

**CHAPTER 16
SUBDIVISIONS**

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**ARTICLE 16-1
TITLE AND PURPOSE**

16-1-1

TITLE

These regulations shall be known, cited and referred to as “The Subdivision Regulations of Brandon, South Dakota 2009”:

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-1-2

PURPOSE

It is the purpose of these regulations to govern the subdivision of land to provide for coordination of streets in other subdivisions and transportation planned; to set aside adequate areas for public uses, water and sewer facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to protect and provide for the public health, safety, and general welfare; and to conform with other plans and regulations.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16 -2 LEGAL PROVISIONS

16-2-1

JURISDICTION

These subdivision regulations shall apply to all subdivisions of land located within the City and with the unincorporated area identified by the Major Street Plan in accordance with SDCL 11-6-26, as amended.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-2-2

CONFLICT

These regulations are not intended to interfere with or annul any other ordinance or regulation. Where any of these regulations are at variance with other rules, statues, ordinances or regulations, those imposing higher standards shall prevail.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-2-3

SEPARABILITY:

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole.

Legislative History:
Ordinance #333, 10/17/03

Authority:
SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-3
SUBDIVISION PLANS IN GENERAL

16-3-1

RECORDING, USE AND SELLING

No person shall transfer or sell any parcel as part of a subdivision plan before a plat of such subdivision has been approved by the City of Brandon and recorded.

- A. No person shall subdivide or lay-out such land in lots, unless by plat, in accordance with state law and the regulations contained herein. Subdivision of any parcel by metes and bound description for the purpose of sale, transfer, or lease with the intent of evading the terms of these regulations is prohibited

- B. No plat shall be recorded in the Finance Office and no lots therein sold unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of un-platted property. Any such unapproved plat recorded is invalid and the City shall refuse to issue building permits and may institute proceedings to have the plat stricken from the records.

- C. No zoning permit or building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of these regulations. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of interest in said real property.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-4
ADMINISTRATION AND PENALTIES

16-4-1

ADMINISTRATION

The Authorized Official is hereby authorized to enforce these regulations, to interpret them, and to adopt and enforce rules and supplemental regulations in order to administer and clarify their provisions. Any appropriate action may be taken by law or in equity to prevent any violation thereof, to prevent unlawful construction, to recover damages, to correct or abate a violation or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

16-4-2

PENALTIES

Any person violating any provision of these regulations shall be subject to the maximum penalty allowed by law as stated in Section 1-10-1 GENERAL PENALTY of the Brandon Municipal Code.

Legislative History:

Ordinance #333, 10/17/03

Authority:

SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-5 GENERAL REQUIREMENTS AND DESIGN STANDARDS

16-5-1

GENERAL

The Planning and Zoning Commission shall impose the following general requirements and compel all subdivides to comply with the following principles in the layout of subdivisions.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-2

DESIGN STANDARDS

All public improvements shall be designed in accordance with standard accepted engineering practice, designed in compliance with the City of Brandon Engineering Design Standards for Public Improvements and subject to the approval of the City Engineer.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-3

LAND SUITABILITY

The Planning & Zoning Commission may find land to be subdivided is unsuitable for development due to high agricultural productivity, flooding, bad drainage, steep slopes, rock formations or other conditions and if from adequate investigation it has been determined that in the best interest of the public the land should not be divided, unless adequate methods are found by the sub-divider to meet the problems created by the proposed subdivision and such methods are specifically accepted by the Planning and Zoning Commission.

The Planning & Zoning Commission may refuse to approve what it considers scattered, or premature subdivision of land by reason of lack of adequate water supply and sewerage treatment, schools, proper drainage, good roads or other public services which would necessitate an excessive expenditure of public funds for the supply of such services.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-4

FLOOD PLAIN MANAGEMENT

Regulations pertaining to flood plain management are set forth in Appendix A to the Brandon Ordinances.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-5

CONFORMITY TO THE MAJOR STREET PLAN

- A. All proposed subdivisions shall conform to the adopted Comprehensive Plan.
- B. The densities established by the zoning ordinance shall be observed by the subdivider and developer.
- C. All thoroughfares in the major street plan shown as crossing or as boundaries of a proposed subdivision are required to be provided in that location and at the right-of-way width designated thereon.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-6

RELATION TO ADJOINING STREET SYSTEMS

The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) in so far as they may be deemed necessary by the Planning and Zoning Commission for public requirements. The width of such streets in new subdivisions shall not be less than the minimum width established herein, unless approved by the Planning and Zoning Commission. The street and alley arrangement shall be such as not to cause a hardship to owners of the adjoining properties. In general, provisions should be made for through streets at intervals not exceeding one-half mile and for street connections to future adjacent subdivisions at intervals not less than a quarter mile. Offset streets should be avoided.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

15-5-7

STREET NAMES AND NUMBERS

- A. Streets obviously in line with existing streets shall bear the names of existing streets.
- B. No subdivision or street names shall duplicate, contain the same spelling, or sound alike in pronunciation with any existing subdivision or street.
- C. Each lot shall be assigned an address number in accordance with the numbering system now in effect in the City of Brandon.
- D. Street name suffixes shall be applied as follows:
 - 1. Street – a road running east and west.
 - 2. Avenue – a road running north and south.

3. Road – a road running east and west or north and south but which is not appropriate to name as a street or avenue.
4. Lane – a road running northeast to southwest.
5. Drive – a road running northwest to southeast.
6. Trail – a road, which wanders in different directions.
7. Circle – all cul-de-sacs.
8. Court – a road with two openings, which enters and exists on the same road.
9. Place – all private roads.
10. Boulevard – a major road, usually an arterial or collector.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-8

HALF-STREETS

- A. Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted with said subdivision.
- B. A preliminary plan of a subdivision may show half of a street adjoining property, which has not been subdivided, but no lot abutting on such half street shall have a building permit issued for it until such time as the other half street is dedicated.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-9

SIDEWALKS

Concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with applicable standards and specifications of the City.

Upon request by the City of Brandon, owners of bare lots shall provide sidewalks connecting to the sidewalks of adjacent lot(s).

The City may waive the installation of sidewalks in Industrial zoned districts.

The City may require the installation of sidewalks when it becomes apparent that the lot was not purchased to construct a house, when the adjacent lots have sidewalks, when the lot is occupied, or when the City determines it is in the best interest of the walking public.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-5-10

BLOCKS

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 2. Need for convenient access, circulation, control and safety of street traffic and utilities.
 3. Limitations and opportunities of topography.
- B. Block lengths shall not exceed one thousand (1000) feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.
- C. Pedestrian walks with a right-of-way not less than ten (10) feet wide, shall be required through blocks where it is deemed by the City to be essential to provide circulation or access to schools, playgrounds, shopping centers and other community facilities.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-5-11

LOTS

- A. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall 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 streets.
- D. Each lot shall be provided with access to a public street or an officially approved place designated by the City zoning ordinance.
- E. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Along the property line of lots abutting any traffic artery or other such disadvantageous feature, no right of access shall be permitted.
- F. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-5-12

EASEMENTS

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall conform to widths as written in the Engineering Design Standards.
- B. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use, the width of which shall be determined by the City Engineer and approval by the Planning and Zoning Commission.
- C. All proposed lots of record shall provide a 10' utility easement along any side of the lot which abuts a public right-of-way. All lots shall provide a 5' rear yard utility easement whenever the rear-yard abuts another lot.
- D. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or off sets and to facilitate the use of easements for power distribution, telephone service, drainage and water and sewer services.
- E. The property owners whose property is subject to such easements shall be responsible for its maintenance. The easements shall be kept clear of any structure, debris, trees, shrubs or landscaping whatsoever except lawn grass which shall be regularly mowed and annual vegetation may be grown thereon.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-5-13

PARKS, SCHOOLS SITES AND OTHER PUBLIC AREAS

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the official comprehensive plan, school board or park department plans. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the City of Brandon.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-5-14

DRAINAGE

A drainage plan conforming to the City approved master drainage plan for the area, if any, shall be made for each subdivision by the owner's engineer. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area. The storm and sanitary sewer plans shall be made prior to the utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.

- A. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel.
- B. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer establishes and the Planning and Zoning Commission approves the following:
 - 1. The nature of the land use would not lend itself to damage by water to an appreciable extent; or that
 - 2. The area may be filled or improved in such a manner as to prevent such periodic inundation; or that
 - 3. Minimum floor elevations may be established to prevent damage to buildings and structures. Standing water that would contribute to mosquito development is to be eliminated by suitable construction measures.
- C. The City Engineer may require whatever additional engineering information he deems necessary to make a decision on subdivisions and other development, which are in areas of questionable drainage.
- D. Ponds and similar areas will be accepted for maintenance only if approval by the Brandon City Council.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-5-15

EROSION

Measures used to control erosion on a development site shall meet the requirements of the Engineering Design Standards. Stripping of vegetation, regarding and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible, natural vegetation shall be retained, protected and supplemented. The City Engineer shall require any further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on public streets or other property. Every effort shall be made to retain the natural vegetation on all ditches and drainage ways. Ditches and drainage ways will not be disturbed without the approval of the city engineer's office.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-5-16

ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS

- A. Assurances for subdivisions within the city limits. No plats of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval or unless the developer has signed an assurance agreement to establish the responsibility for the construction of such

improvements in a satisfactory manner and within a period specified by the Planning and Zoning Commission, such period not to exceed two years. An extension to the two-year period may be granted at the discretion of the city council. This assurance agreement shall be recorded with the register of deeds at the time of filing the plat.

- B. Assurances for rural subdivisions. No plat of any rural subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit or acceptable cash deposit assuring completion of all required improvements.
- C. No building permits shall be issued until assurances have been filed or all required road improvements have been completed and approved.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-6
PROCEDURE - CONCEPT PLAN, PRELIMINARY PLAN,
CONSTRUCTION PLAN, AND PLATS

16-6-1 THE PLAT APPROVAL PROCESS

All proposed subdivision plats must be approved through a three-phase development process. All plans and plats referred to in this section shall be prepared by a registered professional engineer and a registered land surveyor in conformity with requirements of state law.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-2 PROCEDURE

The procedure for review and approval of a subdivision plat consists of the following phases:

- A. Required preparation, submission and approval of a “Concept Plan”.
- B. Required preparation, submission and approval of a “Preliminary Plan”.
- C. Required preparation, submission and approval of the “Plat” and “Construction Plans”.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-3 CONCEPT PLAN

The purpose of a Concept Plan is for the developer to receive comments from the Authorized Official for advice regarding general requirements, minimum standards of design and required improvements as set forth in this chapter. This plan will aid the developer in preparing a more readily accepted Preliminary Plan and prevent unnecessary costly revisions in the layout and development of the subdivision. Four (4) copies of a Concept Plan shall be submitted to the City Administrator’s Office to be distributed for review. A Concept Plan shall include the following information:

- A. General.
 - 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 adjacent to said subdivision.
 - 2. The owner, developer, surveyor and engineer’s names, addresses, and telephone numbers.
 - 3. Vicinity map to scale, showing the locations of the proposed subdivision and other property for at least 660 feet in every direction.

4. The legal description and notations stating acreage, scale, and north arrow.
 5. The names of all adjoining subdivisions. Adjoining un-platted property shall be labeled as such.
 6. The proposed zoning districts.
 7. Location and size of all public facilities, schools, libraries, fire stations, parks, tree masses, and other significant natural features.
 8. Any expectations for City reimbursements.
- B. Streets.
1. The general layouts of streets and access points to adjacent street systems.
 2. The general layout of pedestrian connectivity.
- C. Sanitary Sewer.
1. The general layout of the proposed sanitary sewer system including locations of gravity sewers and force mains, lift stations, and connection points to the existing system.
- D. Water.
1. The general layout of the proposed water main system including connection points to the existing system.
- E. Drainage.
1. General locations of major drainage ways and potential wetlands.
 2. The general layout of the proposed storm sewer system including approximate flow paths with drainage arrows, detention ponds, watershed boundaries and locations of discharged runoff.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-6-4

APPROVAL OF CONCEPT PLAN

After the authorized agent and the City Engineer have approved the Concept Plan, it shall be submitted to the Planning & Zoning Commission and City Council for informational purposes. The approved Concept Plan shall be kept on file in the office of the City Engineer. Approval of the Concept Plan shall indicate approval of the development Concept Plan only, and does not constitute an acceptance or approval of the subdivision plans; therefore, no building permits shall be issued based on the approval of the Concept Plan.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-6-5

PRELIMINARY PLAN

A Preliminary Plan shall be submitted to the City Administrator's Office to be distributed for review at least ten (10) days prior to the Planning & Zoning Commission meeting at which it is scheduled to be considered. Four copies on 11"x17" paper and one electronic DWF and PDF file shall be submitted. Plan sheets shall be submitted at a maximum scale of 1-inch equal to 100-feet (1:100). The Planning and Zoning Commission shall review the Preliminary Plan and provide recommendations, along with recommendations from the City Engineer, to the City Council. Final consideration shall be made by the City Council within sixty (60) days following submittal. Copies of approved plans shall be submitted in accordance with Chapter 2 of the Engineering Design Standards.

The Preliminary Plan shall conform with the Engineering Design Standards and shall include all information from the Concept Plan as well as the following information:

A. General

1. Engineer's certificate.
2. Note any anticipated supplemental provisions to the General Conditions and Standard Specifications for Public Improvements and the Engineering Design Standards.
3. Adjacent property information: access points, right-of-way, lot and block lines, easements, city limits, development plans, and any other pertinent information needed for review.
4. A systematic lot and block numbering pattern complete with proposed lot dimensions and areas.
5. Proposed zoning districts and minimum setback requirements.
6. Location and widths of all existing and proposed easements.
7. Proposed phasing for the development with estimated time lines.

B. Streets

1. Compliance with the City's Transportation System Master Plan. City of Brandon has approved a Comprehensive Plan that limits access on Expressways and Arterial Streets. Accesses on these streets will be limited as much as possible.
2. The City has adopted an Access Plan for accesses to South Dakota Highway #11 (Splitrock Boulevard) dated April 1, 2002 in conjunction with the State of South Dakota Department of Transportation. Any conflicts with this Plan needs to be first resolved with the SD DOT before they will be considered on a preliminary plan.
3. Proposed street names and widths from back to back of curb including curb radius dimensions at intersections and cul-de-sacs.
4. Illustrations of typical street sections.
5. Street right-of-way widths.
6. Location and widths of proposed easements.
7. Identify minor and major collectors with conformance to the Engineering Design Standards.
8. Transportation connectivity within the development as well as connectivity with the surrounding properties. This also includes pedestrian connectivity.
9. Consideration of lots that front on the arterial streets and where their access points will be allowed. Note: Assessments will be required, if they are approved.
10. Note if access to the development is from a city street or a county highway.

11. Conformance to traffic calming practices shown in the Engineering Designs Standards.
12. Note if the arterial the development will be using is improved paved, improved to urban standard, or gravel. If gravel, development will need to petition for street improvements before development can continue. If rural section, petition will need to be submitted.

C. Sanitary Sewer

1. Compliance with the City's Wastewater Collection System Master Plan. (Wastewater Collection System Master Plan to be developed).
2. Major individual commercial or industrial occupants (if any).
 - a. Type of sewage produced by major contributors identified above (if atypical).
 - b. Volume of sewage produced by major contributors identified above (if atypical).
3. Provide geographic, gradient and capacity serviceability of the proposed development to the existing sewer system. The City Engineer will furnish the design engineer with sewer flows of the existing system upon written request.
4. Location, material type, grade and size of proposed gravity sewers, force mains, manholes, lift stations and other sanitary sewer appurtenances.
5. Estimated flow in planned sewer and future upstream sites (cfs, mgd, or other unit).
6. Type and capacity of proposed lift stations.
7. Location and widths of proposed easements.
8. Adequacy of receiving sewer system.
9. Manhole locations with manholes numbered.
10. Flow direction, connections to existing system and extensions to adjacent properties.
11. Extension of sanitary sewer to the adjacent upstream users.

D. Water

1. Compliance with Water Distribution System Master Plan.
2. Show locations of valves, fire hydrants, and other water main appurtenances.
3. Location and widths of proposed easements.
4. Extension of waterlines to perimeter of the development.
5. Proposed pipe sizes and materials.
6. The developer must provide a letter from the rural water provider that states that the developer has compensated the rural water supplier within the proposed development for any and all connections covered by a contract between the City of Brandon and the rural water company dated March 20, 2006.

E. Drainage

1. Compliance with the City Master Drainage Plan (Master Drainage Plan to be developed) for the drainage basin(s) of which the development is included.
2. Illustration of the historic drainage pattern to include the following:
 - a. Existing contours at 1-foot intervals.
 - b. Drainage arrows.

- c. Watershed boundaries.
 - d. Location and size of existing open channels, bridges, culverts, storm sewers, ponding areas and other drainage appurtenances.
 - e. General locations and size of potential wetlands shall be identified. Provide copy of correspondence with state and federal agencies related to the potential impact to wetlands or other cultural resources. This includes:
 - 1. Wetland determination for USACOE.
 - 2. Wetland mitigation plan.
 - 3. Any restrictive covenants that would prevent the City from performing maintenance activities such as excavating within the wetlands.
 - f. Any and all existing 100-year flood plains must be identified, as shown by FEMA maps or the City Master Drainage Plan.
 - g. Identification of all drainage basins tributary into and from the development.
3. Illustration of the post-developed drainage pattern to include the following:
- a. Proposed Contours at 1-foot intervals.
 - b. Drainage Arrows.
 - c. Watershed Boundaries, (may include land in adjacent sites).
 - d. Location, size and material of proposed open channels, bridges, culverts, storm sewers, ponding areas and other drainage appurtenances.
 - e. Identify if any mitigated wetlands will be created.
 - f. Location and widths of proposed easements.
 - g. Ponding elevations for the normal water level, high water level and 100-year flood level.
 - h. Show areas of the subdivision which will not be routing storm water to a water quality BMP structure.
 - i. Note if applicant intends to dedicate drainage ways.
 - j. Locations of emergency overflows with elevations.
 - k. Provide information as to the effect of the drainage pattern on adjacent property. Provide survey data as required for adequate information. Identify the storm water path to the major drainage way.
 - l. Minimum recommended ground elevation for buildings, lowest recommended floor elevation, and recommendations against building in certain areas.
 - m. Provisions for on site retention and detention. Note whether or not these retention and detention ponds will be dedicated to the City.
 - n. A sump pump collection system along with necessary structures shall be shown attached to the trunk drainage system.
4. Hydraulic module analysis: The developer shall provide computer aided, hydraulic analysis of the subdivision's historic and post-developed drainage patterns. The results shall be compiled into a report format to be submitted as part of the preliminary plan. The report shall include the following data:
- a. Watershed lengths, elevations, time of concentration.
 - b. Rainfall intensity.

- c. Runoff coefficients.
- d. Manning’s “n” values.
- e. Projected land uses and existing physical features of areas contributing runoff.
- f. Storm duration.
- g. Historic runoff for the 5-year and 100-year storm events.
- h. Post-developed runoff for the 5-year and 100-year storm events.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-6-6

ADDITIONAL IMPACT REQUIREMENTS

The Planning and Zoning Commission and/or the City Council may require, depending on the impact of a development any or all of the following to be included in the Preliminary Plan:

- A. An estimate of the vehicular traffic to be created by full development of the subdivision and a statement regarding the effect thereof on such streets and the nature of all improvements as may be required for such streets to properly serve the proposed subdivision.
- B. Information on additional water and sewer loads created by the proposed subdivision including confirmation that existing facilities or proposed additions can accommodate the additional loads is required.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-6-7

APPROVAL OF PRELIMINARY PLAN

After the Preliminary Plan has been recommended for approval or disapproval by the Planning Commission and the City Engineer, it shall be submitted to the City Council for its approval or disapproval. The approved plan shall be kept on file in the office of the City Engineer. Approval of the Preliminary Plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no building permits shall be issued based on the approval of the Preliminary Plan.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

16-6-8

EFFECTIVE PERIOD OF PRELIMINARY APPROVAL

The approval of a Preliminary Plan shall be effective for a period of three years, at the end of which time approval on the subdivision plat or a portion thereof must have been obtained from the City Council. Any plan which has not received approval for all or a portion of it within the period of time set forth herein, would require re-submittal of a new plan for preliminary approval subject to any new subdivision regulations.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-9

REVISION TO PRELIMINARY PLAN

Amendments to an approved Preliminary Plan may be made at the discretion of the City Engineer. The City Engineer may request an updated Preliminary Plan for review and approval when minor changes to the plan are proposed. Minor changes shall include a change in local street pattern, street name, lot lines, development phases, subdivision name, right-of-way width, easements, or lot and block numbers. Major changes to an approved Preliminary Plan shall follow the procedures for approval of a preliminary plan as required in this section. Major changes shall include a change in major street pattern, drainage way detention pond location, other public open space location, or perimeter boundaries.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-10

CONSTRUCTION PLANS

Construction Plans shall be submitted to the City Administrator's Office to be distributed for review at least ten (10) days prior to the meeting at which it is scheduled to be considered. Four copies on 11"x17" paper and one electronic DWF and PDF file shall be submitted. Plan sheets shall be submitted at a maximum scale of 1-inch equal to 40-feet (1:40). Plans shall be presented to the City Council along with recommendations from the City Engineer. Final consideration shall be made by the City Administrator within sixty (60) days following submittal. Copies of approved plans shall be submitted in accordance with Chapter 2 of the Engineering Design Standards.

Construction Plans shall conform to all chapters of the General Conditions and Standard Specifications for Public Improvements and the Engineering Design Standards. Plans shall include all information from the Preliminary Plan and as listed in Chapter 13 of the Engineering Design Standards.

- A. Final Site Grading Plan. The drainage and grading plans shall show the existing and proposed contours with intervals of one (1) foot for land with a slope of one percent (1%) or less, intervals to two (2) feet for a slope between one and one-tenth (1.1) and nine and nine-tenths (9.9%) percent and contours of five (5) feet for land with a slope exceeding ten percent (10%) referenced to City of Brandon datum, (established by the NAVD 1988 USGS). The site grading plan shall also show the top-of-foundation elevation, potential water entry elevations, and drainage arrows for each lot with lot corner elevations shown.

- B. Final Street Grading Plan. The street grading plan shall show finished street grades shown to an accuracy of one hundredth of a foot, showing existing conditions and proposed curb grades, and a detailed design for all intersections. Minimum ground elevations shall be shown for buildings. The lowest recommended floor elevations shall be two feet above the normal ground water elevation. Test holes shall determine ground water elevation where applicable. Where the developer owns only half the property which makes up a street, and he is the first person to request development along said street, he shall be responsible for establishing the street grades for said street for approval by the City.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-11

CONSTRUCTION MAY BEGIN

Grading of the proposed subdivision may only begin after a Grading Permit has been obtained from the City of Brandon. A Grading Permit may be issued only after Preliminary Plan approval and, if the project disturbs one acre or more, presentation of Storm Water Permit from the South Dakota Department Environment and Natural Resources.

The installation of water, sewer and storm sewer lines and the construction of street and drainage requirements may not begin until after Construction Plans have been approved by the City Engineer.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-12

INSPECTIONS AND TESTING

Inspections and testing shall be required as written in Chapter 15 of the Engineering Design Standards. It is the responsibility of the developer to schedule all required testing and to notify the City Engineer when work is ready for inspections. In the event that the proposed schedules are not met, construction on the project shall cease until the items that are out of compliance are resolved. Failure to comply with the City's standards may result in a moratorium of building permits and/or other penalties as provided under law.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-13

SHOP DRAWINGS

Shop drawings shall be submitted in accordance with Chapter 15 of the Engineering Design Standards. Drawings shall be reviewed and approved by the Developer's Engineer prior to submittal to the City Engineer. The attached cover page shall include contact information for the Developer's Engineer in addition to those listed in Chapter 15 of the Engineering Design Standards.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-14

RECORD DRAWINGS

Record drawings shall be prepared and submitted in accordance with the Engineering Design Standards. On projects where city maintained utilities are being constructed, the developer shall be responsible for locating the utilities until record drawings have been approved. Once approved, the city shall assume locating responsibilities.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-6-15

PLAT

A Plat shall be submitted to the City Administrator's Office to be distributed for review. One mylar, four paper copies, and one electronic DWF and PDF file shall be submitted. The Planning and Zoning Commission shall review the plat and provide recommendations, along with recommendations from the City Engineer, to the City Council. Final consideration shall be made by the City Council within sixty (60) days following submittal. Copies of the approved plat shall be submitted in accordance with Chapter 2 of the Engineering Design Standards.

The Plat shall conform substantially to the Preliminary Plan as approved and may constitute only a portion of the Preliminary Plan, which the sub-divider proposed to record and develop. Plats shall comply with state statutes and shall include the following information:

- A. Comply with the Preliminary Plan for layout of lot, block, right-of-way, and easements.
- B. 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.
- C. Site location map, north arrow, and basis of bearings.
- D. The date, title, scale (minimum scale of one hundred (100) feet to one (1) inch within the City Limits, Minimum scale of two hundred (200) feet to one (1) inch outside the City limits), north point and legal description of the proposed subdivision, location by quarter section, section, township and range required on plats outside the city limits.
- E. The names of all adjacent subdivisions and streets, all previously platted lots to include dimensions and block lines, type of easements, and rights-of-way. Adjoining un-platted property shall be labeled as such.
- F. All easements shall be shown indicating size and purpose on new subdivision.

- G. A systematic lot and block numbering pattern corresponding to that existing in the City. Lot lines, road names, and the square footage or acreage of all lots shall be included.
- H. The location and width of all proposed and existing right-of-way, alleys, and easements, as well as the location of any parks, dedicated drainage ways and railroad right-of-way.
- I. The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest sector corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
- J. Location of all permanent monuments, control points and survey pins, either set or located.
- K. An accurate description of any portions of the property intended to be dedicated or granted for public use, labeled as lot and block or tract.
- L. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets, easements, and any other area for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- M. All property lines shall show chords, lengths and radius to the nearest minute and second.
- N. Appropriate certifications as required by State Statute.
- O. Acknowledgment of the owner(s) of the Plat of any restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- P. All formal irrevocable offers of dedication for all streets, alleys, parks and other uses as required.
- Q. Certificates of approval for endorsement by the City Council and Finance Officer.
- R. Approved assurance agreements or development agreements.

Legislative History:
 Ordinance #333, 10/17/03
 Ordinance #446, 5/27/09

Authority:
 SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-7 FINAL PLAT APPROVAL

16-7-1

PLAT APPROVAL

The Plat shall be considered for final approval only after the City has assurances from the developer fixing responsibility for required improvements. All plats are approved separately by the Planning & Zoning Commission and the Brandon City Council, or by an Authorized Official of each pursuant to SDCL 11-3-6.

When the plat has been approved, one (1) copy will be retained by the City, three (3) copies, to include the mylar, will be returned to the owner for filing with the respective County offices.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-7-2

ADMINISTRATIVE APPROVAL

Pursuant to the authority granted in SDCL 11-3-6, an Authorized Official of the City of Brandon may approve Plats in lieu of approval by the governing body subject to the following regulations:

- A. A Preliminary Plan of the subdivision has been approved by the Planning Commission and the plat is in conformance with the same.

- B. Lot line revisions so long as the lots created conform to the density requirements of the applicable zoning district.

In the event the Authorized Official determines that (1) or (2) as stated above have not been met, the plat shall be submitted to the Planning & Zoning Commission and the City Council for review and approval.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-7-3

RE-PLAT APPROVAL

When a re-plat of an existing Plat is being submitted for consideration, the location of the existing Plat shall be indicated by insertion of broken lines and the re-plat shall include a statement where appropriate, vacating the former Plat.

The City Council reserves the right to require a re-plat to have the same review and approval procedures, as provided above, including preliminary and final plan approval before approving the re-plat.

Legislative History:
Ordinance #333, 10/17/03

Authority:
SDCL Chapter 11-3 and 11-4 generally.

16-7-4

ADDITIONAL REQUIREMENTS

Additionally, building permits will not be issued on any tract or lot in the subdivision until:

- A. A Final Plat has been approved.
- B. Construction Plans have been approved.
- C. The Park Fee is paid or park land donated.
- D. The property to receive a permit is platted and officially recorded in the County.
- E. Final zoning has been approved.
- F. Elevations of corner pins are stated on the permit.
- G. Lot corner elevations shall be verified and certified by a licensed registered engineer and shall match elevations provide on the preliminary plan.

Legislative History:

Ordinance #333, 10/17/03

Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-8 STREET MAINTENANCE AND ACCEPTANCE

16-8-1

MAINTENANCE OF GRAVEL STREETS UNDER DEVELOPMENT

For streets under construction the City of Brandon will provide minimum maintenance and snow removal on gravel and asphalt streets to provide minimum vehicular passage and provide minimum street sweeping on asphalt streets. If there is any damage to manholes, valves, curb and gutter, valley gutters, or other appurtenances, repairs shall be done at the developer's expense. Gravel streets will be allowed through one winter season only.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

16-8-2

COMPLETION OF FINAL LIFT ON STREET

No sooner than one year after the first lift has been applied or at any time when requested by the City of Brandon, the developer shall place the final lift of asphalt on the street. Prior to this action, the developer will notify the City and state its intentions. The City Engineer will inspect the improvements and make an inspection report to the developer as to the necessary work needed for the project to meet City specifications. This inspection report will encompass all aspects of the water, sewer, storm sewer, curb and gutter, valley or any other part of the construction as provided for in the preliminary plan as approved. Adjustments or repairs will be the responsibility of the developer and shall be made prior to the placement of the final lift.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

16-8-3

FINAL ACCEPTANCE OF IMPROVEMENTS

After the developer deems that all the street and utility improvements have been completed and has placed the final lift of asphalt, the developer will notify the City in writing that the street is completed. The City Engineer will then inspect all the improvements and inform the developer of any deficiencies. And those deficiencies shall be remedied by the developer at the developer's expense. Upon the recommendation of the City Engineer, the City will then issue a Certificate of Completion noting any deficiencies and setting a date as to when the one year warranty will end.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #355, 10/14/04
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

16-8-4

DEVELOPERS WARRANTY RESPONSIBILITIES

The developer shall warranty the water, sewer, storm sewer, curb and gutter, valley or any other part of the construction specified in the preliminary plan for a period of one year from the date as stated in the Certificate of Completion.

Prior to the end of the one-year warranty period the City Engineer will inspect the improvements and report his findings to the City Council. The City Council shall by resolution confirm or reject the Acceptance Certificate. If confirmed, the developer's responsibility for the improvements ends, and the improvements become the responsibility of the City. If any portion is rejected, the developer will repair or replace the rejected portion and a one-year warranty period will begin again on the rejected portion and the developer shall again comply with the provisions as stated in this ordinance.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #355, 10/14/04
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-9 CHANGES, VARIANCES AND AMENDMENTS

16-9-1

CHANGES OR MODIFICATION OF PLANS

The City Council reserves the right to require that any changes or modifications to approved plans that they deem to be major changes or modifications shall require the developer to re-submit the modified plan for review and adoption as herein provided.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

16-9-2

VARIANCES

Requests for variances must be submitted to the Board of Adjustment under the procedures set forth in Brandon Municipal Code, 15-17-4, 15-17-5, and 15-17-6.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

16-9-3

AMENDMENTS

Any provisions of these regulations may from time to time be amended, supplemented, changed modified, or repealed by the City Council according to law; however, such amendments, supplements, changes and modifications may first be studied by the Planning & Zoning Commission who shall submit a recommendation to the City Council.

Legislative History:

Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:

SDCL Chapter 11-3 and 11-4 generally.

ARTICLE 16-10 DEFINITIONS

16-10-1

DEFINITIONS

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interrupted and defined as set forth in this section.

Alley: Public or private ways which are used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on the street.

Arterial Street: A principle traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal Highways and includes each street designated as an arterial street on the major street plan or as designated by the Brandon City Council.

Acceptance Certificate: A certificate issued as acceptance of improvement in developments that will be, after acceptance by the City Council, maintained by the City of Brandon.

Authorized Authority: The person appointed by the City Council or Planning and Zoning Commission to direct the activities of the Planning Department and to administer and enforce the provisions of these regulations.

Bank: Any corporation authorized under SDCL TITLE 51A engaged in the business of banking or in the combined business of a bank and trust company or in the combined business of a bank with trust powers.

Block: A tract of land bounded by streets or by a combination of streets, public parks, railroad right-of-ways, shoreline of waterways or municipal boundaries.

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

City Engineer: The person designated by the City Council to furnish engineering assistance for the administration of these regulations.

Collector Street: A road intended to move traffic from local streets to arterial streets and highways, including the principal entrance street of residential development and streets for circulation in such developments.

Construction Standards: Construction specifications approved by the City for infrastructure construction.

City: Municipality of Brandon, South Dakota.

City Council: The City Council of Brandon, South Dakota, as duly elected.

Comprehensive Plan: The master plan or general plan for the development and improvement of Brandon, South Dakota as adopted by the City Council.

Covenants: Those declarations prepared by the developer and intended to be recorded along with the Plat, which may provide for restrictions and controls of land use and development within the subdivision and which shall including a method whereby all private roadways within the subdivision shall be improved and maintained until such time as the obligation thereof may be accepted by the City or another governmental unit.

Cul-de-sac: A local street with one end open to traffic and the other end terminated by a turn around.

Curb Cut: A cut in the curb allowing access to a public street.

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

Developer: Any person who converts undeveloped land into legally platted, buildable lots. The developer may or may not be the landowner or the builder of structures that occupy the lots.

Easement: Authorization by a property owner for the use by another property owner or the public for specific purposes for any designated part of his property.

Expressways: A road of considerable continuity, which is primarily a through-traffic artery for interconnection among large areas.

Final Plan: The map or plan or record of a subdivision and any accompanying material as described in these regulations.

Frontage: That side of a lot abutting on a street regarded as the front of the lot.

Frontage Street or Road: A minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points to arterial streets and highways.

Improvements: By improvements is meant street grading, street surfacing, curb and gutter, water mains and lines, sanitary sewers, storm drainage facilities, culverts or other such installations as designated by the Brandon City Council.

Letter of Irrevocable Credit: A guaranteed letter from a bank or savings and loan association stating that if the said improvements are not completed by a developer, the money provided in the letter will be forwarded to the City to complete said improvements.

Local Street: A minor street which is designated and used primarily for access to abutting properties. Sometimes referred to as a residential street.

Lot: A portion of a subdivision intended as a unit for transfer of ownership or development.

May: Permissive.

Major Street Plan: The major street plan adopted through the comprehensive plan and as approved by the city council.

Monument: A boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A street rod, 8 inch x 12 inches, shall be placed at the center point on the monument.

Owner: The title holder of property, on file at the office of the County Register of Deeds.

Planning & Zoning Commission: The Planning & Zoning Commission of Brandon, South Dakota as duly appointed.

Plat: A map, or representation on paper (or, when required for recording and microfilming purposes, mylar or similar substances) of a piece of land subdivided into lots, parcels, tracts or blocks, including streets, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedications.

Preliminary Plan: The preliminary drawing or drawing indicating the proposed layout of the subdivision to be submitted for approval.

Public Works Director: A person appointed by the City Council to direct the operations of City departments to include the Street Department including but not limited to the Sewer, Water and Street Departments.

Re-Plat: A change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way: A strip of land occupied by a road, railroad, pedestrian walkway or other special use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels. Right-of-way shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Savings and Loan Association: A savings association or a savings and loan association subject to the provisions of SDCL TITLE 52.

Shall: Mandatory.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences and signs.

Sub-divider: A person, corporation, partnership, association, or any group who prepares or causes to be prepared a subdivision plat.

Subdivision: A subdivision is a parcel or parcels, which has been divided into two or more separate units for the purpose of subsequent sale or building development. Subdivisions include the division or development of residential and non residentially

zoned land, whether by deed, metes and bounds, lease, map, plat or other recorded instrument.

Will: Mandatory.

Legislative History:
Ordinance #333, 10/17/03
Ordinance #446, 5/27/09

Authority:
SDCL Chapter 11-3 and 11-4 generally.