

CITY OF HARRISBURG ORDINANCE #2015-01,
SUBDIVISION REGULATIONS

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

ARTICLE I – PURPOSE

SECTION 1 – PURPOSE.

Ordinance #2015-01 is an ordinance regulating the subdivision of land within the jurisdiction of the City of Harrisburg. It is the purpose of these regulations: to regulate the subdivision of land; to provide for coordination of new streets with existing streets and transportation plans; to set aside adequate areas for public uses, water and sewer facilities, and drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to protect and provide for the public health, safety, and general welfare of the community and; to conform with and implement the City's Comprehensive Plan. The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and reasonably related to the needs of the residents of Harrisburg and the surrounding area.

SECTION 2 – JURISDICTION.

These regulations shall govern all territory within the statutory jurisdiction of the City of Harrisburg, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

ARTICLE II – CHAPTER 9.02 -- SUBDIVISION REGULATIONS.

9.0201 – GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND.

- A. Any subdivision of land within the platting jurisdiction of the City containing two or more lots, no matter how described, shall be platted in compliance with these regulations except for the following:
 - 1. Cemetery gravesite plats or plots which are filed and maintained as a permanent cemetery record; or
 - 2. Right-of-way plats to facilitate the transfer of ownership from a property owner to the City or other government entity for a public right-of-way (e.g., bike path, drainageway, or H lot).

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- B. Any parcel of land of less than forty acres which is located within the platting jurisdiction of the City must be platted prior to the sale or transfer of the land (per SDCL 11-6-40).
- C. The subdivider shall conform to lot densities established by the City's zoning regulations or, if the subdivision is outside of the City's municipal limits, not be less than the minimum lot size established by Lincoln County Zoning Regulations.
- D. The subdivider shall be required to submit a Petition for Voluntary Annexation of his subdivision into the City with the Preliminary Plan Application if any portion of the subdivision is adjacent to the City's municipal boundary. For the purposes of this provision, the term adjacent ignores any right-of-way that lies between the municipal boundary and the subdivision boundary.
- E. No Final Plat of any subdivision outside of the municipal limits of the City within the City's jurisdiction shall be approved unless the subdivider first executes a pre-annexation agreement with the City. Such pre-annexation agreement shall require voluntary annexation at the time the City limits become contiguous with said subdivision and that the subdivision's infrastructure shall be improved or installed in compliance with the City's development regulations in effect at the time of annexation. Pre-annexation agreements shall be recorded with the Register of Deeds with the Final Plat.
- F. Land adjacent to a proposed subdivision shall not have its access left land-locked by the proposed subdivision. Sufficient proposed streets may be required to be extended as far as the boundary line of the parcel being subdivided and provided with a temporary turn-around in order to ensure normal circulation of traffic within the vicinity.

9.0202 – HOW LAND IS SUBDIVIDED.

The subdivision of land within the jurisdiction of the City of Harrisburg involves a process of four stages: the Concept Plan; the Preliminary Plan and Layout Designs; the Engineering Reports and Construction Plans; and the Final Plat(s). If the subdivision meets the qualifications for a Minor Plat, the first three stages of the subdivision process may be waived.

2.1 Concept Plan.

The Concept Plan is a drawing prepared by the subdivider to show how his proposed subdivision will look. This drawing does not have to be created or drawn by an engineer or surveyor. The purpose of the Concept Plan is to provide the subdivider with a way to present his development concept to the City and receive feedback on how City regulations will be applied to that concept before significant funds are expended by the subdivider to develop the concept into buildable plans. This should reduce or prevent the need for significant design changes during preparation of

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preliminary plans and plat preparation as well as shorten the time needed for preparation and review of those plans and plats.

The following information is required for a Concept Plan:

- A. A title page showing the name of the proposed subdivision, the current legal description of the land proposed for subdivision, and the name and contact information for the subdivider (and his agent, if applicable).
- B. A drawing of the proposed subdivision showing the approximate location of lots, streets, drainage ways, and public areas as well as a north arrow and creation date. The drawing should also have a note listing proposed zoning districts
- C. A written narrative, if such requests are made, describing any expected deviations from City standards or expectations for City reimbursements.

The subdivider is encouraged to provide additional information to support the Concept Plan Application.

After an initial review by the Administrator, the Development Review Team may review the Concept Plan with the subdivider. The Concept Plan may also be reviewed by the Planning Commission and approved by the City Council.

- A. Prior to submitting an Application for a Concept Plan, the subdivider shall make an appointment with the Administrator to discuss: the ultimate land use of the proposed subdivision; the suitability of the location for the proposed subdivision; the most advantageous subdivision plan; the arrangement of proposed streets, lots, and utility lines; the availability of service from City water and sanitary sewer mains; and compliance with the ordinances and regulations of the City. The Administrator shall determine if the extent of infrastructure to be installed, the layout and density of proposed lots, and the complexity of proposed land uses of the subdivision warrants the submission of a Concept Plan Application. If the Administrator determines that a Concept Plan Application is not needed, he may advise the subdivider to submit a Minor Plat Application or a Preliminary Plan Application.
- B. The Concept Plan Application shall be submitted to the Administrator. The Concept Plan Application consists of a Concept Plan Application Form and the Concept Plan (a paper copy or a digital copy in pdf format), and any supplemental materials the subdivider may deem necessary or the Administrator may request. The Administrator will inform the subdivider of the date, time, and location of the Development Review Team (DRT) meeting at which the Application will be officially received and reviewed with the subdivider.
- C. The DRT shall review the Concept Plan Application and discuss the requirements of these regulations and the Comprehensive Plan with the subdivider. The DRT

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may require the subdivider to provide additional information if they deem such information is needed to fully review the Concept Plan and may continue their review of the Concept Plan until the additional information is provided by the subdivider. The DRT shall approve, approve with conditions, or deny approval of the Concept Plan within thirty days of the receipt of the Application, unless the subdivider agrees to an extension of this time limit.

- D. The Administrator shall notify the subdivider of the date, time, and location of the Commission meeting and Council meeting at which the Concept Plan will be reviewed. The Administrator shall provide a copy of the Application and DRT recommendation to each Commission and Council member before their meetings.

2.2 Preliminary Plan and Layout Designs.

The Preliminary Plan is a detailed map of the subdivision. This map will show the dimensions and areas of lots, the location and dimensions of street rights-of-way, and the location, type, and dimensions of other improvements for the entire subdivision. The Preliminary Plan shall be accompanied by the Layout Designs, which provide the preliminary engineering details for the Preliminary Plan. The Layout Designs shall comply with the City's Design Standards.

The Preliminary Plan map shall include:

- A. A title, north arrow, scale, creation date, preparer name and address, and legend.
- B. The location, width, and purpose of all easements and reserve strips.
- C. The location and dimension of lands to be dedicated or reserved for streets, parks, open space, or other public use.
- D. The lot and (if needed) block number that clearly identifies each parcel of land.
- E. A note providing the plat book and page number of any underlying subdivision that is being replatted by the proposed subdivision.

If the Preliminary Plan includes any private streets or any public streets located outside of the City's municipal limits, a Street Maintenance Agreement shall be provided with the Preliminary Plan. The Street Maintenance Agreement will provide evidence that a legal entity will provide street maintenance and snow removal on all proposed subdivision streets. Each Street Maintenance Agreement shall include one or more of the following documents:

- A. An agreement with Lincoln County indicating that the proposed street(s) will be accepted by Lincoln County for road maintenance and snow removal.

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- B. An agreement with an organized township indicating that the proposed street(s) will be accepted by the township for road maintenance and snow removal.
- C. Evidence that a Road District has been established in accordance with SDCL 31-12A.
- D. An agreement to be approved to the City Council which guarantees sufficient financial commitment to provide street maintenance, mowing, and snow removal services.
- E. A written request to be approved by the City Council for a waiver based upon one or more of the following:
 - 1. The proposed subdivision includes four or fewer lots and resubdivision is unlikely under existing zoning regulations;
 - 2. Unusual topographic restraints which would prevent acceptance of the street(s) for public maintenance; or
 - 3. Other unique circumstances proposed to the City Council.

The Preliminary Plan Application is reviewed by City staff and the Planning Commission and approved by the City Council. The approved Preliminary Plan is used as the basis for the preparation of the Final Plat(s) and the Layout Designs are used as the basis for the preparation of Engineering Reports and Construction Plans. Final Plat(s) of the subdivision that differ significantly from the approved Preliminary Plan will require that a Preliminary Plan Amendment be submitted, reviewed, and approved (in the same manner as the original Preliminary Plan Application) before the Final Plat(s) will be approved and filed.

- A. The subdivider shall submit a Preliminary Plan Application to the Administrator. The Preliminary Plan Application consists of a Preliminary Plan Application form, the Preliminary Plan and the Layout Designs (a paper copy and a digital copy in pdf format), a Petition for Voluntary Annexation (if applicable), and a Street Maintenance Agreement (if applicable). The non-refundable Preliminary Plan Application Fee is due and payable at the time of submission of the Application. Upon receipt of the Application and Fee, the Administrator will inform the subdivider of the date, time, and location of the Commission meeting at which the Preliminary Plan will be tentatively scheduled for official receipt and review.
- B. The Administrator shall schedule a Development Review Team (DRT) meeting before the tentative Planning Commission meeting date to review the Application. He shall provide each DRT member with a copy of the Application and invite the subdivider and the subdivider's engineer to the DRT meeting. The DRT shall review the Application for compliance with the City's Design Standards and development regulations and act as the approving agency for the Layout Designs. The DRT shall, in addition to approving the Layout Designs, recommend to the Planning Commission whether or not a Traffic Impact Analysis should be required to be submitted with the Engineering Reports for the subdivision. Should the DRT

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determine that the submitted Application is incomplete or not in compliance with the City's Design Standards or development regulations, the review process shall be suspended until the subdivider provides the DRT with a compliant Application. This suspension may result in the postponement of the tentatively scheduled review of the Preliminary Plan by the Planning Commission.

- C. Upon DRT approval of the Layout Designs, the Administrator shall finalize the scheduling of the Planning Commission review of the Preliminary Plan and notify the subdivider of the time, date, and location of the Planning Commission meeting. The Administrator shall provide a copy of the Application and DRT recommendation to each Commission member before the Commission meeting. The Layout Designs approval by the DRT must occur at least one week prior to a scheduled Commission meeting for the Preliminary Plan to be eligible to be placed on the agenda for that meeting.
- D. The Commission shall review the Preliminary Plan and DRT recommendation. The intent of this review is to consider the Comprehensive Plan's standards and policies for managed growth and whether approval of the subdivision will maintain the vitality and sustainability of the Harrisburg community. The Commission shall recommend to the City Council to approve, approve with conditions, or deny approval of the Preliminary Plan within thirty days of the Commission's receipt of the Application, unless the subdivider first agrees to an extension of this time limit.
- E. The City Council, at its next regular meeting after the Commission makes its recommendation, shall review the Preliminary Plan and the Commission's recommendation and act upon said recommendation. The City Council may require the adoption of a Pre-Annexation Agreement or a Development Agreement as part of its approval of the Preliminary Plan. The City Council shall approve, approve with conditions, or deny approval of the Preliminary Plan within thirty days of the Commission's recommendation, unless the subdivider first agrees to an extension of this time limit. Any conditions of approval by the City Council shall be resolved on a revised Preliminary Plan and Layout Designs, which shall be submitted to the Administrator for administrative approval before Engineering Reports and Construction Plans or a Final Plat are submitted. The approved Preliminary Plan and Layout Designs shall be certified and signed by the Administrator, the City Engineer, and the Mayor and shall be kept on file in the office of the Administrator.
- F. The Preliminary Plan and Layout Designs shall remain in effect for the subject property until changed by an approved Preliminary Plan Amendment, replaced by a new approved Preliminary Plan, or completed and accepted by the filing of all of the Final Plat(s) for the subdivision with the Lincoln County Register of Deeds.

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2.3 Engineering Reports and Construction Plans.

Engineering Reports and Construction Plans are the calculations, reports, and detailed plan and profile drawings prepared by the subdivider's engineer of the grading, erosion control measures, phasing, and infrastructure installation needed to make the subdivision ready for the sale of lots and the construction of homes or buildings.

The Engineering Reports and Construction Plans are reviewed and approved by City staff and then used for the construction and installation of infrastructure by the subdivider's contractor. Significant revisions or changes to the approved Engineering Reports or Construction Plans will require that a Plan Change Order be submitted, reviewed, and approved by City staff. Both the Engineering Reports and Construction Plans shall comply with the City's Design Standards.

- A. After City Council approval of the Preliminary Plan, the subdivider shall have Engineering Reports and Construction Plans prepared by a Registered Professional Engineer. The Engineering Reports and Construction Plans shall comply with the current version of the City's Design Standards and shall conform to the approved Preliminary Plan and Layout Designs. The subdivider shall submit the Engineering Reports and Construction Plans (four full-sized paper copies and a digital copy in pdf format) to the Administrator. The non-refundable Construction Plans Review Fee is due and payable at the time of submission of the Construction Plans and Specifications for each phase of the subdivision.
- B. The DRT shall review the Engineering Reports and Construction Plans and ensure that the conditions of approval of the Preliminary Plan, the requirements of these regulations, the Comprehensive Plan standards and policies for development, and the City's Design Standards have been met. The DRT may require the subdivider or subdivider's engineer to provide additional information if such is deemed necessary and may suspend the review until the additional information is provided. Upon completion of the review, the City Engineer shall provide the subdivider's engineer with comments and/or changes to the Engineering Reports and Construction Plans. The subdivider's engineer shall incorporate the comments and changes to the Reports and Plans and then submit at least two copies of the corrected Construction Plans to DENR, one copy to the Administrator, and one copy to the City Engineer.
- C. Within ten days of receipt of the DENR review letter, the Administrator shall notify the subdivider in writing of the approval of the Construction Plans. The Construction Plans shall remain in effect for that phase of the subdivision until replaced by new approved Construction Plans or completed by the filing of the Final Plat with the Lincoln County Register of Deeds.
- D. Following approval of the Engineering Reports, the subdivider may apply for a Grading Permit that will allow the construction of streets and other approved

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improvements to begin. Before issuance of the Grading Permit, there shall be a pre-construction meeting with the DRT, the subdivider's engineer, and the subdivider's general contractor to ensure coordination of construction activities, to establish a schedule for submission of required reports, and to establish contacts for inspections and questions.

- E. The Administrator, City Engineer, or Maintenance Supervisor shall perform inspections of improvements installation as needed. These inspections shall in no way relieve the subdivider or the subdivider's contractor from complying with the construction requirements of the approved Construction Plans. The subdivider's engineer or contractor shall during construction submit compaction and material test results, change orders, and other requested information to the Administrator according to the established schedule.
- F. The subdivider, upon completion of the construction of required improvements shown in the Construction Plans, shall submit a request to the Administrator to schedule a final walk-through inspection of the improvements. The inspection shall be performed by the Administrator, City Engineer, Maintenance Supervisor, subdivider's engineer, and subdivider's general contractor. Within seven days of the completion of the inspection, the Administrator may issue to the subdivider a Certificate of Substantial Completion with a punch list of corrections (if corrections are needed). If there is no punch list of corrections, the Administrator may issue a Certificate of Final Completion to the subdivider.
- G. The subdivider, upon completion of correction of the punch list items, shall submit a request to the Administrator to schedule a re-inspection of the subdivision. Within seven days of the completion of the re-inspection verifying that all corrections have been made, the Administrator shall issue a Certificate of Final Completion to the subdivider. The subdivider may then submit a Final Plat Application to the Administrator.
- H. Maintenance of public streets or improvements (including parks and recreation areas) that have not been accepted by the City shall be the responsibility of the subdivider until said improvements are accepted by resolution by the City Council or, in the case of streets or improvements outside of the municipal limits of the City, the City Council approves a Street Maintenance Agreement that provides for said maintenance.

2.4 Final Plat.

The Final Plat is a map and attached certifications of the subdivision approved (or of one phase of the subdivision, if so approved) by the Preliminary Plan. Land within the subdivision cannot be sold nor shall building permits be issued until the Final Plat is filed. The subdivider shall be required to install or construct required improvements prior to submission of the Final Plat unless the City Council first accepts a Subdivision Construction Agreement and appropriate surety in lieu of immediate construction.

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The original Final Plat shall be drawn in waterproof black ink upon an appropriately-sized mylar sheet (per SDCL 11-3-10). The title of the Final Plat shall be the same as that approved for the Preliminary Plan, except for modifications for approved phased development of the subdivision.

A. The Final Plat map shall include the following information:

1. The Plat title shall be centered at the top of the page and consist of two parts: the primary title, which shall be the proposed name of the subdivision and shall be shown on the first line of the title; and the secondary title, which is located below the primary title and describes the subdivision, the description of the land being subdivided, and the location of the subdivision (including the section, township, range, and Meridian) (per SDCL 11-3-7).
2. A scaled map of the proposed subdivision showing the location, dimension, and area of the subdivision, lot, street, and dedication boundaries. Subdivisions, lots, adjoining unplatted property, and streets of adjoining developments shall be shown on the map.
3. A north arrow, scale, creation date, preparer name and address, and legend.
4. The location, width, and purpose of all easements and reserve strips.
5. The location area, and dimensions of lands to be dedicated or reserved for streets, parks, open space, or other public use.
6. The lot and (if needed) block number that clearly identifies each parcel of land.
7. The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established section corner or other recognized, permanent USPLSS or USGS Geodetic Survey monument which shall be accurately described on the plat as required by SDCL 43-18, 43-20, and 43-21.
8. Location of all monuments and permanent control points and all survey pins, either set or located as required by SDCL 43-18, 43-20, and 43-21.
9. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision's lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
10. The radii, chords, length of curve, point of tangency, and central angles for all curvilinear streets and radii for rounded corners.

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11. All formal irrevocable offers of dedication for streets, alleys, parks, drainage facilities, pedestrian paths, or other uses shall be noted.
 12. A floodplain note, if any FEMA-defined Flood Hazard Area is present within the subdivision, which states "Flood Insurance Rate Map Panel _____ with an effective date of _____ indicates the presence of a Flood Hazard Area within the subdivision area represented on this plat."
 13. A note (if there are any major drainage easements shown on the plat) stating that "Major drainage easements shall be kept free of all obstructions, including fences and sheds, and that the major drainage easement provides the City of Harrisburg, or its designee(s) the rights of entry, construction, and maintenance without prior notice in order to facilitate drainage through these easements."
 14. A note stating "An eight foot utility and minor drainage easement is hereby granted on the interior of the indicated lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner."
 15. A note providing the plat book and page number of any underlying subdivision that is being replatted by the proposed plat. This note shall state that this plat vacates the portion of the subdivision being replatted.
 16. If there are private streets or mutual access easements shown on the plat, a note shall be shown which specifies the purpose of such street or easement.
- B. The following certifications and resolution shall appear on the Final Plat followed by lines for the appropriate signature(s) and date:
1. The landowner, or his duly authorized agent, shall certify that the plat has been made at the request and under the direction of the landowner for the purposes indicated therein, that he is the owner of all land included therein, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations (per SDCL 11-3-4).

This certification shall also include the following statement: I hereby waive any rights of protest to any special assessment which may be initiated by the City of Harrisburg for the purpose of installation or maintenance of improvements required by the Subdivision Regulations of the City of Harrisburg.

This certification shall also include the following statement when the plat shows dedications, grants, or reservations for public use: I hereby dedicate to the public for public use forever the streets, roads, alleys, trails, parks, and public grounds, if any, as shown hereon, including all sewers, culverts, bridges, water distribution mains, sidewalks, and other improvements on or under the streets, alleys, parks, and public grounds whether such improvements are shown or

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not. I also hereby grant perpetual easements to run with the land for water, drainage, sewer, gas, electric, telephone, or other public utility lines or services, as well as their maintenance or improvement, under, on or over those strips of land designated hereon as easements.

This certification shall be acknowledged before some officer authorized to take the acknowledgement of deeds, and this acknowledgement shall be endorsed on the plat (per SDCL 11-3-4).

2. The Registered Land Surveyor who actually performed the survey or had the survey performed under his direct supervision shall certify that the plat is in all respects correct and shall attach thereto his official seal as specified in SDCL 36-18A-45 (per SDCL 11-3-4).
3. The County Treasurer shall certify that all taxes that are liens upon any land included within such plat, as shown by the records of his office, have been fully paid (per SDCL 11-3-9).
4. The County Director of Equalization shall certify that he has received a copy of such plat (per SDCL 11-3-9).
5. The City Finance Officer shall certify that all special assessments that are liens upon any land included within such plat, as shown by the records of his office, have been fully paid (per SDCL 11-3-6).
6. The appropriate Street or Highway Authority shall certify that the location of the proposed access to an abutting subdivision street(s) from the existing public street or highway is hereby approved and any change in the location of said access street(s) shall require additional approval (per SDCL 11-3-12.1). The signature lines for this certification may be required as many as three times on the plat to accommodate the signatures of the City of Harrisburg Street Authority (always shown), the Lincoln County or Township Highway Authority (shown if the subdivision takes access from a County or Township road), and/or the Sioux Falls Region Engineer for the South Dakota Department of Transportation (shown if the subdivision takes access from a State highway).
7. If the land being platted does not lie within or adjacent to the City's municipal limits, a Commission member shall certify that the Commission has reviewed such plat and has approved the plat (per SDCL 11-6-26).
8. Every plat shall bear a copy of the resolution approving the plat by the administrative official (per SDCL 11-3-6), which shall state:

WHEREAS there has been presented to the Planning & Zoning Administrator of the City of Harrisburg, South Dakota, the within plat of the above-described lands, and it appears to this administrative official that:

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- a. the system of streets set forth therein conforms to the system of streets of the existing plats of the City,
- b. all provisions of the City subdivision regulations have been complied with,
- c. all taxes and special assessments upon the tract or subdivision have been fully paid, and
- d. such plat and the survey thereof have been executed according to law,

NOW THEREFORE, BE IT RESOLVED that said plat is hereby approved in all respects.

This resolution shall be signed and dated by the administrative official and certified by the Finance Officer.

9. Every plat shall bear a certificate of the County Register of Deeds indicating the date and time of recording. This certification shall also indicate the location of filing by document number or plat book and page number.

The Final Plat is reviewed, approved by, and filed with the Lincoln County Register of Deeds by the Administrator.

- A. Upon receipt of the Certificate of Final Completion, the subdivider may submit a Final Plat Application to the Administrator. The Final Plat Application consists of a Final Plat Application form, a copy of the Final Plat (a full-sized paper copy and a digital copy in pdf format), and a Pre-Annexation Agreement (if applicable). The non-refundable Final Plat Application Fee is due and payable at the time of submission of the Application.
- B. The subdivider may request to the Administrator that surety be posted to allow the submittal of the Final Plat before construction of required improvements is completed. If such a request is made, the subdivider shall submit a Subdivision Construction Agreement and be prepared to provide surety sufficient to construct the required improvements plus a fifteen percent administration reserve. The Agreement shall be accompanied by a stamped and signed estimate by the subdivider's engineer of the costs to construct or install the required improvements. The Administrator shall schedule the Agreement request for City Council consideration on the agenda of their next regular meeting (subject to City Council agenda requirements) and notify the City Engineer and Maintenance Supervisor of the Agreement request. The City Council at a later regular meeting may release, in part or in full, said surety upon the recommendation of the City Engineer.
- C. If the Final Plat includes lands outside of, but not adjacent to, the City's municipal limits, a Pre-Annexation Agreement must be approved by the City Council before the Final Plat can be filed with the Register of Deeds. In such cases, the Administrator shall schedule the Agreement for City Council consideration on the agenda of their next regular meeting (subject to City Council agenda

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requirements). The Administrator shall file the signed Agreement with the Lincoln County Register of Deeds with the filing of the Final Plat.

- D. The Administrator shall review the Final Plat within ten days of receipt of the Application to ensure the Final Plat conforms to these regulations and to the approved Preliminary Plan and Construction Plans. Should the Administrator determine that the Application is incomplete or fails to meet the requirements for approval, he shall notify the Final Plat preparer that the review has been suspended until all deficiencies have been corrected. The Administrator shall, after approving the Final Plat, notify the Final Plat preparer that the mylar original may be submitted.
- E. The mylar original of the Final Plat, when submitted to the Administrator, shall include in permanent black ink the notarized signature of the owner(s) and the signatures and seals (if applicable) of the surveyor, the County Treasurer and Director of Equalization, and any non-City Highway Authority. The Administrator shall then obtain the remaining necessary signatures on the mylar original. The mylar original of the Final Plat may then be filed by the Administrator with the Lincoln County Register of Deeds, provided that the Subdivision Construction Agreement and Pre-Annexation Agreement (if either are applicable) have been approved by the City Council and signed by all parties. The Administrator shall also notify the Planning Commission, at their next meeting, of the filing of the Final Plat.
- F. Also upon approval of the Final Plat, the Administrator shall prepare a resolution for the City Council to accept the dedications from the Final Plat, any warranty deeds for the transfer of property to the City, and the subdivision's installed public improvements. City Council adoption of said resolution begins the warranty period for the accepted improvements.
- G. No building or other applicable permits may be issued within the newly-platted subdivision before the Register of Deeds has recorded the approved Final Plat.
- H. The Administrator may direct that the issuance of building or other applicable permits be suspended if the Council does not adopt the resolution accepting the subdivision's dedications, deeds, or improvements or if there is a default of the approved Development Agreement, Subdivision Construction Agreement, or surety to install required improvements. The Administrator shall notify the subdivider and the City Council of such suspension.
- I. The Administrator shall notify the subdivider, City Engineer, and Maintenance Supervisor of a final warranty inspection approximately two months before the end of the warranty period for accepted improvements. Upon completion of the inspection, the Administrator shall notify the subdivider and the City Council of any claims against the warranty and/or of the expiration of the warranty period.

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2.5 Minor Plat.

The Minor Plat is a map of a subdivision that has the same form and content as a Final Plat. Minor Plats are allowed only when the land being platted does not require the extension or installation of public infrastructure (streets, parks, water mains, sanitary sewer mains, storm sewer or other drainage facilities) and does not conflict with the City's Comprehensive Plan or other adopted City plan. The Minor Plat is meant to allow (without being subject to the requirements for Concept Plan, Preliminary Plan and Layout Designs, or Engineering Reports and Construction Plans): consolidation of previously platted lots; the adjustment of a common lot line between previously platted lots; or the resubdivision of a previously platted lot.

The Minor Plat is reviewed, approved, and filed with the Lincoln County Register of Deeds by the Administrator, unless the land being platted is outside of, and not adjacent to, the City's municipal limits (then it must also be reviewed and approved by the Commission before being filed by the Administrator).

- A. The subdivider shall submit a Minor Plat Application to the Administrator. The Minor Plat Application shall consist of a Minor Plat Application form and a copy of the Minor Plat (a full-sized paper copy or a digital copy in pdf format prepared by a registered land surveyor). A scaled and dimensioned site plan (overlaid on a copy of the Minor Plat) showing the location of existing buildings and utilities may be required. The non-refundable Minor Plat Application Fee is due and payable at the time of submission of the Application.
- B. If the land included in the Minor Plat is not within or adjacent to the City's municipal limits, the Administrator will inform the subdivider of the date, time, and location of the Commission meeting at which the Minor Plat will be officially received and reviewed. The Minor Plat Application must be submitted at least two weeks prior to a scheduled Commission meeting to be eligible to be placed on the agenda for that meeting. The Administrator shall provide a copy of the Application to each Commission member before the Commission meeting. The Commission shall review the Minor Plat and shall approve or deny the Minor Plat within thirty days of the Commission's receipt of the Application, unless the subdivider agrees to an extension of this time limit.
- C. If the land included in the Minor Plat is within or adjacent to the City's municipal limits, the Administrator shall review the Minor Plat and shall approve or deny the Minor Plat within fourteen days of receipt of the completed Minor Plat Application, unless the subdivider agrees to an extension of this time limit.
- D. Upon approval of the Minor Plat, the Administrator shall notify the subdivider to make any corrections needed to the Minor Plat and to then submit the mylar original of the Minor Plat. The mylar original, when submitted to the Administrator, shall include in permanent black ink the notarized signature of the owner(s) and the signatures and seals (if applicable) of the surveyor, the County Treasurer and

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Director of Equalization, and any non-City Highway Authority. The Administrator shall then obtain the remaining necessary signatures and file the mylar original with the Lincoln County Register of Deeds. The Administrator shall also notify the Planning Commission, at their next meeting, of the filing of the Minor Plat.

- E. No building or other applicable permits shall be issued within the newly-platted subdivision until the Register of Deeds has recorded the mylar original of the approved Minor Plat.

9.0203 – SUBDIVISION IMPROVEMENTS.

3.1 Improvements for Subdivisions Outside of the Municipal Boundary.

The minimum improvements, and the design standards for those improvements, for subdivisions located outside of the City’s municipal boundary shall be the same as those for subdivisions located inside of the City’s municipal boundary.

3.2 Off-site Improvements Proposed by the Subdivider.

Any proposed improvements outside the boundaries of the proposed subdivision that the subdivider requests the City to make shall be noted in the Preliminary Plan Application. These improvements may relate to stormwater management, extension of water or sanitary sewer mains, streets, or other improvements. The City Council shall determine if such requested improvements are the responsibility of the City or the subdivider. The City Council may require off-site improvements to be provided and installed by the subdivider.

3.3 Joint Improvements Proposed by the Subdivider.

- A. The City may participate in the cost of oversize joint improvements within or serving a subdivision if the City Council deems that the oversize improvements are necessary to serve areas of land not in the subdivision.
- B. The City may participate in the cost of joint improvements within or serving a subdivision if the City Council first agrees to such participation.
- C. City participation in the cost of joint improvements within or serving a subdivision is subject to the availability of City funds. The City may negotiate with the subdivider to repay such improvement costs through reimbursement from special assessments or cost recovery fees on new development in the area served by the joint improvements.

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3.4 Required Improvements.

The subdivider, prior to receiving approval of a Final Plat, is required to install or construct all of the following required improvements or provide by surety for their construction or installation:

- A. All soil erosion and sediment control materials, facilities, or practices as described in the approved Soil Erosion and Sediment Control Plan. The subdivider is required to maintain these materials and facilities in a workmanlike manner until all grading, filling, and trenching has been completed and sufficient vegetation re-established to prevent soil erosion or until released from this requirement by the Administrator.
- B. All stormwater management facilities and conveyances described in the approved Stormwater Management Plan. All storm sewers will be televised after installation and a recording of the televising will be provided to the City Engineer. The subdivider is required to maintain these facilities and conveyances until the City Council accepts the public portions of these facilities and conveyances.
- C. All sanitary sewer system mains and appurtenances described in the approved Sanitary Sewer Plan. All mains will be televised after installation and a recording of the televising will be provided to the City Engineer. The subdivider is required to maintain this system until the City Council accepts the public portions of this system.
- D. All water system mains, lines, and appurtenances described in the approved Water Distribution Plan. The subdivider is required to maintain this system until the City Council accepts the public portions of this system.
- E. All streets, traffic control signage, street name signs, and streetscape features described in the approved Street Plan. The subdivider is required to maintain the streets and features until the City Council accepts these streets and features or approves a Street Maintenance Plan for said streets.
- F. All street lights and utility lines and mains described in the approved Utility Distribution Plan. The City shall assume responsibility for the street lights upon approval of the installation by the Maintenance Supervisor.
- G. All property corners, including the beginning (point of curvature) and ending (point of tangency) of curves along property lines, shall be accurately marked on the ground with a five-eighths inch to one and one-quarter inch diameter iron rod at least eighteen inches in length. Each rod is to be capped with an aluminum or plastic cap indicating the license number of the surveyor who placed the rod in the ground. The monumentation of all corners required by SDCL 11-3-2 shall be fixed in the ground at the locations shown on the approved Preliminary Plan before the Final Plat Application is submitted.

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H. All required improvements shall be:

1. Constructed in accordance with adopted City Specifications;
2. Installed per Construction Plans approved by the City;
3. Subject to a warranty against defective workmanship or materials by the subdivider for a period of two years after the acceptance of the improvements by resolution by the City Council. The subdivider shall make all needed repairs to such improvements at the direction, inspection, and approval of the City Engineer and Maintenance Supervisor. The Maintenance Department is hereby authorized to make such repairs at the subdivider's expense if, within ten days after the first-class mailing of a notice in writing to the subdivider, the subdivider neglects to make, or undertake with due diligence to make, the directed repairs. However, in the case of an emergency where, in the judgment of the Maintenance Supervisor, delay would cause serious loss or damage, repairs may be made immediately after the mailing of said notice and the subdivider shall pay the cost of such repairs.

3.5 Park and Recreation Dedication.

- A. Increased demand for parks and recreation areas will occur as a result of the subdivision of land for residential development. To address this demand, the City requires dedication of land for Park and Recreation Development within the area to be subdivided. The Park and Recreation Dedication shall be one acre to be dedicated for each twenty acres of proposed subdivision area. The dedicated land shall be used for park, trail, or recreation purposes. The land that is proposed by the subdivider for dedication must be suitable and acceptable to the City for the use or activity that is identified. The size and location of the dedication must be indicated on the Preliminary Plan. The minimum amount of land that can be dedicated for this purpose is one acre. For subdivisions with unique open space features the City may alter the dedication rate, dedicated acres, or location of dedicated land based on an approved Development Agreement.
- B. The deed for the Park and Recreation Dedication shall accompany the submission of the Final Plat of the area being dedicated or as agreed upon in the Development Agreement. The land dedication deed transfer shall be completed as agreed upon in the Development Agreement or by the time fifty-five percent of the subdivision area will be platted. If the actual area of land being subdivided exceeds the figure upon which the original dedication was based, the difference shall be computed and a dedication of an appropriate additional area of land shall be made prior to any additional building permits being issued within the subdivision.
- C. When a proposed park, trail, recreation facility, or other public area shown in the Comprehensive Plan or the Parks and Trails Master Plan falls within the area

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proposed for subdivision, the City may require the dedication or reservation of such land within the proposed subdivision for public purposes.

- D. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas shall not be used for credit towards the requirement of dedication for park and recreation purposes, unless the City finds it is in the public interest to do so.
- E. Property being replatted with the same or lesser area than the original subdivision shall be exempt from all Park and Recreation Dedication requirements. If the area of land included in the subdivision is increased by replatting, or if land outside the previously approved Preliminary Plan is added to the subdivision, then the Park and Recreation Dedication shall be based on the additional land being added to the previously approved Preliminary Plan.
- F. Wetlands, pond areas, and drainage ways or facilities that are intended by the subdivider to be dedicated to the City may not be considered in the calculation of the Park and Recreation Dedication to the City.

9.0204 – ADMINISTRATION OF SUBDIVISION REGULATIONS.

- A. The City Council shall set plat and plan application and review fees and adopt Design Standards by resolution.
- B. The City Council hereby designates the Administrator as the administrative official of the municipality to approve plats in lieu of approval by the governing body.
- C. The Commission may formulate additional written administrative rules that govern the subdivision of land. These administrative rules may specify the responsibilities of parties concerned with subdivision and subdivision processing, and may contain other requirements necessary to systematize handling and processing.
- D. The Administrator and the City Engineer shall have the authority to make interpretations of these regulations and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions.
- E. The Administrator is hereby authorized and directed to enforce all of the provisions of these regulations. For such purposes, the Administrator shall have the powers of a law enforcement officer.
- F. Decisions of the Administrator, the City Engineer, or the Development Review Team (or failure to perform any act required by these regulations) may be appealed to the City Council if a written appeal is filed with the Administrator within fifteen days from the date of the decision being appealed.

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- G. It is not the intent of these regulations to repeal, abrogate, or impair any existing easement, covenant, or deed restriction where these provisions conflict with or overlap these regulations. Should any special district impose requirements that conflict with these regulations, the more stringent standard shall apply.

9.0205 – VIOLATIONS OF SUBDIVISION REGULATIONS.

- A. It shall be a violation of these regulations for any person having an interest in any land within the jurisdiction of the City to subdivide or resubdivide such land into lots other than in accordance with the provisions of these regulations.
- B. A violation of any provision of these regulations or any amendment thereto, or failure to perform any act required hereunder, is a Class II Misdemeanor. Each day in which a violation of these regulations continues shall constitute a separate offense. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all City court costs and expenses involved in the case.
- C. Whenever any work is done contrary to the provisions of these regulations, the Administrator may order the work stopped by notice in writing served on any persons engaged in the doing or causing of such work to be done; and any such persons shall forthwith stop such work until authorized by the Administrator to again proceed with work.
- D. No permit shall be issued for any work to occur on land subdivided, developed, or sold in violation of the provisions of these regulations until such violation is resolved.

9.0206 – DEFINITIONS.

For the purposes of these regulations, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive. The terms "used" or "occupied" as applied to any land or building shall be construed to include the terms "intended, arranged, or designed to be used or occupied".

ADMINISTRATOR: The City's Planning & Zoning Administrator.

ALLEY: A service street providing only a secondary means of access to abutting property and not intended for general traffic circulation.

ASSURANCE AGREEMENT: A contract between the City and a subdivider intended to provide assurance to the City that the subdivider will construct or install specific

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infrastructure improvements within a specified time period to City standards and approval following Final Plat approval.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

CITY: The City of Harrisburg, South Dakota.

CLEARING: Removing vegetative cover.

COMMISSION: The Planning Commission of the City.

CONCEPT PLAN: A sketch plan (that does not have to be prepared by a professional engineer or surveyor) of a proposed subdivision that shows the approximate layout of street, utility, and drainage systems, the location and estimated size of lots, and the proposed location and area of parks and other areas to be dedicated to the City.

CONTRACTOR: The person or firm hired by the subdivider to construct improvements for the subdivider's subdivision.

DEDICATED PUBLIC RIGHT-OF-WAY: A parcel of land that is conveyed to the public by the notation "DEDICATED PUBLIC RIGHT-OF-WAY" on a recorded plat for use as a public right-of-way (per SDCL 11-3-12).

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

DENR: The South Dakota Department of Environment and Natural Resources.

DESIGN STANDARDS: The standards, specifications, and requirements for public improvements adopted by the City.

DEVELOPMENT AGREEMENT: An agreement between a subdivider and the City that details unique open space dedications, preliminary plan approval requirements, deadlines for subdivision construction activities, conditions or requirements to be met for various phases of the subdivision, provisions and responsibilities for off-site improvements, conditions of connections to City water or sanitary sewer systems, street maintenance plans, or other contractual stipulations deemed to be appropriate for the subdivision by the City Council.

DEVELOPMENT REVIEW TEAM (DRT): The DRT consists of the City Administrator, City Engineer, Maintenance Supervisor, and Planning & Zoning Administrator.

EASEMENT: A grant of one or more property rights by the property owner to and/or for use by the public or another person. An easement is self-perpetuating and runs with the land unless otherwise stipulated.

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ENGINEERING SUBMITTALS: Documents and drawings prepared and submitted to the City by the subdivider's engineer as required by these Subdivision Regulations or the City's Design Standards.

FEMA: The Federal Emergency Management Agency.

GRADING: Excavating, filling, or stockpiling soil.

IMPROVEMENT: Changes and additions to land necessary to support the subdivision or use of real property, such as, but not limited to, boulevards, bridges, culverts, curbs and gutters, electrical transmission and service lines, natural gas lines, potable water mains, sanitary or storm sewers, sidewalks, street grading and surfacing, street lights, streets, survey monuments, telephone lines, traffic control and street name signage, and other similar items.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT OF RECORD: A lot that has been recorded by the Lincoln County Register of Deeds prior to the effective date of these regulations.

LOT LINE: The line bounding a lot that divides one lot from another lot or from a public street or any other public space.

MAJOR DRAINAGE WAY: A channel, either natural or man-made, that conveys significant stormwater flows as identified as an intermittent stream by the USGS or otherwise so identified by the City Engineer.

OFF-SITE IMPROVEMENT: An improvement required to be made off of the subdivision premises as a result of an application for subdivision and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic control improvements.

OWNER: The owner of a lot of record as recorded by the Lincoln County Register of Deeds.

PLAT: A map drawn to scale from an accurate survey for the purpose of recording a subdivision of land.

PRIVATE STREET: A strip of land defined by right-of-way lines on a plat that is intended to be occupied and maintained as a private street to be used by the property owner(s) which it serves.

PUBLIC RIGHT-OF-WAY: A strip of land defined by right-of-way lines on a plat that is intended to be occupied by a street, recreation trail, utility line, or other similar use and to be used by the public.

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RECORDED ACCESS: A permanent easement or dedication providing legal access to an isolated tract of land that has been recorded by the Register of Deeds.

RESERVE STRIP: An easement granted to the public for a strip of land to be held in trust until needed for road development or other beneficial public use. The reserve strip may be converted to a Public Right-of-way Easement by resolution of the City Council.

ROAD DISTRICT: An association of land owners formed under the provisions of SDCL 31-12A to develop a subdivision road district with the intent and purpose of maintaining the system of roads within the district such that they have the capacity to handle all of the internal traffic and provide adequate ingress and egress to the members of the entire district. The association shall develop rules and by-laws to govern the operation of the association including the election of officers, collection of fees, and the authorization to develop, repair, and maintain all roads within said system.

STREET: A public thoroughfare that affords the principal means of access to abutting property. This term may be used interchangeably with “avenue”, “boulevard”, “drive”, “highway”, “road”, or “roadway”.

STREETSCAPE: A design term referring to all of the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street furniture, street paving, landscaping (including trees and other plantings), awnings and marquees, sidewalks, signs, and lighting.

STRUCTURE: A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Poles, lines, cables, mains, or other transmission or distribution facilities of public utilities are not considered to be structures under this definition.

SUBDIVIDER: The person having an interest in land and in the process of creating a subdivision of said land.

SUBDIVIDER’S ENGINEER: The Professional Engineer, registered and in good standing with the State of South Dakota, who is employed by the subdivider to design and construct any new subdivision.

SUBDIVISION: The division of any tract or parcel of land into two or more lots, sites, or other division for the purpose, whether immediate or future, of sale or building development. This term includes replat and resubdivision.

SUBDIVISION CONSTRUCTION AGREEMENT: A contract entered into by the subdivider and the City by which the subdivider warrants and promises to complete required improvements within the subdivision within a specified time period and the conditions placed upon the surety to be provided for those improvements.

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SUBSTANTIAL BUILD-OUT: The point in the development of an approved subdivision where at least fifty percent of the subdivision's lots have been granted building permits by the City.

SURETY: A fidelity or cash bond, provided by the subdivider to the City in lieu of immediate construction of required improvements, in an amount equal to the estimated cost of the required improvements, as certified by the subdivider's engineer, plus twenty percent.

USGS: United States Geological Survey.

USPLSS: The United States Public Land Survey System.

BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance to law.

CITY OF HARRISBURG

ATTEST:

Mayor Julie Burke-Bowen

Finance Officer Mary McClung

Planning Commission Public Hearing:

City Council Public Hearing:

First Reading:

Second Reading:

Published:

Effective: