITY OF VERMILLION, SOUTH DAKOTA

**PROPOSED MANNING LEGAL DESCRIPTION:**

- TRACTS 4, 7, & 8 COTTAGE PLACE ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

**EXISTING ANTHOFER LEGAL DESCRIPTION:**

E 50' OF THE W 150' OF THE S 94' OF LOT 5 AND THE E 50' OF THE W 150' OF THE N 49' OF LOT 6, BLOCK 85, ADDITION TO SNYDER'S ADDITION, EXCEPT THE SOUTH 20' THEREOF DESIGNATED AS A ROADWAY, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

**PROPOSED ANTHOFER LEGAL DESCRIPTION:**

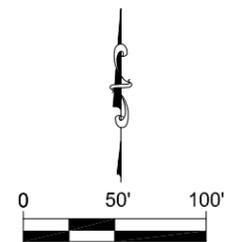
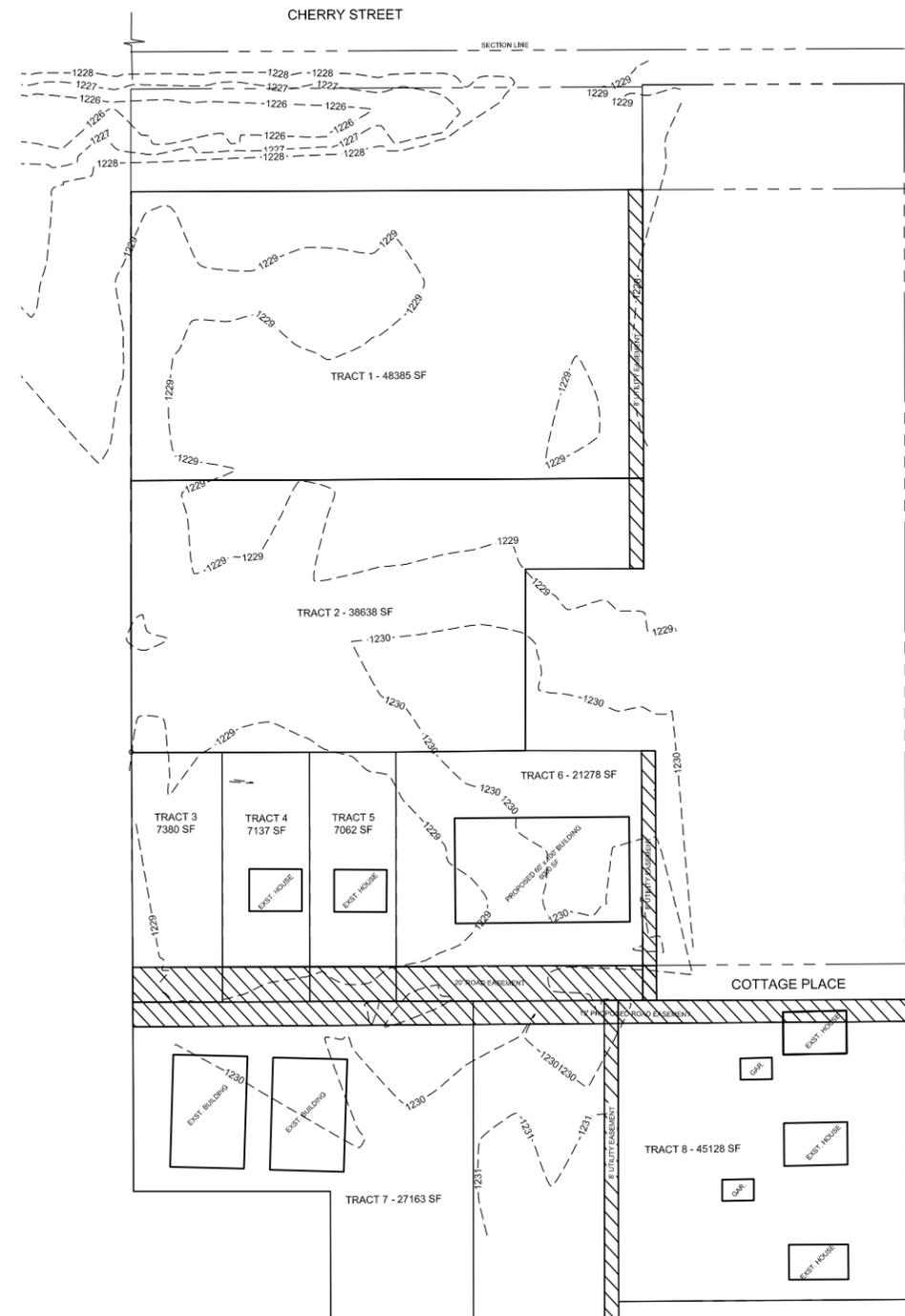
TRACT 5, COTTAGE PLACE ADDITION, IN THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

**PROPOSED LAND USES, DWELLING UNITS/BUILDING, MAXIMUM DWELLING DENSITY, MINIMUM SETBACKS, MAXIMUM HEIGHTS - SEE EXHIBIT A**

LAND DESCRIPTION	PROPOSED LAND USES
TRACT 1	AREA A
TRACT 2	AREA B
TRACT 3	AREA C
TRACT 4	AREA C
TRACT 5	AREA C
TRACT 6	AREA C
TRACT 7	AREA C
TRACT 8	AREA D

**ANTICIPATED DEVELOPMENT SEQUENCE (TIME FOLLOWING PDD APPROVAL)**

TRACT 1	(NO IMMEDIATE PLANS)
TRACT 2	(1-2 MONTHS, WEATHER PERMITTING)
TRACT 3	(NO IMMEDIATE PLANS)
TRACT 4	(NO IMMEDIATE PLANS)
TRACT 5	(NO IMMEDIATE PLANS)
TRACT 6	(NO IMMEDIATE PLANS)
TRACT 7	(NO IMMEDIATE PLANS)
TRACT 8	(NO IMMEDIATE PLANS)



**BANNER**  
 Consulting Engineers & Architects

14 W. Main St, Suite A  
 Vermillion, South Dakota 57069  
 605-624-6342  
 www.bannerassociates.com

Designing Projects. Building Trust.

CONSULTANTS:

**FOR REVIEW ONLY  
 NOT FOR CONSTRUCTION**

PROJECT TITLE:  
**COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT**

PROJECT LOCATION:  
 VERMILLION SOUTH DAKOTA

REV.	DATE	DESCRIPTION

DRAWN BY: JLS  
 DESIGNED BY: LDW  
 CHECKED BY: LDW  
 JOB NO: 21260.00.01  
 DATE: JANUARY 2010

SHEET TITLE:  
**INITIAL DEVELOPMENT PLAN**

SHEET NO.:  
**1**

F:\21260-00\Design Phase\Civil 3D\DWG\Gregoire\_Topop.dwg ; 1/31/2011 12:21 PM

**EXHIBIT A – COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT**

**PROPOSED ORDINANCE - § 155.057 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.**

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District. The purpose of this district is to provide for mixed use commercial and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

(B) *Area A.* (mixed use commercial and residential areas) All city ordinances apply to the planned development district identified as Area A except for those modified below.

(1) *Permitted uses (Area A).*

Permitted Uses	Applicable Standards
Retail trade or service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Office	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Personal service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Mixed commercial/residential	Residential being above the ground floor
Accessory structures	§§ <u>155.070</u> , <u>155.095(A)</u>
Churches	All parking lots being 8 feet from all residential properties.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Drug store	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Medical and dental clinics	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Day care center	Adequate and safe playground area with fence 4 feet high.
	A safe pickup and drop off area must be provided for the children.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Fences	§ <u>155.074</u>
Neighborhood utilities	§ <u>155.070</u>
Small animal veterinarian	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u> , <u>155.095(A)</u>
On/Off premise parking	§ <u>155.095(A)</u>

(2) *Conditional uses (Area A).*

Conditional Use	Applicable Standards
Convenience store	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>

Hotel/motel	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Hospital/clinic	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Public utility facility	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Funeral home/mortuary	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Private club	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Restaurants	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Arcade	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
On/Off-sale alcoholic beverage establishment	Located at least 500 feet from a school.*
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Greenhouse/nursery	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle sales, display, and service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
	Subject to screening of all outdoor storage of parts from view.
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Public service facility	§ <u>155.070</u>
Theatre	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Wholesale trade	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
* Measured from the closest point of the outside walls of both structures	

(C) **Area B** (commercial, multi dwelling, mixed use) Area B is identified to allow multi-dwelling equivalent to R-3 off of Cherry Street frontage. Area B will utilize the same permitted uses as Area A with the addition of the following. Area B will utilize the same conditional uses as Area A without any additions.

(1) *Permitted uses (Area B).*

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses
Multiple- dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Accessory use (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(2) *Conditional uses (Area B).*

Conditional Use	Applicable Standards
Area A conditional uses	See Area A conditional uses

(D) **Area C.** (storage, multi dwelling). All city ordinances apply to the planned development district identified as Area C except for those modified below.

(1) *Permitted uses (Area C).*

Permitted Uses	Applicable Standards
Storage facility	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u> , <u>155.095(A)</u>
Single-family detached dwellings (Tract 5 only)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Multiple dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Accessory structures	§§ <u>155.070</u> , <u>155.095(A)</u> (see definition)
Accessory use (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)
Fences	§ <u>155.074</u>
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. No repairs or sales
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Warehouse, mini-warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.
	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Neighborhood utilities	§ <u>155.070</u>
Motor vehicle repair/cleaning/detailing	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle storage	
Motor vehicle sales and display	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
On/Off premise parking for adjacent tracts only and parking shall abut the adjacent tract	§ <u>155.095(A)</u>

(2) *Conditional uses (Area C).*

Conditional Use	Applicable Standards
Motor vehicle sales service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
	Subject to screening of all outdoor storage of parts from view.
* Measured from the closest point of the outside walls of both structures	

(E) **Area D.** (high density residential) This area shall provide for certain high density residential areas now developed primarily with single-family. All city ordinances apply to the planned development district identified as Area D except for those modified below.

(1) *Permitted uses (Area D).*

Permitted Use	Applicable Standards
Single-family detached dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Single-family attached dwellings (up to 2)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Multiple dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Neighborhood utilities	§ <u>155.070</u>
Fences	§ <u>155.074</u>
Accessory structure (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(2) *Conditional uses (Area D).*

Conditional Use	Applicable Standards
Public service facility	§ <u>155.070</u>

(F) **Lot and yard regulations.** All measurements shall be taken from the lot line to the building line (see definitions).

	Tract Area	Front Yard	Side Yard	Rear Yard	Maximum Height
Business and all other uses	7,000 square feet	15 feet	5 feet	10 feet	45 feet
Single-family detached	7,000 square feet	30 feet	8 feet	25 feet	45 feet
Single-family attached dwellings (2 units-1 lot)	5,000 square feet	30 feet	0 or 10 feet on nonparty wall side	25 feet	45 feet
3 to 8 multiple dwelling units (1 lot)	7,500 square feet	30 feet	10 feet	10 feet	45 feet
9 to 12 multiple dwelling units (1 lot)	20,000 square feet	30 feet	10 feet	10 feet	45 feet
Over 12 multiple dwelling units (1 lot)	30,000 square feet	30 feet	10 feet	10 feet	45 feet
Accessory building	NA	Not permitted	5 feet	5 feet	12 feet
Parking Lots	§ <u>155.072</u>	10 feet	10 feet	10 feet	NA
Exceptions:					
#1	Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.				
#2	There shall be a required front yard on each thru street side of lots.				
#3	See adjustments to yard regulations (§ <u>155.082</u> ) for other specific exceptions.				
#4	A conditional use permit will be required for any structure exceeding heights identified above (§ <u>155.095(A)</u> )				
#5	The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.				
#6	There shall not be a required front yard on Cottage Place for a double frontage lot. There shall be a required front yard on Cottage Street of a corner lot.				

(G) **Property re-division** All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property redivision.

1. **Ingress/Egress Easements** – Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(H) **Parking regulations.** Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(I) **Visibility at Intersections and Driveways.** Safety zones shall comply with § 155.070.

(J) **Accessory Use and Structures** shall conform to the following standards:

1. Roofing and siding materials shall be of a type customarily used on site-constructed residence.
2. Any accessory building that covers more than 120 square feet shall be secured to the ground to prevent the structure from being moved or damaged by high winds.
3. Accessory buildings may not be used for dwelling purposes.

4. Accessory buildings in excess of 750 square feet in area should be approved only if there is a legitimate purpose for accessory buildings.

(K) *Off Street Loading Requirements* shall comply with § 155.073.

(L) *Site-built dwelling standards* shall comply with with § 155.076.

(M) *Landscaping standards*

1. Within any zoning district, at least 75% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).
2. 1 tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
3. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.
4. Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 3 years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4-inch caliper. Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.
5. A fence, wall, or shrubbery 6 feet in height and of a character necessary for adequate screening shall be installed or planted when a commercial use is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-or-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.
6. If proper screening is provided, parking lot setbacks may be reduced at City Engineer's discretion.

(N) *Adjustments to Yard Regulations* shall comply with § 155.082

(O) *Non-conforming Uses and Structures* shall comply with § 155.083

(P) *Lighting*

1. When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:
  - a. The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).
  - b. The maximum height of light luminaries shall be 25 feet above the ground.
  - c. Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.
  - d. The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3= Maximum No. of Luminaries lamp wattage
2. All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.
3. The following structures or uses are exempt from these lighting standards:., parks, pedestrian walkways, and illuminated flags or statues.
4. Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(Q) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.

(R) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

(Ord. XXXX, passed TBD)



# *Planning Commission Agenda Memo*

**From:** José Domínguez, City Engineer

**Meeting:** March 14, 2011

**Subject:** Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.

**Presenter:** José Domínguez

**Background:** The current subdivision ordinance was adopted in 1967. Over the years, the ordinance has seen minor updates. Since the ordinance was adopted, new federal regulations and State statutes have been enacted which affect the ordinance. These changes in federal and state regulations have not been included into our ordinances. The past 44 years have also seen changes to the way communities are planned and services provided to growing areas.

**Discussion:** As previously mentioned, the current ordinance has not been updated to reflect current federal and state regulations. For example, the platting process called out on our ordinance is outdated. The County is not required to actively participate and platting jurisdiction has change numerous times since the original ordinance was enacted. Additionally, the requirement for development plans is weak and does not provide for different levels and classifications of plans (i.e. preliminary, conceptual, etc.) Also, the ordinance does not give any authority to enforce storm drainage standards.

In comparison, the proposed ordinance will have requirements for platting and development plans clearly defined. Platting within the City will be divided into minor and major plats, with minor plats being utilized to speed up the process for smaller, simpler, projects within the City. Major plats will require the applicant to present to the Planning Commission and to the City Council. In addition, the projects going through the major plat process will also have to complete a set of development plans prior to a building permit being issued. The major plat process is meant to afford the public, Planning Commission, and City Council

opportunities to comment on developments. However, the development plans will only be reviewed by the staff.

As with plats within the City, platting outside of the City limits will also be divided into minor and major plats. However, the minor plats will be utilized to monitor development occurring further than 1-mile of the City, while the major plat will look at plats within 1-mile of the City. Both minor and major plats will be reviewed by the County Commissioners prior to plats being filed.

The ordinance was reviewed by the City attorney and was found to comply with State statutes. Only minor language changes were made and have been incorporated into the revised draft.

**Conclusion/Recommendations:** At this time, the Planning Commission is asked to recommend the proposed ordinance to the City Council for their consideration.

The ordinance will be brought before the City Council at the March 21, 2011 regular meeting for adoption.

## 154.01 GENERAL

### 1) *Title:*

- a) These regulations may be referred to as the “2011 Subdivision Ordinance for the City of Vermillion”.

### 2) *Purpose:*

- a) It is the purpose of this chapter to regulate the subdivision of land in order to coordinate streets with subdivisions and with other subdivisions and uses, to provide adequate open space, to efficiently distribute population and traffic, to provide water and sanitation facilities, to manage storm drainage and flood control, to prevent haphazard and premature land subdivision, to promote the harmonious development of the municipality and the area surrounding the municipality and its environment and to conform with the Comprehensive Plan.
- b) Premature subdivision of land is to be discouraged, due to unavailability of urban services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of basic government services.
- c) Where rural subdivisions are allowed in the extraterritorial jurisdiction, their design standard and minimum improvements are the same as those required in the “2011 Urban Subdivision Ordinance for the City of Vermillion”, except for the exceptions contained in the following sections of this chapter.

### 3) *Authority:*

- a) In accordance with SDCL Chapters 11-3, 11-6 and any other authority provided by law, or as such statutes may be amended, the City does hereby exercise the power and authority to approve or disapprove plats for the subdivision of land within the platting jurisdiction.

### 4) *Jurisdiction:*

- a) These regulations shall apply to all subdivisions of land, as defined herein, located within the platting jurisdiction.
- b) It shall be unlawful for any person having control of any land within the platting jurisdiction 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.

### 5) *Definitions:* The following words and phrases shall be as defined below:

*Access Easement (Ingress-Egress Easement, Mutual Access Easement):* An easement granting the right to abutting property owners to use a designated portion of property for common ingress and/or egress purposes.

*Alley:* A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.

*Ancillary structure:* Auxiliary or subordinate elements that comprise a storm drainage system and may include ditches, curb inlets, yard inlets, channels, and pipes.

*Arterial Street:* A street that has the capacity to carry large volumes of traffic quickly and is designated as such on the major street plan.

*Building:* Any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.

*Building Line:* A line between which line and a street no building or structure may be erected. This line is derived based on the current zoning regulations for each district.

*City:* The City of Vermillion, South Dakota.

*Collector Street:* A street that is a primary connector between arterial streets and is designated as such on the major street plan.

*Comprehensive Plan:* Any legally adopted part or element of the Comprehensive Plan of the City of Vermillion.

*Contractor:* The person, or entity, who contracts with an individual or developer to construct a building, structure, or ancillary structure on a parcel of land.

*Cul-De-Sac:* A local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

*Dedication, Dedicated or Dedicate:* A grant of land to the public for their perpetual use.

*Detention Basin:* A facility within an urban development designed to hold stormwater runoff for various periods of time.

*Developer:* An owner or agent of an owner of property who desires to establish, alter, change or improve the use of property.

*Double Frontage:* A lot which abuts a street on two opposite sides (not a corner lot).

*Easement:* Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

*Easement Area Maintenance Agreement:* Agreement describing the legal responsibilities for the repair and maintenance of the easement area and the required traffic signs or striping.

*Engineering Design Standards:* Criteria and public right-of-way improvements of the City of Vermillion.

*Frontage Road:* A street, usually parallel and adjacent to an arterial street, which is used for access to abutting property.

*Lateral Drainageway:* Open channels or storm sewers which carry storm runoff from streets, street crossings, culverts and/or storm sewers to major drainageways.

*Local Street:* A street intended to provide access to other streets from individual properties and not intended to be used for through traffic.

*Lot:* A piece, plot or parcel of land, or group of abutting and contiguous parcels of land, established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings and accessory buildings thereto, and having its frontage on a dedicated public street.

*Manual on Uniform Traffic Control Devices (MUTCD):* Manual recognized as the national standard for all traffic control devices, and striping, installed on any street, highway, bikeway, or private road open to public travel.

*Major Drainageway:* The main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the City Engineer.

*Major Storm Event:* A term that describes a 100-year storm.

*Major Street Plan:* The major street plan adopted through the transportation planning process approved by the City Council and incorporated into the Comprehensive Plan.

*Minor Storm Event:* A term that describes a 5-year storm.

*Monument:* A boundary marker of concrete, permanently planted and firmly fixed in the ground and 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" x 12", shall be placed at the center point on the monument.

*Plat:* A map or representation of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

*Preliminary Plat:* Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.

*Private Street/Road:* A street or road that has not been dedicated, but rather reserved as public access to property. A private street/road is owned and maintained by the property owners which it serves.

*Private Road Easement:* An easement granting the right to the public, and the City, to use a designated portion of property for common ingress and/or egress purposes.

*Reverse Frontage Lot:* A lot, among a group of double frontage lots, which contains a dwelling unit that is oriented in the opposite direction from the adjacent dwellings so that its front yard abuts the adjacent rear yards and its rear yard abuts the adjacent front yards.

*Right-of-Way:* A strip of land occupied by a street, alley, road, railroad, pedestrian walkway or other special travel 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 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.

*Rural:* Territory outside of the City limits.

*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.

*Subdivision:* The division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.

*Urban:* Territory inside the City limits.

*Utility Easement:* An easement granting the right to the City to use a designated portion of property for the installation, maintenance and access related to City utilities.

## **154.02 GENERAL INFORMATION REGARDING PLATS AND DEVELOPMENT PLANS**

### **154.02.1 URBAN**

#### 1) Requirement:

- a) Plats will be required whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the developer, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth.

#### 2) Recording, use and selling:

- a) 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.
- b) 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 title. 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 former owner pursuant to a sale with or without actual or constructive knowledge of the violation at the time of acquisition of an interest in said real property.
  - c) No local agency shall issue any permit or grant any approval necessary to construct any structures, or ancillary structures, within a development which does not have an approved final plan.
- 3) Types of plats and development plans:
- a) **Minor Plat:** With plats containing 5 or less lots, all lots shall be fronting an existing right-of-way and the area platted shall be 3 acres or less in size. The requirement of a preliminary plat will be waived with minor plats. The City Engineer will approve or disapprove the minor plats. The City Council will serve as the Board of Appeal in the instance that a minor plat is disapproved by the City Engineer.
  - b) **Major Plat:** Plats containing any number of lots, but there is no existing right-of-way; typically contain 6 or more lots. Major plats require a preliminary and final plat prior to approval by the City Council. Both plats will be reviewed first by the City's Planning Commission and they will in turn make a recommendation to the City Council.
  - c) **Replat:** May contain any number of lots. If the replat contains less than 5 lots, and all lots front an existing right-of-way and the area to be platted is 3 acres or less, then the approval process is the same for as the minor plat; otherwise, procedures for the major plat will be followed.
  - d) **Conceptual Plans:** Conceptual plans will be required of all major plats. Depending on size and planned development, a conceptual plan may also be required by the City Engineer in concurrence with a minor plat or replat. A conceptual plan shall depict the concept of the proposed development. The plan shall show the general layout of streets/roads, street improvements, parks, trails, open spaces, sewerage, water systems, and any other utilities. A conceptual storm drainage study shall also be submitted as per the storm drainage design criteria or as required by the City Engineer. The conceptual plan shall be reviewed and approved by the City Engineer prior to the development being allowed to continue.
  - e) **Preliminary Plans:** As with conceptual plans, preliminary plans will be required of all major plats. This requirement may be waived for minor plats or replats. The preliminary plan shall consist of a general layout plan, grading plan, drainage plan, utility plan and a ground water control plan. These plans will be reviewed and approved by the City Engineer prior to the development being allowed to continue.
  - f) **Final Plans:** Final plans will be required when a major plat is filed with the City. This requirement may be waived for minor plats or replats. The final plans shall consist of a general layout plan, grading plan, drainage plan, street/road plan, utility plan, ground water control plan, typical cross section sheets, construction detail

sheets, road cross section sheets and specifications. These plans will be reviewed and approved by the City Engineer prior to the development being allowed to continue.

- g) Filling Fee: A filling fee shall be deposited at the City Engineer's department for all minor plats, major plats and replats. The filling fee shall be set by City Council resolution.

## **154.02.2 RURAL**

### 1) Requirement:

- a) Requirements shall be the same as those required on 154.02.1.(1.).

### 2) Recording, use and selling:

- a) Requirements shall be the same as those required on 154.02.1.(2.).

### 3) Types of plats and development plans:

- a) **Minor Plat:** Plat containing 5 or less acres and are further than one (1) mile from city limits. In addition, all lots shall be fronting an existing right-of-way. The requirement of a preliminary plat will be waived with minor plats. The City Engineer will approve the minor plats. The City Council will serve as the Board of Appeal in the instance that the plat is disapproved by the City Engineer. After the City has approved a minor plat, the plat will be presented to the County's Planning Director for the County's approval. Any additional requirements of the County will also require approval by the City prior to a minor plat being filed.
- b) **Major Plat:** Plats containing more than five (5) acres and within one (1) mile of city limits. Major plats require a preliminary and final plat prior to approval by the City Council. Both plats will be reviewed first by the City's Planning Commission, which will make its recommendation to the City Council. After the City Council has approved the plat, the plat will be presented to the County's Planning Director for the County's approval. Any additional requirements set by the County will require City Council approval prior to a plat being recorded.
- c) **Replat:** May contain any number of lots. If the replat meets the requirements for a minor plat, then the approval process will be similar to that of the minor plat process, otherwise, it will follow the same approval process as that for the major plat process.
- d) **Conceptual Plans:** Requirements shall be the same as those in 154.02.1(3)(d) except that the City Engineer may waive this requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.
- e) **Preliminary Plans:** Requirements shall be the same as those required in 154.02.1(3)(e) except that the City Engineer may waive this requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.
- f) **Final Plans:** Requirements shall be the same as those in 154.02.1(3)(f) except that the City Engineer may waive the requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.
- g) **Filling Fee:** Requirements shall be the same as those in 154.02.1(3)(g) except that the applicant in addition will also have to pay any associated County platting fees.

## 154.03 MINOR PLAT

### 154.03.1 URBAN

- 1) Scale, Size and Submittals:
  - a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
  - b) The plat shall be drawn on an 11"x17" sheet.
  - c) The developer shall submit four (4) sheet copies and one (1) Mylar copy to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
- 2) Information Required:
  - a) The proposed name of the subdivision. The name 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 recorded subdivision.
  - b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
  - c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
  - d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
  - e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
  - f) The correct legal description, notation stating acreage, scale and north arrow.
  - g) Location of all monuments and permanent control points, and all property pins, either set or located.
  - h) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
  - i) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
  - j) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
  - k) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
  - l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
  - m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
  - n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.

- o) City Council resolution recommending approval.
  - p) Certificates for the director of equalization, county treasurer and register of deeds.
  - q) Certificate for the owner attesting that they are the absolute owners of the property being platted.
- 3) Approval Process:
- a) The plat shall be submitted to and approved by the City Engineer. The City Council shall serve as the Board of Appeals in the instance that the plat is denied by the City Engineer.

### **154.03.2 RURAL**

- 1) Scale, Size and Submittals:
- a) Requirements are as those in 154.03(1)(1) except that:
    - (i) The developer shall submit 5 sheet copies and one Mylar copy to the City Engineer.
    - (ii) All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
- 2) Information Required:
- a) Requirements as those in 154.03(1)(2) with the following additions:
    - i) Certificate for Clay County Planning Commission approval.
    - ii) Clay County Commissioners' resolution recommending approval.
    - iii) Certificate of Township Street Authority.
    - iv) Certificate of Approval by the Highway Authority.
- 3) Approval Process:
- a) The plat shall be submitted to and approved by the City Engineer. The City Council shall serve as the Board of Appeals in the instance that the plat is denied by the City Engineer. Once the City has approved the plat, the developer shall submit the plat to the County's Planning and Zoning Director. The Planning and Zoning Director shall present the plat to the County's Planning Commission and to the County Commissioners. Once the County has approved the plat, the developer may record the plat document. In the event that the County has any additional requirements, the developer will need to resubmit the plat to the City for reapproval.

### **154.04 MAJOR PLAT**

#### **154.04.1 URBAN**

- 1) Scale, Size and Submittals:
- a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
  - b) The plat shall be drawn on an 11"x17" sheets.
  - c) The developer shall submit four (4) copies and one (1) Mylar copy to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
- 2) Information Required (this information shall be required for both preliminary and final plats):

- a) The proposed name of the subdivision. The name 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 recorded subdivision.
  - b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
  - c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
  - d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
  - e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
  - f) The correct legal description, notation stating acreage, scale and north arrow.
  - g) Location of all monuments and permanent control points, and all property pins, either set or located.
  - h) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
  - i) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
  - j) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
  - k) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
  - l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
  - m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
  - n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
  - o) City Council resolution recommending approval.
  - p) Certificates for the director of equalization, county treasurer and register of deeds.
  - q) Certificate for the owner attesting that they are the absolute owners of the property being platted.
- 3) Approval Process:
- a) All major plats will follow preliminary and final plat procedures.
  - b) Preliminary Plat:
    - i) The preliminary plat will be subject to review and approval of the City Planning Commission. Prior to submittal to the City Planning Commission, the plat will be reviewed by the City Engineer. An approved preliminary plat shall be kept on file in the office of the City Engineer. Approval of the preliminary plat indicates

approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based upon approval of the preliminary plat.

- c) Final Plat:
  - i) The final plat shall be submitted to the City Planning Commission for review and recommendation to the City Council. The City Planning Commission shall act upon the final plat within 30 days after the submission of the final plat to the City Engineer. If no action is taken within 30 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the City Council for action. Building permits may only be issued once the plat has been recorded at the Register of Deeds.
- 4) Effective Period of Preliminary Plat:
  - a) The approval of a preliminary plat shall remain effective for a period of three (3) years, at the end of which time approval of the plat or a portion thereof must again be obtained from the City. Any preliminary plat which has not received full approval for all its content within three (3) years may be declared void and the applicant will be required to resubmit a new preliminary plat for review and approval subject to any new subdivision regulations.
- 5) Revisions to Preliminary Plat:
  - a) Amendments to an approved preliminary plat may be submitted at any time, during its effective period, by the developer. Minor changes, such as street or subdivision names, lot lines, easements, drainage or lot and block number, may be approved by the City Engineer. Major changes, such as a change in street layout, open space or parkland dedication, number of lots or perimeter boundaries, will follow the procedure for approval of a preliminary plat as required in this section.

#### **154.04.2 RURAL**

- 1) Scale, Size and Submittals:
  - a) Requirements shall be the same as those required in 154.04.1(1) except:
    - i) The developer shall submit 5 sheet copies and one Mylar copy to the City Engineer.
    - ii) All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
- 2) Information Required:
  - a) Requirements shall be the same as those required in 154.02.1(2) with the following additions:
    - i) Certificate for Clay County Planning Commission approval.
    - ii) Clay County Commissioners' resolution recommending approval.
    - iii) Certificate of Township Street Authority.
    - iv) Certificate of Approval by the Highway Authority.
- 3) Approval Process:
  - a) All major plats will follow preliminary and final plat procedures.
  - b) Preliminary Plat:
    - i) The preliminary plat will be subject to review and approval of the City Planning Commission. The approved preliminary plat shall be kept on file in the office of

the City Engineer. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based on the approval of the preliminary plat.

c) Final Plat:

- i) The final plat shall be submitted to the City Planning Commission for its review and recommendation to the City Council. The Planning Commission shall act upon the final plat within 30 days after the submission of the final plat to the City Engineer. If no action is taken within 30 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the City Council for action. The developer will then submit the approved preliminary plat to the County's Planning and Zoning Director. The Planning and Zoning Director will then present the preliminary plat to the County's Planning Commission and County Commissioners for approval. In the event that the County has any additional requirements, the developer will resubmit a plat to the City Engineer for reapproval by the City. Building permits may only be issued once the plat has been recorded at the Register of Deeds and a Final Development Plan has been approved by the City Engineer.
- 4) Effective Period of Preliminary Plat:
- a) Requirements shall be the same as those required in 154.04.4.
- 5) Revisions to Preliminary Plat:
- a) Requirements shall be the same as those required in 154.04.5.

## **154.05 REPLAT**

### **154.05.1 URBAN**

- 1) A replat will only be required in specific situations. Circumstances, such as:
  - a) An existing lot will be further divided into multiple buildable lots.
  - b) Two or more existing lots, either defined by legal descriptions or plats, will be utilized for proposed construction. The building line shall not cross an existing lot.
  - c) If the depth of the lot allows for a portion of the property to be built without the front of the property being utilized, or without the dedication of a mutual access easement and agreement.
  - d) If a building permit is required for construction on a parcel that has been purchased by legal description, but not properly platted.
  - e) 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.
- 2) Scale, Size and Submittals:
  - a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
  - b) The plat shall be drawn on an 11"x17" sheets.
  - c) The developer shall submit all required copies to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
- 3) Information Required:

- a) The proposed name of the subdivision. The name 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 recorded subdivision.
  - b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
  - c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
  - d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
  - e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
  - f) Location of all monuments and permanent control points, and all property pins, either set or located.
  - g) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
  - h) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
  - i) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
  - j) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
  - k) Any replat containing lots which contain an existing structure into separate lots shall include existing building outlines to verify setback requirements. Any other replat of lots containing existing structures shall certify that the replat meets all requirements including adequate setbacks and lot area.
  - l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
  - m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
  - n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
  - o) City Council resolution recommending approval.
  - p) Certificates for the director of equalization, county treasurer and register of deeds.
  - q) Certificate for the owner attesting that they are the absolute owners of the property being platted.
- 4) Approval Process:
- a) The plat shall be submitted to the City Engineer for review. Based upon the number of lots contained in a replat, the approval process will either follow the minor plat procedure or the major plat procedure.

## **154.05.2 RURAL**

- 1) A Replat will be required as follows:
  - a) Requirements as those in 154.05.1(1).
- 2) Scale, Size and Submittals:
  - a) Requirements as those in 154.05.1(2).
- 3) Information Required:
  - a) Requirements as those in 154.05.1(3), with the following additions:
    - i) Certificate for Clay County Planning Commission approval.
    - ii) Clay County Commissioners' resolution recommending approval.
    - iii) Certificate of Township Street Authority.
    - iv) Certificate of Approval by the Highway Authority.
- 4) Approval Process:
  - a) The plat shall be submitted to the City Engineer for review. Depending on the number of acres, existence of fronting street and whether the property is contiguous to the City, minor plat procedures or major plat procedures will be followed.

## **154.06 CONCEPTUAL PLANS**

### **154.06.1 URBAN**

- 1) Conceptual Plans are required:
  - a) In conjunction with a major plat
  - b) In conjunction with minor plats or replats, depending on the size of the lots and the anticipated planned development expected to occur within the area planned to be developed, the conceptual plan is at the discretion of the City Engineer.
  - c) In conjunction with a Planned Development District.
- 2) Scale, Size and Submittals:
  - a) The conceptual plans shall be at a scale of 50, 60, 100 or 200 feet to one inch.
  - b) The plans shall be drawn on an 11"x17" sheets.
  - c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
- 3) Information Required:
  - a) General layout of the streets and roads.
  - b) Proposed street improvements.
  - c) Proposed sanitary sewer, water system, storm sewer, street lighting improvements.
  - d) Proposed parks, open spaces and trails.
- 4) Approval Process:
  - a) The Conceptual Plans shall be reviewed and approved by the City Engineer before the proposed development proceeds to the Preliminary Plan stage.

### **154.06.2 RURAL**

- 1) Conceptual plans are required:

- a) As in 154.06.1(1).
- 2) Scale, Size and Submittals:
  - a) As in 154.06.1(2).
- 3) Information Required:
  - a) As in 154.06.1(3).
- 4) Approval Process:
  - a) As in 154.06.1(4).

## **154.07 PRELIMINARY PLANS**

### **154.07.1 URBAN**

- 1) Preliminary plans are required:
  - a) Following the City Engineer's approval of a Conceptual Plan, in conjunction with a preliminary plat stage of the major plat procedure.
  - b) In conjunction with minor plats or replats, depending on the size of the lots and anticipated planned development, preliminary plans are at the discretion of the City Engineer. The preliminary plans are to be submitted to the City Engineer after the conceptual plan has been approved.
  - c) In conjunction with a planned development district.
- 2) Scale, Size and Submittals:
  - a) The preliminary plans shall be at a scale of 50, 60, 100 or 200 feet to one inch.
  - b) The plans shall be drawn on an 11"x17" sheets.
  - c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
- 3) Information Required:
  - a) Preliminary Plans shall consist of the following plan sheets:
    - i) *General Layout Plan*. The general layout plan shall show the proposed road alignments along with the sidewalks curb and gutter, proposed lots and any existing features that will remain in place after development is completed.
    - ii) *Grading Plan*. The grading plan shall show the existing contours with intervals acceptable to the City Engineer's office. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.
    - iii) *Utility Plan*. The utility plan shall show all sanitary sewer locations, size, flow direction, approximate manhole locations and invert elevations, lift stations and connection to the existing system. The water main layout shall show the pipe location and size, hydrant and valve location and connection to the existing system. The street lighting layout shall show the street light pole locations and street light wattage.
    - iv) *Drainage Plan*. A preliminary storm drainage study as required by the storm drainage design and technical criteria manual, or by the City Engineer, shall be submitted for preliminary approval. The drainage plan shall also indicate which downstream drainageways or detention basins will be affected by the full development of the subdivision.

- v) *Groundwater Control Plan.* Groundwater elevations shall be required wherever it is deemed necessary by the City Engineer to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished grade is prohibited. Buildings with crawl spaces or slab- on- grade construction are exempt from groundwater collection requirements.
- 4) Approval Process:  
The preliminary plans shall be reviewed and approved by the City Engineer before the proposed development continues to the final plan stage.

## **154.07.2 RURAL**

- 1) Preliminary plans are required:
  - a) As in 154.07.1(1).
- 2) Scale, Size and Submittals:
  - a) As in 154.07.1(2).
- 3) Information Required:
  - a) As in 154.07.1(3).
- 4) Approval Process:  
As in 154.07.1(4).

## **154.08 FINAL PLANS**

### **154.08.1 URBAN**

- 1) Final plans are required:
  - a) Following the City Engineer's approval of the conceptual and preliminary plans, and in conjunction with the final plat stage of the major plat process.
  - b) In conjunction with minor plats or replats, depending on the size of the lots and anticipated planned development, the final plan is at the discretion of the City Engineer. Final plans are to be submitted to the City Engineer after the conceptual and preliminary plans have been approved.
  - c) In conjunction with a planned development district.
- 2) Scale, Size and Submittals:
  - a) The final plans shall be at a scale of 50, 60, 100 or 200 feet to one inch. Profile views shall be a tenth of the plan view scale (i.e. 1"=50' plan view requires a 1"=5' profile view).
  - b) The plans shall be drawn on an 11"x17" sheets.
  - c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
- 3) Information Required:
  - a) Final plans are to be utilized during construction of the development, as such, they must provide the contractor sufficient information for construction of all infrastructure (locations, elevations, and any pertinent notes). Final plans shall, at a

minimum, consist of the following plan sheets and supplemental plan sheets may be required depending on specific circumstances of a development::

- i) *General Layout Plan.* The general layout plan shall show the proposed road alignments along with the sidewalks curb and gutter, proposed lots and any existing features that will remain in place after development is completed.
- ii) *Grading plan.* The grading plan shall show the existing contours with intervals acceptable to the City Engineer's office. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.
- iii) *Drainage plan.* A final storm drainage study as required by the storm drainage design and technical criteria manual, or the by the City Engineer, shall be submitted for final approval. The drainage plan shall also indicate which downstream drainageways or detention basins will be affected by the full development of the subdivision. A plan and profile of the proposed storm sewer system shall also be included. The storm sewer shall be in relation to the centerline of the street.
- iv) *Street/Road Plan:* The street/road plan shall show the proposed street alignments along with curb and gutter and sidewalks. The centerline shall be stationed at critical locations. The curb and gutter shall be stationed and offset based on the stationing used on the centerline. Elevations shall also be included for the curb and gutter at critical locations (i.e. intersections crest and sag vertical curves). Along with the plan view of the street or road, plans shall also depict the centerline profile along with the curb and gutter flow line profile at intersections and at crest and sag vertical curves. Existing and proposed centerline elevations shall be included on the plan sheets.
- v) *Utility plans.* Separate plans for all municipal utilities (water, sanitary and street lighting) will be required. The plans shall show the proposed utility in relation to the centerline of the proposed street. The plan view shall show the proposed utility line, all of the structures associated with such utility and the location of all services. The profile view shall show the elevations of the proposed utility along with the location, and elevations, of any intersecting utility. A separation distance shall be shown on the profile view for all conflicts between utilities. The street lighting plan shall be completed as per current city standards.
- vi) *Typical Cross Section Sheets.* Typical cross section sheets shall show the proposed typical cross section's width along with the right-of-way and the proposed pavement section. The existing street cross section will also be shown along with the existing pavement section. Any dimensions will be in relation to the proposed street centerline. Developer may only use an already approved typical cross section.
- vii) *Construction Detail Sheets:* Construction detail sheets shall show all details needed for construction of all infrastructure improvements. The developer shall utilize the approved details, as well as additional details required by the City Engineer prior to construction.
- viii) *Road Cross Section Sheets:* Road cross sections shall be shown every 50 feet based on the centerline stationing. In addition, cross sections shall be shown at the start and end of any horizontal and vertical curves along with cross sections

every 25 feet. A cross section shall also be placed at intersections, driveways and culverts.

- ix) *Groundwater control plan.* Groundwater elevations shall be required where it is deemed necessary by the City Engineer to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished grade is prohibited. Buildings with crawl spaces or slab-on-grade construction shall be exempt from groundwater collection requirements.
  - x) *Construction Specifications:* Construction specifications shall be in accordance with the City, the South Dakota Department of Transportation or any other previously approved construction specification.
- 4) Approval Process:
- a) The Final Plans shall be reviewed and approved by the City Engineer prior to the proposed development being constructed. No building permit shall be issued until a final plan has been approved by the City Engineer.

#### **154.08.2 RURAL**

- 1) Final plans are required:
  - a) As in 154.08.1(1).
- 2) Scale, Size and Submittals:
  - a) As in 154.08.1(2).
- 3) Information Required:
  - a) As in 154.08.1(3).
- 4) Approval Process:
  - a) As in 154.08.1(4).

#### **154.09 GENERAL INFORMATION REGARDING DESIGN STANDARDS**

- 1) *Design Standards to be Used:*
  - a) Unless otherwise specified within these regulations, the developer shall utilize the following recognized standards:
    - i) AASHTO.
    - ii) MUTCD.
    - iii) SD DOT.
    - iv) SD DENR.
  - b) The City Engineer may require additional standards to be utilized depending on the circumstances of the development.

#### **154.10 DESIGN STANDARDS – LAND DESIGN**

##### **154.10.1 URBAN**

- 1) *Blocks:*

- a) The lengths, widths and shapes of blocks shall be determined with regard to the following:
    - i) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
    - ii) The need for convenient access, circulation, control and safety of traffic and utilities.
    - iii) Limitations and opportunities of topography.
  - b) Block lengths shall not exceed 1,000-feet and shall normally be wide enough to allow two tiers of lots of an appropriate depth.
- 2) *Lots:*
- a) Lot dimensions shall be appropriate for the location of the subdivision and conform to the requirements of the city zoning regulations.
  - b) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
  - c) All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines are prohibited.
  - d) Side lot lines shall be at right angles to the street.
  - e) Each lot shall abut to a dedicated street right-of-way, or shall include an approved private street, or shall include a mutual access easement.
  - f) Whenever residential lots abut an existing or proposed arterial street, they shall be double frontage lots.
  - g) Lot development that creates reverse frontage lots is prohibited.
  - h) Lots abutting major drainageways, detention basins or a railroad right-of-way shall be designed with an increased depth to allow for extra setback.
- 3) *Public Parks and Open Spaces:*
- a) Where a proposed park, playground, school or other public use, shown in the comprehensive development plan, is located in whole or in part in a subdivision, the City Planning Commission may require the reservation or option acquisition by the appropriate public agency of the right to purchase such an area within the subdivision. Necessary information related to the possible sale or transfer of land to a public agency shall be as follows:
    - i) The size and location of the parcel and its relationship to the subdivision design and purpose.
    - ii) The topography of the parcel to include elevations, drainage, wetlands, floodplains, soil suitability, tree cover and other vegetation.
- 4) *Utility Easements.*
- a) All easements for utilities shall be shown on the final plat.
  - b) Standard utility easements shall be 8 feet in total width. Each lot shall have an 8 foot easement around the perimeter of the property and within the lot.
  - c) Easements wider than 8 feet shall be noted on the final plat.
  - d) Easements along lot lines shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the distribution of all utilities.
  - e) Easements shall conform substantially to the boundaries of watercourses, drainageways, channels and streams and shall have adequate width for proper access and maintenance.

- 5) *Maintenance Agreements.* Where a subdivision contains sewers, lift stations, water supply systems, park areas, road systems or other facilities or services which are necessary to the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by written agreement for the proper and continuous maintenance and supervision of such facilities. A signed copy of the agreement shall accompany every plat having a facility or service covered by such an agreement.
- 6) *Final Drainage Plan.* The final drainage plan for the subdivision shall conform to the City approved master drainage plan. If a master drainage plan is not available for a proposed subdivision location, and, if the City deems it necessary, a drainage study will be conducted by the City for the drainage basin of which the proposed subdivision is part. All drainage facilities including storm sewers, on-site detention, drainageways, detention ponds and detention channels shall be designed in compliance with approved engineering design standards and are subject to approval of the City Engineer.
- 7) *Final Grading Plan.* The final grading plan shall, as much as possible, be designed to conform to the natural contours of the land. The plan shall be submitted to and approved by the City Engineer.
- 8) *Erosion:* Wherever possible, development plans should coincide with the existing topography in order to create the least erosion potential. Stripping of vegetation, duration of exposure, regrading and cut and fill operations should be kept to a minimum. Erosion from developments or individual building sites shall be prevented from being deposited on public streets or other adjacent property. Public ditches and drainageways shall not be disturbed without prior approval of the City Engineer.
- 9) *Preservation of Natural Landscape.* Existing natural features such as trees, water courses or similar amenities, which would add value to a development or to the community as a whole, should, to the extent possible and practical, be preserved and integrated into the design of the subdivision. Sensitive environmental areas shall be reviewed with regard to promoting harmonious design.

#### **154.10.2 RURAL**

- 1) *Blocks:*
  - a) As in 154.10.1(1).
- 2) *Lots:*
  - a) As in 154.10.1(2) except any of the following:
    - i) Whenever a plat or preliminary plan is proposed having lots which are 1-acre or larger in size, plat or plan shall show how such lots can be resubdivided into urban sized lots.
- 3) *Public Parks and Open Space:*
  - a) As in 154.10.1(3).
- 4) *Utility Easements:*
  - a) As in 154.10.1(4).
- 5) *Maintenance agreements:*
  - a) As in 154.10.1(5).
- 6) *Final drainage plan:*
  - a) As in 154.10.1(6).

- 7) *Final grading plan:*
  - a) As in 154.10.1(7).
- 8) *Erosion:*
  - a) As in 154.10.1(8).
- 9) *Preservation of natural landscape:*
  - a) As in 154.10.1(9).

## **154.11 DESIGN STANDARDS – STREETS**

### **154.11.1 URBAN**

- 1) All public street improvements, including pavement width, street grades, alignment and visibility, intersections and access shall be designed in accordance with standard accepted engineering practices and are subject to the approval of the City Engineer.
- 2) Street System Coordination and Arrangement:
  - a) The arrangement of streets in new subdivisions shall conform to the major street plan or the Comprehensive Plan.
  - b) Provisions shall be made for the continuation of existing streets in adjoining areas or their proper extension where adjoining land is not subdivided.
  - c) Whenever new streets are proposed which have not been included in the major street plan in the Comprehensive Plan, amendment of the major street plan to include these new streets is required first
  - d) As a general rule, collector streets shall be located every half mile, and there should be a street connecting adjacent subdivisions at appropriate intervals where topographical and land use considerations permit.
  - e) The arrangement of all streets and alleys shall be such as to minimize hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
  - f) In undeveloped or vacant areas, streets shall be identified and classified through the transportation planning process. The location of major streets shall conform to the major street plan.
- 3) Street Names:
  - a) Streets in alignment with existing streets shall bear the names of those streets.
  - b) No street names shall be used which will duplicate, be the same in spelling or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 30 inches.
  - c) Street name suffixes shall be applied as follows:
    - i) *Street and Road:* These suffixes shall be used for roads running either east and west or north and south.
    - ii) *Avenue:* A road running north to south.
    - iii) *Lane:* A road running northeast to southwest.
    - iv) *Drive:* A road running northwest to southeast.
    - v) *Trail:* A road that wanders in different directions.
    - vi) *Circle:* All cul-de-sacs.
    - vii) *Court:* A road with two openings that enter and exit onto the same road.
    - viii) *Place:* All private roads.

- ix) *Parkway*: Limited access roads that are divided by a median.
  - x) *Boulevard*: A local street divided by a median.
  - d) The prefix of all cul-de-sacs shall, whenever possible, match the prefix of the intersecting road.
  - e) When, due to topography, offsets cause streets to become interrupted, sixteenth-line, quarter-line and section line streets shall retain the same name on either side of the irregularities.
  - f) Subdivision names shall not duplicate, be the same in spelling or alike in pronunciation with any existing subdivision names, and shall be subject to the approval of the City Engineer.
- 4) Design Standards:
- a) The developer shall be responsible for dedication of all right-of-way widths according to the major street plan.
  - b) A tangent at least 100 feet long shall be placed between reverse curves on arterial and collector streets; on all other streets the tangent shall be at least 50 feet long.
  - c) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
  - d) Alleys are permitted in residential districts when conditions warrant an alternative means of access. However, an alley shall never be proposed as a primary form of access.
  - e) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the City Engineer.
  - f) Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
  - g) A subdivision may show one-half of a street along adjoining property which has not been subdivided, but no lot abutting on such half-street shall have a building permit issued for it until such time as the other half street is dedicated.
  - h) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac should not exceed 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the City Engineer on dead-end streets that will eventually be continued. No more than 50 dwellings will be allowed on a cul-de-sac of 500 feet in length.
  - i) Where street jogs are unavoidable, the right-of-way offset shall not be less than 100-feet.
  - j) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 80 degrees.
  - k) Private streets or roads, if allowed, shall meet the following requirements:
    - i) Private streets shall be paved by the developer to a width of not less than 26 feet measured from back-of-curb to back-of-curb, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14' 6" and are subject to the same grade and construction material requirements as public streets.

- ii) The property owner(s) or agent shall place street signs on all private streets or compensate the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall meet all current MUTCD standards and are subject to the approval of the City Engineer.
  - iii) Buildings located adjacent to a private street or road shall be addressed in accordance with City of Vermillion Code of Ordinance and zoning regulations.
  - iv) Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.
  - v) Any private street or road approved by the City shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.
  - vi) Any plat presented for City approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for private maintenance and reserving the private street or road as a permanent unobstructed access.
  - vii) The City will not subsequently accept a private street or road for dedication unless and until it is compliant with the City standards, providing adequate rights-of-way without requiring variances for setbacks.
- l) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
- i) Any mutual access easement accepted by the City must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
  - ii) Mutual access easements shall be indicated on the plat.
  - iii) Any plat presented for City approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.
  - iv) Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer. An easement area maintenance agreement among property owners who will use the mutual access easement for access shall be filed with the plat. The agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.
- m) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to compensate the City for traffic control signs, placement, for mutual access easements, and striping at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.
- n) Sidewalks shall be constructed in accordance with Chapter 96 of the City of Vermillion's Code of Ordinances.

- o) The Developer shall submit a geotechnical report to the City. The study shall include soil boring information; laboratory results for moisture content; dry density and Atterberg limits; opinions and recommendations regarding utility excavation procedures, site preparation and excavation/filling procedures; comments regarding constructability and final performance of the project, and recommendation for Portland cement pavement sections.
- p) The roadway shall consist of Portland cement pavement. At no point will the pavement section be less than 6 inches on local streets and 8 inches on collector or arterial streets. The base course shall be, at a minimum, 6 inches thick for either a local, collector or arterial street.

DESIGN ELEMENTS	ARTERIALS	COLLECTORS	LOCAL	FRONTAGE ROAD	PRIVATE ROAD EASEMENT	CUL-DE-SAC	ALLEY
RIGHT-OF-WAY (FT)	80 – 100	80	66 – 80	50	66 – 100	66 – 80 (SEE NOTE 1 & 2)	20
DESIGN SPEED (MPH)	50	50	25	25	25	25	25
PARKING ALLOWED	NONE	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	NONE

Note:

1. On-street parking will be determined based on zoning and neighborhood characteristics.
2. Minimum radius right-of-way of 55 feet.

5) Access to Streets and Roads:

a) *Street Access for Streets within City Jurisdiction*

- i) Permit: Before any new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the City. The permit shall be signed by the property owner or owner representative. All access permits must be obtained prior to building permits being issued.
- ii) Specifications: All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
- iii) Access point location:
  - (1) Each single-family residential lot is allowed up to one access point per street frontage.
  - (2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points.

- (3) If the property is a corner lot where one street is a higher classification than the other street, the property owner will be required to place the access point on the street with the lower classification.
- (4) Driveways on corner lots shall be a minimum of 40 feet from the right-of-way of the cross street for all properties, except single-family residential. On arterial streets, the distance shall be increased to 60 feet. Single-family residential driveways must be a minimum of 30 feet from the cross street right-of-way.
- (5) Access to arterial and collector streets shall be limited and strictly enforced. Properties fronting these roads shall be required to either have right-of-way dedicated for the construction of a frontage road or have a shared access point with the adjacent lots. In addition, the City Engineer could require a limited movement driveway in special situations.
- iv) Access size: The maximum driveway width shall be 36 feet. This does not include the tapers at the access cut.
- b) *Street Access for Streets within State Jurisdiction*
  - i) Permit: Before any new driveway is connected to a street or an existing driveway approach is modified, an access permit shall be obtained from the State of South Dakota. The City permit shall be obtained after the State permit is awarded. The permit shall be signed by the property owner or owner representative. All state permits must be obtained prior to final plat approval, while all City access permits must be obtained prior to issuance of the building permit.
  - ii) Specifications: All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
  - iii) Access point on South Dakota Highway 50 Loop (Cherry Street between North Crawford Road and James Street):
    - (1) Each single-family residential lot is allowed up to one access point per street frontage.
    - (2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than two accesses per block face. Limited movement driveways will be required on special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.
    - (3) If the property is a corner lot where one street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification.
  - iv) Access point on South Dakota Highway 50 (By-Pass), South Dakota Highway 50 (east of North Crawford Road and West of James Street), South Dakota Highway 19 (north of South Dakota Highway 50 and south of West Cherry Street):

- (1) Each single-family residential lot is allowed up to one access point per street frontage.
  - (2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than two accesses per block face. Limited movement driveways will be required in special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.
  - (3) If the property is a corner lot where one street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City’s jurisdiction or on the street with lower classification.
- v) Access size: The maximum driveway width shall be 36 feet. This does not include the tapers at the access cut.

**154.11.2 RURAL**

- 1) All public street improvements, including pavement width, street grades, alignment and visibility, intersections and access shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City Engineer.
- 2) Street System Coordination and Arrangement:
  - a) Requirements are as in 154.11.1(2).
- 3) Street Names:
  - a) Requirements are as in 154.11.1(3).
- 4) Design Standards:
  - a) Requirements are as in 154.11.1(4) except as follows:
    - i) Developer shall submit a geotechnical report to the City. The study shall include soil boring information, laboratory results for: moisture content, dry density and Atterberg limits, opinions and recommendations regarding: utility excavation procedures, site preparation and excavation/filling procedures, comments regarding constructability and final performance of the project, and recommendation for Portland cement, asphalt and gravel pavement sections.
    - ii) Roadway shall consist of gravel, asphalt or Portland cement. Geotechnical recommendation shall be used for pavement section. At no point will the pavement section be less than the following:

SURFACE TYPE	ROAD SURFACE	BASE COURSE	SUB-BASE	SUB-GRADE
Portland Cement	6” on Local streets, See Note #1	6” Gravel Cushion	See Note #2	See Note #2
Asphalt	3” on Local streets, See Note #3	8” Gravel Cushion	12” Sand	See Note #2
Gravel	3” on Local streets, See Note #4	9” Gravel Cushion	See Note #2	See Note #2

Notes:

- 1) All other streets shall have a pavement thickness of at least 8".
  - 2) Refer to geotechnical recommendation for minimum.
  - 3) All other streets shall have a pavement thickness of at least 5". All asphalt pavements shall be laid in at least two lifts.
  - 4) All other streets shall have a gravel thickness of at least 4".
- iii) Gravel streets will only be allowed on developments, or portions of development, that will expect to see traffic volumes less than 200 vehicle per day.
- b) Private streets or roads, if allowed, shall meet the following requirements:
    - i) Requirements shall be the same as those in 154.11.1.4.1.
  - c) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
    - i) Requirements shall be the same as those in 154.11.1.4.m.
  - d) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to pay the City to place traffic control signs and striping for mutual access easements at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.
  - e) If sidewalks are required, they shall be constructed in accordance with the City of Vermillion's Code of Ordinance.
- 5) Access to Streets and Roads:  
Requirements shall be the same as those in 154.11.1.5.

## **154.12 DESIGN STANDARDS – WATER FACILITIES**

### **154.12.1 URBAN**

- 1) The developer shall take the action necessary to create or extend a water supply system capable of providing domestic water use and fire protection to the entire subdivision.
- 2) Where a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the City Engineering Department.
- 3) Water main extensions shall be approved by the City Engineering Department. If the water main is extended adjacent to property that will not participate in the initial construction cost of the water main, the developer shall submit to the department a cost recovery study. The study shall be based upon the actual construction costs showing the amount due from each property when a connection is made to the extended water main. To facilitate the study, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts shall be shown on the preliminary water and sewer plan.
- 4) Land, which is located over or adjacent to a water bearing stratum or water supply reservoir that is designated as an area providing or supplementing the municipal water

supply, shall remain undeveloped and unsubdivided unless public water and sewer systems are provided.

- 5) All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be subject to the approval of the City's Engineering Department.

#### **154.12.2 RURAL**

Requirements shall be the same as those in 154.12.1.

### **154.13 DESIGN STANDARDS – SANITARY SEWER FACILITIES**

#### **154.13.1 URBAN**

- 1) Each lot within a subdivision area shall be provided with a connection to an approved public sanitary sewer.

*Exception:* In areas where a public sanitary sewer is not reasonably accessible, but such area is included in the Comprehensive Plan, the developer shall install sewage systems in conformance to the wastewater regulations of the State of South Dakota and all other local applicable rules and regulations.

- 2) In cases where a connection to an existing public sanitary sewer may not be immediately practical, a connection may be made to a gravity sewer system by the use of a lift station constructed in accordance with the regulations and requirements set forth by the City Engineering Department.
- 3) All sanitary sewer facilities, including gravity sewers, manholes, lift stations and force mains, shall be designed in accordance with standard accepted engineering practices and are subject to the approval of the City Engineering Department.

#### **154.13.2 RURAL**

Design Standards – Sanitary Sewer Facilities requirements are as in Requirements shall be the same as those in 154.13.1.

### **154.14 DESIGN STANDARDS – SUMP PUMPS**

#### **154.14.1 URBAN**

- 1) The following provisions pertain to structures built after June 2011 and to any construction on an existing structure that affects the drainage system of that structure.
- 2) New construction with basements, or a usable crawl space, shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least 10 feet away from the inside sanitary floor drain.
- 3) Buildings with existing sump pumps or drain lines shall construct a discharge line. The line shall be installed to the outside wall of the building with rigid plastic pipe. The discharge pipe must have a check valve within 1 foot of the floor grade and union or other approved coupling for easy disconnection for repair or replacement. The discharge

line shall extend at least 3 feet outside of the foundation wall, and no closer than 5 feet from any sidewalk.

- 4) Alternate method of installation:
  - a) The discharge pipe may be connected directly to the public storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed. A permit is required for the construction of a discharge pipe which is connected directly to the storm sewer system.
- 5) At no point shall the discharge line discharge 10 feet from an adjacent property. No discharge shall be directed so as to impact neighboring properties.
- 6) Discharging into the street, alley or over the sidewalk will not be allowed during the months of November through March of the year.
- 7) Curb cuts for discharge lines will only be allowed in situations where there is no public storm sewer system within 100 feet of the property. The discharge line shall be placed under the sidewalk and through the back of the curb. If a storm sewer system is constructed at a later date the owner shall be required to connect to new sewer during construction or within a year. The cost for connecting to storm sewer will be borne by the property owner.

#### **154.14.2 RURAL**

Requirements shall be the same as those in 154.14.1.

### **154.15 GENERAL PROVISIONS AND ASSURANCES**

#### **154.15.1 URBAN**

- 1) Conformity with other Plans and Ordinances:
  - a) All subdivision plans and plats shall comply with the following additional laws, ordinances and regulations:
    - i) The Comprehensive Plan of the City and the policies set forth therein.
    - ii) The zoning regulations of the City.
    - iii) The major street plan.
    - iv) SDCL 11-3-12.1. Approval of access to street or highway prerequisite to filing plat.
    - v) Other plans which may be or have been adopted that would affect the subdivision and use of land, such as those contained in SDCL Ch. 11-3 and 11-6.
- 2) Interpretation, Abrogation and Severability:
  - a) In interpreting and applying the provisions of this chapter, these regulations are the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this chapter 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.
- 3) Amendments:

- a) For the purpose of providing for the health, safety and general welfare of the community, the City Council may from time to time amend the provisions imposed by these subdivision regulations in the manner prescribed by law.
- 4) Variances:
  - a) The City Council may reduce or otherwise vary the requirements of these regulations whenever it encounters a situation described below. In granting such variances, the City Council may require whatever conditions deemed necessary to secure the basic objectives of the particular regulations. The variances and waiver may be granted by the vote of three-fourths ( $\frac{3}{4}$ ) of the City Council. Any variance granted by the City Council shall be noted in its official minutes.
  - b) *Unwarranted Hardship*. Whenever the City Council finds that unwarranted hardships or particular difficulties may result from strict compliance with these regulations, it may, after written application by the developer, grant variances to the regulations subject to specified conditions so that substantial justice may be done and the public interest secured. Such variances shall not have the effect of nullifying the intent and purpose of these regulations or the Comprehensive Plan. The City Council shall not grant variances to these regulations unless it makes findings based upon the evidence presented in each specific case on the following criteria:
    - i) Because of unusual surroundings, shape or topographical conditions of the specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
    - ii) The conditions upon which the request for a variance is based are unique to the property and are not applicable, generally, to other property and have not been created by any person having an interest in the property.
    - iii) The purpose of the variance is not based exclusively upon a desire for financial gain.
    - iv) The granting of the variance will not be detrimental to the public's health, safety or welfare or injurious to property or improvements in the neighborhood in which the property is located.
  - c) *Large scale residential developments*. The standards and requirements of these regulations may be modified by the City Council Planning Commission in the case of a plan for a new residential neighborhood which, in the judgment of the City Council, complies with the objectives of the Comprehensive Plan and City zoning regulations.
  - d) *Design innovations*. From time to time subdivisions may be designed to provide unusual amenities and at the same time fail to conform strictly to the provisions of these regulations. The City Council may waive certain requirements of these regulations in approving subdivisions involving detailed and workable design innovations that would yield an enhanced living environment for future occupants.
- 5) *Development Agreements*:
  - a) No plat or plats of any subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval or unless the developer shall have signed a development agreement to establish the responsibility for the construction of such improvements in a satisfactory manner as specified by the City Engineering Department and the City Council. This development agreement shall be recorded with the register of deeds at the time of the filing of the plat.

## **154.15.2 RURAL**

### **General Provision and Assurances**

- 1) Conformity with other Plans and Ordinances:
  - a) Requirements as in 154.15.1.1 with the addition of :
    - i) Clay County and City of Vermillion Joint Jurisdictional Zoning Regulations
- 2) Interpretation, Abrogation and Severability:
  - a) Requirements are as in 154.15.1(2).
- 3) Amendments:
  - a) Requirements are as in 154.15.1(3).
- 4) Variances:
  - a) Requirements are as in 154.15.1(4).
- 5) *Development Agreements*:
  - a) Requirements are as in 154.15.1(5).

## **154.16 ENFORCEMENT**

### **154.16.1 URBAN**

- 1) Authority:
  - a) The City Engineering Department shall have the authority to make interpretations of this chapter and to implement policies that clarify the application of its provisions.
  - 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 this chapter.
  - c) Whenever any work or use is being done contrary to the provisions of this chapter, the City Engineer may order the work or use stopped by notice in writing served on any person engaged in the doing or causing the work to be done, and any persons forthwith stop the work or use until authorized by the City Engineer to proceed with the work or use.
  - d) Penalty language requirements are as in 155.999.

### **154.16.2 RURAL**

- 1) Authority:
  - a) Requirements shall be the same as those in 154.16.1.