

CHAPTER 17.116 SUBDIVISION APPROVAL PROCEDURE

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17.116.1 General. The procedure for review and approval of a subdivision plat shall consist of three separate steps, in sequence: an informal discussion meeting with the city planning commission, preparation and submission of a preliminary plat of the proposed subdivision and preparation and submission of a final plat of the proposed subdivision. (Ord. 386 § 1901, 2002)

17.116.2 Advisory Meeting with the City Planning Commission. Whenever the owner of any tract or parcel of land within the jurisdiction of this title has heretofore made, without recording, a plat thereof as required by law, or shall hereafter make or intend to make a subdivision of the same, the subdivider shall, before preparing a preliminary plat, meet and consult informally with the city planning commission for the purpose of ascertaining the location of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision. At the same meeting, the subdivider design set forth in Chapter 17.120. The informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat with the city finance officer is not required for this informal advisory meeting. (Ord. 386 § 1902, 2002)

17.116.3 Preliminary Plat Approval. After meeting informally with the city planning commission, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or the installation of any utilities. (Ord. 386 § 1903, 2002)

17.116.4 Preliminary Plat Data. The preliminary plat shall meet the standard design as set forth in Chapter 17.120 and shall show the following information:

- A. Scale of two hundred (200) feet to one inch or larger;

- B. Name of subdivision, names and addresses of the owners, the engineer, or surveyor, and the owner of the adjacent property;
- C. A vicinity sketch at a scale of four hundred (400) feet or less to one inch;
- D. Date, approximate magnetic and true north point, and graphic scale;
- E. Acreage of land to be subdivided;
- F. Contours at an interval of not greater than five feet or at a lesser interval if deemed necessary by the city council;
- G. Boundary lines of area to be subdivided and their bearings and distances;
- H. Existing and proposed easements and their locations, widths and distances;
- I. Streets on and adjacent to the tract and their names, widths, approximate grades, and other dimensions as may be required;
- J. All streets to be platted showing the natural and finished grade drawn to scale;
- K. Utilities on and adjacent to the tract showing proposed connections to existing utility system and rear easements for utility poles and wires;
- L. Lot lines and lot numbers;
- M. Sites, and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools or other public uses; sites, if any, for semi-public, commercial or multifamily uses;
- N. Minimum building setback lines;
- O. Copies of proposed deed restrictions, if any. (Ord. 386 § 1904, 2002)

17.116.5 Preliminary Plat Procedures.

- A. Eleven (11) copies of the preliminary plat and the required supplementary material, shall be filed with the city finance officer, who shall transmit three copies to the chairperson of the city planning commission. Such filing shall take place at least ten (10) days prior to the meeting of the city planning commission at which time it is to be considered.
- B. The city planning commission shall study the preliminary plat to see if it conforms with the minimum standards and requirements as outlined in Chapters 17.92 and 17.96. Following a public hearing before and due consideration by the city planning commission, the commission shall transmit

all copies of the preliminary plat to the city council together with its recommendations at least forty-five (45) days after receipt thereof. Such recommendations shall include approval, disapproval or suggestions for plat on the modification and the reasons thereof, and a discussion of the affect of the plat on the comprehensive plan. The recommendations shall be of an advisory nature only. If the city planning commission does not act within forty-five (45) days, the preliminary plat shall be deemed to have received a favorable recommendation in all respects, and shall receive due consideration by the city council.

- C. Following a public hearing and due consideration of the preliminary plat, the city council shall approve, disapprove or modify the recommendations of the city planning commission and may impose those requirements or grant those variances in conformance with this title deemed necessary and appropriate by the city council for final approval. One copy shall be returned to the subdivider and the others shall be retained by the finance officer.
- D. Approval of the preliminary plat by the city council shall not constitute acceptance of the final plat. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval. An extension of time may be applied for by the subdivider and granted by the city council. (Ord. 386 § 1905, 2002)

17.116.6 Subdivision of a Portion of a Larger Tract. Whenever part of a tract is proposed to be subdivided and it is intended to subdivide additional parts of the tract in the future, a sketch plan of the entire tract shall be submitted to the city finance officer at the same time the preliminary plat for the first part of the tract to be platted is submitted. (Ord. 386 § 1906, 2002)

17.116.7 Final Plat. The final plat shall conform substantially to the preliminary plat as approved. It may constitute only a portion of the preliminary plat that the subdivided proposes to record and develop. (Ord. 386 § 1907, 2002)

17.116.8 Final Plat Data. The final plat shall give the following information:

- A. The plat shall be at a scale of one hundred (100) feet to one inch or larger;
- B. Date, title, name and location of subdivision, graphic scale, and magnetic and true north line;
- C. All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points. Locations and control points shall be given. Except where deemed clearly unreasonable or infeasible by the city council, these control points shall be the located section corners of the coordinate system of the state of South Dakota;

- D. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way, and property lines of residential lots and other sides with accurate dimensions to the nearest one- hundredths of a foot; bearings of deflection angles, radii, arcs, and central angles of all curves with dimensions to the nearest minute;
- E. Name and right-of-way width of each street, easement, or other right-of-way;
- F. Lot numbers, lot lines, and frontage dimensions;
- G. Purpose for which sites other than residential lots are dedicated or reserved;
- H. Minimum building setback lines;
- I. Location and description of monuments;
- J. Names and locations of adjoining subdivisions and streets, the location of adjoining unplatted properties, and the name and addresses of the owners of adjoining unplatted properties;
- K. Certification on plat of title showing that the applicant is the owner, that the making of the plat receives his or her consent and is in accordance with his or her desires, and a statement by such owner dedicating streets, rights-of-way and any other sites for public use;
- L. Certification on plat by registered engineer as to the accuracy of survey and plat;
- M. Certification of approval by the land use administrator, when individual sewerage disposal or water systems are to be installed;
- N. If applicable, certification that the subdivider has complied with one of the following alternatives: all the improvements have been installed in accordance with the requirements of this title, or; a surety amount to assure such completion of all required improvements;
- O. Cross-sections, profiles and grades of streets, curbs, gutters and sidewalks showing locations of in-street utilities, and drawn to city standard scales and elevations shall be attached to the final plat;
- P. Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording;
- Q. Certification on plat by the mayor and city finance officer that the plat has been approved for recording in the office of the register of deeds. (Ord. 386 § 1908, 2002)

17.116.9 Final plat procedure.

- A. Six copies of the final plat and the required supplementary material shall be filed with the city finance officer who shall transmit them to the chairperson

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

- B. One copy of the final plat may be transmitted to a registered engineer to be selected by the city council who may check the plat as to computations, certifications, monuments, etc., and that all the required improvements have been completed to the satisfaction of the city officials having jurisdiction, or in the case a surety bond has been posted, such is sufficient to cover the cost of the required improvements. If found satisfactory, he or she will return the copy of the final plat to the city planning commission with his or her approval certified thereon within ten (10) days of receipt thereof.
- C. One copy shall be transmitted to the land use administrator when individual sewage disposal or water supply facilities are to be installed. If the plat meets the approval of the land use administrator, he or she shall return the copy with his or her approval certified thereon within ten (10) days of receipt thereof.
- D. The city planning commission shall study the final plat to see if it conforms with the minimum standards and requirements as provided in this chapter and Chapters 17.92 and 17.96 as required by the city council. Following a public hearing before and due consideration by the city planning commission, the commission shall transmit all copies of the final plat to the city council, together with its recommendations at least thirty (30) days after receipt thereof. The recommendations shall include approval, disapproval or suggestions for modifications and reasons thereof, and a discussion of the effect of the plat on the comprehensive plan. The recommendations shall be of an advisory nature only. If the city planning commission does not act within thirty (30) days, the final plat shall be deemed to have received a favorable recommendation in all respects, and shall then receive due consideration by the city council.
- E. The final plat shall be approved or disapproved within sixty (60) days after submission thereof to the city finance officer; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the city council on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the city council. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no 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 the address not less than five days before the date fixed therefore. The approval of the final plat by the city council shall not be deemed to constitute or affect on acceptance by the municipality or public of the dedication of any street or other ground shown on

the final plat.

- F. When the final plat has been approved by the city council one copy shall be returned to the subdivider with the approval of the city council certified thereon, for filing with the county register of deeds as an official plat of record. Another copy certified by the city council, shall be transmitted to the city finance officer for his or her records. With the exception of those improvements required by Chapter 17.92, no work shall be done on the subdivision and no lots shall be sold before the final plat is accepted and recorded. (Ord. 386 § 1909,2002)
- G. The procedures defined in this chapter shall apply to all subdivision plats within the City's jurisdictional limits as well as that jurisdictional authority permitted by SDCL 11-6-26 and defined in the Major Street Plan of the City's Comprehensive Plan.

17.116.10 Procedural Variance. Where a proposed subdivision would contain five or less parcels or plats of land and no new streets, the preparation of a preliminary plat may be waived by the city council. (Ord. 386 § 1910,2002)

17.116.11 Vacation of Plat. Any such plat may be vacated by the proprietor thereof according to state law. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the planning commission or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. (Ord. 386 § 1911, 2002)

17.116.12 Unincorporated Jurisdiction

When the Plat is determined as complete and is within the unincorporated jurisdiction of the City,

- A. The Subdivider shall deliver copies as required by the County Register of Deeds to the City's Authorized Official for signature. The City's Authorized Official shall schedule the Plat to be reviewed by the Planning Commission at its next regularly scheduled meeting. There shall be a minimum of seven working days between the completion of the review period and the Planning Commission's scheduled meeting date. The Planning Commission shall review the Plat and recommend to the City Council to approve, approve with conditions, or deny the Plat.
- B. The City Council, in taking action on the Plat, shall consider the recommendations of the Planning Commission and approve, approve with conditions, or deny the Plat.
- C. If approved, the City's Authorized Official shall collect the remaining signatures and file the Plat with the County Register of Deeds.

17.116.13 Premature Subdivision.

The City hereby discourages premature subdivision of land due to unavailability of urban services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of basic government services. A Plat within the City's unincorporated jurisdiction that is considered by the City to be premature, to conflict with the purpose of these regulations, or to conflict with the City's Comprehensive Plan shall not be approved.

17.116.14 Annexation

No Plat within the City's unincorporated jurisdiction shall be approved unless the Subdivider has filed a petition for annexation or executed an agreement to annex with the City Council. In general, annexation agreements shall be written to require voluntary annexation at the time the subdivision becomes contiguous with the City's corporate limits. All infrastructure shall be improved to meet the City's Design Standards at the time of annexation. Landowners within said subdivision shall be responsible for the cost of improvements. Annexation agreements shall be recorded with the County Register of Deeds at the time of platting.