

**CITY OF AURORA**  
**ORDINANCE NO. 304**

**SUBDIVISION REGULATIONS**

Title.

These regulations may be referred to as the "Subdivision Regulations of the City of Aurora or as the "Subdivision Regulations."

Purpose.

It is the purpose of this chapter to regulate the subdivision of land in order to coordinate streets within subdivisions and with other subdivisions and uses, to provide adequate open space, to efficiently distribute population and traffic, to provide water and sanitation facilities, to manage storm drainage and flood control, to prevent haphazard and premature land subdivision, to promote the harmonious development of the municipality and its environment and to conform with the comprehensive plan.

Authority.

In accordance with SDCL Chapters 11-3, 11-6 and any other authority provided by law, the city does hereby exercise the power and authority to approve or disapprove plats for the subdivision of land within the city.

Jurisdiction.

- (a) These regulations shall apply to all subdivisions of land, as defined herein, located within the city, except as specifically provided in this chapter.
- (b) It is unlawful for any person having control of any land within the city to subdivide or lay out such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.

Definitions.

The following words and phrases shall have the meanings provided below:

*Alley:* A public or private right-of-way which affords only a secondary means of access to abutting property.

*Ancillary storm drainage structure:* Auxiliary or subordinate elements that comprise a storm drainage system and may include ditches, curb inlets, yard inlets, channels, and pipes.

*Arterial street:* A street that has the capacity to carry large volumes of traffic quickly and is designated as such on the major street plan.

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

*City:* The City of Aurora, South Dakota.

*Collector street:* A street that is a primary connector between arterial streets and is designated as such on the major street plan.

*Comprehensive plan:* Any legally adopted part or element of the comprehensive plan of the City of Aurora.

*Contractor:* The person who contracts with an individual or the developer to construct a building, structure or infrastructure improvements and public works on a parcel of land.

*Cul-de-sac:* A local street 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 perpetual use by the public.

*Detention basin:* A facility within an urban development which is designed to hold stormwater runoff for various periods of time.

*Developer:* An owner or agent of an owner of property who desires to establish, alter, change or improve the use of property.

*Double frontage:* A lot which abuts a street 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.

*Engineering design standards:* The engineering planning manuals and criteria for public right-of-way improvements of the City of Aurora.

*Eyebrow:* An eyebrow is a semicircular shaped roadway that is designed to provide additional right-of-way frontage length for abutting lots. An eyebrow may have a central planting island or parking area separating it from the road it connects with.

*Frontage road:* A street, usually parallel and adjacent to an arterial street, which is used for access to abutting property.

*Half-street:* A right-of-way, either existing or a proposed right-of-way, that is less than the required right-of-way width with the intention that the additional required right-of-way will be platted at the time the adjoining lands are subdivided; or an existing right-of-way which, due to reasons of ownership, only a portion of the required right-of-way is within the boundaries of a proposed subdivision or annexation.

*Hardpan:* A layer of densely packed subsoil or other organic material that severely restricts the infiltration of water.

*Intermediate soil:* A layer of transitional soil composed of mostly topsoil down to mostly subsoil. It may contain nutrients and organic matter and is usually sufficient to support some root growth.

*Joint jurisdictional area:* Those sections or portions of sections identified according to the revised Joint Jurisdiction Zoning Map, Aurora, South Dakota, on file in the city.

*Lateral drainageway:* Open channels or storm sewers which carry storm runoff from streets, street crossings, culverts and/or storm sewers to major drainageways.

*Local street:* A street intended to provide access to other streets from individual properties and not intended to be used for through traffic.

*Lot:* A piece, plot or parcel of land, or group of abutting and contiguous parcels of land, established by survey, plat or deed, occupied or to be occupied by a building, or a

unit group of buildings and accessory buildings thereto, and having its frontage on a dedicated public street.

*Major drainageway:* The main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the city.

*Major storm event:* A term that describes a 100-year storm.

*Major street plan:* The major street plan adopted through the transportation planning process approved by the city council.

*Minor storm event:* A term that describes a five-year storm.

*Monument:* A boundary marker, permanently planted and firmly fixed in the ground placed so that the top of the monument is flush with natural ground. A steel rod, three-fourths or five-eighths-inch by 12 inches, may be used, or other methods or materials suggested by state platting and/or surveying regulations.

*Mutual access easement:* An easement granting the right of abutting property owners to use a designated portion of property for common ingress and/or egress purposes.

*Nonconforming right-of-way width:* A right-of-way, either existing or proposed to be a right-of-way, that is less than the required right-of-way width, with the intention that the additional required right-of-way will be platted at the time the adjoining lands are subdivided; or an existing right-of-way which, due to diversity of ownership, only a portion of the required right-of-way width is within the boundaries of a proposed subdivision or annexation.

*Planting basin:* An area in the boulevard that extends to within 12 inches of any abutting sidewalk, driveway or curb.

*Plat:* A map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with the owner's dedication and all applicable acknowledgements, and conforming to all state platting and/or surveying regulations.

*Preliminary subdivision plat:* Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.

*Primary access:* A hard surface roadway, dedicated as a right-of-way or as a private street, that connects to a street network and provides vehicular ingress/egress.

*Private street/road:* A street or road that has not been dedicated, but rather reserved as private access to property. A private street/road is owned and maintained by the property owners which it serves.

*Reverse frontage lot:* A lot, among a group of double frontage lots, that contains a dwelling unit that is oriented in the opposite direction from the adjacent dwellings so that its front yard abuts the adjacent rear yards and its rear yard abuts the adjacent front yards.

*Right-of-way:* A strip of land occupied by a street, 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 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.

*Secondary access:* A surfaced roadway, designed and constructed in accordance with the City of Aurora Engineering Design Standards and connected to the street network that provides an alternative means of vehicular ingress/egress to/from an area which would otherwise only be accessible by a single primary access. Secondary access shall be evidenced by either a dedicated street right-of-way or a recorded public access easement.

*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.

*Subsoil:* A layer of mostly inorganic clay or gravel, which may include hardpan, that normally does not support vegetative growth.

*Subdivision:* The division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.

*Topsoil:* The uppermost layer of soil that has a high concentration of organic matter from which plant roots take their nutrients. The depth can be measured from the surface to the intermediate layer of subsoil.

## ARTICLE II. - SUBDIVISION PLANS IN GENERAL

Plat required.

Whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the developer, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth below.

Recording, use and selling.

- (a) 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.
- (b) No local agency may approve any application necessary to develop or subdivide any real property, or which has resulted from a division, in violation of the provisions of this chapter if it is found that such real property is contrary to the public health, safety or welfare. The local agency shall be authorized to deny such application 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 who has actual or constructive knowledge of the violation at the time of acquisition of an interest in said real property.

Plat approval process.

- (a) *[Approval process.]* All proposed subdivision plats must be approved by the city through a three-phase development process. When there are only a small number of lots being platted, the requirements for a sketch plan and preliminary plat may be waived by the city planning and zoning commission. (A small number of lots is meant to be 2 lots or 1 lot)
- (1) *Sketch plan:* Prior to the submission of the preliminary plat to the planning commission, the developer shall present a sketch of the proposed plan to the city for discussion and comments regarding the requirements for the general layout of streets/roads, street improvements, parks, trails, and open spaces, sewerage, availability of services and similar matters. A sketch storm drainage study shall also be submitted at the time the sketch plan is submitted.
  - (2) *Preliminary plat:* Based on the discussion of the sketch plan and sketch storm drainage plan, the applicant may submit the preliminary plat for approval. The preliminary plat shall provide all of the information indicated in article III. The plat will be subject to the review and approval by the planning commission prior to approval by the city council. Either all or a portion of the preliminary plat may be final platted.
  - (3) *Final plat:* The final plat shall consist of the final layout of all lots and blocks, rights-of-way and include all easements and as required by the city. A final utility plan, a final storm drainage plan, grading plan, and a groundwater control plan may also be required.
    - a. The final grading and drainage plan and the groundwater control plan shall be approved or disapproved within 30 days after submittal to the city. The final utility plan shall be similarly approved or disapproved by the city utilities supervisor. If approved, the developer may then submit the plat for approval.
    - b. The plat shall provide the information indicated in the subdivision improvements and design standards for final plats and shall require the review and recommendation of the planning commission. The plat shall be in conformance with an approved preliminary plat if a preliminary plat is required.
- (b) *Replats.* If the land proposed for platting is a resubdivision, it shall require a preliminary plat and a final plat of the resubdivision, requiring the same review and approval procedures as the preliminary plat and the final plat, unless the resubdivision meets the requirements set forth in article V, below. The City may waive the requirements for a preliminary plat.
- (c) *Filing fee.* A filing fee shall be deposited with the city finance officer for all preliminary plats, final plats and for all replats. Reasonable fees sufficient to cover the costs of administration, and similar matters shall be charged to applicants for the preliminary plat and final plat approval. The amount of fees charged shall be set forth by resolution of the city council. Fees established in accordance with this section shall be paid upon submission of a signed application.
- (d) *Dedication of Land for parks or public purposes.* The developer shall be required to dedicate to the City for public use (not streets and alleys, etc.) a portion of land equivalent to approximately 4% of the property to be developed. Instead of such

dedication, a developer may make payment to the City a monetary amount approximately equal to the value of the previously mentioned land (4% of the development area). All such land dedication or monetary payment shall be negotiated and approved by the City Council.

### ARTICLE III. - PRELIMINARY PLAT

Information required.

Whenever a preliminary plat is proposed, the developer shall submit two copies at an appropriate engineering scale but in no case greater than 200 feet to one inch. The preliminary plat shall be submitted to the city finance officer. At that time the City Planning & Zoning Commission will set a time to meet, review the application, and act on it after all publications and notices have been completed.

(a) *Preliminary subdivision plat.*

1. The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjoining an existing subdivision.
2. The names of all adjoining subdivisions and all lot and block lines, easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
3. The owner, developer and surveyor's names, addresses and telephone numbers.
4. The correct legal description, notations stating acreage, scale and north arrow.
5. A systematic lot and block numbering pattern, lot lines and street/road names.
6. The location and width of proposed and existing streets/roads, alleys, easements, parks, railroad rights-of-way and other significant features.
7. Boundary lines of floodways and special flood hazard areas delineated on the flood insurance rate maps (FIRM).
8. Existing contours with intervals sufficient to determine the character and topography of the land to be subdivided.

(b) *Other preliminary plans.* When required by the appropriate public agency, the following plans shall be submitted in conjunction with the preliminary plat:

1. *Grading plan.* The grading plan shall show the existing contours with intervals acceptable to the city. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.
2. *Groundwater control plan.* Groundwater elevations shall be required where it is deemed necessary by the city to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished

grade shall be prohibited. Buildings with crawl spaces or slab on grade construction shall be exempt from groundwater collection requirements.

3. *Utility plan.* The utility plan shall show all sanitary sewer locations, size, flow direction, approximate manhole locations and invert elevations, lift stations and connection to the existing system. The water main layout shall show the pipe location and size, hydrant and valve location and connection to the existing system.

Approval of preliminary plat.

After the preliminary plat has been recommended for approval or disapproval by the planning commission, it shall be submitted to the city council for its approval or disapproval. The approved preliminary plat shall be kept on file in the city finance office. Approval of the preliminary plat shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan. Therefore, no building permits shall be issued based on the approval of the preliminary plat.

Effective period of preliminary plat approval.

The approval of a preliminary plat 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 city. Any preliminary plat which has not received approval for all or a portion of it within the period of time set forth herein may be declared void and the applicant may be required to resubmit a new preliminary plat for review and approval subject to any new subdivision regulations.

Revisions to preliminary plat.

Amendments to an approved preliminary plat may be submitted at any time by the developer. Minor changes such as street or subdivision names, lot lines, easements, drainage or lot and block number must be approved by the city planning & zoning commission. Major changes such as a change in the street layout, open space or parkland dedication, number of lots or perimeter boundaries shall follow the procedures for approval of a preliminary plat as required in this section.

#### ARTICLE IV. - FINAL PLAT

Approval required; document recording.

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. No document of any sale or transfer of unplatted property shall be recorded except in accordance with this chapter.

Information required.

Six copies and one reproducible mylar of the plat with signatures shall be submitted to the city. The plat shall be drawn at a scale of 100 feet to one inch, or at an appropriate scale as determined by the licensed land surveyor, from an accurate survey and on one or more sheets whose dimensions are as required by state law. If more than two sheets are required, an index sheet of the same dimension shall be attached and filed. The plat shall show the following information:

- (a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
- (b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
- (c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
- (d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks.
- (e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or other recognized permanent monuments which shall be accurately described on the plat.
- (f) Location of all monuments and permanent control points, and all property pins, either set or located.
- (g) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
- (h) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- (i) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
- (j) The boundary lines of the floodway and special flood hazard areas, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
- (k) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
- (l) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
- (m) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
- (n) Certificates of approval for endorsements by the city Mayor and acknowledgement by the city finance officer.
- (o) Certificates for the director of equalization, county treasurer, register of deeds and highway or street authority (when applicable).

Final plat approval.

The final plat shall be submitted to the planning commission for their review and recommendation to the city council. The planning & zoning commission shall act upon



the final plat within 45 days after the submission of the final plat to the city finance officer. If no action is taken within 45 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the city council for approval.

#### ARTICLE V. - REPLAT APPROVAL

Replat requirements.

- (a) A replat will be permitted where:
  - (1) The perimeter of the tract being replatted is not altered by the replat.
  - (2) Either the street grades are not changed from the drainage plan which was submitted and approved with the original plat or if the grades are going to be changed, then a drainage plan shall be submitted and approved for the replat.
  - (3) The replat will not significantly change any plans that have been prepared for the placement of utilities in the subdivision. If the resubdivision meets these stipulations, the replat may be submitted as a plat, provided the previous platting lines are shown.
- (b) Any replat of lots containing existing single-family attached dwellings into separate lots shall include existing building outlines to verify setback requirements. Any other replat of lots containing existing structures shall certify that the replat meets all requirements including adequate setbacks and lot area.
- (c) When application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines, a replat will be required for those lots.
- (d) Approval of replats. If the replat meets the requirements set forth in this chapter, it may be submitted to the city planning & zoning commission and approved in the same manner as a plat.

#### ARTICLE VI. - SUBDIVISION IMPROVEMENTS AND DESIGN STANDARDS

Street design.

All public street improvements, including pavement width, street grades, alignment and visibility, and intersections shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the city utilities supervisor. All public street facilities shall be designed in compliance with the engineering design standards.

Street system coordination.

- (a) *Arrangement.* The arrangement of streets in new subdivisions shall conform to the major street plan and provisions shall be made for the continuation of existing streets in adjoining areas or their proper projection where adjoining land is not subdivided. There will be occasions when new streets are proposed which were not included in the major street plan. When this occurs, the major street plan will be amended to include these new streets.
- (b) *Design criteria.* In general, provisions should be made for a collector street every half mile, and there should be a street connecting adjacent subdivisions at appropriate intervals where topographical and land use considerations permit. The

arrangement of all streets and alleys shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

- (c) *Undeveloped or vacant areas.* In undeveloped or vacant areas, streets shall be identified and classified through the planning process. The location of major streets shall conform to the major street plan.

Street names.

- (a) Streets obviously in alignment with existing streets shall bear the names of the existing streets.
- (b) No street names shall be used which will duplicate, be the same in spelling or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 30 inches. Street names shall indicate directions either south or west when applicable.
  - (1) Numbered street name suffixes shall be applied as follows:
    - a. *Street:* As approved on preliminary & final plats.
    - b. *Avenue:* As approved on preliminary & final plats.
  - (2) Other street name suffixes shall be applied as follows:
    - a. Circle: All cul-de-sacs  
All street names shall be as submitted and approved on preliminary and final plats.
  - (3) The prefix of all cul-de-sacs shall, whenever possible, match the prefix of the intersecting road.
- (c) When, due to topography, offsets cause streets to become interrupted, quarter-line and section line streets shall retain the same name on either side of the irregularities.
- (d) Subdivision names shall not duplicate, be the same in spelling or alike in pronunciation with any existing subdivision names, and shall be subject to the approval of the city.

Street standards.

- (a) The developer shall be responsible for dedication of street right-of-way widths according to the major street plan and not less than as follows:

Street Type	Right-of-Way in Feet
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Arterials	100
Collectors	70
Locals	60
Cul-de-sacs and eyebrows	60 (radius)
Alleys	20

(b) Alleys shall be regulated as follows:

- (1) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
- (2) Alleys are permitted in residential districts when conditions warrant an alternative means of access.
- (3) A nonconforming right-of-way width is only permitted to complement an existing nonconforming right-of-way width.
- (4) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the city.

(c) Half-streets shall be regulated as follows:

- (1) Whenever an existing nonconforming right-of-way width is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
- (2) A preliminary plat of a subdivision may show one-half of a nonconforming right-of-way width along adjoining property which has not been subdivided, but no lot abutting on such nonconforming right-of-way width shall have a building permit issued for it until such time as the other nonconforming right-of-way width is dedicated.
- (3) A final plat shall not contain a half-street right-of-way.

(d) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac shall be 600 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the city on dead-end streets that will eventually be continued.

(e) Where street jogs are unavoidable, the centerline offset shall not be less than 125 feet.

- (f) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 60 degrees.
- (g) Street shall be laid out in such a manner that the maximum length of a street between intersection shall be 600 feet.
- (h) Private streets or roads, if allowed, shall meet the following requirements:
  - (1) Private streets shall be paved by the developer to a width of not less than 28 feet, and shall be maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14 feet six inches and are subject to the same grade requirements as public streets.
  - (2) The property owner(s) or agent shall place street signs on all private streets or pay the city to place street signs for private streets at the locations the city deems necessary for the safety and convenience of the public. Street signs shall be of such a style and material so they are easily readable at night as well as day, and are subject to the approval of the city.
  - (3) Buildings located adjacent to a private street or road shall be addressed in accordance with Aurora Ordinances.
  - (4) Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.
  - (5) Any private street or road approved by the city shall provide permanent unobstructed access to the area it serves. No structure may be erected either within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency.
  - (6) Any plat presented for city approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for private maintenance and shall reserve the private street or road as a permanent unobstructed access.
  - (7) The city will not subsequently accept a private street or road for dedication unless and until it is brought to city standards, which provides adequate rights-of-way without requiring variances for setbacks.
- (i) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
  - (1) Any mutual access easement accepted by the city must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
  - (2) Mutual access easements shall be indicated on the plat.
  - (3) Any plat presented for city approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.

- (4) Mutual access easement areas shall be paved by the owner or developer and maintained in passable condition. Designs for mutual access easements must be approved by the city .
  - (5) An easement area maintenance agreement among property owners who will depend on the mutual access easement for access shall be filed with the plat. The maintenance agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.
  - (6) The developer/owner may be required to place traffic control signs on mutual access easements or to pay the city to place traffic control signs for mutual access easements at the locations the city deems necessary for the safety and convenience of the public. Traffic control signs shall be approved by the city.
- (j) Concrete or asphalt pedestrian walkways of an appropriate width (as determined by the engineering design standards) shall be required upon and through blocks where deemed necessary to provide circulation or access to schools, playgrounds and other community facilities. They may also be required to provide access through greenways and common areas. Maintenance shall be the responsibility of the adjacent property owners unless stated otherwise.
- (k) The developer shall be held responsible for the street workmanship, materials, deterioration or any other deficiencies for a period of three years from the completion of the work and acceptance of the street by the city. The developer shall repair and/or replace all street deficiencies during the corrective period at no cost to the city. Any surface restoration costs incurred because of the repairing and/or replacing of deficiencies shall be borne by the developer. The city shall have the final approval right over whether adequate repair and restoration has been completed by the developer. In the event the developer fails to repair or restore the affected street in a manner acceptable to the city, the city shall have the right, after allowing the developer a reasonable period to complete the repair and restoration, to make such repairs and restoration and the developer shall pay the costs incurred by the city for such actions.
- (l) Secondary access is required for all residential subdivisions as hereinafter provided:
- (1) Each residential subdivision with a projected trip generation of over 400 vehicle trips per day shall have a secondary access. The trip generation count is determined within the area accessible by a single primary access.
  - (2) The number of vehicle trips per day for purposes of the trip generation count shall be determined by the following:
    - a. Single family unit—10 trips per day.
    - b. Each apartment unit—7 trips per day.
    - c. Condominium/townhouse unit—6 trips per day.
    - d. Mobile home units—5 trips per day.
    - e. Elderly housing units—3 trips per day.
    - f. Residential PDD or mixed use—7 trips per day.

- (3) No additional platting shall be allowed in any area exceeding 400 vehicle trips per day unless a secondary access is constructed or the planning commission has granted a variance.
- (4) Subdivisions which received preliminary plat approval prior to the adoption of this regulation shall be exempt from this requirement for the lots shown on the approved preliminary plat. Preliminary plats which are revised subsequent to adoption of this ordinance are subject to the provisions of this ordinance.
- (5) If the density of the residential subdivision is unknown at the time of platting, the maximum density in the zoning district shall be used in calculating the vehicle trips per day.

Land design and improvements.

(1) *Blocks.*

- (a) The lengths, widths and shapes of blocks shall be determined with regard to the following:
  1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  2. The need for convenient access, circulation, control and safety of traffic and utilities.
  3. Limitations and opportunities of topography.
- (b) Block lengths shall not exceed 1,000 feet and shall normally be wide enough to allow two tiers of lots of an appropriate depth.

(2) *Lots.*

- (a) Lot dimensions shall be appropriate for the location of the subdivision and conform to the requirements of the zoning ordinance.
- (b) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.
- (c) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
- (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 the street whenever possible except on curves where they shall be radial.
- (f) Each lot shall abut a dedicated street right-of-way or shall include an approved private street except as provided in subsection (g), below.
- (g) A lot that will be joined with another existing lot having street frontage shall adhere to replat requirements.
- (h) Where residential lots abut an existing or proposed arterial street, they shall constitute double frontage lots.
- (i) Lot development that would result in reverse frontage lots shall be prohibited.

- (j) Lots abutting major drainageways, detention basins or a railroad right-of-way shall be designed with an increased depth to allow for extra setback.
- (3) *Developments adjacent to arterial streets.* In order to maintain the traffic carrying capacity of an arterial street and to protect the residents of adjacent property from the high traffic volume, land along such arterial streets shall be subdivided in the manner set forth below:
  - (a) Where double frontage lots are planned, an extra lot depth shall be required to allow for a greater building setback to offset the impact of high traffic volume.
  - (b) Corner lots or double frontage lots shall be restricted or limited from accessing an arterial street in order to maintain its traffic carrying capacity.
  - (c) Frontage roads may be required as the city grows into areas of the county where excessive access points exist from previous rural developments.
- (4) *Public parks and open space.* Where a proposed park, playground, school or other public use shown in the comprehensive development plan is located in whole or in part in a subdivision, the planning & zoning commission may require the reservation within the subdivision.
- (5) *Easements.*
  - (a) All easement widths shall be identified on the final plat.
  - (b) Standard utility easements shall be fifteen feet in total width and centered on shared lot lines.
  - (c) Easements along lot lines shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the distribution of electric, telephone, sewer, water and gas services.
  - (d) Easements shall conform substantially to the boundaries of watercourses, drainageways, channels and streams and shall have a minimum width of 15 feet and as determined by the circumstances.
- (6) *Maintenance agreements.* Where a subdivision contains sewers, lift stations, water supply systems, park areas, road systems or other facilities or services which are necessary to the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by written agreement for the proper and continuous maintenance and supervision of such facilities. A signed copy of the agreement shall accompany every plat having a facility or service covered by such an agreement.
- (7) *Final drainage plan.* The final drainage plan for the subdivision shall be approved by the city.
- (8) *Final grading plan.* The final grading plan shall, as much as possible, be designed to conform to the natural contours of the land. The plan shall be submitted to and approved by the city.
- (9) *Erosion.* Wherever possible, development plans should coincide with the existing topography in order to create the least erosion potential. Stripping of vegetation, regrading, and cut and fill operations should be kept to a minimum. If these activities occur to any degree within a subdivision where soil is exposed to erosion, all exposed land that has existed or will exist for a period of more than one year shall

be reseeded with an appropriate perennial protective vegetative cover that will remain until the land is developed. Erosion from developments or individual building sites shall be prevented from being deposited on public streets or other adjacent property. Ditches and drainageways shall not be disturbed without prior approval of the city.

- (10) *Preservation of natural landscape.* Existing natural features such as trees, water courses or similar amenities, which would add value to a development or to the community as a whole, should be preserved and integrated into the design of the subdivision. Sensitive environmental areas shall be reviewed with regard to promoting harmonious design.
- (11) *Preservation of topsoil.* All boulevards shall have a uniform, minimum planting basin depth of 12 inches of top soil or a combination of topsoil and intermediate soil at the time of final grading. In addition, all yard areas reserved for grass and landscape plantings shall have a minimum of six inches of topsoil or a combination of topsoil and intermediate soil at the time of final grading.

## ARTICLE VII. - RIGHT-OF-WAY IMPROVEMENTS

### Water facilities.

- (a) The developer shall take the action necessary to create or extend a water supply system capable of providing domestic water use and fire protection to the entire subdivision.
- (b) Where a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants) subject to the approval of the city utilities supervisor.
- (c) Water main extensions shall be approved by the city. If the water main is extended adjacent to property that will not participate in the initial construction cost of the water main, the developer shall submit to the department a cost recovery study. The study shall be based upon the actual construction costs showing the amount due from each property when a connection is made to the extended water main. To facilitate the study, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts shall be shown on the preliminary water and sewer plan.
- (d) Land which is located over or adjacent to a water bearing stratum or water supply reservoir that is designated as an area providing or supplementing the municipal water supply shall remain undeveloped and unsubdivided unless public water and sewer systems are provided.
- (e) All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be subject to the approval of the city.

### Sanitary sewer facilities.

- (a) Each lot within a subdivision area shall be provided with a connection to an approved public sanitary sewer.

Exception: In areas where a public sanitary sewer is not reasonably accessible, but such area is included in the comprehensive plan, the developer shall install sewers in



conformance to the wastewater regulations of the State of South Dakota and all other local applicable rules and regulations.

- (b) In cases where a connection to an existing public sanitary sewer may not be immediately practical, a connection may be made to a gravity sewer system by the use of a lift station constructed in accordance with the regulations and requirements set forth by the city.
- (c) All sanitary sewer facilities including gravity sewers, manholes, lift stations and force mains shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the city.

#### *Acceptance of public works/infrastructure construction*

- (a) A formal "Acknowledgement of Acceptance" after the satisfactory installation, completion and acceptance of all construction projects shall be dated and signed by all parties involved. This should include, but is not limited to: the developer, contractor, engineering firm, inspector and city official. Copies shall be made and distributed to all parties involved.
- (b) All major construction plans and specifications shall be submitted to the City Utility Supervisor at least 30 days prior to commencing the construction project. This pertains to all major infrastructure construction (streets, water, sewer, electric, etc.), and not to building permits on minor construction projects. This time is needed for city personnel to review, inquire, modify and approve all aspects of the plans and specifications before construction begins.

### ARTICLE VIII. - GENERAL PROVISIONS AND ASSURANCES

#### Conformity with other plans and ordinances.

All subdivision plans and plats shall comply with the following additional laws and regulations:

- (a) The comprehensive plan of the city and the policies set forth therein.
- (b) The zoning ordinance of the city.
- (c) The major street plan.
- (d) SDCL 11-3-12.1. Approval of access to street or highway prerequisite to filing plat.
- (e) Other plans which may be or have been adopted that would affect the subdivision and use of land.

#### Interpretation, abrogation and severability.

In interpreting and applying the provisions of this chapter, these regulations are the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this chapter 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.

## Amendments.

For the purpose of providing for the health, safety and general welfare of the community, the city council may from time to time amend the provisions imposed by these subdivision regulations in the manner prescribed by law.

## Variances.

The planning commission may reduce or otherwise vary the requirements of these regulations whenever it encounters the situation described below. In granting such variances, the planning commission may require the conditions it determines are necessary to satisfy the basic objectives of the particular regulations. Any variance granted by the planning commission shall be noted in its official minutes.

- (a) *Hardship.* Where the planning commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may, after written application by the developer, grant variances to the regulations subject to specified conditions so that substantial justice may be done and the public interest secured. Such variances shall not have the effect of nullifying the intent and purpose of these regulations or the comprehensive plan. The planning commission shall not grant variances to these regulations unless they make findings based upon evidence presented to them in each specific case that:
1. Because of unusual surroundings, shape or topographical conditions of the specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
  2. The conditions upon which the request for a variance is based are unique to the property and are not applicable, generally, to other property and have not been created by any person having an interest in the property.
  3. The purpose of the variance is not based exclusively upon a desire for financial gain.
  4. The granting of the variance will not be detrimental to the public's health, safety or welfare or injurious to property or improvements in the neighborhood in which the property is located.
- (b) *Large scale residential developments.* The standards and requirements of these regulations may be modified by the planning commission in the case of a plan for a new residential neighborhood which, in the judgment of the planning commission, complies with the objectives of the comprehensive plan zoning ordinance.
- (c) *Design innovations.* From time to time subdivisions may be designed to provide unusual amenities and at the same time fail to conform strictly to the provisions of these regulations. The planning commission may waive certain requirements of these regulations in approving subdivisions involving detailed and workable design innovations that would yield an enhanced living environment for future occupants.

## Assurance agreements.

No plat or plats of any subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval or unless the developer shall have signed an assurance agreement to establish the responsibility for the construction of such improvements in a satisfactory manner as specified by the city.

#### ARTICLE IX. - ENFORCEMENT

##### Sec. 51-91. - Authority.

- (a) The Aurora City Council, Aurora Planning & Zoning Commission, and Aurora City Personnel shall have the authority to make interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of this chapter.
- (b) No building permit may 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 chapter.

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Frederick Weekes, Mayor

ATTEST:

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Shannon Freng, Finance Officer

Vote: Yeas: 4 Neas: 0  
Adopted: December 27<sup>th</sup>, 2017