

TITLE 16

SUBDIVISION PROVISIONS

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16.01 AUTHORITY

The City of Piedmont Board of Trustees exercises the power and authority to review, approve, and deny applications for the subdivision of land pursuant to the authority of the laws of the State of South Dakota and the ordinances of the City of Piedmont.

16.02 SHORT TITLE

This Ordinance shall be known and cited as the "Piedmont Subdivision Ordinance."

16.03 PURPOSE OF THE ORDINANCE

The purpose of this Ordinance is to promote: the harmonious development of the City of Piedmont and its environs; the coordination of streets within the municipality; adequate open spaces; a distribution of population and traffic that will create conditions favorable to health, safety, convenience, and prosperity; and, the implementation of the goals of the Piedmont Comprehensive Plan.

16.04 JURISDICTION

This Ordinance shall apply to all land located within, adjoining, or contiguous to the boundaries of the City of Piedmont and to any extraterritorial area as provided for in SDCL 11-6-26.

16.05 ADMINISTRATION AND ENFORCEMENT

- A. **GENERAL PROVISIONS FOR APPLICATION OF REGULATIONS.** This Ordinance works in conjunction with other City ordinances and policies to regulate the subdivision of land and implement the provisions of the Piedmont Zoning Ordinance and Comprehensive Plan. Prior to recording, any proposed plat within, adjoining, or contiguous to the corporate boundaries of Piedmont, shall be approved by the Board of Trustees (SDCL 11-3-6).
- B. **ADMINISTRATIVE OFFICER.** The provisions of this Ordinance shall be administered by the Administrative Officer. The Administrative Officer shall be the Chairman of the Planning and Zoning Board, unless, by resolution, another person is authorized to act as the Administrative Officer. The Administrative Officer is authorized to enforce all provisions of this Ordinance.
- C. **PLANNING AND ZONING BOARD.** The Piedmont Planning and Zoning Board shall assist the Board of Trustees in an advisory capacity in achieving the established purpose of this Ordinance. The Planning and Zoning Board shall establish the rules of procedure that are necessary to the performance of its function under this Ordinance. The Planning and Zoning Board shall review and make recommendation to the Board of Trustees on all preliminary plat applications and exception requests brought forth by the public in accordance with this Title.
- D. **PIEDMONT BOARD OF TRUSTEES.** The Piedmont Board of Trustees shall review all recommendations of the Planning and Zoning Board and make final decisions on preliminary plat applications and exception requests brought forth by the public in accordance with this Title. The Board of Trustees may reverse or modify the recommendation of the Planning and Zoning Board by a majority vote of all of its members. The Piedmont Board of Trustees shall have the power to render interpretations of this Ordinance and to adopt and enforce supplemental policies in order to clarify the application of the Ordinance. Such interpretations shall meet the purpose of this Ordinance and be set forth in writing.

16.06 LAYOUT PLAN

A layout plan is a generalized plan of a proposed subdivision. The layout plan review process allows for an informal review of a proposed subdivision to help the applicant determine the proposal's conformance with City ordinances and development requirements. A layout plan review is not required for proposed subdivisions.

A. APPLICATION REQUIREMENTS.

- a. Required Information for Layout Plan Reviews. The Planning and Zoning Board shall formulate written policies that identify the required information for layout plan reviews.

B. LAYOUT PLAN REVIEW PROCESS. The applicant shall submit the required review materials to the Administrative Officer. Upon application, the layout plan will be placed on the next available Planning and Zoning Board meeting agenda for review.

- a. *Planning and Zoning Board review.* The applicant is required to attend the Planning and Zoning Board meeting to discuss the layout plan. At the meeting, the Planning and Zoning Board will review the proposal in relation to applicable City ordinances and development requirements and provide information and feedback on the layout plan design and the platting process.

16.07 PRELIMINARY PLATS

A preliminary plat of a proposed subdivision shall be submitted to the Planning and Zoning Board for their consideration and recommendation to the Board of Trustees for approval prior to final plat application. A preliminary plat is a plan of a proposed subdivision requiring the installation of public improvements.

A. APPLICATION REQUIREMENTS.

- a. Required Information for Preliminary Plat Applications. The Planning and Zoning Board shall formulate written policies that identify the required information for preliminary plat applications.

B. PRELIMINARY PLAT APPROVAL PROCESS. The applicant shall submit the required application, number of copies of the preliminary plat, and supporting documentation to the Administrative Officer. Upon application, the preliminary plat will be placed on the next available Planning and Zoning Board meeting agenda for review.

- a. *Planning and Zoning Board review.* Review of the plat application by the Planning and Zoning Board shall occur within 60 days of submission (SDCL 11-6-26). In reviewing the plat, the Planning and Zoning Board will consider the application, supporting documents, public input, and the Preliminary Plat Approval Criteria. The Planning and Zoning Board may vote to recommend approval, approval with conditions, or denial of the preliminary plat. The Planning and Zoning Board's recommendation shall be forwarded to the Board of Trustees for final consideration.
- b. *Board of Trustees review.* The Board of Trustees may concur with, modify, or reverse the Planning and Zoning Board's recommendation. The decision of the Board of Trustees on a plat application shall be made within 90 days of the application submittal. If Board of Trustees action on the plat is not

taken within 90 days of submission, such plat shall be deemed approved and a certificate to that effect shall be issued by the Board of Trustees. The applicant may waive this requirement and consent to the extension of such period (SDCL 11-6-32).

C. PRELIMINARY PLAT APPROVAL CRITERIA.

- a. The proposal complies with zoning district requirements;
- b. The proposal complies with the improvements requirements of this Ordinance;
- c. The proposal complies with State, Federal, and local laws, regulations, and requirements;
- d. If necessary, the applicant has provided surety to guarantee the construction of all required improvements; and,
- e. The proposal complies with the City floodplain regulations.

D. EXPIRATION OF PRELIMINARY PLATS. A preliminary plat application approved under the provisions of the Ordinance shall expire and become null and void if a final plat for the proposal is not submitted within two (2) years of the date of approval. An extension beyond the two- (2) year period may be granted by the Board of Trustees.

16.08 FINAL PLATS

A final plat is a permanent record of the size and location of lots, blocks, streets, alleys, drainage areas, easements, and other parcels of land within a subdivision. When a final plat is recorded with the Meade County Register of Deeds, the plat becomes a legal instrument.

A. APPLICATION REQUIREMENTS.

- a. Required Information for Final Plat Applications. In order for a final plat to be reviewed, the following information must accompany the required application.
 - i. The original plat document that meets all requirements of South Dakota state statutes and administrative rules;
 - ii. The required number of copies of the plat, set per City policy;
 - iii. The application fee;
 - iv. Surety in lieu of subdivision improvements, if applicable;
 - v. Inspection fees; and,
 - vi. Any additional information required as a condition of approval of the preliminary plat.

B. FINAL PLAT APPROVAL PROCESS. After approval of the preliminary plat, the applicant shall submit a final plat of the proposed subdivision to the Administrative Officer. The final plat shall substantially conform to the approved preliminary plat and shall incorporate all required conditions of approval from the

preliminary plat. Within 60 days of submission, the Planning and Zoning Board shall review the application and make a recommendation on the final plat to the Board of Trustees. The Board of Trustees may concur with, modify, or reverse the Planning and Zoning Board's recommendation. The decision of the Board of Trustees on a final plat application shall be made within 90 days of the application submittal. Approved plats shall be recorded with the Meade County Register of Deeds.

16.09 [RESERVED]

16.10 IMPROVEMENTS

All improvements approved as part of a preliminary plat application shall be designed in accordance with City standards and must be constructed or installed, or surety provided in lieu, prior to final plat approval.

A. STREETS.

- a. The arrangement, character, extent, location and grade of all proposed streets shall be designed in accordance with good land planning principles and constructed in accordance with City standards, the Major Street Plan, and the Comprehensive Plan. Streets shall be provided in relation to existing and proposed streets, topographical conditions, public convenience and safety, in appropriate relation to the proposed uses of land to be served, and in relation to the provision of utilities to service all lots.
- b. Each lot shall be provided with access to a public street.
- c. Property abutting a proposed subdivision shall not be left land-locked by such proposed subdivision.
- d. Street names shall not be duplicated by spelling or sound, such that they may be confused with the names of existing streets. Street names are subject to the approval of the Planning and Zoning Board.

B. SIDEWALKS.

- a. Public sidewalks shall be provided in accordance with City standards and constructed on both sides of all streets within any subdivision or any other place deemed necessary by the Planning and Zoning Board.

C. EASEMENTS.

- a. Utility, drainage, or other easements shall be provided in accordance with City standards.

D. LOTS.

- a. Every lot shall abut a street improved to City standards.
- b. Lot dimensions shall be in conformity with the provisions of the Zoning Ordinance.

E. UTILITIES.

- a. Utilities shall be provided in accordance with City standards.

F. DRAINAGE FACILITIES.

- a. If subdivision improvements are required, a drainage plan and report shall be submitted by the applicant's engineer.
- b. The provision of drainage facilities shall be provided in accordance with City standards.

16.11 EXCEPTIONS

The Board of Trustees may grant exceptions to submittal requirements, standards for improvements, or other provisions of this Ordinance. An applicant shall make a written request to the Planning and Zoning Board specifically identifying the provision of the Ordinance and the waiver being requested. The request shall be processed concurrently with the associated preliminary plat application. The Planning and Zoning Board may request additional information from the applicant in order to make a recommendation on the request to the Board of Trustees. The Planning and Zoning Board's recommendation shall be forwarded to the Board of Trustees for final consideration.

A. EXCEPTION APPROVAL CRITERIA.

- a. There are special circumstances or conditions on the property such that the strict application of the regulation in question would preclude all reasonable use of the site;
- b. Granting the exception will not compromise the purpose of this Ordinance; and,
- c. Any impacts resulting from the exception will be mitigated.

16.12 CONFLICTING REGULATIONS

Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or any other ordinance, rules or regulations, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restrictions.

16.13 FEES

Fees shall be paid at the time of application. The fees shall be set by resolution of the Board of Trustees.

16.14 AMENDMENTS

The Board of Trustees may from time to time amend the provisions of these subdivision regulations. A public hearing on all proposed amendments shall be held by the Planning and Zoning Board and recommendations shall be forwarded to the Board of Trustees for approval.

16.15 PENALTIES

Unless another penalty is expressly provided, every person convicted of a violation of any provision of this Ordinance, rule or regulation, adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$200. In addition to the penalty described above, the City may pursue other remedies, including but not limited to, abatement of nuisances, injunctive relief and revocation of licenses or permits. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section herein, whether or not such penalty is reenacted in the amendatory Ordinance.

16.16 COURT REVIEW OF BOARD OF TRUSTEE DECISIONS

Any person, firm, or corporation aggrieved by any decision of the Piedmont Board of Trustees may appeal the decision to circuit court.

16.17 PLAT ERRORS AND OMISSIONS

Corrections of errors and omissions on a plat document shall follow the South Dakota state statutes requirements per SDCL 43-18-11.

16.18 ORDINANCE LANGUAGE AND DEFINITIONS

A. GENERAL RULES FOR APPLICATION OF THE ORDINANCE LANGUAGE.

Where the language in the Ordinance is ambiguous or unclear, the Planning and Zoning Board may issue a statement of clarification, which must be reviewed and approved by the Piedmont Board of Trustees.

B. TENSES AND USAGE. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The words "must", "shall", and "will" are mandatory. The word "may" is permissive.

C. LISTS. Lists of items that state "such as" or similar language are not limited to just those items. The lists are intended to provide example, but not to be exhaustive of all possibilities.

D. DEFINING WORDS AND PHRASES. The following words, terms, and phrases are defined and shall be interpreted as such throughout this title. Terms not herein defined shall have the meaning customarily assigned to them. The following words, terms, and phrases, when used in this Title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

a. ABUT: See *ADJOIN*.

b. ADJACENT: Parcels with no private lots between them; can be shared by public right-of-way.

c. ADJOIN: To share any portion of a lot line, including a single point.

d. ADMINISTRATIVE OFFICIAL: The officer appointed by the City to administer these regulations.

- e. ALLEY: A minor public right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.
- f. APPLICANT: A person or entity who submits a plat. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, engineer, or architect.
- g. BOARD OF TRUSTEES: The City of Piedmont Board of Trustees.
- h. CITY: The City of Piedmont, South Dakota.
- i. CITY ENGINEER: The person designated by the Piedmont Board of Trustees to furnish engineering assistance for the administration of this title.
- j. COMPLETE APPLICATION: A complete application contains all of the information and items required per this Ordinance, and/or City policy.
- k. COMPREHENSIVE PLAN: The currently adopted Piedmont Comprehensive Plan.
- l. DEDICATION: The designation and formal transfer of land to the governing body for use by the public.
- m. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR): The South Dakota Department of Environment and Natural Resources.
- n. DEPARTMENT OF HEALTH: The South Dakota Department of Health.
- o. DRAINAGEWAY: An open linear depression, whether constructed or natural, which functions for the collection drainage of surface water.
- p. EASEMENT: A grant of the rights by a property owner that allows another person to use the owner's land for a specific purpose, such as access or to locate utilities. An easement is self-perpetuating and runs with the land.
- q. FEMA: The Federal Emergency Management Agency.
- r. GOVERNING BODY: The City of Piedmont, South Dakota Board of Trustees.
- s. HOMEOWNERS ASSOCIATION: An association comprised of homeowners who reside in a subdivision or development or landowners who purchase property in the subdivision or development. The association may assess maintenance or common area fees as set forth in the association by-laws.
- t. IMPROVEMENT: Changes and additions to land necessary to support the development or use of real property, such as, but not limited to, boulevards, bridges, culverts, curbs and gutters, electrical transmission and service lines, natural gas lines, potable water mains and service lines, sanitary or storm sewers, sidewalks, street grading and surfacing, street lights, survey monuments, telephone lines, and other similar items.
- u. LAYOUT PLAN: A layout plan is a general plan of a proposed subdivision. The layout plan review process allows for an informal review of a proposed

subdivision to help the applicant determine the proposal's conformance with City ordinances and development requirements. A layout plan review is not required for proposed subdivisions.

- v. LOT: A parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, or developed.
- w. LOT LINE: The property lines along the edge of a lot.
- x. LOT LINE, FRONT: A lot line that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
- y. LOT LINE, REAR: A lot line that is opposite a front lot line.
- z. LOT LINE, SIDE: A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line that abuts a street is a side lot line.
- aa. MAJOR STREET PLAN: The map showing the designations of streets within the City's planning jurisdiction, adopted or established by law, any amendments or additions thereto resulting from the approval of subdivision plats and the subsequent filing of such approved plats.
- bb. OWNER: The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records of the Meade County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.
- cc. OWNER'S ENGINEER: The registered engineer, in good standing with the State of South Dakota, who is the agent of the owner of land that is proposed to be subdivided or which is in the process of being subdivided.
- dd. OWNER'S SURVEYOR: The registered land surveyor, in good standing with the State of South Dakota, who is the agent of the owner of land that is proposed to be subdivided or that is in the process of being subdivided.
- ee. PARCEL: A lot, or contiguous group of lots, or other pieces of land in single ownership or under single control and considered a unit for purposes of development.
- ff. PLANNING AND ZONING BOARD: The City of Piedmont Planning and Zoning Board.
- gg. PLAT: A map, plan, or layout indicating the location and boundaries of individual properties drawn in compliance with state requirements.
- hh. PLAT, FINAL: The plat of the subdivision and any accompanying material as described in these regulations.

- ii. PLAT, PRELIMINARY: The plat of the proposed subdivision and any accompanying material approved by the Piedmont Board of Trustees in advance of the submission of a final plat.
- jj. PROPERTY LINE ADJUSTMENT: The relocation or elimination of a common property line(s) between two abutting properties. A property line adjustment does not create new lots.
- kk. RECORDED ACCESS: A permanent easement or dedication providing legal access to a tract of land.
- ll. REGISTERED LAND SURVEYOR: A surveyor registered and in good standing with the State of South Dakota.
- mm. RIGHT-OF-WAY: A public area that allows for the passage of people or goods.
- nn. RIGHT-OF-WAY EASEMENT: A portion of a parcel of land that is defined by a notation on a plat as a permanent easement for use as a public right-of-way.
- oo. ROAD DISTRICT: An association of land owners formed under State Law to develop of community of subdivision road district for the purpose of maintaining the system of roads within the district such that they have the capacity to handle all of the internal traffic and provide adequate ingress and egress to the members of the entire district. The association shall develop rules and by-laws to govern the operation of the association including the election of officers, collection of fees, and the authorization to develop, repair, and maintain all roads within said system.
- pp. ROADWAY: The portion of the right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include areas devoted to curbs, parking strips, or sidewalks.
- qq. SIDEWALK: A paved area for a pedestrian walkway paralleling and separated from the roadway.
- rr. SPECIFICATIONS: The development specifications that have been adopted by the Board of Trustees.
- ss. STREET: A public or private thoroughfare that affords the principal means of access to abutting property.
- tt. STREET, ARTERIAL: A street of considerable continuity, which is primarily a through-traffic artery for traffic through and throughout the city. Arterials serve as the primary circulation routes, and generally carry the majority of higher-speed traffic through the city.
- uu. STREET, COLLECTOR: A street intended to move traffic from residential street to arterials.
- vv. STREET, CUL-DE-SAC: A residential street with only one (1) outlet and an appropriate terminus for the safe and convenient reversal of traffic movement.

- ww. STREET LINE: The legal line between the street right-of-way and abutting property.
- xx. STREET, PRIVATE: A street that provides vehicular and pedestrian access to an isolated tract of land where a public right-of-way does not exist or is deemed impractical by the City.
- yy. STREET, RESIDENTIAL: A street intended to provide access to other roads from abutting properties.
- zz. STREET SPECIFICATIONS: The required standards to which streets within the jurisdiction of the City must be constructed.
- aaa. SUBDIVIDER: The person(s), firm(s), or corporation(s), owning land in the process of creating a subdivision of said land.
- bbb. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, transfer, lease, or development, including re-subdivision. Subdivision includes the division of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.
- ccc. SURETY: Security consisting of cash deposit, surety bond, personal guarantee, collateral, property, or instrument of credit in an amount and form satisfactory to and approved by the Piedmont Board of Trustees whenever surety is required by these regulations.
- ddd. USPLSS: United States Public Land Survey System.
- eee. UTILITIES: Infrastructure services and structures necessary to deliver those services. These services may be provided by a public or private agency. Examples include water, sanitary sewer, electricity, natural gas, internet, and telephone services.
- fff. VARIANCE: A waiver granted by the Board of Trustees to the terms of this Ordinance that will not be contrary to the public interest or the purpose of this Ordinance. An approved variance is a vested property right that runs with the land.
- ggg. ZONING DISTRICT: Any section or sections of the city of Piedmont for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.
- hhh. ZONING MAP: The Piedmont Zoning Map, which delineates the extent of each zoning district established in the zoning ordinance.
- iii. ZONING ORDINANCE: The City of Piedmont Zoning Ordinance.

Upon making application, any applicant shall pay the appropriate permit fee to the City. The amount of an applicant's fee shall be determined by reference to the following schedule.

All such fees shall be paid to the City Finance Officer to be deposited into the general fund of the City.

FEE SCHEDULE

Application fees.....	\$ 250.00
Plus the cost of all Register of Deeds filing fees	
Inspection fees	\$ 150.00
For plats that create more than two new lots, an additional inspection fee for each additional lot beyond two.....	\$ 50.00
Any other fee not specifically set by this Resolution.....	\$ 100.00

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

ADMINISTRATIVE HISTORY

Original effective 01/05/2010 Ordinance 2009-5
2011-2 Adding Section 16:82 effective 05/20/2011
2011-10 Amending Section 16:82 effective 02/13/2012
2013-04 Replacing Ordinance 16 effective 10/14/2013
Resolution 2014-01 Establishing Subdivision Fees effective 04/15/2014