

# **CITY OF HURLEY**

## **SUBDIVISION REGULATIONS**

**(Adopted pursuant to SDCL Chapter 11-6)**

**ORDINANCE # 05-0003**

**EFFECTIVE DATE: August 3, 2005**

**Prepared by the South Eastern Council of Governments  
at the direction of the Planning Commission and City Council**

**ORDINANCE # 05-0003**

ORDINANCE NO. 05-0003 ENACTING REVISED SUBDIVISION REGULATIONS FOR THE CITY OF HURLEY, SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEROF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Notice is hereby given that Ordinance No. 05-0003 enacting revised Subdivision Regulations for the City of Hurley, South Dakota, has been adopted by the Hurley 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 Hurley 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 Hurley City Office during normal business hours. The Subdivision Regulations were duly adopted by the City Council on the 20th day of June, 2005, and will become effective on the 3rd day of August, 2005, unless the referendum shall be invoked.

Dated this 20th day of July, 2005.

First Reading: May 10, 2005  
Second Reading and Adoption: June 20, 2005  
Publication Dates: July 7 & July 14, 2005  
Effective Date: August 3, 2005

  
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SIGNED: Mayor, City of Hurley

  
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ATTEST: Finance Officer, City of Hurley

OFFICIAL SEAL:

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## **ARTICLE 1: GENERAL PROVISIONS**

### **Section 101. Title**

This document shall be referred to as the Subdivision Regulations of the City of Hurley.

### **Section 102. Purpose**

It is the purpose of these regulations to govern the subdivision of land to provide for coordination of streets in other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sewer facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to protect and provide for the public health, safety, and general welfare; and to conform with other plans and regulations.

### **Section 103. Jurisdiction**

These subdivision regulations shall apply to all subdivisions of land located within the City and within the unincorporated area identified by the Major Street Plan in accordance with platting jurisdiction statute of 11-6-26 SDCL.

### **Section 104. Conformity**

In addition to the requirements established herein, all subdivision plans and plats shall comply with the following plans and regulations:

- A. The Comprehensive Plan and the policies set forth therein.
- B. The Zoning Regulations, as amended or revised.
- C. The Official Zoning Map, as amended or revised.
- D. The Engineering Design Standards, as amended or revised.
- E. Other plans and regulations, such as any nuisance ordinance.

### **Section 105. Interpretation**

These regulations are the minimum requirements for the promotion of public safety, health, and general welfare. It is not the intent of these regulations 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.

## **Section 106. 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 or 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(s) in Subdivision Regulations drafted and sent to City Attorney for review
- Letter received from City Attorney confirming legality of proposed change(s)
- Planning Commission holds a public hearing on the proposed change(s) with notice to be published in the City's official newspaper at least 10 days prior to the scheduled date of the public hearing
- Planning Commission recommends adoption of the proposed change(s) to the City Council
- City Council holds a public hearing on the proposed change(s) with notice to be published in the City's official newspaper at least 10 days prior to the scheduled date of the public hearing
- First reading of ordinance changing the regulations held
- Second reading and adoption of the ordinance changing the regulations held
- Notice of adoption published
- Revised Subdivision Regulations become effective 20 days after publishing the notice of adoption, unless the referendum is invoked

## **ARTICLE 2: SUBDIVISION PLANS IN GENERAL**

### **Section 201. Administration**

The Authorized Official is hereby authorized to enforce these regulations, to interpret them, and to adopt and enforce rules and supplemental regulations in order to administer and clarify their provisions. Any appropriate actions may be taken by law or in equity to prevent any violation thereof, to prevent unlawful construction, to recover damages, to correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below.

### **Section 202. Recording, use and selling**

- A. No person shall transfer, sell, or negotiate to sell any parcel as part of a subdivision plan before a plat of such subdivision has been approved by the City and recorded.
- B. No person shall subdivide or lay-out such land in lots, unless by plat, in accordance with state law and the regulations contained herein. Subdivision of any parcel by metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading the terms of these regulations is prohibited.
- C. No plat shall be recorded in the Finance Office and no lots therein sold unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of unplatted property. Any such unapproved plat recorded is invalid and the City Council shall institute proceedings to have the plat stricken from the records.
- D. No zoning permit or building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of these regulations. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of interest in said real property.

### **Section 203. Penalties**

Any person violating any provision of these regulations shall be subject to a fine in an amount not to exceed \$200.00. Each day the violation continues shall constitute a separate offense.

### **Section 204. Plat Approval Process**

All proposed subdivision plats must be approved through a three-phase development process. All final drawings, plans, specifications, reports, plats or other architectural, engineering or land surveying documents, papers, or diagrams involved in the practice of architecture, professional engineering, or land surveying prepared to be made a part of any public record within the City shall be dated and bear the signature, stamp, or seal of the architect, professional engineer, or land surveyor who was responsible for the preparation thereof.

<b>Step 1: Sketch Plan</b>	Purpose	Prior to submission of a preliminary plan, the developer shall present a sketch of the proposed plan regarding requirements for the general layout of streets, reservations of land, street improvements, drainage, and similar matters as well as the availability of services.
	Review by	Planning Commission
	Approval by	None - only a process for developer to receive comments to help devise a preliminary plan

<b>Step 2: Preliminary Plan</b>	Purpose	Based on the sketch plan discussion with the Planning Commission, the applicant may submit a preliminary plan for approval. The preliminary plan shall provide all information indicated in Section 301 of these regulations.
	Review by	Authorized Official, utilities superintendents and city engineer
	Approval by	Planning Commission

<b>Step 3: Final Plan and the Plat</b>	Purpose	Consists of the plat, final drainage and grading plan, final erosion control plan, and covenants, executed for recording. The plat shall provide all information as indicated in Section 402. Either all or a portion of the preliminary plan may be platted.
	Review by	Authorized Official, utilities superintendents, city engineer and Planning Commission
	Approval by	City Council at a Public Hearing

## Section 205. Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plan and the plat, unless the resubdivision meets the requirements set forth in Section 501. The Authorized Official may waive the requirements for a preliminary plan.

## **Section 206. Filing Fee**

A schedule of fees, charges, and expenses for matters pertaining to these Subdivision Regulations shall be established by resolution of the City Council. The current fee schedule shall be available from the Authorized Official of the City of Hurley. All fees shall be the property of the City and shall be paid over to the Authorized Official of the City of Hurley for credit to the General Fund of the City which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## ARTICLE 3: PRELIMINARY PLAN

### Section 301. Submission

Whenever a preliminary plan is proposed, the developer shall prepare such plan at a scale of 100 feet to an inch, or 200 feet to an inch, on sheets 15 by 26 inches or 22 by 34 inches in size. Three copies of the preliminary plan shall be filed with the Finance Office.

A. The preliminary plan shall contain the following information:

1.	The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate or be alike in pronunciation with any existing subdivision, unless it is an adjoining extension of an existing subdivision. All subdivision names shall be approved by the Authorized Official.
2.	The names of all adjacent subdivisions and their platting pattern. Adjoining unplatted land shall be labeled as such.
3.	The correct legal description. Notations stating acreage, scale, and north arrow.
4.	The owner, developer, and surveyor's names and telephone numbers.
5.	Vicinity map, showing locations of the preliminary plan and surrounding property for at least one-quarter mile in every direction.
6.	Exterior boundaries of the proposed subdivision referenced to a corner marker of the U.S. Public Land Survey, and the total acreage encompassed thereby.
7.	The location and width of all proposed street rights-of-way, existing structures, easements, railroad rights-of-way, streams and water courses, lakes, wetlands, rock outcroppings, wooded areas, and other similar significant features.
8.	The boundary lines of floodplain or flood hazard areas.
9.	Existing contours at vertical intervals not greater than one foot or show spot elevations where contour intervals exceed 50 feet apart.
10.	A systematic lot and block numbering pattern, lot lines, setbacks and road names.
11.	Approximate dimensions and acreage of all lots.
12.	Location of all existing streets abutting or serving the proposed subdivision, an estimate of the vehicular traffic to be created by full development of the subdivision, a statement regarding the effect thereof on such streets, and the nature of all improvements as may be required for such streets to properly serve the proposed subdivision.
13.	Certificates of approval for endorsement by the Planning Commission, City Engineer, City Utility Director and the City Council.

14.	Zoning on and adjacent to property, including across rights-of-way.
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B. The following plans, documents or instruments shall be submitted with the preliminary plan:

1.	<u>Preliminary Drainage and Grading.</u> The existing drainage pattern for the area should be shown, including plans to detain, release or route storm water run off, along with any proposed cut and fill operations which would alter the existing drainage patterns.
2.	<u>Preliminary Utility Plan.</u> Notations should be made on the plan regarding the location of the nearest available sewer and water connections, the direction of the proposed sanitary sewer flow, and the necessity for any lift stations.
3.	<u>Erosion Control.</u> In any proposed subdivision in which an area greater than one acre will be disturbed, or in areas where topographic features are such that erosion, siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved.
4.	<u>Covenants.</u> Proposed covenants to run with the land providing restrictions or other limitations on land use or development within the subdivision, including road maintenance agreement for all private streets within the subdivision.
5.	<u>Agreements.</u> Proposed agreements between the developer and City outlining the assumed or agreed responsibility of the developer to undertake directly, or to pay or reimburse the City for cost of improvements to streets, bridges, culverts, drainage ways, etc.

### **Section 302. Approval of Preliminary Plan**

The Authorized Official shall transmit all preliminary plan information filed with the Finance Office to the Planning Commission Chairperson. Each filing shall be made at least ten (10) days before the meeting of the Planning Commission at which the preliminary plan is to be considered. Following review of the preliminary plan and supplementary material, the Planning Commission shall, within thirty (30) days, act thereon. If the preliminary plan is approved, the Planning Commission shall express its approval and, if any, state the conditions of such approval; if the preliminary plan is disapproved, the Planning Commission shall return the preliminary plan to the subdivider with the reasons in writing for disapproval attached. The approved plan shall be kept on file in the Finance Office. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no zoning permits or building permits shall be issued based on the approval of the preliminary plan.

### **Section 303. Effective Period of Preliminary Plan Approval**

The approval of a preliminary plan shall be effective for a period of one year, at the end of which time approval of the subdivision plat or a portion thereof must have been obtained from the City Council. Any plan which has not received approval for all or a portion in that time shall be null and void and the developer shall be required to resubmit a preliminary plan for approval subject to any new subdivision regulations.

### **Section 304. Revisions to Preliminary Plan**

Minor amendments to an approved preliminary plan may be made at the discretion of the Authorized Official and utilities superintendents. Any or all of these plans may be deleted at the City Engineer's discretion.

# ARTICLE 4: FINAL PLANS AND THE PLAT

## Section 401. Final Plans

Following the approval of the preliminary plan, if the developer wishes to proceed, three copies of final drainage, grading, and utility plans shall be submitted to the Authorized Official for review and approval. Any or all of these plans may be deleted at the City Engineer's discretion. Final plans shall be in accordance with the City of Hurley Engineering Design Standards and shall contain the following information:

- A. Grading Plan. The grading plan shall show existing and proposed contours with intervals acceptable to the City Engineer. The site grading plan shall show drainage arrows for each lot and lot corner elevations. The plan shall also show the right-of-way width for all proposed streets. Construction documents indicating street grades and alignment using City of Hurley and industry accepted standards shall be prepared.
- B. Drainage Plan. When deemed necessary, the drainage plan shall show proposed drainageways and storm sewer systems. The plan shall make a determination of approximate watershed boundaries and land use to be used in estimating runoff potentials. Storm sewer systems shall be designed to handle the determined flow volumes. Pipe sizes, inlet sizes, and inlet locations based on industry accepted standards for accepted storm frequency and inundation levels shall be illustrated in the drainage plan. Detailed construction plans showing pipe size, slopes, inlet types and size, including the profile of the storm sewer with rim and invert elevations shall be prepared.
- C. Utility Plan. The utility plan shall include sewer and water systems for the development. The sanitary sewer layout shall show the size, direction of flow, manhole locations, manhole invert elevations, connections to existing sewer systems, and lift stations if required. All utility plans shall conform to industry accepted standards. Detailed construction drawings with stationing, plan and profile section for all water and sanitary sewer layouts shall be prepared.

## Section 402. The Plat

Not less than three (3) copies and one reproducible mylar of the plat shall be submitted to the Authorized Official for review and approval by the City. The plat should be drawn at a scale of 100 feet to an inch from an accurate survey and on one or more sheets whose dimensions are as required by State Law. If more than two sheets are required, an index sheet of the same dimension shall be attached and filed. The final plat shall conform substantially to the preliminary plan as approved by the Planning Commission, and it may constitute only a portion of the preliminary plan which the subdivider proposed to record and develop. No work shall be done on the subdivision including the making of any street improvements or installation of any utilities, and no lots sold before the final plat is approved and recorded. The plat shall contain the following information:

A.	The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision. Each plat shall be titled as follows: <u>      (Name)      </u> Addition in the quarter, Section <u>      </u> , T <u>      </u> N, R <u>      </u> W of the 5th P.M., City of Hurley, South Dakota.
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B.	Scale and north arrow.
C.	The names of all adjacent subdivisions, all lot and block lines, type of easements, and rights-of-way.
D.	A systematic lot and block numbering pattern corresponding to that existing in the City, lot lines and road names, and the square footage or acreage of all lots.
E.	The location and width of all proposed and existing rights-of-way and easements.
F.	The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest section corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
G.	Location of all monuments and permanent control points, and all survey pins, set or located.
H.	Certification on the plat or title showing that the applicant is the owner, that the making of the plat receives his/her consent and is in accordance with his/her desires, and a statement by such owner indicating the location and description of any property to be dedicated or granted for public use.
I.	All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets, easements and type of easement, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
J.	The radii, chords, length of curve, points of tangency, and central angles for all curvilinear streets and radii for rounded corners.
K.	Any boundaries or areas of designated floodplain or flood hazard areas.
L.	Acknowledgment of the owner(s) of the plat of any restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of easements required.
M.	All formal irrevocable offers of dedication for all streets and other uses as required.
N.	Protective covenants or deed restrictions shall be filed with the County Register of Deeds.
O.	Signature blocks and resolution of approval by the Planning Commission and City Council including certification by any County officials concerned with recording of the plat.
P.	Assurances as specified in Article Eleven.
Q.	Certificates as specified in Article Twelve, including acceptance of any dedicated streets.
R.	All easements for municipal utilities shall be shown on the plat and there shall be a 10-foot utility easement for municipal utilities along all right-of-way frontages. Whenever any stream or important surface drainage is located in an area which is being subdivided, the subdivider shall provide an adequate dedication along each side of the stream as required by the City Engineer. The property owners whose property is subject to such easement shall be responsible for its maintenance. The property owner shall keep the easement clear of any structure, debris, trees, shrubs or landscaping whatsoever except lawn grass which shall be regularly mowed and annual

vegetation may be grown thereon.
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**Section 403. Approval of the Plat**

Five (5) copies of the final plat and required supplementary material, including final construction plans and specifications for all required improvements, shall be submitted to the Authorized Official who shall transmit the information to the Planning Commission Chairperson. Each filing shall be made at least ten (10) days before the Planning Commission meeting at which the plat is to be considered.

Following submission of the final plat and supplementary material, the Planning Commission shall forward its recommendations to the City Council. The City Council shall only consider the plat for approval at a public hearing after the Council receives assurances from the developer fixing responsibility for the required improvements. No final plat shall be acted upon by the City Council without first having a public hearing. Notice of the time and place of such public hearing shall be sent by mail to the subdivider at least ten (10) days before the hearing, and shall also be posted in a public place and published in the City's legal newspaper at least ten (10) days prior to the public hearing. Following the public hearing, and once the assurances have been received and accepted, the City Council shall approve or disapprove the final plat within sixty (60) days after receipt thereof. If the final decision is disapproved, 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.

Any final plat and supplementary material submitted for approval by the City Council 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 this office, have been fully paid.

The supplementary material accompanying the final plat shall include 1) a map of the entire proposed subdivision, showing the location of the area proposed to be platted and 2) an overall map showing the extent of required improvements for which the subdivider is responsible.

**Section 404. As-Built Plans**

A complete set of 'As-Built' improvement plans is required. This is not meant to require field surveying after completion of work, but the 'As-Built' plans shall show all revisions that the subdivider's engineer has made in the plans that were originally presented and approved.

## **ARTICLE 5: REPLATS AND PLAT VACATIONS**

### **Section 501. Replats**

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a final plan of the subdivision, requiring the same review and approval procedures, including the fees, as the original preliminary and final plans. However, if the resubdivision meets the following requirements, it may be submitted as a plat:

- A. The perimeter of the tract being replatted shall not be altered by the replat.
- B. The previous platting lines shall be shown on the plat.
- C. The grades shall not be changed from the drainage plan which was submitted and approved with the original plat, or if the grades are to be changed, or if no drainage plan was submitted with the original plat, then a drainage and grading plan shall be submitted and approved for the resubdivision.

### **Section 502. Vacation of Plats**

Any plat or any part of a plat intended to be vacated shall be presented to the Planning Commission for a recommendation and to the City Council for approval. Vacation of a plat may be approved when the vacation will not interfere with the development of, nor deny access via public streets, to adjoining properties, utility services, or other improvements.

## **ARTICLE 6: BLOCKS, LOTS, AND MONUMENTS**

### **Section 601. Blocks**

The length and shape of blocks shall be determined with regard to provision of adequate building sites suitable to the needs of the use contemplated; the need for convenient access, circulation, and safety of traffic; and topographic conditions.

Residential block lengths shall be a minimum of 300 feet and shall not exceed 1000 feet; width shall be a minimum of two hundred (200) feet and provide two tiers of lots. However, where unusual roadway or topographical conditions exist, the Planning Commission may approve a single tier of lots. Other zoning district classification block dimensions shall be as approved.

### **Section 602. Lots**

Lots shall be laid out so as to be buildable in compliance with the zoning regulations and municipal ordinances.

### **Section 603. Monuments**

Permanent monuments no less than eighteen (18) inches in length shall be placed on block corners and all lot corners.

## ARTICLE 7: STREETS, SIDEWALKS, CURB AND GUTTER, AND STORM SEWER

### Section 701. Street Arrangement and Design

A.	Streets shall be related to topography and arranged so building sites are at or above street grade.
B.	Streets shall be properly integrated with the existing system of streets, including connecting adjacent subdivisions where topographical and land use considerations permit.
C.	Streets shall extend to subdivision boundary lines, unless prevented by topography or other physical conditions.
D.	Streets shall be arranged to allow access to future subdivisions on abutting land.
E.	Streets shall be permanently dedicated as public rights-of-way and accepted by the City.
F.	Where a subdivision abuts or contains an existing or proposed arterial street, the following may be required: 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.
G.	Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet minimum street width requirements.
H.	Street jogs with center line offsets of less than 150 feet shall not be made.
I.	Dead end streets as permanent features shall be prohibited.
J.	Streets subject to inundation or flooding shall not be approved unless essential for unusual circumstances which exist. Where flooding appears possible, street profiles and elevations shall be required in order to determine the advisability of approving the proposed subdivision.
K.	The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided. In addition, streets in the proposed subdivision shall correspond in name, direction and width to existing streets and shall be in conformance with the Major Street Plan and Comprehensive Plan as adopted.
L.	Intersections:
1.	Acute angles are to be avoided if possible, but no angle of less than 80 degrees shall be permitted.
2.	Not more than two streets shall intersect at one point.
3.	Intersection offsets of less than 250 feet shall be avoided.

**Section 702. Minimum Street Right-of-Way**

A.	Streets shall have a minimum publicly dedicated right-of-way of 66 feet. A maximum right-of-way of 100 feet may be required on any streets designated as arterial and collector.
B.	Cul-de-sacs shall be approved on a case by case basis but will be allowed where, due to physical constraints, they are necessary for the reasonable development of the subdivision. The minimum back of curb radius of a turnaround at the end of a cul-de-sac shall be 40.5 feet and the length of the street shall be generally limited to 500 feet.

**Section 703. Street Widths**

All streets, roads and alleys shall be graded and surfaced by the subdivider.

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

1. Arterial streets - 12 feet minimum land width
  2. Collector streets - 36 feet or approved
  3. Local streets - 30 feet or approved
  4. Cul-de-sacs - 38 feet in radius or approved
  5. Alleys - 20 feet or approved
- \*\* widths are measured from face of curb to face of curb

Minimum pavement widths shall be measured from curb to curb (interior) and shall comply with all Engineering Design Standards specifications.

**Section 704. Street Construction**

A.	Street construction shall be of materials and in a manner approved by the City Council and the City Engineer. All public street improvements, including pavement width, street grades, alignment and visibility, and intersections shall be designed in accordance with standard accepted engineering practices and are subject to approval by the City Engineer. All public street facilities shall be designed in compliance with engineering design standards approved by the City Engineer.
B.	The developer shall complete streets within a subdivision in at least one block increments, and shall properly gravel and grade such streets prior to approval of any zoning permit.
C.	The first lift of asphalt, 2 inches thick, shall be placed immediately after gravel placement and that the top lift of asphalt be delayed at least one year or until approximately 50 percent of the lots are developed, but not longer than eighteen months.
D.	All roadways to be dedicated for public use shall be surfaced from curb to curb. Minimum surfacing for all roadways shall be in conformity with the Section 703.
E.	The developer shall install street signs at all intersections and along streets in accord with specifications approved by the City Council.

## **Section 705. Street Names**

1. Streets in alignment with existing streets shall bear the names of those streets.
2. No street names shall be used which duplicate or are like in pronunciation with any other existing streets. Street names shall not exceed 12 letters, including spaces. Except as may be otherwise required, street name suffixes shall be applied as follows:
  1. *Street* - a street running north and south
  2. *Avenue* - a street running east and west
  3. *Lane* - a street running northeast to southwest
  4. *Drive* - a street running northwest to southeast
  5. *Trail* - a street which wanders in different directions
  6. *Circle* - all cul-de-sacs
  7. *Court* - a street with two openings which enters and exits on the same street
  8. *Boulevard* - a broad street, often tree-lined or landscaped

## **Section 706. Sidewalks**

Sidewalks shall be provided along each side of every street shown on the plat and shall be dedicated to public use. Construction shall be complete at the time of occupancy of the dwelling unit. Sidewalks shall be constructed according to Engineering Design Standards requirements.

## **Section 707. Curb and Gutter**

Curb and gutter, which shall be constructed according to Engineering Design Standards requirements, shall be installed by the developer prior to approval of any building permit.

## **Section 708. Storm Sewer**

When deemed necessary by the City Engineer, the developer shall install storm sewer in conjunction with curb and gutter.

## **ARTICLE 8: UTILITIES AND PUBLIC SPACE**

### **Section 801. Easements**

Utility easements no less than twenty (20) feet wide shall be provided where necessary; said easements shall be in compliance with the Engineering Design Standards. When the Planning Commission or the City Engineer deems it necessary for proper drainage within or through a subdivision, a storm water easement or drainage right-of-way shall be provided.

When it is necessary to install utilities in the street, the following process shall be followed: After grading is complete and approved, and before a pavement base is laid, all in-street work and all service connections shall be completely installed and approved, so as not to require disturbing the pavement surface after paving is completed.

### **Section 802. Water Facilities**

The developer shall install main water distribution lines and service line to each property line, including curb stop. The property owner shall be responsible for installation of line from the curb stop to the dwelling unit or other structure as required by the Engineering Design Standards. The developer shall install all necessary fire hydrants according to City requirements. More detailed specifications are listed Title 8 Chapter 8.01 of the Hurley Municipal Ordinance.

### **Section 803. Sewer Facilities**

The developer shall install main public sewer lines, manholes, and lift stations. Sewer line shall be installed to each lot, with grades and sizes as required by the Engineering Design Standards. No individual disposal or treatment systems shall be permitted. The property owner shall be responsible for installation of sewer line from the property line to the dwelling unit. More detailed specifications are listed in Title 8 Chapter 8.02 of the Hurley Municipal Ordinance.

### **Section 804. Street Lighting**

The developer shall install street lighting according to the specifications approved by the City Engineer.

### **Section 805. Public Open Space**

Where increased demands on schools, parks or recreation areas will occur as a result of the applicant's proposed subdivision, the City may encourage preservation of 5% of the land within the proposed subdivision for open space for school, park, recreation, or other public purposes. Such preservation may be contingent on the developer paying a cost recovery fee of 5% of the total purchase price, which will be used to allow the City to purchase such reserved open space to benefit the subdivision.

Where a proposed park, recreation or other public area which is shown on the Comprehensive Plan is located in whole or in part in a residential subdivision, the City Council may require the dedication or reservation of such area within the proposed subdivision for public purposes.

## ARTICLE 9: GRADING AND DRAINAGE

### Section 901. Grading Plan

A grading plan for the subdivision shall be submitted to and approved by the City Engineer. The plan shall include the following information:

- A. *Final Site Grading Plan:* The site grading plan shall show contours with intervals acceptable to the City Engineer. The plan shall also show the drainage arrows for each lot.
- B. *Final Street Grading Plan:* The street grading plan shall show percent slope for all proposed streets, drainage arrows, and location and size of culverts.

### Section 902. Drainage Plan

All drainage facilities, including on-site detention, drainage ways, detention ponds and drainage channels, shall be shown on a drainage plan and approved by the Authorized Official and other appropriate city officials. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the City determines the potential exists for impact beyond the development area, both upstream and downstream. The plan shall provide the following information:

- A. Existing and proposed contour lines and the surface water drainage system, including any major alteration of the existing drainage pattern. Drainage ways and detention ponds shall be designed for a 100-year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated. Major drainage ways which are a designated part of the major drainage system shall have sufficient land area dedicated to the City. The area to be dedicated shall include the entire area which would be inundated by the 100-year design storm. The City may require an additional 12 feet on each side of said drainage way for maintenance and access.
- B. Detention pond sites which are designated parts of the major drainage system shall have sufficient land area dedicated to the City. The area to be dedicated shall include the entire area which would be inundated by the 100-year design storm. The City may also require an additional 12 feet on the perimeter of the pond site in order to provide for maintenance and access. The boundaries of all drainage easements and detention ponds shall also be indicated on the plat. The maintenance agreement for the upkeep of the detention ponds, in form and manner acceptable to the City, shall be filed with the plat.
- C. Individual lot drainage shall be coordinated with the general surface drainage pattern for the area. Drainage shall be designed so as to avoid a concentration of storm drainage water from each lot to adjacent lots. Lot corner elevations shall be shown for each lot which shall conform to the general lot drainage plan.

Wherever possible, developer shall utilize existing City storm sewer. Detention ponds shall be encouraged when no other feasible alternative exists or the existing system does not have the capacity to handle the post-developmental flows. Any such pond shall be designed for the absolute minimum term of storage.

### **Section 903. Approval Limitation**

Approval of a drainage plan shall not be construed to confer upon any person any right or easement to divert or drain water from the development area over any other lands for which legal drainage rights have not been otherwise established.

## **ARTICLE 10: EROSION CONTROL PLAN**

## **Section 1001. Specifications**

Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Turner County Conservation District and state/federal surface water discharge requirements. Stripping of vegetation, regrading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. The Authorized Official, with assistance of the Conservation District, shall require any further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on streets or other property. Erosion control plans shall show:

- A. All proposed land disturbance including areas of excavation, grading, filling, removal, or destruction of topsoil and spreading of earth material.
- B. Provisions for erosion control during construction. Such provisions shall include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion will be designed to withstand the two year rain and be shown on the plan.

## **Section 1002. Existing Features**

Existing natural features which would add value to residential development or to the community as a whole, such as trees, water courses, historical and/or scenic sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision.

# **ARTICLE 11: ASSURANCES FOR COMPLETION OF**

## **MINIMUM IMPROVEMENTS**

### **Section 1101. Assurances for Subdivisions within City Limits**

No plats of any subdivision shall be approved unless the improvement(s) required by this ordinance have been installed prior to such approval or unless the developer shall have signed an assurance agreement to establish the responsibility for construction of such improvements in a satisfactory manner and within a time period specified by the City, such period not to exceed one year. An extension of that one-year period may be granted at the discretion of the City Council. This assurance agreement shall be recorded with the Register of Deeds at the time of the filing of the plat.

## **ARTICLE 12: CERTIFICATES REQUIRED**

### **Section 1201. Certificates for Preliminary Plans, Plats and Replats**

Certificates shall be attached to the preliminary plan, plat, or replat in a form in compliance with state law and acceptable to the City, which at minimum as appropriate shall provide for City Planning Commission and City Council approval, a Registered Land Surveyor's certification, owner's certification, and county office certification and information.

## Article 13 - Definitions

Authorized Official. The person appointed by the City Council to direct the activities of the Planning Department and to administer and enforce the provisions of these regulations.

Arterial. A principal traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the major street plan or as designated by the City Council.

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

City. City of Hurley, South Dakota.

City Council. The elected governing body of the City.

Collector. A street which carries traffic from local streets to arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation in such development.

Comprehensive Plan. An official document of the City which guides land use for development.

Covenants. Those declarations prepared by the developer and intended to be recorded along with the Plat, which may provide for restrictions and controls of land uses and development within the subdivision, and which shall including a method whereby all private roadways within the subdivision shall be improved and maintained until such time as the obligation thereof may be accepted by the City or other governmental unit.

Cul-de-Sac. A local road with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Dedicated. A grant of land to the public for their perpetual use.

Developer. Any person who converts undeveloped land into legally platted, buildable lots. The developer may or may not be the land owner or the builder of structures which occupy the lots.

Double Frontage. A lot which abuts a road 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.

Final Plan. The final plan shall be comprised of final drainage plans, grading plans and the erosion control plan, and the plat, in duly executed and recordable form.

Frontage Street. A street generally located adjacent to an arterial street, with limited access to the arterial, and used only for access to abutting property.

Local Street. A street intended to provide access to arterial and collector streets from individual lots and to provide right-of-way for various utilities, but not intended to be used for through traffic.

Lot. A tract, plat or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Major Street Plan. The street plan adopted as part of the Comprehensive Plan.

May. Permissive.

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

Owner. The title holder of property, on file at the County Register of Deeds.

Person. Any individual, firm, partnership, association, corporation, organization, or other legally recognized entity.

Planning Commission. The Planning Commission as duly appointed by the City Council.

Plat. A map, or representation on paper (or, when required for recording and microfilming purposes, mylar or similar substances) of a piece of land subdivided into lots, parcels, tracts or blocks, including Streets, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Preliminary Plan. The preliminary plan shall consist of the preliminary subdivision plan, and the preliminary drainage plan, grading plan, erosion control plan, and proposed covenants.

Preliminary Subdivision Plan. Drawing or drawings indicating the proposed layout of the lots, blocks, roadways, and public rights-of-way within a subdivision.

Replat. A change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way. A strip of land occupied by a road, railroad, pedestrian walkway or other special 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 final 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. Rights-of-way shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Shall. Mandatory.

Street Superintendent. The person appointed by the City Council to direct the operations of the Street Department.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences and signs.

Subdivider. A person who prepares or causes to be prepared a subdivision plat.

Subdivision. The division of a parcel of land into two or more lots; or parcels ten (10) acres or less in size platted for the purpose of the 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.