

**ORDINANCE NO. 93**

AN ORDINANCE ESTABLISHING REGULATION OF THE SUBDIVISION OF LAND IN THE CITY OF CROOKS, SOUTH DAKOTA, AS PROVIDED FOR UNDER SDCL 11-3, 11-4 AND 11-6: REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLANS FOR SUCH PURPOSES; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE CITY COUNCIL IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND FOR THE REPEAL OF ALL PRIOR ORDINANCES OR REGULATIONS IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA:

**Section 1:** The attached document titled Subdivision Regulations is hereby adopted by reference, and is hereby approved as the official subdivision regulations for the City of Crooks, South Dakota.

**Section 2:** All prior ordinances and parts of prior ordinances in conflict with the provisions of this ordinance are hereby repealed.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1998.

\_\_\_\_\_  
Mayor, City of Crooks

\_\_\_\_\_  
Finance Officer, City of Crooks

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_



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# NOTICE OF ADOPTION

ORDINANCE NO. \_\_\_\_\_ ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF CROOKS, SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Notice is hereby given that Ordinance No. \_\_\_\_\_ establishing Subdivision Regulations for the City of Crooks, South Dakota, has been adopted by the Crooks City Council. These regulations are set forth in the document titled Subdivision Regulations; this document provides for the regulation of the subdivision of land within the City of Crooks and in the extraterritorial area described in the City's Major Street Plan, under the authority of SDCL Chapters 11-3, 11-4 and 11-6; and also provides for the repeal of all prior ordinances or parts thereof in conflict therewith. The Subdivision Regulations include, but are not limited to, requirements and standards for the preparation and presentation of preliminary and final plats. The Subdivision Regulations are available for public review at the Crooks City Finance Office during normal business hours. The Subdivision Regulations were duly adopted by the City Council on the \_\_\_\_\_ 1998, and will become effective on the \_\_\_\_\_ day of \_\_\_\_\_ 1998, unless the referendum shall be invoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Finance Officer

## **SUMMARY: SUBDIVISION REGULATIONS**

These regulations, adopted by Ordinance number \_\_\_\_\_ (adopted \_\_\_\_\_ 1998, effective \_\_\_\_\_ 1998), regulate the subdivision of land within the jurisdictional area of the City of Crooks, under the authority of SDCL Chapters 11-3, 11-4 and 11-6, including requirements and standards for the preparation and presentation of preliminary and final plats. By the same authority, the City of Crooks reserves the right to pass and approve the development of platted subdivisions of land already recorded in the office of the county Register of Deeds, if such plats are entirely or partially undeveloped.

As provided for in SDCL 11-6-26, the jurisdictional area subject to these regulations shall include the area covered by the City of Crooks's Major Street Plan (adopted \_\_\_\_\_ 1998; effective \_\_\_\_\_ 1998).

Through these regulations, the Planning Commission and City Council shall:

- \*prescribe standards for laying out subdivisions in harmony with the City of Crooks's Major Street Plan or Comprehensive Plan;
- \*establish minimum design and performance standards;
- \*require the installation of improvements by the subdivider; and
- \*require a performance bond from the subdivider guaranteeing such improvements.

The Planning Commission shall set forth the procedure to be followed by the Crooks City Council in applying these rules, regulations, and standards, and prescribing penalties for the violation of its provision as conferred by state statute.

**ARTICLE I**  
**TITLE AND PURPOSE**

**Section 1: Title.** These regulations shall be known, cited and referred to as "The Subdivision Regulations of Crooks, South Dakota."

**Section 2: Purpose.** The purpose of these regulations is to promote the orderly development of Crooks, and to protect and provide for the public health, safety, morals and general welfare.

**ARTICLE II**  
**LEGAL PROVISIONS**

**Section 1: Jurisdiction.** These regulations shall be applicable within the area established in the Comprehensive Plan or Major Street Plan, including such territory inside and outside the City, as provided for in SDCL 11-6-26.

**Section 2: Conflict.** These regulations are not intended to interfere with or annul any other ordinance or regulation. Where any of these regulations are at variance with other rules, statutes, ordinances or regulations, those imposing higher standards shall prevail.

**Section 3: Separability.** Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole.

**ARTICLE III**  
**DEFINITIONS**

**Section 1: Definitions.** For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.

- A. Alley: Public or private ways which are used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on the street.
- B. Arterial Street: Are designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic.
- C. Block: A tract of land bounded by streets, or by a combination of streets, public parks, railroad right-of- ways, shoreline of waterways, or municipal boundaries.
- D. Central Water System: A community water system including treatment and distribution established by the developer to serve a subdivision in the outlying area.
- E. Central Sewerage System: A community sewer system including collection and treatment facilities established by the developer to serve a development in the outlying area.
- F. Collector Street: A road intended to move traffic from local streets to arterials.
- G. City: Municipality of Crooks, South Dakota.
- H. City Council: The City Council of Crooks, South Dakota, as duly elected.
- I. Comprehensive Plan: The master plan or general plan for the development and improvement of Crooks, South Dakota, as adopted by the City Council. *(Note: As an interim measure, SDCL 11-6-26 provides for the use of a Major Street Plan in lieu of a Comprehensive Plan, until a Comprehensive Plan is adopted.)*
- J. Cul-de-sac: A local street with one end open to traffic and the other end terminated by a turn-around.
- K. Easement: Authorization by a property owner for the use by another, for specific purposes,

for any designated part of his property.

- L. Final Plat: The map or plan or record of a subdivision and any accompanying material as described in these regulations.
- M. Frontage: That side of a lot abutting on a street regarded as the front of the lot.
- N. Frontage Road: A minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points.
- O. Improvements: By improvement is meant street grading, street surfacing, curb and gutter, water mains and lines, sanitary sewers, storm drainage facilities, culverts or other such installations as designated by the City Council. All improvements shall be properly bonded.
- P. Lot: A portion of a subdivision intended as a unit for transfer of ownership or development.
- Q. Local Street: A minor street which is designed and used primarily for access to abutting properties.
- R. Performance Bond: Any form of security or assurance, including cash deposit, surety bond, collateral, property, or instrument of credit, in an amount and form satisfactory to the City Council.
- S. Planning Commission: The Planning Commission of Crooks, South Dakota.
- T. Preliminary Plat: The preliminary drawing or drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for approval.
- U. Subdivider: A person, corporation, partnership, association, or any group who prepares or causes to be prepared a subdivision plat.
- V. Subdivision: A subdivision is a parcel or parcels which has been divided into two or more separate units for the purpose of subsequent sale or building development. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds, lease, map, plat, or other recorded instrument.

## ARTICLE IV

### PROCEDURE: Preliminary Plats, Final Plats & Vacation of Plats

**Section 1: General.** The procedure for review and approval of a subdivision plat shall consist of these steps: informal discussion with the Planning Commission, preparation and submission of a preliminary plat, preparation and submission of a final plat of the subdivision, and performance bond(s) as required.

**Section 2: Preliminary Plat.** After meeting with the Planning Commission, the subdivider shall prepare a preliminary plat prior to the sale of any land within the area to be subdivided, before making any street improvements or the installation of any utilities. The preliminary plat shall meet the standards of design as set forth in Article V and shall show the following information.

1. A scale minimum of one hundred (100) feet to one (1) inch.
2. Name of subdivision, names and addresses of the owners, engineers or surveyors.
3. A vicinity sketch.
4. Date and north points.
5. Acreage of land to be subdivided.
6. Contour intervals of not more than five (5) feet.
7. Boundary lines of area to be subdivided.
8. Existing and proposed easements, their location and dimensions.
9. Streets on and adjacent to the subdivision, with their appropriate dimensions.
10. Utilities on and adjacent to the subdivision showing existing and proposed connections.
11. Lot lines, lot and block numbers.

12. Sites for public, semi-public, commercial or multi-family uses, and their acreage.

13. Minimum building setback lines.

14. Copies of any deed restrictions shall be attached.

To be reviewed at a Planning Commission meeting, a Preliminary Plat must be submitted no less than ten (10) days prior to the meeting at which it is to be considered. Following review of the preliminary plat and supplementary material, the Planning Commission shall, within forty-five (45) days, act thereon. If the plat is approved, the Planning Commission shall express its approval and, if any, state the conditions of such approval; if the plat is disapproved, the Planning Commission shall return the plat with the reasons in writing for disapproval attached.

Approval of the preliminary plat shall not be deemed approval of the final subdivision plat, rather it shall constitute a guide for the preparation of the final plat.

Approval of the preliminary plat is revocable at any time and shall become void after forty-eight (48) months from the date of approval if no progress has been made in the development of the final plat.

**Section 3: Final Plat.** The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposed to record and develop. The final plat shall give the following information:

1. The scale shall be one hundred (100) feet to one (1) inch or larger.
2. Date, title, legal description, scale, and north point.
3. Tract boundary lines, right-of-way lines for streets, easements and other right-of-ways, property lines, with accurate dimensions within one hundredth (1/100) of a foot; bearings of deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute.
4. Lot and block numbers, lot lines and frontage dimensions.
5. Names and locations of adjoining subdivisions and streets adjoining unplatted property.
6. Certification on the plat of title showing that the applicant is the owner, that the making of the plat

receives his consent and is in accordance with his desires, and a statement by such owner dedicating streets, right-of-ways, and other sites for public use.

7. Certification by a land surveyor registered in South Dakota as to the accuracy of survey and plat.

8. Certification by the zoning administrator.

9. Protective covenants or deed restrictions shall be filed with the county Register of Deeds.

The final plat and required supplementary material, including plans and specifications for all required improvements, shall be submitted to the Planning Commission at least ten (10) days prior to the Planning Commission meeting at which it is scheduled to be considered.

The subdivider shall post a certified performance bond with the Finance Officer, in sufficient amount to assure completion of all the required improvements, ten (10) days prior to the Planning Commission meeting at which the final plat is scheduled to be considered.

Following review of the final plat and supplemental material, the Planning Commission shall forward its recommendations to the City Council who shall approve or disapprove said final plat within sixty (60) days following submittal.

When reviewed by City Council, the final plat shall be certified by the county Director of Equalization and shall be endorsed with or have attached the certificate of the County Treasurer that all taxes which are liens upon any land included in such plat, as shown by the records of his office, have been fully paid.

No final plat shall be acted upon by the City Council without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said subdivider not less than five (5) days before the date fixed therefore. In addition, no final plat shall be acted upon by the City Council until plans and specifications for all required improvements have been submitted to and reviewed by the Planning Commission. The Planning Commission and City Council may consult with an engineer to determine if the plans and specifications are adequate to protect public health and safety, and if they meet the standards established in *Article V - General Requirements and Design Standards*, and in *Article 6 - Improvements Required for Final Plat Approval*, and other generally accepted standards for the construction of infrastructure and public works.

Following the public hearing, the City Council shall approve or disapprove the final plat sixty (60) days after receipt thereof. If the final decision is disapproval, the reasons therefore shall be stated in writing with a

duplicate copy forwarded to the subdivider.

When the final plat has been approved by the City Council, one (1) copy shall be returned to the subdivider with the certified approval of the City Council thereon for filing with the county Register of Deeds as an official plat of record. Another certified copy shall be transmitted to the County Auditor. No work shall be done on the subdivision and no lots sold before the final plat is accepted and recorded.

The subdivider shall attach to the final plat a map of the proposed subdivision showing the location, specifications and extent of those required services, for which the subdivider is responsible, as specified in *Article V - General Requirements and Design Standards*, and in *Article 6 - Improvements Required for Final Plat Approval*.

**Section 4: Vacation of a Plat of Record.** Any such plat may be vacated by the proprietors at any time before the sale of any lots by a written instrument declaring the same to be vacated, duly executed, acknowledged and recorded in the same office with the plat to be vacated.

**Section 5: Vacation of Part.** Any part of a plat may be vacated under the provisions and subject to the conditions of Section 4 of this article; provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat. Nothing contained in this section shall authorize the closing or obstructing of any public roadways laid out according to law.

**ARTICLE V**  
**GENERAL REQUIREMENTS & DESIGN STANDARDS**

**Section 1: General.** The City Council shall impose the following general requirements and compel all subdividers to comply with the following design principles in the layout of subdivisions.

**Section 2: Land Suitability.** If the Planning Commission or City Council finds that the land to be subdivided is unsuitable for development due to high agricultural productivity, flooding, bad drainage, steep slopes, rock formations or other conditions and if from adequate investigations it has been determined that in the best interest of the public the land should not be divided, the Planning Commission or the City Council shall not approve the subdivision unless adequate methods are found by the subdivider for meeting the problems created by the proposed subdivision.

The Planning Commission or City Council may refuse to approve what it considers scattered, or premature subdivision of land by reason of lack of adequate water supply and sewerage treatment, schools, proper drainage, good roads or other public services which would necessitate an excessive expenditure of public funds for the supply of such services.

**Section 3: Streets.** The street layout of the proposed subdivision shall provide for the continuation or projection of streets and alleys already existing in areas adjacent to the area being subdivided. In addition, streets and alleys of the proposed subdivision shall correspond in name, direction and width to existing streets and alleys.

Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage roads, reverse frontage lots with screen planting along the rear property line or other such treatment as may be necessary for adequate protection of residential properties.

Street right-of-ways shall not be less than the following:

1. Arterial streets--80 feet
2. Collector streets--72 feet
3. Local streets--66 feet
4. Cul-de-sacs--120 feet in diameter

5. Alleys--20 feet

Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this article.

Cul-de-sacs shall not be longer than five hundred (500) feet.

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

The Planning Commission shall not approve streets which will be subject to inundation or flooding, unless such a street is essential for unusual circumstances exist. Where flood conditions appear to exist, the Planning Commission shall require profiles and elevations of streets in order to determine the advisability of approving the proposed subdivision.

No street names shall be used which will duplicate or be confused with names of existing streets, irrespective of the suffix, avenue, boulevard, drive, place, court, or similar suffix.

Dead end streets as permanent features shall be prohibited.

**Section 4: Blocks.** Block lengths shall not exceed twelve hundred (1200) feet or be less than three hundred (300) feet, except in cases in which the Planning Commission determines that deviation from this requirement is necessary for the proposed subdivision and appropriate for the surrounding area.

All blocks shall be a minimum of two hundred (200) feet wide and shall have two tier of lots. However, where unusual roadway or topographical conditions exist, the Planning Commission may approve a single tier of lots.

**Section 5: Lots.** Minimum depth of lots shall be one hundred (100) feet. The size, shape and configuration shall be as the Planning Commission deems appropriate.

All lots shall front on a public street for a minimum distance of sixty-six (66) feet except for lots which front on cul-de-sacs which shall have a minimum frontage of twenty-five (25) feet.

Double frontage and reverse frontage lots shall be prohibited except where necessary to provide a separation from through traffic or to overcome specific problems related to topography.

**Section 6: Easements.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary. Such easements shall be no less than twelve (12) feet wide. When the Planning Commission deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

**Section 7: Public Open Spaces.** Where increased demands on schools, parks or recreation areas will occur as a result of the applicant's proposed subdivision, the Planning Commission may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purposes. The Planning Commission may require for public use dedication of five (5) percent of the subdivision for school, park, recreation, or other public purposes. The Planning Commission may accept a cash payment in lieu of the public use dedication, with such payment to be placed in a capital improvements fund for parks and recreation. Dedication of lands for public open spaces do not include street right-of-ways, drainage easements, utility easements and yard requirements.

**Section 8: Zoning Regulations.** No final plat of land within the area of force and effect of an existing zoning ordinance will be approved unless it conforms with the Zoning Regulations.

**ARTICLE VI**  
**IMPROVEMENTS REQUIRED FOR FINAL PLAT APPROVAL**

**Section 1: Monuments.** The subdivider shall place permanent monuments in the subdivision as provided herein. Iron monuments five-eighths (5/8) inch in diameter and no less than eighteen (18) inches long shall be placed on street right-of-way lines, street intersections, block corners and all lot corners.

**Section 2: Curb and Gutter.** Curb and gutter shall be installed by the subdivider on all roadways in the plat being dedicated to public use and shall be installed within one year of City Council approval of the final plat filed by the subdivider. Curb and gutter shall be constructed of Portland Cement Concrete.

**Section 3: Streets.** All streets, roads, and alleys shall be graded and surfaced to their full widths by the subdivider. Pavement widths shall be measured between the edges of the gutters, thereby excluding curb and gutter widths from the measurement of pavement width.

Minimum pavement widths to be provided are:

STREET TYPES	MINIMUM WIDTHS
Arterial (each lane)	12 feet
Collector	36 feet
Local	30 feet
Frontage Road	20 feet
Alleys	20 feet

Road Surfacing: All roadways to be dedicated for public use shall be surfaced from curb to curb. Surfacing between the gutters shall, at a minimum, be either:

\*Asphalt, four (4) inches thick, with a six (6) inch aggregate base course; or

\*Portland Cement Concrete (non-reinforced), seven (7) inches thick, with a four (4) inch gravel cushion.

All surfaced roadways shall be installed within one year after curb and gutter has been installed within the

subdivision.

In cases where streets are anticipated to have higher than normal traffic volumes or an unusually high proportion of traffic from heavier vehicles, the Planning Commission may recommend, and the City Council may require, higher road surfacing standards for such streets.

**Section 4: Sidewalks.** Within all subdivisions, permanent Portland Cement Concrete sidewalks along each side of every street shown on the plat, dedicated to public use, shall be constructed by the builder or developer of all new homes. All sidewalks shall either be a minimum of 4 feet in width, or, where the subdivision is abutting existing sidewalks, the sidewalks within the subdivision shall conform to the width of the existing abutting sidewalks.

**Section 5: Drainage and Storm Sewer.** The subdivider shall make adequate provisions for storm drainage runoff through channels or a storm sewer system. Any such improvements shall be constructed separate from the sanitary sewer system.

**Section 6: Water Facilities.** The subdivider shall install all water distribution facilities, including fire hydrants.

**Section 7: Sewerage Facilities.** The subdivider shall install public sewerage facilities and manholes subject to review by the Planning Commission and approved by the City Council. Sewers shall be installed to each lot, with grades and sizes. No individual disposal or treatment systems shall be permitted.

**Section 8: Public Utilities.** The subdivider shall provide lot easements for public utilities wherever possible. When it is necessary to install utilities in the street, the following standards shall apply:

\*After grading is complete and approved, and before a pavement base is laid, all in-street work (water and sewer mains, storm sewer, gas mains, etc.,) and all service connections shall be completely installed and approved, so as not to require disturbing the pavement surface after paving is completed.

**Section 9: Street Signs.** The subdivider shall install street signs, indicating the name and block number,

at each intersection.

**Section 10: Street Lighting.** The subdivider shall install street lighting in accordance with existing City standards. Any additional costs, due to lighting fixtures requested by the subdivider above and beyond City standards, shall be borne by the subdivider.

**Section 11: Construction Standards.** The subdivider shall consult with the area soil conservationist in the planning and construction phase of the development to insure compliance with state statute 38-8A-1-21.

**ARTICLE VII**  
**FINAL APPROVAL**

**Section 1: Inspection.** The City Council shall provide for the inspection of the required improvements (Article VI) during construction, in order to insure their satisfactory completion before public dedication.

**Section 2: Completion and Approval of the Improvements.** Approval of the Final Plat by the Planning Commission shall be indicated with the signature of the presiding officer of the Planning Commission on the final plat. Such signature shall be conditional upon the developer completing, in accordance with the Planning Commission and City Council directives and standards, all street, sanitary, water and other improvements as required by these regulations and as specified in the final plat. The signature of the presiding officer of the Planning Commission is also conditional upon the developer furnishing a title insurance policy, approved by the City Attorney, which indicates a guarantee of completion of all the required improvements and that the improvements are free and clear of all and any liens or other encumbrances.

**Section 3: Approval of Final Plat.** Upon approval and recommendation of the Planning Commission, the City Council shall accept the improvements for dedication and the final plat of the subdivision.

**ARTICLE VIII**  
**VARIANCES AND AMENDMENTS**

**Section 1: Exceptional Conditions.** The Planning Commission may recommend, and the City Council may grant, a variance to these regulations if all of the following conditions exist:

1. The proposed use is reasonable;
2. It would be unreasonable to require conformance to the ordinance;
3. The difficulty of conforming to the ordinance is due to circumstances unique to the property;
4. The problem must be one not created by the landowner, and;
5. The variance, if granted, will not alter the essential character of the locality.

**Section 2: Amendments.** Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or repealed by the City Council according to law; however, such amendments, supplements, changes and modifications, shall not become effective until after study and recommendation by the Planning Commission and final approval by the City Council, as follows:

- Proposed change in Subdivision Regulations drafted and sent to City Attorney for review
- Letter received from City Attorney confirming legality of proposed changes
- Planning Commission makes recommendation to City Council
- Notice of joint City Council / Planning Commission Public Hearing published  
<15 day waiting period>
- Public Hearing held by City Council and Planning Commission
- First reading of ordinance changing the regulations held
- Second reading of ordinance changing the regulations held
- Notice of Adoption published  
<20 day waiting period>
- Revised Subdivision Regulations become effective

**ARTICLE IX**  
**ENFORCEMENT AND PENALTY**

**Section 1: Enforcement.** No plat or plan of a subdivision of land located within the jurisdiction of this ordinance shall be recorded or filed with the county Register of Deeds, nor shall any plat or subdivision have any validity until it complies with the provisions of this and has received final approval in writing from the City Council.

**Section 2: Penalty.** The owner or agent of the owner of any land shall forfeit and pay to the City the sum of one hundred (100) dollars for each lot or part of lot sold or otherwise disposed of, leased, or offered for sale or lease before the final plat thereof has been approved by the City Council as provided in this ordinance. The City may enjoin such transfer, lease, sale or agreement by action for injunction brought in any court of record.

**ARTICLE X**  
**EFFECTIVE DATE**

**Section 1: Effective Date.** This Ordinance shall take effect and be in force from and after its passage and publication according to law.