

# SULLY COUNTY SUBDIVISION ORDINANCE

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**ARTICLE ONE**  
**GENERAL PROVISIONS**

**Section 101. Title**

This Ordinance may be referred to as the SUBDIVISION ORDINANCE of Sully County, South Dakota.

**Section 102. Purpose**

It is the purpose of this Ordinance to regulate the subdivision of land so as to provide coordination of roads with other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sanitation facilities, drainage and flood control; to foster efficient and orderly growth within unincorporated areas of the County compatible with the natural environment; to prevent premature land subdivision; to protect and provide for the public health, safety, and general welfare of the County; to conform with the comprehensive plan; and to assist in coordination of other official controls of the County as set forth in the Zoning Ordinance and, if applicable, the Drainage Ordinance.

**Section 103. Jurisdiction**

- A) These subdivision regulations shall apply to all subdivisions of land, as described herein, located within the unincorporated area of Sully County outside any municipal jurisdiction as set forth under SDCL § 11-6-26.
- B) It shall be unlawful for any person having control of any land within the jurisdiction of the Sully County to subdivide or layout such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.
- C) No land shall be subdivided until the owner or developer has submitted the preliminary plan, if required, to the Planning Commission for its approval.
- D) No plat shall be recorded in the Office of the Register of Deeds and no lots shall be sold from such plat unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of unplatted property except in accordance with this ordinance.

**Section 104. Conformity with Other Plans**

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

- A) The Comprehensive Plan for the County and the policies set forth therein.
- B) The Zoning Ordinance of the County, as amended or revised.
- C) The Official Zoning Map of the County, as amended or revised.
- D) Other plans, regulations, resolutions or ordinances which may be or have been adopted that would affect the subdivision and the use of land, including the Drainage Ordinance, as may be adopted by the County, Nuisance Ordinance, and other applicable ordinances, resolutions or other regulations of the County.

## Section 105. **Interpretation, Abrogation, Severability, and Repeal**

- A) In interpreting and applying the provisions of this Ordinance, these regulations are the minimum requirement for the promotion of public safety, health, and general welfare. It is not the intent of this Ordinance 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.
- B) Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any portion thereof.
- C) This Ordinance hereby repeals the provisions of any other ordinance in conflict herewith.

## Section 106. **Amendments**

For the purpose of providing for the health, safety and general welfare of the community, the Board of County Commissioners may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and/or the Board of County Commissioners in the manner prescribed by law.

## Section 107. **Definitions**

**Arterial:** a principal traffic artery which is more or less continuous across the County.

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

**Collector:** a road which carries traffic from local roads to arterial roads and highways, including the principal entrance roads of a residential development and roads for circulation in such development.

**Comprehensive Plan:** the plan for the future development of Sully County and approved as the guide for future development including any legally adopted part, adjunct, official control, or element of the Comprehensive Plan of Sully County.

**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 County or other governmental unit.

**County:** Sully County, South Dakota.

**Board of County Commissioners:** the duly elected governing body of Sully County.

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

**Dead End Street:** a street or road other than a cul-de-sac with only one outlet and no turnaround.

**Dedicated:** a grant of land to the public for their perpetual use.

**Developer:** any person who converts raw or undeveloped land into legally platted, buildable lots. The developer may or may not be the owner of the parcel or the builder of the 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, erosion control plan, construction plans and profiles for improvements and the plat, in duly executed and recordable form.

**Frontage Road:** a road generally located adjacent to an arterial road and used only for access to abutting property. The frontage road provides limited access to the arterial road.

**Half Street:** a roadway of which only a portion of its right-of-way has been platted.

**Highway Superintendent:** the person appointed by the Board of County Commissioners to direct the operations of the Highway Department and the person directly responsible for the design and construction of streets and other public works.

**Improvements:** changes and additions to land necessary to prepare it for building sites, and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, watermain, sidewalks, pedestrian ways and other public works and appurtenances.

**Local Road:** a road intended to provide access to arterial and collector roads from individual properties and to provide right-of-way beneath it 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 Transportation Plan:** the transportation plan adopted as part of the Comprehensive Plan by the County Commission.

**Monument/Corner Marker:** all corner markers including points of curvature set by licensed land surveyors, whether they are retracement surveys, aliquot boundaries, or the subdivision of lands, must either be constructed of ferrous metal or must contain sufficient magnetic material so that the markers can be found with metal detecting devices. All corner markers set by licensed land surveyors must have affixed to the top of the corner marker a device commonly known as a survey cap which clearly shows the registration number of the surveyor. The minimum size of the monument/corner marker shall be not less than 1/2 inch diameter, with a minimum length of 18 inches.

**Planning Commission:** the body appointed by the County Commission.

**Planning Director:** the person appointed by the County Commission to direct the activities of the Planning Department and to administer and enforce the provisions of this Ordinance.

**Planned Unit Development:** a method to permit diversification in development of land in the county without in any way jeopardizing or reducing zoning standards which promote the public safety, convenience, health, general welfare, as well as preserve personal and property rights.

**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 roads, 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, preliminary drainage plan, grading plan, a certificate of intent for the erosion control plan, soils engineering and engineering geology report, a plan for the Planned Unit Development (P.U.D.) 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.

**Private Roadway:** one that has not been dedicated, but rather reserved as public access to property. The private roadway shall be owned and maintained by, or at the direct expense of, the property owners within the subdivision which it serves, and shall be the full width of the easement including the driving surface and ditches.

**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.

**Structures:** anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

**Subdivision:** the division of a single parcel of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership, or building development whether future or immediate, or any re-platting or other division of land involving a new road regardless of parcel size or the number of parcels. The division of land for agricultural use into parcels, all of which are forty acres or more in area and have 400 feet or more of street or road frontage and which do not involve the creation of any new street or a road, easement or other dedication, shall be exempt from the requirements of these regulations, provided however, that the landowner complies with the provision of applicable statutes and regulations.

## **ARTICLE TWO ENFORCEMENT**

### **Section 201. Powers and Duties**

- A) The Planning Director is hereby authorized to enforce all provisions of this Ordinance, to make interpretations thereof, and to adopt and enforce rules and supplemental regulations in order to administer and clarify its provisions. Any appropriate actions may be taken by law or in equity to prevent any violation of this Ordinance, 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.
- B) In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

### **Section 202. Variations and Exceptions**

Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of this Ordinance would result in real difficulties or substantial hardship or injustice, after a report detailing the exception or variance by the Planning Director, may recommend and the Planning and Zoning Board may approve modifications in the requirements so that the developer may develop the property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this ordinance are preserved.

### **Section 203. Violations**

- A) No person, firm, or corporation shall transfer, sell, or negotiate to sell any parcel either by reference to, exhibition of, or by the use of a subdivision plan before a plat of such subdivision has been approved by the County in accordance with this Ordinance and has been filed with the Sully County Register of Deeds.
- B) The subdivision of any lot or any parcel of land, by the metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading the terms of this Ordinance shall not be permitted.
- C) No zoning permit or building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this Ordinance.

### **Section 204. Penalties**

A violation of this Ordinance may be punishable by a \$200 fine. Should the violation continue and no attempt is made to correct the violation, a complaint may be filed with the Sully County States Attorney. Any person, firm, or corporation continuing to violate the provisions of this Ordinance may be subject to a maximum penalty of a \$200 fine, 30 days in jail, or both, or up to the maximum penalty allowed by law. Each and every day that the violation continues may constitute a separate offense.

**ARTICLE THREE**  
**SUBDIVISION PLANS**  
**IN GENERAL**

**Section 301. Plat Required**

Whenever any subdivision of land within the County and scope of this Ordinance is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer, owner, or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth below.

**Section 302. Recording, Use and Selling**

- A) No plat of any subdivision shall be allowed to be recorded with the Sully County Register of Deeds or have any validity until it has been approved by the Board of County Commissioners. According to SDCL 11-3-6, the Board of County Commissioners may by resolution designate an administrative official of the county to approve plats. If any such unapproved plat is recorded, it is invalid and the Board of County Commissioners shall institute proceedings to have the plat stricken from the records.
- B) No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein and the lot comers have been set.
- C) No local agency (including the Planning Director) shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance if it is found that such real property is being developed in a manner contrary to this Ordinance, and the public health, safety, or welfare. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of his or her interest in said real property.

**Section 303. Plat Approval Process**

- A) All proposed subdivision plats must be approved by the Planning Commission and/or Board of County Commissioners through a three-phase development process. When less than three (3) lots are being platted, the requirements for a sketch plan and preliminary plan may be waived by the Planning Director. All plans and plats referred to in this Section 303 shall be prepared by a registered professional engineer and land surveyor, or other professional consultant or advisor, in conformity with requirements of state law.
  - 1) *Pre-Application Procedure:* Prior to the submission of the preliminary plan to the Planning Commission, the developer shall present a sketch of the proposed plan to the Planning Director for discussion and comments regarding the ultimate land use of the proposed development, the suitability of the location of the



proposed subdivision, the most advantageous subdivision plan, the requirements for the general layout of roads, reservations of land, road improvements, drainage, and similar matters as well as the availability of services.

- 2) *Preliminary Plan:* Based on the discussion of the pre-application, the applicant may submit the preliminary plan at least two (2) weeks prior to a meeting of the Planning Commission for approval. The preliminary plan shall provide all of the information indicated in Section 401. This plan will be subject to review by the Planning Director and Highway Superintendent, and approval of the Planning Commission.
  - 3) *Final Plan:* The final plan shall consist of the plat, the final drainage and grading plan, final sediment and erosion control plan, construction plans and profiles and covenants and the P.U.D., executed for recording. This information shall be submitted at least two (2) weeks prior to a meeting of the Planning Commission for approval. The plat shall provide the information indicated in Section 5.02 and shall require the review of the Planning Director and Highway Superintendent, and approval of the Planning Commission and the Board of County Commissioners. Either all or a portion of the preliminary plan may be platted for approval by the Board of County Commissioners.
- B) *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 601. The Planning Director may waive the requirements for a preliminary plan.
- C) *Filing Fee:* The developer shall pay to the Planning Department prior to filing the plat a fee in the amount of \$30.00 for the plat plus \$5.00 for each lot shown on the plat or replat. Prior to the issuance of building permits, the developer shall have completed installation of such road signs as may be required under Section 801 (C) to the satisfaction of the Planning Director and the County Highway Superintendent. Prior to the issuance of building permits for specific lots, the road to the lot must be completed.

**ARTICLE FOUR**  
**PRELIMINARY PLAN**

**Section 401. Information Required**

Whenever a preliminary plan is proposed, the developer shall prepare such preliminary plan at a scale of 100 feet to an inch, or 200 feet to an inch, on sheets 11 X 17 inches in size. Six copies of the preliminary plan shall be filed with the Zoning Officer.

The preliminary plan shall contain the following:

*A) Preliminary Subdivision Plan*

- 1) 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. All subdivision names shall be subject to approval by the Planning Director.
- 2) The names of all adjacent subdivisions and their platting pattern. A statement verifying the current zoning classification of the platted property and the current zoning classification of all adjacent property.
- 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 area for at least one 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, width and name of all proposed and existing private roads, public road rights-of-way, existing structures, easements, section lines, 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 ten feet. A lesser interval may be required in those cases where the character or topography of the land is difficult to determine.
- 10) A systematic lot and block numbering pattern, lot lines and road names.
- 11) Approximate dimensions and acreage of all lots.
- 12) Location of all existing roads abutting or serving the proposed subdivision, including an estimate of the vehicular traffic to be created by full development of the subdivision, a statement regarding the effect thereof on such roads, and the nature or character of all improvements as may be required for such roads to properly serve the proposed subdivision.
- 13) Certificates of approval for endorsement by the Planning Commission and County Commission.

## B) *Other Preliminary Plan Documents*

Generally, the following plans, writing, documents or proposed instruments shall be submitted in conjunction with the preliminary plan:

- 1) *Preliminary Drainage and Grading.* The existing drainage pattern for the area should be generally shown, including plans or proposals 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) *Certificate of intent to comply with Sediment and Erosion Control Standards.* A certificate of intent to comply with the Sediment and Erosion Control Standards of the Sully County Conservation District.
- 3) *Covenants.* Proposed covenants to run with the land providing restrictions or other limitations on land use or development within the subdivision, including a road maintenance agreement for all private roads within the subdivision.
- 4) *Soils Engineering and Engineering Geology Report.* The soils engineering report shall include data regarding the nature, distribution, and strength of existing soils, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. The engineering geology report shall include an adequate description of the geology of the site including groundwater conditions, surface runoff, and flood plains, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. The reports may be combined if the authors are qualified to address both engineering subjects.
- 5) *A Plan for the Planned Unit Development (P.U.D).* A plan prepared by the developer to be filed along with the final plat that includes the lot size and purpose, dwelling types and purposes, resubdivision of lots, utilities, maintenance of roadways, and any other provisions for the use and development of the subdivision.

### Section 402. **Approval of Preliminary Plan**

The preliminary plan shall be considered for approval or disapproval by the Planning Commission. The approved plan shall be kept on file in the office of the Planning Director. 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 403. **Effective Period of Preliminary Plan Approval**

The approval of a preliminary plan shall be effective for a period of three years, at the end of which time approval of the subdivision plat or a portion thereof must have been obtained from the Board of County Commissioners. Any plan which has not received approval for all or a portion of it within the period of time set forth herein, shall be null and void, and the developer shall be required to resubmit a new plan for preliminary approval subject to any new subdivision regulation.

**Section 404. Revisions to Preliminary Plan**

Minor amendments to an approved preliminary plan may be made at the discretion of the Planning Director and County Highway Superintendent.

**Section 405. Informal Review and Determination of Need for Professional Assistance**

The Planning Director may informally review the Preliminary Plan with the Planning Commission, without notice and hearing, and if as a result of such informal review and if requested by the Planning Commission, the Planning Director may direct the developer to retain, at developer's sole expense, a registered engineer, architect, landscape architect or other professional consultant or advisor ("professional assistance"), to consult with and advise the Planning Commission on any or all aspects of the Preliminary Plan. The review process of the Preliminary Plan may be continued during the period of any such consultation. If the developer fails to promptly retain and provide such professional assistance upon request of the Planning Director, as provided, the Preliminary Plan shall be deemed to have been withdrawn by the developer. The procedures provided in this Section 405 may be further requested and invoked, for good cause, by the Planning Director, the Planning Commission or the Board of County Commissioners at any other or additional stage of approval of Preliminary Plans or Final Plans.

**ARTICLE FIVE**  
**FINAL PLANS AND THE PLAT**

**Section 501. Final Plans**

Following the approval of the Preliminary Plan, if the developer wishes to proceed, final plans shall be submitted to the Planning Director and Highway Superintendent for review and approval.

- A) *A Sediment and Erosion Control Plan.* A sediment and erosion control plan prepared by a qualified engineer in accordance with the sediment and erosion control standards of the Sully County Conservation District. The sediment and erosion control standards shall be enforced by Sully County. A certification from the Natural Resource Conservation Service or the Corps of Engineers that the development does not include any wetland areas, or if wetlands are present, a 404 permit from the Corps of Engineers. If the development disturbs more than 5 acres of land, a storm water discharge permit is required from the S.D. Department of Environment and Natural Resources.
- B) *Final Drainage and Grading Plans.* Where a subdivision is bounded by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for drainage.
- C) *Plan and Profiles.* A plan and profile shall be submitted on a sheet 11" by 17" of each street with top of grades shown on plan, profile and cross-section of proposed streets and roads showing the width of the roadway, driving surface, shoulders and ditch or curb and gutter. Scales shall be as approved by the Sully County Highway Superintendent and the Planning Director. A plan and profile of proposed sanitary sewers, storm sewer and water mains with grades and pipe sizes indicated. Two (2) sets of plans, for roadway construction, sanitary sewer, storm sewer and water mains prepared by a registered civil

engineer, shall be filed with the Sully County Highway Superintendent prior to any construction in the subdivision.

Upon completion of construction of any such utilities or improvements, one set of as-built plans dated, signed and certified by the engineer in charge shall be filed with the Director of Equalization showing all features as actually installed, including materials, size, location, depth or elevation, numbers, ends of lines, connections, wyes, valves, storm sewer drains, inlets and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the foregoing has been complied with.

#### Section 502. **The Plat**

Two copies and one reproducible mylar of the plat shall be submitted to the Planning Director for review and approval by the duly authorized and required agencies of and officials acting for Sully County. The plat shall be drawn to an appropriate scale 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, the sheets shall be numbered by current sheet and the number of total sheets of the plat (example: sheet 1 of 3, sheet 2 of 3 ... ). Plats which describe large agricultural tracts may be drawn at a scale of 200, 300 or 400 feet to an inch. 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:  
\_\_\_\_\_ (Name) \_\_\_\_\_ Addition in the \_\_\_\_\_ quarter, Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ W of the 5th P.M., Sully County, South Dakota.
- B) Scale and north arrow.
- C) The names of all adjacent subdivisions, all lot and block lines, section lines, type of easements, and rights-of-way. The current zoning classification of the platted property and the current zoning classification of all adjacent property.
- D) A systematic lot and block numbering pattern, 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, easements and private roadways. Easements across lots or centered on or near side lot lines shall be provided for utilities when necessary and shall be at least twenty (20) feet wide, ten (10) feet on each side of the respective lot lines.
- 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, either set or located. Monuments shall be set at all subdivision corners.
- H) The location and description of any portions of the property intended to be dedicated or granted for public use.

- I) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, roads, 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 roads and radii for rounded corners.
- K) Any boundaries or areas of designated floodways or flood hazard areas.
- L) Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of roads, alley, parks or other open spaces shown thereon and the granting of easement required.
- M) All formal irrevocable offers of dedication for all roads and other uses as required.
- N) Certificates as specified in Article Thirteen of this Ordinance.

Approval of the final plan and plat by the County Commission shall not constitute any commitment nor create any enforceable expectation in the Developer that the County will approve any subsequent stage of the development.

#### Section 503. **Road Names**

- A) Roads obviously in alignment with existing roads shall bear the names of those roads, where possible, and not otherwise in conflict with subsection B.
- B) Roads shall be named, numbered or lettered consistent with the South Dakota Rural Addressing System and Rural Addressing Grid, as provided in ARSD 50:02:03 and any ordinance implementing same.
- C) No road names shall be used which duplicate, be the same in spelling or alike in pronunciation with any other existing roads. Road names shall not exceed 15 letters, including spaces. Except as may be otherwise required under subsection B above, road name suffixes shall be applied as follows:
  - *Street* – a road running east and west
  - *Avenue* – a road running north and south
  - *Road* – a road which runs diagonally or meanders, and which is not appropriate to name as a street or avenue
  - *Place* – dead end roads over 500 feet long
  - *Courts* – dead end roads under 500 feet long
  - *Loops* – roads which begin and end on the same road

**ARTICLE SIX**  
**REPLATS AND PLAT**  
**VACATIONS**

**Section 601. 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, then 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 602. 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 Board of County Commissioners for approval. Vacation of a plat may be approved when the vacation will not interfere with the development of, nor deny access via public roads, to adjoining properties, utility services, or other improvements. Refer to SDCL chapter 11-3-16 through 11-3-26 for vacation of plats.

**ARTICLE SEVEN**  
**LOTS AND BLOCKS**

**Section 701. Blocks**

- A) The length, width, and shape of blocks shall be determined with regard to:
  - 1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2) The need for convenient access, circulation, and safety if traffic.
  - 3) Topographic conditions.
- B) Block lengths shall generally not exceed 1,200 feet in length and shall be normally wide enough to provide for two tiers of lots of an appropriate depth.

**Section 702. Lots**

- A) Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on all lots in compliance with the zoning regulations.
- B) The minimum lot width required by the zoning regulations shall be measured along the building setback line.

- C) Comer lots for residential use shall have extra width to permit adequate building setbacks from both roads.
- D) Side lot lines shall be at right angles to roads except on curves where they are radial, or when otherwise approved.
- E) Double frontage and reverse frontage lots shall be avoided except where essential to separate a development from traffic arteries, or to overcome specific disadvantages of topography and orientation. Driveways for such lots shall have access only to an interior subdivision road. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of higher traffic volumes.
- F) Plats for residential development adjacent to functioning railroad rights-of-way shall provide additional lot depth or width to provide for sufficient setback to offset the impact of the railroad traffic.
- G) Each lot shall abut a dedicated public right-of-way, approved private roadway or have an appropriate easement to a public road.
- H) Minimum lot size required by the Zoning Ordinance regulations shall not include any public right-of-way or private roadway easements.

**ARTICLE EIGHT**  
**MINIMUM ROAD IMPROVEMENTS**  
**AND DESIGN STANDARDS**

**Section 801. Arrangement and Design**

- A) Roads shall provide public convenience and safety and shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.
- B) All new subdivision roads (including private roads) shall be properly integrated with the existing system of roads; there should be a road connecting adjacent subdivisions where topographical and land use considerations permit. Roads shall be completed prior to the issuance of building permits.
- C) To insure consistent signage throughout the County, developer or owner shall install road signs at all road intersections, both public and private, and along roads within the new subdivision, at such places, manner and in accord with specifications as approved by the County Highway Superintendent. Signs shall be installed prior to the issuance of any building permits.
- D) All section line roads shall be extended to the boundary lines of the tract to be subdivided on the side the subdivision is accessed, unless prevented by topography or other physical conditions.
- E) The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.
- F) All subdivision roads shall be permanently dedicated as public rights-of-way and accepted by the Sully County Commission, or shown as private roadways.



- G) Dead end roads or streets are prohibited except that where the Comprehensive Plan indicates a road is to continue past the developer's property, a temporary dead end with a turnaround may be allowed until such time as the road is continued.
- H) Half road or streets are prohibited, except that they may be required to complete the remaining half of the highway already dedicated or where the Comprehensive Plan indicates that the alignment of the road will center on the property line.

#### Section 802. **Minimum Road Right-of-Way**

- A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 66 feet shall be reserved for private roadways. A right-of-way of 100 feet may be required on any roads built on section lines or designated as arterial or collector. The owner shall dedicate 17 feet of added right-of-way on the side of any section line r-o-w wherever the owner's land abuts the section line r-o-w.
- B) Cul-de-sacs are not encouraged but will be allowed where, due to physical constraints, they are necessary for the reasonable development of the subdivision. Every cul-de-sac shall have a turnaround at its closed end with a minimum radius of 65 feet and the length of the road shall be generally limited to 1,000 feet. This shall also apply to private roadways.

#### Section 803. **Section Line Road Standards**

- A) Design criteria for section line roads shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).
- B) Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances warrant.
- C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.
- D) Minimum width of the driving surface shall be 24 feet, plus two-foot shoulders. The in-slope of the road shall be a minimum depth of 3 feet wide with a maximum slope of 4:1, ditch bottoms of 10 feet wide, and minimum backslopes will vary. The minimum clear zone shall be 10 feet wide.
- E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the South Dakota Department of Transportation (SDDOT). Asphalt surfaces shall, at a minimum, be a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.
- F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends

of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

- G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".
- H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Note: See the attached typical cross sections for a section line road, a rural subdivision road and a curb and gutter street.

#### Section 804. **Subdivision Road Standards**

- A) Design criteria for subdivision roads shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).
- B) Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances warrant.
- C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.
- D) Minimum width of the driving surface shall be 20 feet, plus two-foot shoulders. The minimum slopes shall be 3:1 and the minimum clear zone shall be 10 feet wide.
- E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the SDDOT. Asphalt surfaces shall, at a minimum, be a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.
- F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.
- G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".
- H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.
- I) Streets with curb and gutter shall meet the requirements in the attached cross section for a curb and gutter street.

Note: See the attached typical cross sections for a section line road, a rural subdivision road and a curb and gutter street.

**Section 805. Private Roadways**

- A) Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
- B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
- C) Any plat presented for County Commission approval which shows a private roadway as a means of access shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.
- D) All road standards specified in Section 803 shall also apply to private roadways.

Note: See the attached typical cross sections for a section line road, a rural subdivision road and a curb and gutter street.

**Section 806. Intersections and Approaches**

- A) Acute angles at road intersections are to be avoided in so far as possible, but in no case with an angle of less than 80 degrees be permitted.
- B) Not more than two roads shall intersect at one point unless specifically approved.
- C) Intersection offsets of less than 300 feet shall not be permitted.
- D) Two approaches may be permitted on each side of each half-mile segment of county primary highways. Where possible, the approaches on the opposite side of the highway shall be at the same location.
- E) No approach shall be constructed into private subdivisions without first obtaining permission from the Sully County Highway Superintendent. The landowner shall be responsible for constructing the approach in conformance with specifications relating to location, width, in-slope, safety, culvert size, drainage, and other factors as determined by the Sully County Highway Superintendent. Approaches shall be in compliance with the South Dakota Department of Transportation’s Road Design Manual.

**Section 807. Subdivision Signs**

Subdivision signs shall be non-illuminated and shall include information pertaining only to the subdivision for a period of 4 years following the filing date or until 75% of the lots have been sold, whichever occurs first, at which time the sign shall be removed. Subdivision signs shall be subject to the space limits of the district in which located and shall not be located closer than 75 feet from property owned by other than the developer. The size of the sign shall not be greater than the following:

<u>Sign Size</u>	<u>Number of Lots in Subdivision</u>
40 square feet	3 to 10
64 square feet	11 to 25
80 square feet	26 or more

**ARTICLE NINE  
GRADING AND  
DRAINAGE**

**Section 901. Grading Plan**

The final grading plan for the subdivision shall be submitted to and approved by the Planning Director and Highway Superintendent.

- A) Final Site Grading Plan: The grading plan shall show the contours with intervals acceptable to the Planning Director. The site grading plan shall also show the drainage arrows for each lot.
- B) Final Road Grading Plan: The road grading plan shall also show the drainage arrows for each lot.

**Section 902. Drainage Plan**

All drainage facilities including on-site detention, drainageways, detention ponds and drainage channels shall be shown on the drainage plan and is subject to the approval of the Planning Director and Highway Superintendent. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the County determines that 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. Drainageways and detention ponds shall be designed for a 25-year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.
- B) The boundaries of all drainage easements and detention ponds. A maintenance agreement for the upkeep of the detention ponds 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.
- D) Surface water shall not be carried across or around any intersection.
- E) Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain a culvert under the driveway when construction commences.

Approval of a developer's drainage plan shall not be construed to confer upon developer, or any successor or other person claiming under the developer or owner of the lands covered therein, any right or easement to divert or drain waters from any portion of the development area over any other lands for which legal drainage rights have not been otherwise established.

**ARTICLE TEN**  
**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 Sully County Conservation District. Stripping of vegetation, regrading and cut and fill operations shall 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 Planning Director, 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 roads or other property. Every effort shall be made to retain the natural vegetation on all ditches and drainageways. Ditches and drainageways will not be disturbed without the approval of the Planning Director. 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, and similar irreplaceable assets, should be preserved in the design of the subdivision.

**ARTICLE ELEVEN**  
**SEPTIC SYSTEMS, WATER SUPPLY**  
**AND FIRE HYDRANTS**

**Section 1101. Septic Systems**

In subdivisions where buildings are to be served by septic tanks, the size of lots shall be sufficiently large to meet the minimum requirements of the zoning district in which it is located to accommodate adequate drainage fields. The practicality of septic tank disposal shall be approved by the South Dakota Department of Environment and Natural Resources (SDDENR) before approval of lot sizes. Septic systems shall be installed by certified installers.

**Section 1102. Water Supply and Fire Hydrants**

Water supply shall be completed to each lot in accordance with standard specifications of Sully County. In the event water is to be supplied by wells, lot sizes shall be large enough so as to assure that there will be no conflict between sewage disposal and water supply. The practicality of safe water supply by this method shall be approved by the SDDENR.



*If the plat is a replat, include:*

We further certify that this platting of said described (New Subdivision Name) does hereby vacate the following platting: (Legal Description of old plat) on file at the Register of Deeds Office in Book \_\_\_\_, Page \_\_\_\_, said plat, hereby vacated, being situated within described (New Subdivision Name) as surveyed.

ACKNOWLEDGEMENT OF OWNERS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned officer, appeared (Name), known to be the person described in the foregoing instrument and acknowledge to me that they signed the same.

IN WITNESS WHEREOF, I hereby set my hand and seal.

Notary Public:

My commission expires:

CERTIFICATE OF SURVEYOR

STATE OF SOUTH DAKOTA  
COUNTY OF SULLY

I, (Name), Registered Land Surveyor No. \_\_\_\_ in the State of South Dakota do hereby certify that at the request and under the direction of the owner, I made the survey and within plat. I hereby certify that the above plat is in all respects correct and that the location and dimensions are shown on the above plat.

IN WITNESS WHEREOF, I have set my hand and this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL) Registered Land Surveyor

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Sully County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the record in my office.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Treasurer of Sully County

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Sully County, do hereby certify that I have on record in my office a copy of the foregoing plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Director of Equalization of Sully County

CERTIFICATE OF PLANNING COMMISSION

I, (Name), do hereby certify that the Sully County Planning Commission recommends approval of the above plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairperson

CERTIFICATE OF COUNTY COMMISSION

RESOLUTION NO.

A RESOLUTION APPROVING THE PLAT OF (LEGAL DESCRIPTION).

WHEREAS, the plat of the above described property has been executed according to statute, now therefore:

BE IT RESOLVED that the County Commission, in and for Sully County, does hereby approve the said plat of (legal description).

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairperson

(SEAL)

I, Auditor of Sully County, do hereby certify that at an official meeting on \_\_\_\_\_, 20\_\_, the County Commissioners did by resolution approve the plat of (legal description).

Auditor of Sully County

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_, @ \_\_\_\_\_ a.m./p.m.

Register of Deeds of Sully County