

**COPY**

**THE SUBDIVISION ORDINANCE  
OF  
MCCOOK COUNTY, SOUTH DAKOTA**

**PREPARED BY MCCOOK COUNTY PLANNING COMMISSION  
UNDER AUTHORITY OF SDCL CHAPTER 11-2**

**ADOPTED BY ORDINANCE OF  
MCCOOK COUNTY BOARD OF COUNTY COMMISSIONERS**

**DATE: September 26, 2006**

**PUBLISHED: October 5 & October 12, 2006**

**EFFECTIVE DATE: November 01, 2006**

12

## TABLE OF CONTENTS

ARTICLE 1:	GENERAL PROVISIONS	
Sec. 101	Title .....	1
Sec. 102	Purpose .....	1
Sec. 103	Jurisdiction .....	1
Sec. 104	Conformity with Other Plans.....	1
Sec. 105	Interpretation, Abrogation, Severability, Repealer .....	2
Sec. 106	Amendments .....	2
Sec. 107	Definitions .....	2
ARTICLE 2:	ENFORCEMENT	
Sec. 201	Powers and Duties .....	5
Sec. 202	Variations and Exceptions.....	5
Sec. 203	Violations.....	5
Sec. 204	Penalties .....	5
ARTICLE 3:	SUBDIVISION PLANS IN GENERAL	
Sec. 301	Plat Required .....	6
Sec. 302	Recording, Use and Selling.....	6
Sec. 303	Plat Approval Process.....	6
ARTICLE 4:	PRELIMINARY PLAN	
Sec. 401	Information Required.....	8
Sec. 402	Approval of Preliminary Plan.....	9
Sec. 403	Effective Period of Preliminary Plan Approval.....	9
Sec. 404	Revisions to Preliminary Plan .....	10
Sec. 405	Informal Review and Determination of Need for Professional Assistance .	10
ARTICLE 5:	FINAL PLANS AND THE PLAT	
Sec. 501	Final Plans .....	11
Sec. 502	The Plat.....	11
Sec. 503	Road Names .....	12
ARTICLE 6:	REPLATS AND PLAT VACATIONS	
Sec. 601	Replats .....	13
Sec. 602	Vacation of Plats .....	13
ARTICLE 7:	LOTS AND PLOTS	
Sec. 701	Blocks.....	14
Sec. 702	Lots .....	14
ARTICLE 8:	MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS	
Sec. 801	Arrangement and Design .....	16
Sec. 802	Minimum Road Right-of-Way .....	16

Sec. 803	Subdivision Road Standards .....	16
Sec. 804	Private Roadways .....	17
Sec. 805	Intersections .....	18
<b>ARTICLE 9: GRADING AND DRAINAGE</b>		
Sec. 901	Grading Plan .....	19
Sec. 902	Drainage Plan .....	19
Sec. 903	Approval of Drainage Plan .....	19
<b>ARTICLE 10: EROSION CONTROL PLAN</b>		
Sec. 1001	Specifications .....	20
Sec. 1002	Existing Features .....	20
<b>ARTICLE 11: ASSURANCES FOR COMPLETION OF MINIMUM IMPROVEMENTS</b>		
Sec. 1101	Assurances Required .....	21
<b>ARTICLE 12: CERTIFICATES REQUIRED</b>		
Sec. 1201	Certificates for Preliminary Plans .....	22
Sec. 1202	Certificates for Plats and Replats .....	22

## ARTICLE 1: GENERAL PROVISIONS

**Section 101.** *Title:* This Ordinance may be referred to as THE SUBDIVISION ORDINANCE OF MCCOOK 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; and 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 McCook County.
- B. It shall be unlawful for any person having control of any land within the jurisdiction of McCook County to subdivide or lay-out such land in lots, unless by plat, but 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.

**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, Repealer.*

- A. In interpreting and applying the provisions of this Ordinance, these regulations are the minimum requirements 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 county, 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 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.
- *Board of County Commissioners:* The duly elected governing body of McCook 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:* Any legally adopted part, adjunct, official control, or element of the Comprehensive Plan of McCook County.
- *Covenants:* Those declarations prepared by the developer and 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:* McCook County, South Dakota.

- *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 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 and the erosion control plan, and the plat, in due 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.
- *Highway Superintendent*: The person appointed by the Board of County Commissioners to direct the operations of the Highway Department.
- *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*: 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.
- *Planning Commission*: The body appointed by the County Commission.
- *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, 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.
- *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 or into any parcels of ten (10) acres or less in size for the purpose 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.
- *Zoning Administrator:* 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.



## ARTICLE 2: ENFORCEMENT

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

- A. The Zoning Administrator 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 be 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, the Planning Commission, after a report detailing the exception or variance by the Zoning Administrator, may recommend and the Board of County Commissioners 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 McCook 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:** Any person, firm, or corporation violating the provisions of this Ordinance shall 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 3: 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 McCook County Register of Deeds or have any validity until it has been approved by the Board of County Commissioners. 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.
- C. No local agency (including the Zoning Administrator) 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 Zoning Administrator. All plans and plats referred to in Section 303 shall be prepared by a registered professional engineer, or

other professional consultant or advisor, in conformity with requirements of state law.

1. *Sketch Plan:* Prior to the submission of the preliminary plan to the Planning Commission, the developer shall present a sketch of the proposed plan to the Zoning Administrator for discussion and comments regarding 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 sketch plan, the applicant may submit the preliminary plan for approval. The preliminary plan shall provide all of the information indicated in Section 401. This plan will be subject to review by the Zoning Administrator and Highway Superintendent, and approval of the Planning Commission.
  3. *Final Plans:* The final plan shall consist of the plat, the final drainage and grading plan, final erosion control plan, and covenants, executed for recording. The plat shall provide the information indicated in Section 502 and shall require the review of the Zoning Administrator 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 Zoning Administrator may waive the requirements for a preliminary plan.
- C. *Filing Fee:* The developer shall pay to the County a fee in the amount of \$250.00 for the plat plus \$25.00 for each lot shown on the plat or replat. Prior to release of the plat, the developer shall have completed installation of such road signs as may be required under Section 801 (C) to the satisfaction of the Zoning Administrator and County Highway Superintendent.

## ARTICLE 4: 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 15 by 26 inches or 22 by 34 inches in size. Three copies of the preliminary plan shall be filed with the Planning Department, and one copy shall be delivered by the Developer to the clerk of each Township having jurisdiction over the township roads abutting or serving the proposed subdivision (a certificate of the fact of such delivery shall be filed by the Developer). 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 Zoning Administrator.
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 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 and existing private roads, public road 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 five 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 township 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 township roads, and the nature or character of all improvements as may be required for such township 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, writings, 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. *Erosion Control:* 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.
  3. *Covenants:* 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 roads within the subdivision.
  4. *Agreements:* Proposed agreements between the developer and townships identified under Section 401 (A)(12) outlining the assumed or agreed responsibility of the developer to undertake directly, or to pay or reimburse the township for cost of improvements to township roads, bridges, culverts, drainage ways, etc.

**Section 402. Approval of Preliminary Plan:** After the preliminary plan has been recommended for approval or disapproval by the Planning Commission, it shall be submitted to the Board of County Commissioners for its approval or disapproval. The

approved plan shall be kept on file in the office of the Zoning Administrator. 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 regulations.

**Section 404. *Revisions to Preliminary Plan:*** Minor amendments to an approved preliminary plan may be made at the discretion of the Zoning Administrator and County Highway Superintendent.

**Section 405. *Informal Review and Determination of Need for Professional Assistance:*** The Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator, as provided, the Preliminary Plan shall be deemed to have been withdrawn by the developer. The procedures provided in Section 405 may be further requested and invoked, for good cause, by the Zoning Administrator, the Planning Commission or the Board of County Commissioners at any other or additional stage of approval of Preliminary Plans or Final Plans.

## ARTICLE 5: FINAL PLANS AND THE PLAT

**Section 501. Final Plans:** Following the approval of the Preliminary Plan, if the developer wishes to proceed, final drainage, grading and erosion control plans shall be submitted to the Zoning Administrator and Highway Superintendent for review and approval. Any or all of these plans may be deleted at the Zoning Administrator's discretion.

**Section 502. The Plat:** Four copies and one reproducible mylar of the plat shall be submitted to the Zoning Administrator for review and approval by the duly authorized and required agencies of and officials acting for McCook County. 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. 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., McCook County, South Dakota.
- 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, 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.
- 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.
- 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 flood ways or flood hazard areas.
- L. Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of all roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.
- M. All formal irrevocable offers of dedication for all roads and other uses as required.
- N. Certificates as specified in Article Twelve of this Ordinance, including township acceptance of any dedicated roadways.

**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. Provisions:
  - 1. 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 12 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
      - *Lane* - a road running northeast to southwest
      - *Drive* - a road running northwest to southeast
      - *Trail* - a road (including private road) which wanders in different directions
      - *Circle* - all cul-de-sacs, including those located on private roads
      - *Court* - a road with two openings which enters and exists on the same road
      - *Place* - all private roads, other than Trails or Circles



## ARTICLE 6: 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 replotted 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.

## ARTICLE 7: 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 of traffic.
  - 3. Topographic conditions.
- B. Block lengths shall generally not exceed 1300 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. Corner lots for residential use shall have extra width to permit adequate building setbacks from both roads.
- D. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.
- E. Side lot lines shall be at right angles to roads except on curves where they are radial, or when otherwise approved.
- F. 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.
- G. 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.

- H. Each lot shall abut a dedicated public right-of-way, approved private roadway or have an appropriate easement to a public road.
- I. Minimum lot size required by the Zoning Ordinance regulations shall not include any public right-of-way or private roadway easements.

## **ARTICLE 8: MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS**

### **Section 801. *Arrangement and Design:***

- A. Roads 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.
- 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.
- D. Proposed roads shall be extended to the boundary lines of the tract to be subdivided, 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 appropriate township government, or shown as private roadways.

### **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 maximum right-of-way of 100 feet may be required on any roads designated as arterial and collector.
- 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. The minimum radius of a turnaround at the end of a cul-de-sac shall be 65 feet and the length of the road shall be generally limited to 500 feet. This shall also apply to private roadways.

### **Section 803. *Subdivision Road Standards:***

- A. 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.
- B. 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 (including townships).
- C. Minimum width of the driving surface shall be 24 feet, including two foot shoulders. Ditches and driveways shall have a maximum side slope of 4:1.
  - D. If access to the subdivision is not a hard-surfaced road, the subdivision roads may have a gravel driving surface. If access to the subdivision is hard-surfaced or planned for hard surfacing, or if the size or character of the proposed subdivision or development creates a significant traffic impact, the subdivision roads shall be hard-surfaced.
  - E. Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be allowed to settle over one winter season. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt and portland cement concrete surfaces shall be constructed in accordance with specifications of the Highway Superintendent. At a minimum, there shall be a 9-inch granular base course with a 2 ½ -inch thickness of asphalt or a 6-inch thickness of portland cement concrete.
  - F. Culverts under roadways shall be R.C.P. Culverts under driveways shall be either R.C.P. or C.M.P. Flared end sections or slope Portland cement concrete head walls are required on all culverts within the road right-of-way. All joints shall be fabric wrapped.
  - G. The size of culverts shall be determined by a drainage study for the entire subdivision. The minimum culvert diameter shall be 18 inches.
  - H. A cross slope (crown) shall be provided on all asphalt and/or concrete roads at a rate of .02 feet per foot and gravel roads at a rate of .04 feet per foot.
  - I. The road ditch shall be at least 3 1/2 feet below the road grade.
  - J. Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

**Section 804. 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 Owner's Certificate in accordance with Section 1202 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.

**Section 805. Intersections:**

- 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 250 feet shall be avoided.

## ARTICLE 9: GRADING AND DRAINAGE

**Section 901. Grading Plan:** The final grading plan for the subdivision shall be submitted to and approved by the Zoning Administrator and Highway Superintendent.

- A. *Final Site Grading Plan:* The grading plans shall show the contours with intervals acceptable to the Zoning Administrator. The site grading plan shall also show the drainage arrows for each lot.
- B. *Final Road Grading Plan:* The road grading plan shall show percent slope for all proposed roads, drainage arrows, and location and size of culverts.

**Section 902. Drainage Plan:**

- A. All drainage facilities including on-site detention, drainage ways, detention ponds and drainage channels shall be shown on the drainage plan and is subject to the approval of the Zoning Administrator 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:
  - 1. 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 25-year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.
  - 2. 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.
  - 3. 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.
  - 4. Surface water shall not be carried across or around any intersection.
  - 5. 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.

**Section 903. Approval of Drainage Plan:** 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 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 McCook Conservation District. 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 Zoning Administrator, 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 drainage ways. Ditches and drainage ways will not be disturbed without the approval of the Zoning Administrator. 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 county as a whole, such as trees, water courses, and similar irreplaceable assets, should be preserved in the design of the subdivision.



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

**Section 1101.** *Assurances Required:* No plat of any subdivision shall be approved unless the improvements required by this Ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit assuring completion of all required improvements, in such form, manner and amount as shall be acceptable to the Board of County Commissioners. No building permits shall be issued until all required road improvements have been completed.

**ARTICLE 12: CERTIFICATES REQUIRED**

**Section 1201.** *Certificates for Preliminary Plans:* Certificates shall be attached to the preliminary plan in the following form:

**COUNTY PLANNING COMMISSION APPROVAL**

Approval of the Preliminary Plan of (Subdivision Name) Addition is hereby granted by the McCook County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chair, County Planning Commission  
McCook County, South Dakota

**COUNTY COMMISSION APPROVAL**

I hereby certify that the preliminary plan of (Subdivision Name) Addition was duly submitted to the McCook County Board of County Commissioners, and that after due consideration the Board approved said preliminary plan at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Auditor  
McCook County, South Dakota

**Section 1202.** *Certificates for Plats and Replats:* Certificates shall be attached to the plat or replat in the following form:

**SURVEYOR'S CERTIFICATE**

I, (Name), a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before (Date), survey that parcel of land described as \_\_\_\_\_(Legal Description)

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

(SEAL), Registered Land Surveyor

### OWNER'S CERTIFICATE

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, alleys and parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds, whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

### OWNER'S CERTIFICATE FOR PRIVATE MAINTENANCE OF FACILITIES

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision, drainage, and erosion and sediment control regulations.

We also certify that ownership and maintenance of streets, roads, and alleys, parks and other open space, drainage ways and detention areas, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowners Association except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

*If private roadways are shown, include:*

I further grant and certify that the roadway(s) shown as (Names or private roads) are private roadways which are hereby reserved as a permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the Owner, their lessees and assignees have the responsibility with respect to maintaining said private roadway. Said grant is to run with the land. As no dedication to the public is being made of said private roadways, the Owners, their lessees and assignees, of the property platted as (Name of subdivision), shall at their own cost and expense keep and preserve said private roadways at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private roadways which might interfere in any way with the proper maintenance, use, repair,

reconstruction and patrolling of said private roadways. This shall remain in effect until a public entity accepts the roadways as a public dedication.

*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.

State of South Dakota     )  
  )  
County of McCook         )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned officer, appeared (name), known to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness thereof, I have hereunto set my hand and official seal this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

My commission expires:

Notary Public - South Dakota

**TOWNSHIP ACCEPTANCE OF ROAD DEDICATION**

I hereby certify that the Board of Supervisors of \_\_\_\_\_ Township, at an official meeting conducted on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, accepted the roads indicated on the plat of (Name of subdivision).

Clerk, \_\_\_\_\_ Township  
McCook County, South Dakota

**COUNTY PLANNING COMMISSION CERTIFICATE**

Approval of the (Subdivision Name) Addition is hereby granted by the McCook County Planning Commission on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Chair, County Planning Commission  
McCook County, South Dakota

COUNTY COMMISSION RESOLUTION

Be it resolved by the Board of Commissioners of McCook County, South Dakota, that the plat known and described as (Name of plat) is approved and the County Auditor is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon.

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

/s/

Chairman, Board of Commissioners  
McCook County, South Dakota

ATTEST: /s/  
County Auditor

I hereby certify that the above resolution is a true and correct copy of the resolution adopted by the Board of Commissioners of McCook County, South Dakota, at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Auditor  
McCook County, South Dakota

DIRECTOR OF EQUALIZATION

I, the Director of Equalization of McCook County, South Dakota, do hereby certify that a copy of the above plat has been filed in my office.

Director of Equalization  
McCook County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of McCook County, South Dakota, hereby certify that all taxes which are liens upon any land shown in the above plat as shown by the records of my office, have been paid in full.

Treasurer  
McCook County, South Dakota

REGISTER OF DEEDS

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ O'clock, \_\_\_\_M., and recorded in book \_\_\_\_\_ of plats on page \_\_\_\_\_.

Register of Deeds

McCook County, South Dakota

**ORDINANCE NO. 2006-02**

AN ORDINANCE OF MCCOOK COUNTY, SOUTH DAKOTA, ESTABLISHING THE SUBDIVISION ORDINANCE OF MCCOOK COUNTY, SOUTH DAKOTA.

BE IT ORDAINED by the County Commission of McCook County, South Dakota, that this Ordinance establishes subdivision regulations set forth in the document titled Subdivision Ordinance; providing for the administration, enforcement, amendment thereof and providing for repeal of all ordinances or parts thereof in conflict therewith, be approved and adopted, and shall take effect as provided for under the laws of the State of South Dakota.

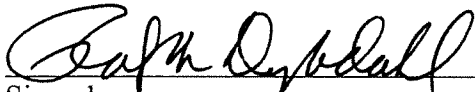
First Reading: September 5, 2006

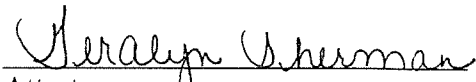
Second Reading: September 26, 2006

1st Publication Date: October 05, 2006

2nd Publication Date: October 12, 2006

Effective Date: November 01, 2006

  
Signed: \_\_\_\_\_  
Chairman, McCook County Commission

  
Attest: \_\_\_\_\_  
Auditor, McCook County

OFFICIAL SEAL:



## NOTICE OF ADOPTION

AN ORDINANCE OF MCCOOK COUNTY, SOUTH DAKOTA, ESTABLISHING THE SUBDIVISION ORDINANCE OF MCCOOK COUNTY, SOUTH DAKOTA.

Notice is hereby given that Ordinance No. 2006-02 establishing subdivision regulations for McCook County, South Dakota, with such regulations being set forth in the document titled Subdivision Ordinance; providing for the administration, enforcement, amendment thereof and providing for repeal of all ordinances or parts thereof in conflict therewith, was duly adopted by the McCook County Commission on the 26th day of September, 2006, and will become effective on the 1st day of November, 2006, unless the referendum shall be invoked. A copy of the subdivision ordinance is available for public review during regular business hours in the office of the Auditor at the McCook County Courthouse.

Geralyn Sherman, McCook County Auditor

PUBLISH DATES: October 5 & 12, 2006