

CITY OF PIEDMONT

ORDINANCE 2024-01

**AN ORDINANCE ESTABLISHING THE SUBDIVISION PROVISIONS OF THE
PIEDMONT MUNICIPAL CODE PURSUANT TO SDCL 11-6-27**

**BE IT ORDAINED BY THE CITY OF PIEDMONT THERE IS HEREBY ADOPTED
THE FOLLOWING SUBDIVISION ORDINANCE THAT REPEALS TITLE 16 OF THE
CITY OF PIEDMONT CODE AND REPLACES IT WITH THE FOLLOWING
ORDINANCE**

PIEDMONT SUBDIVISION – Title 16

16.01 AUTHORITY

The City of Piedmont Board of Trustees exercises the power and authority to review, approve, and deny applications for the subdivision of land pursuant to the authority of the laws of the State of South Dakota and the ordinances of the City of Piedmont.

16.02 SHORT TITLE

This Ordinance shall be known and cited as the “Piedmont Subdivision Ordinance.”

16.03 PURPOSE OF THE ORDINANCE

The purpose of this chapter is to promote: the harmonious development of the City of Piedmont and its environs; the coordination of streets and public water systems within and around the municipality; adequate open spaces; a distribution of population and traffic that will create conditions beneficial to health, safety, convenience, and prosperity; and the implementation of the goals of the Piedmont Comprehensive Plan.

16.04 JURISDICTION

This Ordinance shall apply to all land located within, adjoining, or contiguous to the boundaries of the City of Piedmont and to any extraterritorial areas as provided for in SDCL 11-6-26 and South Dakota law.

The extraterritorial jurisdiction area governed by this ordinance shall be that area set forth in the previously-adopted extraterritorial platting jurisdiction map setting forth the territorial jurisdictions of Piedmont and Summerset, said map being incorporated herein and attached as Appendix A to this ordinance. The City may alter this extraterritorial jurisdiction area through the adoption of a new map or by providing the legal description of the area by amending Appendix A.

16.05 ADMINISTRATION AND ENFORCEMENT

- A. GENERAL PROVISIONS FOR APPLICATION OF REGULATIONS. This Ordinance works in conjunction with other City ordinances and policies to regulate the subdivision of land and implement the provisions of the Piedmont Zoning Ordinance and Comprehensive Plan. Prior to recording any proposed plat within, adjoining or contiguous to the corporate boundaries of Piedmont or in any extraterritorial areas where the City exercises jurisdiction, the plat shall comply with all applicable state law and Piedmont Municipal codes and be approved by the Board of Trustees (SDCL 11-3-6).

- B. ADMINISTRATIVE OFFICER. The provisions of this Ordinance shall be administered by the Administrative Officer. The Administrative Officer shall be the Chairman of the Planning and

Zoning Board, unless, by resolution by the Board of Trustees, another person is authorized to act as the Administrative Officer. The Administrative Officer is authorized to enforce all provisions of this Ordinance, including approving final plats when the final plat is recommended to be approved by the City Board of Trustees.

- C. **PLANNING AND ZONING BOARD.** The Piedmont Planning and Zoning Board shall assist the Board of Trustees in an advisory capacity in achieving the established purpose of this Ordinance. The Planning and Zoning Board shall establish the rules of procedure that are necessary to the performance of its function under this Ordinance. The Planning and Zoning Board shall review and make recommendation to the Board of Trustees on all preliminary plat applications and exception requests brought forth by the public in accordance with this Title.
- D. **PIEDMONT BOARD OF TRUSTEES.** The Piedmont Board of Trustees shall review all recommendations of the Planning and Zoning Board and make final decisions on plat applications and exception requests brought forth by the public in accordance with this Title. The Board of Trustees may reverse or modify the recommendation of the Planning and Zoning Board by a majority vote of all of its members. The Piedmont Board of Trustees shall have the power to render interpretations of this Ordinance and to adopt and enforce supplemental policies in order to clarify the application of the Ordinance. Such interpretations shall meet the purpose of this Ordinance and be set forth in writing.

16.06 GENERAL REQUIREMENTS AND RESTRICTIONS

- A. **Comprehensive Plan and Major Street Plan.** All plats and subdivisions shall comply with the City's comprehensive plan and major street plan and any amendments thereto.
- B. **Subdivision plats subject to review.** Any subdivision of land within the platting jurisdiction of the City containing two or more lots, no matter how described, shall be platted or replatted, and said plat must be submitted to the Planning Commission for its consideration and recommendation to the Board of Trustees for approval or rejection.
- C. **Property contiguous to the City.** Whenever property that the owner desires to have subdivided into tracts, parcels, lots, or blocks is contiguous to the City, the property shall be annexed into the City prior to filing of a final plat. The subdivider shall be required to submit a petition for voluntary annexation of the property into the City with the plat application if any portion of the subdivision is contiguous to the City's municipal boundary. For the purposes of this title and Zoning title and regulations, the term "contiguous" includes territory separated from the City by reason of intervening ownership of land used as a golf course, railroad, any land owned by the State of South Dakota, right-of-way, highway lots, utility lots or dedications and any subdivisions thereof.
- D. **Construction across existing lot lines.** Any construction across existing subdivision lot lines is in violation of this chapter unless the owner enters into a developmental lot agreement that meets the criteria established by the City.
- E. **Approval stipulations.** As part of the approval of any plat, the City may impose stipulations deemed necessary for the protection of the public health, safety and welfare, pursuant to City, county, state and federal regulations. No plat shall be deemed approved, nor shall any plat be

recorded, until the conditions imposed have been met in full or as otherwise provided for by agreement of the City.

- F. Potable water requirements. Any lot created by the subdivision of any property, lot or aliquot description located within, adjoining or contiguous to the boundaries of City or in any area outside City boundaries where the City exercises platting jurisdiction that results in a lot being nine (9) acres or less must have public access at the lot line access and must connect, at the expense of the lot owner, to the City's water system or to an existing public water system as defined SDCL Chap 34A-3A. Lots created over nine (9) acres with a lot line within four hundred (400) feet of the City's water system must connect, at the expense of the lot owner, any buildings needing water, to the City's water system.
- G. Exemptions. The following subdivision of land shall conform to the requirement of Section 16.15 of this chapter and be exempt from the other procedural requirements of Sections 16.12 and 16.13:
 - 1. Subdivision of land for the purposes of public road or utility right of way.
 - 2. Adjustment of lot line for existing lots as long as the lots remain in compliance with all requirements for a lot.
 - 3. Minor lot split subdivision of land into no more than two lots, if such subdivision does not require the extension of public utilities or streets, meets minimum lot size, all lots can connect directly to a dedicated and constructed public right-of-way in compliance with the City road specifications and will connect to an existing public water system as defined by SDCL Chap. 34A-3A. A minor lot split subdivision contiguous to the City shall annex into the City. A lot may only be split once and only one time and any subsequent division of either resulting lot will not qualify for exemption and must follow all requirements of creating a subdivision in this Chapter.
- H. Violation. It shall be a violation of this chapter 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 this chapter. Any conveyance of property subdivided in violation of this chapter is void *ab initio*. Any recorded conveyance in violation of this chapter is voidable by the City. The Register of Deeds may not record any document of any sale or transfer of subdivided property that does not comply with this Chapter.
- I. Minimum lot sizes. No lot shall be less than the minimum lot sizes established by ARSD 74:53:01 and in no case less than 20,000 square feet.
- J. Plats straddling municipal boundaries. Whenever access to the subdivision is required to cross land in another jurisdiction, the City may require proof of adequate access and approval of the other jurisdiction of the subdivision. Lot lines shall be laid out so as not to cross municipal boundary lines.
- K. Adjacent access and street extension. Land adjacent to a proposed subdivision shall not have its access land-locked by a proposed subdivision. Sufficient proposed streets shall be extended as far as the boundary line of the parcel being subdivided, and provided with a temporary turnout in order to ensure normal circulation of traffic within the vicinity.

- L. Street maintenance. Maintenance of public streets that have not been accepted for maintenance purposes by the City shall be the responsibility of the subdivider until said maintenance is accepted by the Board of Trustees. In the case of streets outside of the municipal limits of the City, the Board of Trustees must approve of a street maintenance plan that provides for said maintenance prior to or in conjunction with approval of the final plat.
- M. Lot monuments, numbering, and naming. 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 18 inches in length. Each bar is to be capped with an aluminum or plastic cap indicating the license number of the surveyor who placed the bar 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 plat before the final plat application is submitted to the Planning Official for review. Lots shall be numbered or named in accordance with SDCL § 11-3-3.
- N. Ghost platting. Ghost platting shall be required for all subdivisions within the platting jurisdiction of the City that create one or more lots of one or more acres that may be resubdivided in the future. Those subdivisions utilizing the minor plat procedure that have not previously been subject to ghost platting may be exempted from this requirement by the Board of Trustees. The ghost plat shall be included as part of the developer's agreement for the proposed subdivision and shall not be subject to expiration unless the Board of Trustees sets a date of expiration for the ghost plat.
- P. Administrative Procedures. The City may enact additional written regulations, by resolution, that govern the procedures for processing subdivisions. These procedures may outline the responsibility of parties concerned with subdivisions and subdivision processing, and may contain other information necessary to systematize handling and processing.

16.07 GENERAL DESIGN REQUIREMENTS.

The design requirements set forth below shall be considered as minimum standards and may be exceeded by the subdivider.

- A. Preservation of existing features. Existing features that would enhance the development of the area as a whole, such as trees, historic sites, or striking physical features, shall be preserved in the design of the subdivision.
- B. Grading permit required. No trees shall be removed from any subdivision nor any change of grade of land be made until an approved grading permit, where required, has been issued by the appropriate Municipal, County or State agency. Engineering reports may be required from the developer before issuance of the grading permit.
- C. Lot access. Each lot within the subdivision shall be provided with access to a public street.
- D. Easements. Easements for utilities and minor drainage ways shall be provided on every lot within the subdivision.
- E. Development of areas subject to flooding. Low areas within the subdivision subject to periodic flooding shall not be developed except for such uses that are compatible with such an area.

FEMA Floodway Maps and Flood Insurance Rate Maps may provide a guide to determining areas with flooding potential. City may require flood studies as part of the platting process.

- F. Avoidance of improvements prohibited. Land shall not be subdivided in a manner which omits part of the original tract to avoid otherwise necessary improvements, such as (but not limited to) stormwater management facilities, water systems or streets.
- G. Street or subdivision names. Street or subdivision names shall not duplicate by spelling or sound or otherwise be confused with the names of existing streets or subdivisions. Such names are subject to approval of the Planning Official after consultation with the appropriate Emergency Services Communication (911) Official and Register of Deeds.
- H. Block lengths. Block lengths shall not exceed 800 feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.
- I. Compliance with zoning standards. All subdivisions and lots within subdivisions shall comply with the lot size restriction, setbacks and other requirements as established in the City's Zoning ordinance. For areas not zoned but future use of the land has been designated under the City's comprehensive plan, the subdivision shall comply with the lot size requirements, setbacks and other applicable requirements of the Piedmont zoning ordinance for the zoning appropriate for the future use as set forth in the comprehensive plan. Areas that are not zoned or are within the Piedmont's extraterritorial jurisdiction where the future use has not been established, lot sizes, setbacks and other criteria of the rural residential zoning requirements shall apply.
- J. Lot configuration and buffering. Double-frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets, to overcome specific disadvantages of topography, or to provide mitigation from the effects of adjoining commercial or industrial zoning districts. The Board of Trustees may require that a plant screen or an earth berm be constructed by the subdivider along the line of lots abutting an arterial street, topographic feature, or adjoining commercial or industrial zoning district.
- K. Side lot lines. Side lot lines shall be designed at right angles to streets except on curves, where they shall be radial.
- L. Exterior street connections. Subdivisions shall be provided with street connections to at least two exterior public streets unless otherwise first approved by the Board of Trustees.
- M. Improvement of abutting streets. If the land to be subdivided abuts an existing street that is surfaced but not paved, or traffic to the subdivision will require a turning lane, the subdivider shall improve the street in compliance with the City's specifications.
- N. Mail delivery. Installation of cluster mailboxes and a vehicle turnout will be required if requested by the Postmaster. Mailboxes must conform to the United States Postal Service's mailbox installation guidelines.
- O. Alleys. Alleys shall be required in commercial and industrial zoning districts unless other provisions are first approved by the Board of Trustees for service access for loading, unloading, and parking.
- P. Infrastructure design criteria and other design criteria. City may adopt design criteria for the construction of roads, approaches, curbs and gutters and other related infrastructure for

subdivisions. Where design criteria have not been formally promulgated by the City by either adoption of the design criteria plan, building code or through promulgation of other ordinances or resolution, design criteria for the City of Rapid City, including the City of Rapid City Standard Specification for Public Works, 2022 Edition, shall apply.

16.08 SUBDIVISION APPROVAL CRITERIA

- A. The subdivision complies with zoning district requirements;
- B. The subdivision complies with the requirements of this Ordinance;
- C. The subdivision complies with State, Federal, and local laws, regulations, and requirements;
- D. If applicable, the applicant has completed or has provided subsequent surety in the discretion of the City to guarantee the construction of all required improvements;
- E. As applicable within each phase of the subdivision, the infrastructure is available for development of the subdivision; and
- F. The subdivision complies with the City floodplain ordinance and regulations.

16.09 PREAPPLICATION PROCEDURE

Prior to the filing of a preliminary plat, the subdivider shall consult with interested parties representing the City and, where applicable, County concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangements of streets, alleys, and lots, and the layout of utility lines. Conditional approval as to the general land use of the proposed subdivision must be obtained from the Planning and Zoning Board prior to preparation of the preliminary plat.

16.10 PREAPPLICATION CONFERENCE

Applicants are encouraged to schedule a pre-application conference prior to submittal of an application for review to the Planning and Zoning Board. The applicant may present a conceptual drawing of the proposed subdivision plat along with other information at the pre-application conference for the Administrative Officer and Planning and Zoning Board members to determine the appropriate subdivision application process required for approval.

16.11 LAYOUT PLAN

A layout plan is a generalized plan of a proposed subdivision. The layout plan review process allows for an informal review of a proposed subdivision to help the applicant determine the proposal's conformance with City ordinances and development requirements. A layout plan review by the Planning and Zoning Board is not required for proposed subdivisions of less than five lots unless it is a commercial or industrial subdivision. Subdivisions of less than five lots may present a layout plan to provide an opportunity to obtain information and comments prior to going through the platting process.

A. APPLICATION REQUIREMENTS.

1. Required Information for Layout Plan Reviews. The following information is required for layout plans:
 - i. A completed and signed application;
 - ii. Site plan;
 - iii. Vicinity map;
 - iv. Lot configurations with approximate areas designated in square feet and the location of streets within the subdivision boundary;
 - v. Topography at 5-foot contour intervals; and

- vi. Adjacent development information including property lines, roads, and watercourses and zoning.

B. **LAYOUT PLAN REVIEW PROCESS.** The applicant shall submit the required review materials to the Administrative Officer at least ten (10) days before the next Planning and Zoning Board meeting. Upon application, the layout plan will be placed on the next available Planning and Zoning Board meeting agenda for review unless completion of the submissions was made less than ten (10) days prior to the meeting in which case it will be scheduled for the next meeting.

1. Planning and Zoning Board Review. The applicant is required to attend the Planning and Zoning Board meeting to discuss the layout plan. At the meeting, the Planning and Zoning Board will review the proposal in relation to applicable City ordinances and development requirements and provide information and comments on the layout plan design and the platting process. Any information and comments provided shall not bind the Board or City or require the Board of City to take any certain action.

16.12 PRELIMINARY PLATS

A preliminary plat of a proposed subdivision shall be submitted to the Planning and Zoning Board for their consideration and recommendation to the Board of Trustees for approval prior to final plat application. A preliminary plat is a plan of a proposed subdivision and shall include any needed installation of public improvements.

A. APPLICATION REQUIREMENTS.

1. Required Information for Preliminary Plat Applications. The following information is required for preliminary subdivision plans:
 - i. A completed and signed application;
 - ii. Site plan showing existing development and proposed subdivision lot layout;
 - iii. Vicinity map;
 - iv. Lot configurations with areas designated in acres and square feet and the location of streets within the subdivision boundary;
 - v. Topography at 5-foot contour intervals;
 - vi. Land uses;
 - vii. Street layout;
 - viii. Sidewalks and walkways;
 - ix. General utility layout;
 - x. Initial grading plan;
 - xi. Drainage areas including for subdivisions over five lots engineered drainage calculations and culvert(s) design;
 - xii. Master plan;
 - xiii. Phasing plan; and
 - xiv. Traffic impact study, if applicable.
 - xv. Minimum of ten (10) paper copies of the preliminary plat and an electronic version of all submissions

B. **PRELIMINARY PLAT APPROVAL PROCESS.** The applicant shall submit the required application, number of copies of the preliminary plat, and supporting documentation to the

Administrative Officer at least ten (10) days prior to the next Planning and Zoning Board meeting. Upon application, the preliminary plat will be placed on the next available Planning and Zoning Board meeting agenda for review unless completion of the submissions was made less than ten (10) days prior to the meeting in which case it will be scheduled for the next meeting. Subsequent to Planning and Zoning Board approval, the applicant may proceed to file an application for final plat approval.

1. Planning and Zoning Board Review. In reviewing the plat, the Planning and Zoning Board will consider the application, supporting documents, public input, and the Preliminary Plat Approval Criteria. The Planning and Zoning Board will vote to recommend approval, approval with conditions, or denial of the preliminary plat within 60 days of submission. The Planning and Zoning Board's recommendation shall be forwarded to the Board of Trustees for final consideration.
2. Board of Trustees Review. The Board of Trustees may concur with, modify, or reverse the Planning and Zoning Board's recommendation. The decision of the Board of Trustees on a plat application shall be made within 90 days of the application submission. If Board of Trustees action on the plat is not taken within 90 days of submission, such plat shall be deemed approved and a certificate to that effect shall be issued by the Board of Trustees. The applicant may waive this requirement and consent to the extension of such period.

C. **EXPIRATION OF PRELIMINARY PLATS.** A preliminary plat application approved under the provisions of the Ordinance shall expire and become null and void if a final plat for the proposal is not submitted within one (1) year of the date of approval or if the applicant pulls their application. An extension beyond the one (1) year period may be granted by the Board of Trustees upon a showing by the applicant that that cause of the delay was through no fault of the applicant or applicant's agents and resulted due to actions of other parties.

D. **OFFICIAL SUBMISSION DATE.** A preliminary plat is not deemed submitted unless and until all the information required in Section 16.12(A) has been submitted to the Administrative Officer. For the purpose of these regulations, the date of the regular meeting of the Planning and Zoning Board meeting where the Planning and Zoning Board will review the preliminary subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submitted date of the plat at which the period required for their recommendation of the plat shall begin to run. The date of the regular meeting of the Board of Trustees on approval of the preliminary subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submitted date of the plat at which the statutory period required for formal approval or disapproval of the plat shall begin to run. Submission of the preliminary plat to the Planning and Zoning Board upon a determination that all information required in Section 16.12(A) has been submitted shall be set for the next Planning Commission meeting unless completion of the submissions was made less than ten (10) days prior to the meeting in which case it will be scheduled for the next meeting. An applicant's request or agreement to rescheduling, deferral or continuance shall constitute a waiver of the City deadlines for review.

16.13 FINAL PLATS

A final plat is a permanent record of the size and location of lots, blocks, streets, alleys, drainage areas, easements, and other parcels of land within a subdivision. When a final plat is recorded with the Meade County Register of Deeds, the plat becomes a legal instrument.

A. APPLICATION REQUIREMENTS.

1. Required Information for Final Plat Applications. In order for a final plat to be reviewed, the following information must accompany the required application.
 - a. The original plat document that meets all requirements of South Dakota state statutes and administrative rules;
 - b. Eight copies of the plat;
 - c. The application fee;
 - d. Part of completion of all improvements or surety in lieu of subdivision improvements, if applicable;
 - e. Inspection reports or approval of any public infrastructure built and payment of only inspection fees; and,
 - f. Any additional information or requirements imposed as a condition of approval of the preliminary plat.

B. FINAL PLAT APPROVAL PROCESS. After approval of the preliminary plat, the applicant shall submit a final plat of the proposed subdivision to the Administrative Officer. Unless an exception applies, a developer must enter into a developer agreement and post a guarantee with the City that will come into effect upon the approval of the final plat. The final plat shall substantially conform to the approved preliminary plat and shall incorporate all required conditions of approval from the preliminary plat. Within 60 days of submission, the Planning and Zoning Board shall review the application and make a recommendation on the final plat to the Board of Trustees. The Board of Trustees may concur with, modify, or reverse the Planning and Zoning Board's recommendation. The decision of the Board of Trustees on a final plat application shall be made within 90 days of the complete application submittal. Approved plats shall be recorded with the Meade County Register of Deeds.

C. PULLED APPLICATION. An applicant that pulls their Final Plat application once the review process has begun is required to restart the subdivision application process with the submission of a Preliminary Plat.

D. OFFICIAL SUBMISSION DATE . An application for a Final Plat is not deemed submitted unless and until all the information required in Section 16.13(A) has been submitted to the Administrative Officer. For the purpose of these regulations, the date of the regular meeting of the Planning and Zoning Board meeting where the Planning and Zoning Board will review the preliminary subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submitted date of the plat at which the period required for their recommendation of the plat shall begin to run. The date of the regular meeting of the Board of Trustees at which the public hearing on approval of the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submitted date of the plat at which the statutory period required for formal approval or disapproval of the plat shall begin to run. An applicant's request or agreement to rescheduling, deferral or continuance shall constitute a waiver of the City deadlines for review.

E. COST AND COMPLETION OF CONSTRUCTION. All of the costs of planning, designing, developing and constructing all of the Improvements, demolition and clearance of existing

improvements, site preparation and grading shall be borne solely by the Developer. All improvements, demolition, and clearance of existing improvements shall be completed prior to the City executing the final plat. In lieu of completion of all improvements, the application may secure a performance bond, or irrevocable letter of credit, acceptable to the City at 125% of the engineered estimated cost of completion of the improvements. The performance bond, or irrevocable letter of credit, will guarantee performance to the City within a period specified by the City.

- F. **COST AND FEES.** All costs and fees related to development of the subdivisions and improvements, required or not, shall be at the applicant's expense, without reimbursement by the City or any district therein.

16.14 IMPROVEMENTS

All improvements approved as part of a preliminary plat application shall be designed in accordance with City standards and must be constructed or installed, or surety provided in lieu, prior to final plat approval.

A. STREETS.

1. The arrangement, character, extent, location and grade of all proposed streets shall be designed in accordance with good land planning principles and constructed in accordance with City standards, the Major Street Plan, and the Comprehensive Plan. Streets shall be provided in relation to existing and proposed streets, topographical conditions, public convenience and safety, in appropriate relation to the proposed uses of land to be served, and in relation to the provision of utilities to service all lots. For road design the City shall use the City of Rapid City Standard Specification for Public Works, 2022 Edition unless the City adopts a different standard by resolution.
2. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The City and, if another governmental entity will have jurisdiction over the street, that governmental entity may limit the length of temporary dead-end streets in accordance with the design.
3. Each lot shall be provided with access to a public street and approval of the access by the City and, if another governmental entity will have jurisdiction over the street, that governmental entity.
4. Property abutting a proposed subdivision shall not be left land-locked by such proposed subdivision.
5. All approaches, driveways, streets and roads must be asphalt or concrete. If road in front of property is gravel, the City may allow gravel driveway by variance.
6. All streets serving a subdivision with lots less than 9 acres shall have concrete curbs and gutters installed.
7. Street names shall not be duplicated by spelling or sound, such that they may be confused with the names of existing streets. Street names are subject to the approval of the Planning and Zoning Board.
8. Neither the filing of the plat or dedication of the public right-of-way constitutes acceptance by the City of any obligation of maintenance or construction of the public right-of-way.

B. SIDEWALKS.

1. Public sidewalks shall be provided in accordance with City standards and constructed on both sides of all streets within any subdivision or any other place deemed necessary by the Planning and Zoning Board.

C. EASEMENTS.

1. Utility, drainage, or other easements shall be provided in accordance with City standards.

D. LOTS.

1. Every lot shall abut a street improved to City standards.
2. Lot dimensions shall be in conformity with the provisions of the Zoning Ordinance.

E. UTILITIES.

1. Utilities shall be provided in accordance with City standards.
2. Subdivisions shall connect with the City of Piedmont public water system if any portion of the subdivision is within 400 feet of a City water main or comply with Section 16.06(F) of this Ordinance.

F. DRAINAGE FACILITIES.

1. If subdivision improvements are required, a drainage plan and report shall be submitted by the applicant's engineer.
2. The provision of drainage facilities shall be provided in accordance with City standards.

16.15 MINOR PLATS

Description. The purpose of this section is to allow property to be platted into 2 or fewer lots without being subject to the procedural provisions of the preliminary subdivision plan regulations of this title. No minor plat shall be approved in any case in which the extension of public water, sewer or streets or any other physical improvement (with the exception of the installation of public sidewalks) is required by the subdivision regulations of this title. No minor plat shall dedicate any public right-of-way.

A. REVIEW. The owner and/or designated agent shall submit a complete application, the required application, fees, the signed plat document, the specified number of copies of the minor plat document, and the appropriate supporting documents, reports, permits, approved exceptions and/or variances, and other specified information to the Administrative Officer and request that the Minor Plat procedure be followed. If upon receipt of a complete application and the required information, the Administrative Officer agrees that the subdivision qualifies as a minor plat, the Administrative Officer shall provide all information to the Planning and Zoning Board members for comment. The Planning and Zoning Board shall have ten (10) business days from receipt of the complete application to review and provide any comments on the Subdivision to the Administrative Officer who will then submit the complete subdivision application and all comments to the Board of Trustees to be heard at its next meeting that is at least three business days away. If approved by the Board of Trustees, the plat document shall be signed and recorded at the Meade County Register of Deeds.

B. SUSPENDED TIMELINES. If the Administrative Officer determines that the application for the minor plat does not contain the specified and required information or that the proposed

subdivision does not qualify as a minor plat, the review timeline shall be suspended and the owner and/or designated agent shall be notified of the deficiency. When complete and sufficient information is provided by the owner and/or designated agent, the review timeline shall begin. Applications suspended for more than 90 consecutive days shall be denied by the Administrative Officer. Applicants may appeal to the Board of Trustees for extensions, providing that the appeal is heard within 90 days of the suspension.

C. APPEAL OF SUSPENDED TIMELINES. When the owner and/or designated agent do not concur with the Administrative Officer regarding the information required for the minor plat, an appeal can be filed to the Board of Trustees. The Board of Trustees may approve or deny the minor plat in its entirety, upon the applicant's request, with consideration being given to the disputed item(s).

16.16 EXCEPTIONS

A. EXCEPTIONS TO ORDINANCE. The Board of Trustees, sitting as a Board of Adjustment may grant a variance to submittal requirements, standards for improvements, or other provisions of this Ordinance. An applicant shall make a written request to the Planning and Zoning Board specifically identifying the provision of the Ordinance and the waiver being requested. The request shall be processed concurrently with the associated preliminary plat application. The Planning and Zoning Board may request additional information from the applicant in order to make a recommendation on the request to the Board of Trustees. The Planning and Zoning Board's recommendation shall be forwarded to the Board of Trustees for final consideration.

B. VARIANCE APPROVAL CRITERIA.

1. There are special circumstances or conditions on the property such that the strict application of the regulation in question would preclude all reasonable use of the site;
2. Granting the exception will not compromise the purpose of this Ordinance or any other Ordinance;
3. Any impacts resulting from the exception will be mitigated;
4. The applicant comply with any conditions imposed as part of the approval; and
5. The approval receive at least a two thirds majority vote.

C. APPLICATION OF THE COUNTY PLATTING AND DEVELOPMENT REGULATIONS AND ORDINANCES. The Board of Trustees by resolution for areas more than one mile from the City boundary can establish an area wherein the City will apply County planning and development ordinances and regulations in place of substantive but not procedural requirements of this chapter. In any such resolution, the area will be identified and any conditions on the application specific to the area will be set forth.

16.17 CONFLICTING REGULATIONS AND SEVERABILITY

- A. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or any other ordinance, rules or regulations, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restrictions.
- B. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by a competent jurisdiction, such judgment shall be confined in its operation to

the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Governing Body hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

16.18 FEE SCHEDULE

Upon making application, any applicant shall pay the appropriate permit fee to the City. The amount of an applicant’s fee shall be determined by reference to the following:

Application fees.....	\$ 350.00
Plus the cost of all Register of Deeds filing fees	
Inspection fees	\$ 350.00
For plats that create more than two new lots, an additional inspection fee for each additional lot beyond two.....	\$ 125.00
Plat errors or omissions.....	\$ 125.00
Variance submittal	\$ 250.00
Engineering or professional review or inspection.....	City Cost
Any other fee not specifically set by this Section.....	\$ 250.00
Register of deeds fee	Paid to Register by Applicant

Fees including any estimated fee, shall be paid at the time of application. At no time shall a plat or other subdivision regulations application be brought before the City without the proper fees being first paid. For any subdivision creating more than two lots or any subdivision that requires the construction of any public right of way, the City may include as an additional fee to be paid by applicant any expenses incurred by the City to have an engineer or consultant review the preliminary plat, final plat, inspect any infrastructure being constructed as part of the platting, review plans and confer with applicant or applicant’s representatives. For an application where a fee is incurred after submission of the application, the applicant shall pay this fee prior to the City signing the final plat or where a plat is withdrawn, at the time the plat is withdrawn. Fees are not returned if application is withdrawn. For any reapplication, applicant shall pay all fees at time of application as required of any new plat.

These fees may be increased by resolution of the Board of Trustees. If so adjusted, the resolution shall set forth the fee being changed and the new rate in the resolution with the fee becoming applicable to any pending filings that have not been approved as a preliminary plat by the Board of Trustees and all new filings.

All such fees shall be paid to the City Finance Officer to be deposited into the general fund of the City.

16.19 AMENDMENTS

- A. AMENDMENT OF ORDINANCE. The City may from time to time amend the provisions of these subdivision regulations.

- B. **AMENDMENT OF SUBDIVISION STANDARDS IN EXTRATERRITORIAL JURISDICTION.**
The Board of Trustees may by resolution for areas at least one and one half miles from the City municipal boundaries set forth by legal descriptions areas where the City will apply the subdivision ordinances of Meade County. The resolution may determine to apply the Meade County ordinances in whole or in part by specifying the sections of ordinance it will apply.

16.20 PENALTIES

A violation of any provision of this chapter or any amendment thereto, or failure to perform any act required hereunder, may be punished by a fine not to exceed the fine established by subdivision 22-6-2(2) per violation. The penalties under this section may be set or enhanced by resolution.

In lieu of, or in addition to, any other remedy described in this section, a person violating any provision of this Ordinance is subject to a civil penalty. Every person found in violation of any provision of this Ordinance, or any rule or regulation, adopted or issued in pursuance thereof, shall be subject to a civil fine of \$500.00, per violation, or a fine as set by resolution. The enforcement of this provision may be made in accordance with the City's Administrative Citations provisions, if any, in effect at the time, or by action in a court of law. Each day a violation continues shall be a separate violation and subject to an additional fine. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section herein, whether or not such penalty is reenacted in the amendatory Ordinance.

Nothing in the Section is intended to limit the remedies available to the City by law. In addition to the penalties described in this section, the City may pursue other remedies, including but not limited to, abatement of nuisances, injunctive relief and revocation of licenses or permits. Any violation of this chapter is hereby declared to be a public nuisance per se and may be abated according to law. If the City abates a nuisance, it is entitled to recover all costs of abatement including any professional or attorney fees.

In the event that enforcement of this Ordinance requires court action, and in addition to any fine or penalty assessed by the court, any person in violation of this Ordinance shall be required to pay all court costs and expenses, including attorney's fees, involved in the case.

In no event may a person in violation of this Ordinance be issued a building permit unless such permit is specifically authorized by the Board of Trustees.

16.21 COURT REVIEW OF BOARD OF TRUSTEE DECISIONS

Any person, firm, or corporation aggrieved by any decision of the Piedmont Board of Trustees may appeal the decision to circuit court as allowed by state law.

16.22 PLAT ERRORS AND OMISSIONS

Corrections of errors and omissions on a plat document shall follow the South Dakota state statutes requirements per SDCL 43-18-11.

16.23 VACATION OF PLATS

The vacation of plats shall be governed by the provisions of SDCL Chapter 11-3.

16.24 ORDINANCE LANGUAGE AND DEFINITIONS

- A. **GENERAL RULES FOR APPLICATION OF THE ORDINANCE LANGUAGE.** Where the language in the Ordinance is ambiguous or unclear, the Planning and Zoning Board may issue a statement of clarification, which must be reviewed and approved by the Piedmont Board of Trustees.

- B. **TENSES AND USAGE.** Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The words “must”, “shall”, and “will” are mandatory. The word “may” is permissive.
- C. **LISTS.** Lists of items that state “such as” or similar language are not limited to just those items. The lists are intended to provide an example, but not to be exhaustive of all possibilities.
- D. **DEFINING WORDS AND PHRASES.** The following words, terms, and phrases are defined and shall be interpreted as such throughout this title. Terms not herein defined shall have the meaning customarily assigned to them. The following words, terms, and phrases, when used in this Title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
- i. **ABUT:** See *ADJOIN*.
 - ii. **ADJACENT:** Parcels with no private lots between them; can be shared by public right-of-way.
 - iii. **ADJOIN:** To share any portion of a lot line, including a single point.
 - iv. **ADMINISTRATIVE OFFICER:** The person appointed by the City to administer these regulations.
 - v. **ALLEY:** A minor public right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.
 - vi. **APPLICANT:** A person or entity who submits a plat. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, engineer, or architect.
 - vii. **BOARD OF TRUSTEES:** The City of Piedmont Board of Trustees.
 - viii. **CITY:** The City of Piedmont, South Dakota.
 - ix. **CITY ENGINEER:** The person designated by the Piedmont Board of Trustees to furnish engineering assistance for the administration of this title.
 - x. **COMPLETE APPLICATION:** A complete application contains all of the information and items required per this Ordinance, and/or City policy.
 - xi. **COMPREHENSIVE PLAN:** The currently adopted Piedmont Comprehensive Plan.
 - xii. **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.
 - xiii. **DEDICATION:** The designation and formal transfer of land to the governing body for use by the public.
 - xiv. **DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES (DANR):** The South Dakota Department of Agriculture and Natural Resources.
 - xv. **DEPARTMENT OF HEALTH:** The South Dakota Department of Health.
 - xvi. **DEVELOPER’S AGREEMENT.** A contractual agreement between the subdivider and the City that binds the subdivider to the requirements of this chapter or other conditions.
 - xvii. **DRAINAGEWAY:** An open linear depression, whether constructed or natural, which functions for the collection drainage of surface water.

- xviii. EASEMENT: A grant of the rights by a property owner that allows another person to use the owner's land for a specific purpose, such as access or to locate utilities. An easement is self-perpetuating and runs with the land.
- xix. FEMA: The Federal Emergency Management Agency.
- xx. GHOST PLATTING. A method of master planning for future urban densities in large-lot subdivisions located within the city's platting jurisdiction. Platting for future urban lot densities is achieved by the preparation of a layout plat to provide for future lots, streets, and other improvements.
- xxi. GOVERNING BODY: The City of Piedmont, South Dakota Board of Trustees.
GRADING. Excavating, filling, or stockpiling soil.
- xxii. GRADING PERMIT. Written permission issued by a Building Official for the excavation, grading, or fill of earth or other material. The grading permit is intended to regulate development of agricultural, residential, commercial, and industrial properties; grading of land within or adjacent to FEMA-designated flood hazard areas; and construction of subdivision roads or improvements.
- xxiii. HOMEOWNERS ASSOCIATION: An association comprised of homeowners who reside in a subdivision or development or landowners who purchase property in the subdivision or development. The association may assess maintenance or common area fees as set forth in the association by-laws.
- xxiv. IMPROVEMENT: Changes and additions to land necessary to support the development 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 and service lines, sanitary or storm sewers, sidewalks, street grading and surfacing, street lights, survey monuments, telephone lines, and other similar items.
- xxv. LAYOUT PLAN: A layout plan is a general plan of a proposed subdivision. The layout plan review process allows for an informal review of a proposed subdivision to help the applicant determine the proposal's conformance with City ordinances and development requirements. A layout plan review is not required for proposed subdivisions.
- xxvi. LOT: A parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, or developed.
- xxvii. LOT LINE: The property lines along the edge of a lot.
- xxviii. LOT LINE, FRONT: A lot line that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
- xxix. LOT LINE, REAR: A lot line that is opposite a front lot line.
- xxx. LOT LINE, SIDE: A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line that abuts a street is a side lot line.
- xxxi. MAJOR STREET PLAN: The map showing the designations of streets within the City's planning jurisdiction, adopted or established by law, any amendments or additions thereto resulting from the approval of subdivision plats and the subsequent filing of such approved plats.
- xxxii. NON-COMMUNITY WATER SYSTEM. A public water system that is not a community water system and regularly serves a transient population of 25 or more people each day.

- xxxiii. OFF-SITE IMPROVEMENT. An improvement required to be made off site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.
- xxxiv. OWNER: The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records of the Meade County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.
- xxxv. OWNER'S ENGINEER: The registered engineer, in good standing with the State of South Dakota, who is the agent of the owner of land that is proposed to be subdivided or which is in the process of being subdivided.
- xxxvi. OWNER'S SURVEYOR: The registered land surveyor, in good standing with the State of South Dakota, who is the agent of the owner of land that is proposed to be subdivided or that is in the process of being subdivided.
- xxxvii. PARCEL: A lot, or contiguous group of lots, or other pieces of land considered a unit for purposes of development.
- xxxviii. PERCENTAGE OF GRADE. The vertical rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance. The centerline of a street shall be used to determine the grade of the street.
- xxxix. PERSON: Includes natural persons, partnerships, associations, cooperative corporations, limited liability companies, limited or limited liability partnerships, corporations, trusts, and any other organized or unorganized associations of persons.
 - xl. PLANNING AND ZONING BOARD: The City of Piedmont Planning and Zoning Board.
 - xli. PLAT: A map, plan, or layout indicating the location and boundaries of individual properties drawn in compliance with state requirements.
 - xl.ii. PLAT, FINAL: The plat of the subdivision and any accompanying material as described in these regulations.
 - xl.iii. PLAT, PRELIMINARY: The plat of the proposed subdivision and any accompanying material approved by the Piedmont Board of Trustees in advance of the submission of a final plat.
 - xl. iv. PROPERTY LINE ADJUSTMENT: The relocation or elimination of a common property line(s) between two abutting properties. A property line adjustment does not create new lots.
 - xl. v. PUBLIC UTILITY EASEMENT. A right granted by an owner of property to a public utility or governmental agency to erect and maintain poles, wires, pipes, or conduits on, across, or under the land, for telephone, electric power, gas, water, sewer, or other utility services.
 - xl. vi. RECORDED ACCESS: A permanent easement or dedication providing legal access to a tract of land.
 - xl. vii. RECORDED ACCESS EASEMENT. A permanent easement or dedication providing legal access to an isolated tract of land.
 - xl. viii. REGISTERED LAND SURVEYOR: A surveyor registered and in good standing with the State of South Dakota.

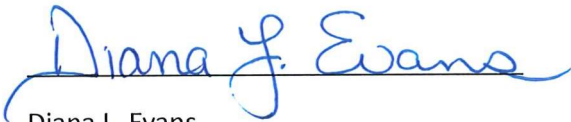
- xlix. RESERVE STRIP. An easement granted to the public for a strip of land to be held in trust until needed for road development or other beneficial public use. The easement may be converted to a public right-of-way easement by resolution of the Board of Trustees.
 - l. RIGHT-OF-WAY: A public area that allows for the passage of people or goods.
 - li. RIGHT-OF-WAY EASEMENT: A portion of a parcel of land that is defined by a notation on a plat as a permanent easement for use as a public right-of-way.
 - lii. ROAD DISTRICT: An association of landowners formed under State Law to develop of community of subdivision road district for the 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.
 - liii. ROADWAY: The portion of the right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include areas devoted to curbs, parking strips, or sidewalks.
 - liv. SIDEWALK: A paved area for a pedestrian walkway paralleling and separated from the roadway.
 - lv. SPECIFICATIONS: The development specifications that have been adopted by the Board of Trustees.
 - lvi. STREET: A public or private thoroughfare that affords the principal means of access to abutting property.
 - lvii. STREET, ARTERIAL: A street of considerable continuity, which is primarily a through-traffic artery for traffic through and throughout the City. Arterials serve as the primary circulation routes, and generally carry the majority of higher-speed traffic through the City.
 - lviii. STREET, COLLECTOR: A street intended to move traffic from residential street to arterials.
 - lix. STREET, CUL-DE-SAC: A residential street with only one (1) outlet and an appropriate terminus for the safe and convenient reversal of traffic movement.
 - lx. STREET LINE: The legal line between the street right-of-way and abutting property.
 - lxi. STREET, PRIVATE: A street that provides vehicular and pedestrian access to an isolated tract of land where a public right-of-way does not exist or is deemed impractical by the City.
 - lxii. STREET, RESIDENTIAL: A street intended to provide access to other roads from abutting properties.
 - lxiii. STREET SPECIFICATIONS: The required standards to which streets within the jurisdiction of the City must be constructed.
 - lxiv. SUBDIVIDER: The person(s) owning land in the process of creating a subdivision of said land.
 - lxv. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, transfer, lease, or development, including re-subdivision. Subdivision includes the division of land, whether by deed, metes and bounds description, any description of a

portion of a platted lot for conveyance of less than the whole platted lot, devise, intestacy, lease, map, plat or other recorded instrument.

- lxvi. SURETY: Security consisting of cash deposit, surety bond, cashier's check, or an irrevocable letter of credit, in an amount in a form satisfactory to and approved by the City whenever surety is required by these regulations.
- lxvii. USPLSS: United States Public Land Survey System.
- lxviii. UTILITIES: Infrastructure services and structures necessary to deliver those services. These services may be provided by a public or private agency. Examples include water, sanitary sewer, electricity, natural gas, internet, and telephone services.
- lxix. VARIANCE: A waiver granted by the Board of Trustees to the terms of this Ordinance that will not be contrary to the public interest or the purpose of this Ordinance. An approved variance is a vested property right that runs with the land.
- lxx. ZONING DISTRICT: Any section or sections of the City of Piedmont for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.
- lxxi. ZONING MAP: The Piedmont Zoning Map, which delineates the extent of each zoning district established in the zoning ordinance.
- lxxii. ZONING ORDINANCE: The City of Piedmont Zoning Ordinance.

Dated this 6th day of February, 2024

Attest:



Diana L. Evans
Finance Officer



Philip C. Anderson
Board President, Piedmont SD

(SEAL)



First Reading: January 16, 2024

Second Reading: February 6, 2024

Published: February 13, 2024

Effective: March 3, 2024

Appendix A - Piedmont Ordinance 16 - Subdivision

City of Piedmont & City of Summerset Extraterritorial Platting Jurisdictions (ETJ)

