

# APPENDIX A

## SUBDIVISION REGULATIONS\*

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### ARTICLE I. JURISDICTION, AUTHORITY, AND SUBDIVISION PLANS IN GENERAL

#### Section 1. Title.

These regulations may be referred to as the "2006 Revised Subdivision Ordinance for the City of Madison and the area of extraterritorial platting jurisdiction.

#### Section 2. Purpose.

- A. It is the purpose of these regulations to regulate the subdivision of land so as to coordinate streets/roads with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the comprehensive plan for the City and its area of extraterritorial platting jurisdiction.

#### Section 3. Authority.

- A. In accordance with SDCL 11-6 and any other authority provided by law or as such statutes may be amended, the City does hereby exercise the power and authority to review and approve or disapprove plats for the subdivision of land within the City and for land in the area of extraterritorial platting jurisdiction.

#### Section 4. Jurisdiction

- A. These regulations shall apply to all subdivisions of land, as defined herein, located within the City and its area of extraterritorial platting jurisdiction.

**Section 5. Conformity with Other Plans.**

- A. In addition to the requirements established herein, all subdivision plans and plats shall comply with the following laws, rules and regulations, as adopted and subsequently amended:
  - 1. The Comprehensive Plan of the City and the policies set forth therein.
  - 2. The Zoning Ordinance of the City.
  - 3. The Major Street Plan, showing the location, arrangement and character of existing and planned streets/roads.
  - 4. Other plans which may be or have been adopted that would affect the subdivision and use of the land.
  - 5. Any engineering design standards approved by the City Engineer and/or City Commission.

**Section 6. Plat Required.**

- A. Whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider, owner or his authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth herein. When there are only a small number of lots being subdivided, the plat may be relieved of some of the requirements and obligations set forth below at the discretion of the City Engineer and the Planning Commission.
- B. It shall be unlawful for any person having control of any land within the City and its area of extraterritorial platting jurisdiction to subdivide or layout such land in lots, unless by plat, in accordance with the laws of the state of South Dakota and the regulations contained herein.
- C. No land shall be subdivided until the subdivider has conferred with the City Engineer before preparing a preliminary plat in order to become thoroughly familiar with the subdivision requirements and with the proposals of the Comprehensive Plan affecting the territory in which the proposed subdivision lies.
- D. No land shall be subdivided until the subdivider has submitted the preliminary plat and the plat to the Planning Commission for its recommendation and to the City Commission for its approval.

**Section 7. Recording, Use and Selling.**

- A. No plat shall be recorded in the office of the County Register of Deeds and no lots shall be sold from such plat unless and until approved as herein provided. No document of any sale or transfer of unplatted property shall be recorded except in accordance with these regulations.

- B. No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.
- C. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this title. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of an interest in said real property. This is effective for all such violations which have occurred subsequent to the adoption of this title (adoption date January 8, 2007). Platting or replatting may serve as a remedy of said violation as determined by the City Engineer. Minimum Requirements for replatting are outlined in Article III Section 3.B.5.b.

### **Section 8. Interpretation, Abrogation and Severability.**

A. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of these regulations to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only. If any section, clause, provision or portion of these Subdivision Regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. Minimum Requirements for replatting are outlined in Article III Section 3.B.5.b.

### **Section 9. Amendments.**

- A. For the purpose of providing for the health, safety and general welfare of the community, the City Commission may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and the City Commission in the manner prescribed by law.

## **ARTICLE II. DEFINITIONS**

### **A. General.**

For the purposes of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and the singular shall include the plural. The word "shall" is mandatory and directory. Any word not herein listed shall be defined as in any recognized Standard English dictionary.

B. Specifically. The following words and phrases shall be as defined below:

1. *Access Control Easement* - An easement on property adjacent to a street right-of-way prohibiting vehicular access or street curb cuts to such designated property.
2. *Alley* - A public or private right-of-way which affords only a secondary means of access to abutting property.
3. *Area of Extraterritorial Platting Jurisdiction* - All lands within three (3) miles of the corporate limits of the City of Madison that are included in the comprehensive plan or major street plan. No plat of a subdivision of land lying within the area of extraterritorial platting jurisdiction, may be filed or recorded unless the plat has the recommendation of the City Planning Commission and the approval of the City Commission.
4. *Arterial* - A principal 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.
5. *Basement* - Any story located below the main floor.
6. *Building* - Any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.
7. *Building Setback Lines* - A line parallel or approximately parallel to the lot lines at a specified distance there from, marking the minimum distance from the lot line that the building may be erected.
8. *City* - The word "City " shall be the City of Madison, South Dakota, together with all its governing and operating bodies.
9. *City Commission* - The duly elected governing body of the City.
10. *City Engineer* - The word "City Engineer" shall be the City 's Engineer of the City, or his/her duly authorized representative.
11. *Collector* - A street which carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development.
12. *Comprehensive Plan* - Any legally adopted part or element of the Comprehensive Plan of the City of Madison.
13. *Contractor* - The person who contracts with an individual or the subdivider to construct a building on a parcel of land prepared by the subdivider.
14. *Conditional* - The word "conditional" wherever used in these regulations will mean made or granted on the provisions as set forth in these regulations.

15. *County* - The word “County” shall be Lake County, together with all its governing and operating bodies
16. *Cul-De-Sac* - The word “cul-de-sac” shall mean a short minor street having but one vehicular access to another street and terminated by a vehicular turnaround.
17. *Dead End Street* - The phrase “dead end street” shall mean a street, other than a cul-de-sac, with only one outlet.
18. *Dedicated* - A grant of land to the public for their perpetual use.
19. *Design Engineer* - The person or firm responsible for the design of a project.
20. *Double Frontage* - A lot which abuts a street on two opposite sides (not a corner lot).
21. *Easement* - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
22. *Engineering Design Standards* - The engineering design standards for public improvements of the City.
23. *Final Development Plans* - The final development plans shall be comprised of final drainage and grading plans, the final utility plan, the final erosion control plan, the final street plan and the final plat.
24. *Flood Prone Area* - A land area adjoining a river, creek, watercourse or lake which is likely to be flooded in a 100-year storm event.
25. *Frontage Road* - A street used only for access to abutting property where there will be constructed an arterial street.
26. *Homeowner's Association* - An association of property owners joined together for the purpose of maintaining an area held in common ownership.
27. *Lateral Drainageway* - Open channels or storm sewers which carry storm runoff from streets, street crossings, culverts and/or storm sewers to major drainageways.
28. *Local Street* - The phrase “local street” shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is used primarily for access to abutting properties.
29. *Lot* - A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
30. *Lowest Floor* - The lowest floor of the lowest enclosed area (including basement), but not including an unfinished crawl space used for access.

31. *Main Floor* - The lowest story in a building which qualifies as a story, except that a floor level in a building having only one (1) floor level shall be classified as a first story, providing such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade at any point.
32. *Major Drainageway* - The main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the City Engineer.
33. *Major Street Plan* - The Major Street Plan in the Comprehensive Plan.
34. *Marginal Access Street* - A street used only for access to a very limited number of lots.
35. *Monument* - A boundary marker of concrete, permanently planted and firmly fixed in the ground placed so that the top of the monument is flush with natural ground. The monument shall be six inches in diameter or six inches square and 24 inches in depth. A steel rod, 5/8" × 12", shall be placed at the center point on the monument.
36. *Mutual Access Easement* - An easement granting the perpetual right of abutting property owners to use a designated portion of property for common ingress and/or egress purposes. The easement area shall be maintained by the abutting property owners. The easement is not to be considered required frontage.
37. *Planning Commission* - The official City Planning and Zoning Commission of the City, as appointed by the City Commission.
38. *Plat* - The final map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication approved by the City Commission and as filed with the County Register of Deeds.
39. *Preliminary Plat* - The preliminary plat shall consist of the preliminary subdivision plan, the preliminary drainage and grading plan, the preliminary utility plan.
40. *Preliminary Subdivision Plan* - Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.
41. *Private Street* - One that has not been dedicated, but rather reserved as an access easement to property. The private street shall be owned and maintained by the property owners which it serves.
42. *Right-of-Way* - A strip of land occupied by a street, railroad, transmission line, oil or gas pipeline, water lines, storm or sanitary sewer lines, pedestrian walkways 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 areas of such lots or parcels. Rights-of-way shall be dedicated to public use by the owner of the plat on which such right-of-way is established.

43. *Shall* - The word “shall” wherever used in this Ordinance will be interpreted in its mandatory sense.
44. *Sketch Plan* – A conceptual drawing, for discussion purposes, of a proposed development inclusive of the land use of the proposed development, and the requirements for the general layout of streets/roads, reservations of land, street improvements, drainage, sewerage, fire protection and similar matters as well as the availability of services.
45. *Story* - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under-floor space shall be considered as a story.
46. *Street* - The term “street” means a way of vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
47. *Street Width* - The term “street width” shall define the shortest distance between the lines which delineate the rights-of-way of a street.
48. *Structural Entrance* - Any doors or windows or other structural openings one (1) square foot in area or larger.
49. *Structures* - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.
50. *Subdivider* - The person who converts raw land into legally platted, buildable lots. The subdivider may or may not be the owner of the parcel or the builder of the structures which occupy the lots.
51. *Subdivision* - The division of a parcel of land into two (2) or more lots; or parcels ten (10) acres or less in size platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street regardless of parcel size or the number of parcels. The term includes resubdivision and, when appropriate to in the context, shall relate to the process of subdividing or to the land subdivided.

52. *Substantial Build-out* - A subdivision in which at least ninety (90) percent of the individual lots or ninety (90) percent of the real property within the approved subdivision has been developed by the completion of planned vertical and horizontal construction and the remaining property has been permanently stabilized.

53. *Variance* - Permission to depart from the literal requirements of these regulations.

## **ARTICLE III. PLAT APPROVAL PROCEDURE**

### **Section 1. Outline of Procedure.**

- A. Generally. All proposed subdivision plats must be approved by the City through a three-phase development process. When there are only a small number of lots being platted, the requirements for a sketch plan and preliminary plat may be waived in writing by the City Engineer.
- B. Sketch Plan. Prior to the filing of a preliminary plat, the subdivider shall present a sketch plan of the proposed development to the City Engineer for discussion. Conditional approval as to the general use of the proposed subdivision must be obtained from the City Planning Commission prior to preparation of the preliminary plat.
- C. Preliminary plat: Based on the discussion of the sketch plan, the applicant may submit the preliminary plat for approval. The preliminary plat shall provide all of the information indicated in Article III Section 2.A. below. This plan will be subject to the review and approval by the City Engineer and the Planning Commission prior to approval by the City Commission.
- D. Final Development Plans/Plat: The final grading and drainage plan, the final utility plan, and the final erosion plan, if required, shall be submitted to the City Engineer for approval. If these plans are approved by the City Engineer, the subdivider may then submit the plat for approval. The plat shall provide the information indicated in Article III Section 3.B.3, below and shall require the review of the Planning Commission, and approval of the City engineer. The plat shall be in conformance with an approved preliminary plat, if required. Either all or a portion of the preliminary plat may be platted.
- E. Replats. If the land proposed for platting is a resubdivision, it shall require a preliminary plat and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plat and the plat, unless the resubdivision meets the requirements set forth in Article III Section 3B.5, below. The City engineer may waive the requirements for a preliminary plat.
- F. Filing fee. A filing fee shall be deposited for all preliminary plats, final plats and for all replats. Reasonable fees sufficient to cover the costs of administration, publication of notice, and similar matters shall be charged to applicants for preliminary plat and plat approval. The amount of fees charged shall be set forth by resolution of the City Commission. Fees established in accordance with this section shall be paid upon submission of a signed application.

**Section 2. Preliminary Plat.****A. Information Required.**

1. Whenever a preliminary plat is proposed, the subdividers shall submit six (6) copies at a scale of one hundred (100) feet to an inch generally, or two hundred (200) feet to an inch when the size of the plans requires it. The plans shall be submitted on sheets 11 × 17 inches or 22 × 34 inches in size. The preliminary plat shall be submitted to the City engineer at least two (2) weeks before the meeting of the Planning Commission and shall contain the following:
  - a. The proposed name of the subdivision: the name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjoining to an existing subdivision.
  - b. The names of all adjoining subdivisions and all lot and block lines, easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
  - c. Vicinity map on a scale of one (1) inch equals eight hundred (800) feet, showing locations of the preliminary plat and other property for at least six hundred sixty (660) feet in every direction.
  - d. The owner, subdivider, subdivider's engineer, subdivider's surveyor, adjacent landowner's names, addresses, and telephone numbers.
  - e. The correct legal description: Notations stating date of survey, acreage, scale and north arrow.
  - f. A systematic lot and block numbering pattern - with dimensions, lot lines and street/road names (approved by the City Commission).
  - g. Boundary lines of proposed subdivision.
  - h. The location and dimensions of all proposed and existing streets/roads, alleys, easements, parks, water courses, tree masses, railroad rights-of-way and other public lands or significant features.
  - i. Building line location shall be shown along each street.
  - j. Boundary lines of floodways and 100-year flood zones delineated on the Flood Insurance Rate Maps (FIRM).
  - k. Periodic inundation. Any portion of the land in or adjacent to the subdivision subject to periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified on the preliminary plat.
  - l. Zoning on and adjacent to the property, including across right-of-way.

- m. Existing contours referenced to City datum with intervals sufficient to determine the character and topography of the land to be subdivided. But in no case shall the intervals be more than one foot for land with a slope of one (1) percent or less, two (2) feet for a slope between one and one tenth (1.1) and nine and nine-tenths (9.9) percent, and five (5) feet for land with a slope exceeding ten (10) percent.
- n. Certificates of approval for endorsement by the City Planning commission, City Engineer, City Finance Officer and the City commission.
- o. Other preliminary plans. The following plans shall be submitted in conjunction with the preliminary plat:
  - 1) Preliminary drainage and grading plan: The existing drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns.
  - 2) The drainage plan shall also illustrate the drainage flow facility from the subject subdivision to a major drainageway (as designated in the Comprehensive Plan). Any improvements to this drainage facility required because of the full plan development at the subject subdivision shall be noted.
  - 3) Preliminary utility plan. The plan shall show the location of the nearest existing sanitary sewer and water. A sanitary sewer plan shall show the approximate manhole locations, manhole identification numbers, the direction of flow, connections to existing system, extensions of service to upstream properties, and the necessity for any lift stations. A water plan shall show the approximate fire hydrant locations, connections to the existing system, and extensions of service to adjacent properties.

B. Approval of Preliminary Plat

- 1. The preliminary plat shall be submitted to the Planning Commission and City Engineer for approval or disapproval. The approved plan shall be kept on file in the office of the City Engineer. Approval of the preliminary plat shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no zoning or building permits shall be issued on the approval of the preliminary plat.

C. Effective Period of Preliminary Approval.

- 1. The approval of a preliminary plat shall be effective for a period of three (3) years, at the end of which time approval on the preliminary plat or a portion thereof must have been obtained from the City Commission. Any plat of the which has not received approval within the period of time set forth herein, would require resubmittal of a new preliminary plat for approval subject to any new zoning or subdivision regulations.

#### D. Revisions to Preliminary Plat.

Amendments to an approved preliminary plat may be made at the discretion of the City Engineer. The City Engineer may request an updated preliminary plat 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 plat shall follow the procedures for approval of a preliminary plat as required in this section. Major changes shall include a change in major street pattern, drainageway/detention pond location, other public open space location, or perimeter boundaries.

### **Section 3. Final Development Plans and Final Plat.**

- A. Following the approval of the preliminary plat, if the subdivider wishes to proceed, final development plans shall be submitted to the City Engineer for review and acceptance. The final development plans shall be prepared by an engineer licensed to work in the State, and encompass all land as shown on the preliminary plat.

Three (3) copies of the final development plans shall be submitted to the City Engineer's office for review. The final development plan shall include the lot and block layout, public and private streets, and easements. The plans shall contain the grading plan, drainage plan, utility plan, and erosion plan, if required. Any or all of these plans may be deleted at the City Engineer's discretion. The plans shall be approved and retained by the City Engineer prior to any construction on the subdivision. Final development plans shall include the following:

1. **Grading Plan.** The drainage and grading plans shall show the contours with intervals of one (1) foot for land with a slope of one (1) percent or less, intervals of 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 (10) percent. The site grading plan shall also show the top-of-foundation elevation and drainage arrows for each lot with lot corner elevation shown according to City datum. The street grading plan shall show finished street grades shown to an accuracy of one tenth of a foot, showing existing conditions and proposed curb grades, and a detailed design for all intersections. Where the subdivider owns only half the property which makes up a street, he shall be responsible for establishing the street grades for said street for approval by the City Engineer.
2. **Drainage Plan.** The final drainage plan shall show the location of proposed drainageways, streams, ponds and storm sewer systems in the subdivision. For drainageways, the plans shall include calculations of the rainfall duration and intensity, the acreage, the calculated volume of flow for the tributary drainage basin, the velocity of flow in the drainageway, and the 100-year flood elevations along the drainageway. For internal drainage in the development, the plan shall include the flow into the development, the flow out of the development, and the approximate layout of the storm drainage system. The drainage plan shall provide information for major drainageway and detention pond requirements as indicated in Article IV Section 8, below. All plans for drainage shall be based on and comply with the master drainage plan for the area on file in the City Engineer's office. The drainageway and storm sewer system shall further show:

- a. The location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of headwalls, etc.
  - b. The area of land contributing runoff to each drainage structure.
  - c. The location of easements and rights-of-way for drainage ways and maintenance of access thereof; and
  - d. The typical cross sections of each drainage way.
  - e. The connections to existing system, and extensions of service to upstream properties.
3. Utility Plan. The utility plans shall include sanitary sewer and water systems for the development. The sanitary sewer layout shall show the size, direction of flow, approximate manhole locations, approximate manhole depth and invert elevations, manhole identification numbers, connections to existing system, extensions of service to upstream properties, and lift stations if necessary.

The water main layout shall show the location and size of the water distribution system including pipes, valves, fillings, hydrant locations, high pressure pumping equipment, connections to existing system, etc. The location of wells shall meet the requirements of the South Dakota Department of Environment and Natural Resources.

The gas, electric, cable television and telephone distribution plan shall contain the location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision, and where necessary to abutting property and the required easements, including anchor easements for guy wires.

4. Erosion Control Plans. Erosion control plans shall show:
- a. All proposed land disturbance including areas of excavation, grading, filling, removal or destruction of topsoil and spreading of earth material.
  - b. Provisions for erosion control during construction. Such provisions shall include the sequence of the operations listed above, with an estimated time of exposure and the proposed temporary measures to control erosion, which will be designed to withstand the two (2) year rain and will be shown on the plan.
5. As-Built Plans
- a. A complete set of "as-built" reproducible improvement plans will be required. This is not meant to require field surveying after the completion of work, but the "as-built" plans shall show all revisions that the subdivider's engineer has made in the plans that were originally presented and approved.

## B. Final Plat

1. Two (2) copies and two (2) reproducible mylars of the plat with one (1) mylar signed shall be submitted to the City Engineer for review and approval at least two (2) weeks prior to the Planning Commission meeting at which approval is requested.
2. The plat should be drawn at a scale of one hundred (100) feet to the inch from an accurate survey and on one (1) or more sheets whose dimensions are as required by state law. If more than two (2) sheets are required, an index sheet of the same dimension shall be attached and filed.
3. The plat shall show the following information:
  - a. The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
  - b. Scale, north-point, and date.
  - c. The names of all adjacent subdivisions, all lot and block lines, type of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
  - d. A systematic lot and block numbering pattern, lot lines and street names (approved by City Commission), in accordance with existing patterns, and the square footage of all lots.
  - e. The location and width of all proposed and existing rights-of-way, streets, alleys and easements, as well as the location of any parks, dedicated drainageways and other significant features.
  - f. The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or other recognized permanent monuments which shall be accurately described on the plat.
  - g. Accurate location of all monuments and permanent control points, and all survey pins, either set or located.
  - h. The accurate description of any portions of the property intended to be dedicated or granted for public use such as school or park land.
  - i. All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot.

- j. The radii, chords, length of curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
- k. The boundary lines of the floodway and hundred (100)-year flood zones, along with the base flood elevation on each lot as delineated on the Flood Insurance Rate Maps (FIRM).
- l. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
- m. Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
- n. All formal irrevocable offers of dedication for all streets/roads, alleys, parks and other uses as required.
- o. Certificates of approval for endorsement by the City Engineer, City Planning Commission and City Commission.

4. Plat approval

- a. The plat shall be considered for approval by the City Planning Commission and City Commission only after the City engineer has assurances from the subdivider fixing responsibility for the required improvements, or any revision thereof.
- b. Once the assurance has been approved, the plat shall be approved or disapproved within sixty (60) days after submission. A plat shall be considered submitted when it has been filed, with assurances, with the City engineer. If no action is taken within sixty (60) days of submittal, said plat shall be deemed to have been approved and a certificate to that effect shall be issued by the City Commission on demand. The applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the City Commission. Approval of any plat shall be contingent upon the plat being recorded within one hundred twenty (120) days after the certificate of approval is signed by the City Finance Officer.
- c. Action by the Planning Commission. Any subdivision of land containing two (2) or more lots, no matter how described, must be submitted to the Planning Commission for approval. The Planning Commission shall consider the final plat at the regular meeting during the month following the month of filing and shall either approve or disapprove the plat. If the Planning Commission finds that the final plat has been prepared in compliance with these

regulations and in substantial compliance with the preliminary plat such plat shall be approved. In the event of disapproval, specific points of variance with the aforesaid requirements shall be read upon the record of the Planning Commission, and a copy shall be transmitted to the subdivider.

The Planning Commission may approve final plats at a special meeting called in accordance with the rules and regulations of the Planning Commission. Upon approval or disapproval, the Planning Commission shall within ten (10) days transmit to the City Commission the final plat along with the report of the Planning Commission.

- d. City Commission. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the City Commission without affording a hearing therefore. All final plats must be approved by the City Commission, and their action is final, regardless of the action taken by the City Planning Commission. Certificates of approval must be signed by the City Planning Commission. The City Commission shall consider the final plat along with the report of the Planning Commission not later than the second regular meeting following the date of filing with the City Finance Officer. If the City Commission finds that the plat has been prepared in compliance with the preliminary plat; such final plat shall be approved. In the event of disapproval, the record shall show the specific points on which the final plat varies from these regulations or the preliminary plat. The City Commission may give notice of and hold any public hearings.
- e. Conditional Approval Time in Force. A conditional approval shall remain in force for a period of two (2) years after City Commission approval, after which time the street and lot layout of the subdivision shall be subject to review by the Planning Commission and the City Commission. In the event City Commission desires said review it shall request in writing that the planning commission institute proceedings. All review proceedings shall follow the procedure and have the same effect as the initial conditional approval proceedings.
- f. Filing of Record. After the final plat has been approved and all signatures required herein have been affixed, the subdivider will deliver the plat and all necessary papers, as required by statute, to the City Finance Officer who shall cause the same to be recorded as specific by statute. All filing fees shall be paid by the subdivider.

#### 5. Replat Approval

- a. A replat will be permitted where:
  - 1) The perimeter of the tract being replatted shall not be altered by the replat.

- 2) Either the grades shall not be changed from the drainage plan which was submitted and approved with the original plat or if the grades are going to be changed, then a drainage plan shall be submitted and approved for the replat.
  - 3) The replat shall not significantly change any plans that have been prepared for the placement of utilities in the subdivision. If the resubdivision meets these stipulations, the replat may be submitted as a plat, provided the previous platting lines are shown.
- b. Any replat of existing single-family attached dwellings into separate lots shall include existing building outlines to verify setback requirements. Any other replat of existing structures shall certify that the replat meets all requirements including adequate setbacks and lot area.
  - c. When application is made for any permit, or any approval necessary to develop for buildings with fixed locations on the ground, and the description given for the property on the permit application shows all or some of the property lines to be different from the platted lot lines, and if 1) the lot includes a portion of each of three (3) or more platted lots adjacent to another platted lot or lots; or 2) if the lot is entirely an unplatted lot, a replat will be required for those lots. Replatting will also be required where an accessory structure, as defined in the zoning ordinance, with a fixed location on the ground is proposed to be constructed on property that consists of adjacent platted lots when the primary structure, as defined in the zoning ordinance, is located on a separate platted lot or lots than the proposed accessory structure.
  - d. Approval of replats. If the replat meets the requirements set forth in this chapter, it may be filed with the City Engineer and approved by the City Commission after recommendation of the City Engineer.

## **ARTICLE IV. MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS**

### **Section 1. General Provisions**

- A. Short Title. All improvements shall be constructed according to the regulations herein, according to the design standards, or as directed by the City Engineer.
- B. Jurisdiction. These regulations with Design Standards, along with the City of Madison Standard Specifications (hereinafter referred to as Standard Specifications) and additional detail and standard plates shall be hereby considered the Design Standards, and, shall apply to all public improvements within the incorporated area of the Madison except where superseded by Federal or State requirements.

- C. Amendments and Revisions. The Design Standards and criteria may be amended as new technology is developed or experience gained in the use of the Design Standards.
- D. Enforcement Responsibility. It shall be the duty of the City Engineer to enforce the provisions of the Design Standards.
- E. Review Process. The City will review all submittals for compliance with the specific Design Standards. Acceptance by the City does not relieve the Owner, Design Engineer, or Contractor from responsibility for insuring that the calculations, plans, specifications, construction, and record drawings are in compliance with the Design Standards.
- F. Prior Approval. The Design Standards shall not abrogate or annul: (a) any permits issued before the effective date of the Design Standards; (b) any construction plans approved before the effective date of the Design Standards; (c) any final plat documents that have been recommended for approval by the City of Madison Commission prior to the effective date of these standards; or (d) any easements or covenants already in effect.
- G. Relationship to Other Standards. If special districts impose more stringent standards, this difference is not considered a conflict and the more stringent standard shall apply. If State or Federal Government imposes more stringent standards, criteria, or requirements, these shall be incorporated into the Design Standards in accordance with Section 1.C.
- H. Variances. Variances from these Design Standards will be considered on a case-by-case basis by the City Engineer.
- I. Private Facilities. If an owner of private street or utility facilities wishes to dedicate these facilities for public use and maintenance, the facilities must meet the standards set forth herein prior to being accepted by the City.

## **Section 2. Conformity to Comprehensive Plan.**

- A. All proposed subdivisions shall conform to the Comprehensive Plan.
- B. The densities established by the zoning Ordinance and the Comprehensive Plan shall be observed by the subdivider.
- C. All thoroughfares in the Major Street Plan shown as crossings or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated thereon.
- D. All sites for parks, schools, and other public facilities that are located within a proposed subdivision tract shall be offered for sale to the City or the Independent School District Board at or below the fair market value. Such offer shall extend for a period of not less than thirty (30) days from the date of receipt by the City or Board of such written offer.

**Section 3. Street Plan.**

- A. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the Major Street Plan of the community and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Where such is not shown in the Comprehensive Plan for the community, the arrangement of streets in a subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing principal arterial streets in surrounding areas; or
  - 2. Conform to a plan for the neighborhood approved or adopted by the City Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street impracticable.
- C. Local streets shall be laid out so that their use by through traffic shall be discouraged.
- D. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City Planning Commission may require a street approximately paralleled to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts.
- E. In general, provisions should be made for a collector street every half mile, and there should be a street connecting adjacent subdivisions at intervals not less than a quarter mile where topographical and land use considerations permit. The arrangement of all streets and alleys shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- F. The subdivider shall be responsible for dedication of street right-of-way widths and roadway widths, according to the Major Street Plan and where not shown therein shall be not less than as follows:

Street Type	Right-of-Way Width	Pavement Widths Back to Back	Maximum Grade
Arterial Street	100'	50'	7%
Collector Street	80'	44'	7%
Local Street (Residential)	66'	37'	10%
Marginal Access	52'	26'	10%

- G. Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the City Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street has already been provided adjacent to an area to be subdivided, the other remaining half of the street shall be platted within such subdivision. A preliminary plat of a subdivision may show half a street along 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.
- H. Cul-de-sacs and eyebrows are not encouraged but will be allowed where, due to physical constraints, they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac shall be five hundred (500) feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the City engineer on dead-end streets that will eventually be continued. The closed end of a turnaround shall have an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. Between the street and the circle there shall be a twenty (20) foot reverse radius unless otherwise approved by the City Engineer. Curb openings for driveways shall be a maximum of twenty (20) foot per lot. Minimum lot width of seventy-five (75) feet (chord distance) will be measured at the front property line around a cul-de-sac adjacent to right of way.
- I. Street grades shall be established regarding topography, proposed land use, and approved drainage plans and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be five-tenths of one percent (.5%).

J. Alignment and Visibility

1. Minimum radii of horizontal curvature on the centerline shall not be less than one hundred (100) feet on collectors and seventy-five (75) feet on local streets.
2. Tangents between reverse curves shall be as approved by the City Engineer.
3. Angular breaks in right-of-way alignments of more than two (2) degrees are not permitted. Street pavement and curbs shall be curved in all cases.
4. Clear horizontal visibility, measured along the centerline, shall equal or exceed at least six hundred (600) feet on arterial streets, three hundred (300) feet on collector streets, and at least two hundred (200) feet on local and marginal access streets.
5. Vertical curves shall be such as to provide safe stopping sight distance for the design speed based on equations developed by AASHTO and approved by the City Engineer.

6. Where there are roads in existence, engineering plans for right-of-ways must be so designed as to eliminate bends, crooks, jogs and other undesirable hazardous conditions.

K. Street Flow Capacity

1. General. The criteria set forth herein will be used in analyzing and approving the adequacy of streets as a function of the drainage system. Both the minor and 100-year storm runoff must be considered and calculations showing such runoff at critical sections shall be submitted. Street, curb and gutter, valley gutters, and curb cuts shall conform to the City Specifications. Minor storms shall be five (5)-year for residential and two (2)-year for commercial and industrial.
2. Street Capacity for Minor Storms. Pavement encroachment for the minor design storm shall not exceed the limitations set forth in the following table:

**Allowable Pavement Encroachment and  
Depth of Flow for Minor Storm Runoff**

Street Classification	Maximum Encroachment*
Local	No curb overtopping. Flow may spread to crown of street.
Collector	No curb overtopping. Flow spread must leave the equivalent of one (1) ten (10)-foot driving lane clear of water (one lane for two (2)-lane street, two (2) lanes for four (4)-lane street).
Arterials	No curb overtopping. Flow spread must leave the equivalent of two (2) ten (10)-foot driving lanes clear of water; one (1) lane in each direction.
Freeways	No encroachment is allowed on any traffic lane.

\*Where no curbing exists, encroachment shall not extend past property lines.

The storm sewer system shall commence at the point where the maximum allowable encroachment occurs. All residential and commercial storm sewers shall have the capacity to carry a five (5)-year storm within the pipe. All industrial storm sewer shall have the capacity to carry the two (2)-year storm within the pipe.

3. Street Capacity for Major Storms. The allowable depth of flow and inundated area for the major design storm shall not exceed the limitations set forth in the following table:

Allowable Depth of Flow and  
Inundated Area for 100-Year Storm Runoff

<u>Street Classification</u>	<u>Allowable Depth and Inundated Areas</u>
Local and Collector	Residential dwellings, public, commercial, and industrial buildings shall not be inundated at the ground line. The depth of water over the gutter flow line shall not exceed eighteen (18) inches.
Arterial and Freeway	Residential dwellings, public, commercial, and industrial buildings shall not be inundated at the ground line. Depth of water at the street crown shall not exceed six (6) inches to allow operation of emergency vehicles. The depth of water over the gutter flow line shall not exceed eighteen (18) inches.

4. Cross Street Flow. Cross street flow can occur by two (2) separate means. One is runoff which has been flowing in a gutter and then flows across the street to the opposite gutter or inlet. The second case is flow from some external source, such as a drainageway or conduit, which will flow across the crown of the street when the conduit capacity beneath the street is exceeded. The maximum allowable cross street flow depth based on the worst condition shall not exceed the limitation stipulated in the following table:

Allowable Cross Street Flow

<u>Street Classification</u>	<u>Minor Storm Runoff</u>	<u>100-Year Design Storm Runoff</u>
Local	Six (6)-inch depth at crown or in the valley gutter	Eighteen (18) inches of depth above gutter flow line
Collector	Depth of flow shall not exceed Six (6) inches above gutter flow line	Eighteen (18) inches of depth above gutter flowline
Arterial	None	Six (6) inches or less over crown

L. Private Streets or Roads.

1. The use of private roads shall be discouraged; however in cases where a private street or road is allowed, it shall meet the following requirements:

- a. Private streets shall be paved by the subdivider to a width of no less than twenty (28) feet, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of fourteen (14) feet six (6) inches and are subject to the same grade requirements as public streets.
- b. A road maintenance agreement among property owners who will depend on said private street for access will be filed with the plat. This agreement shall affix the legal responsibilities for the repair and maintenance of any private streets and the required signs.
- c. The property owner(s) or agent shall place street signs on all private streets or pay the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall be of such a style and material to render them easily readable at night as well as day, and are subject to the approval of the City Engineer.
- d. Buildings located adjacent to a private street or road shall be addressed.
- e. Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.
- f. Any private street or road approved by the City shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.
- g. Any plat presented for City approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for private maintenance and reserving the private street or road as a permanent unobstructed access.
- h. The City will not subsequently accept a private street or road for dedication unless and until it is brought to the City standards, providing adequate rights-of-way without requiring variances for setbacks.

#### M. Intersections

1. Acute angles at street intersections are to be avoided as much as possible, but in no case will an angle of less than eighty (80) degrees be permitted.
2. Not more than two (2) streets shall intersect at any one (1) point unless specifically approved.
3. Intersection offsets of less than one hundred twenty five (125) feet (centerline to centerline) shall be prohibited except where the street is divided by a median and no median breaks are provided.

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4. Intersections on arterial streets less than six hundred (600) feet apart (centerline to centerline) shall be avoided.
5. Minimum Radii of Intersections
  - a. Property lines at the intersection of two (2) arterial streets shall be rounded with a radius of twenty-five (25) feet. An increased radius shall be required where the angle of intersection is less than ninety (90) degrees.
  - b. Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than fifteen (15) feet.

N. Pavement and Curb and Gutter

1. All streets, except alleys, within the City shall be paved with asphalt or concrete, in accordance with City specifications – unless waived by the City Engineer, and shall have standard “L” type concrete curbs and gutters placed at the edges of pavement at the widths specified in Article IV Section 3.G.
2. Pavement Thickness. Design of pavement thickness for collector and arterial streets and local streets in industrial and commercial zoned areas shall be based on *AASHTO Guide for Design of Pavement Structures*, latest edition. Pavement design shall be based on an inherent reliability of seventy-five (75) percent. For traffic conditions where the equivalent eighteen (18) kip/single axle loading is less than one million (1,000,000), the low-volume road design method may be used. Recommendations and subgrade properties developed by the Geotechnical Exploration Report shall be used in the design of the pavement structure.
  - a. Industrial and Arterial Streets must be designed for pavement thickness on an individual street-by-street basis. However, in no event may the pavement thickness be less than that specified in Table N.2.1. Local Residential Streets need not be designed on an individual basis, but must meet the minimum pavement thickness as set forth in Table N.2.1. Variance in these standards may be considered if developer provides surfacing design recommendations from a licensed professional engineer supportive of the request.
  - b. Minimum compressive strength for Portland Cement concrete paving shall be 4,000 psi at twenty-eight (28) days.
  - c. Traffic Data. Where traffic data is available, actual counts shall be used along with projections of traffic growth in determining the pavement design. If traffic data is not available, Table N.2.2. may be used to provide data for the pavement design. Traffic data for all arterial streets will be determined by the City Engineer.

Table N.2.1  
Minimum Pavement Thickness Requirements

	Local Residential Streets	Commercial, Industrial & Collector Streets	Arterial Streets
Portland Cement Concrete (Requires Aggregate Cushion)	6"	8"	8"
Asphaltic Concrete with Aggregate Base 8" Aggregate 6" Aggregate 6" Aggregate	4" AC	6" AC	6" AC

Table N.2.2.  
Traffic Volumes

Street Classification	ADT (2 way)	No. of Lots	18-kip ESAL Traffic	AASHTO Traffic Level
Cul-de-sacs and Local Residential	200	20-30	10,000-50,000	Low
Local, Local Multi-Family, or Commercial	300-700	60-140	50,000-300,000	Low
Local Industrial	200-700		400,000-600,000	Medium
Collector	7,000		400,000-1,000,000	High
Arterial	To be determined by the City Engineer			

3. The City Engineer may waive the requirement for curb and gutter if the surrounding land use and topography are such that a rural street section will adequately convey traffic and drainage. A rural section will not be approved in the following instances:
  - a. Areas where direct access to the street will be allowed at intervals less than two hundred (200) feet.
  - b. Areas where it will be necessary for vehicles to back out of driveways onto the street.
  - c. Areas where relief of the land is not sufficient to allow for proper drainage of the ditches.

4. Where a rural section is approved, the following design criteria shall be required:
  - a. Ditches shall be a minimum of 3.5 feet deep (Measured from the edge of pavement to the bottom of the inslope) and shall be of sufficient width to keep the twenty-five (25) year storm one half (0.5) feet below the top of the subgrade.
  - b. Minimum longitudinal slope on ditches shall be one half of one (0.5) percent.
  - c. Inslopes and backslopes shall be no steeper than 4:1.
  - d. Slopes on approaches shall be 6:1 or flatter.
  - e. Approach pipes shall be a minimum of eighteen (18) inches in diameter and cross-road pipe shall be reinforced concrete and a minimum of eighteen (18) inches in diameter.
  - f. Sufficient right of way to include ditches and sidewalks on the top of the backslopes.
- O. Mutual access easements. When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
  1. Any mutual access easement accepted by the City must provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
  2. Mutual access easements shall be indicated on the plat.
  3. Any plat presented for City approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.
  4. Mutual access easement areas shall be paved by the subdivider and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer.
  5. An easement area maintenance agreement among property owners who will depend on the mutual access easement for access shall be filed with the plat. It shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs (see 6. below).
  6. The subdivider/owner may be required to place traffic control signs on mutual access easements or to pay the City to place traffic control signs for mutual access easements at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs shall be approved by the City Engineer.

## P. Arterial Street Development.

1. In order to maintain the traffic carrying capacity of the arterial streets by limiting access to it from individual lots, and in order to protect the residents of property adjacent to arterial streets from the high traffic volumes associated with the street, property along such arterials shall be subdivided in the manner set forth below:
  - a. Double frontage lots. Double frontage lots are particularly appropriate for single-family development along arterial streets. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of high traffic volume. If double frontage lots are approved for one side of an arterial street, the other side of the arterial street will be required to plat double-frontage lots as well. In this way, utilities will not have to be placed under the arterial street. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of high traffic volume. When double frontage lots are proposed, the subdivider shall be required to escrow a sufficient amount of money to pay for the assessments on the arterial street or shall finance and complete construction of the arterial street to City specifications prior to plat approval.
  - b. Side Blocks on to arterial streets. In order to avoid private access from individual lots on to arterial streets, lots should be arranged on blocks so that their side or rear yards are adjacent to the arterial street. Lots adjacent to an arterial street shall have an additional width to provide for an extra setback to offset the impact of high traffic volume. This design will be accepted only for a limited distance due to the number of streets which would intersect with the arterial.
  - c. Access roads. Access roads may be used as the City grows into the areas in the county where they have been required. Under some circumstances they would also be appropriate for commercial and industrial development. Access roads shall be constructed to City standards with a right-of-way width of fifty (50) feet.
  - d. Rear access roads. Rear access roads are recommended for commercial developments. In this way the access can serve two (2) tiers of lots and alleviate the dangerous turning movements onto and off of arterial streets.
  - e. Non-residential land uses, and higher density residential land uses including multiplefamily units and townhouses are particularly suitable for the intersection of two (2) arterial streets. Any development of this type should have limited access to the arterial street.
  - f. Plats for residential development. Plats for residential development adjacent to functioning railroad rights-of-way shall provide extra lot depth or width to provide for an extra setback to offset the impact of the railroad traffic.

- g. Minimum building setback. Lots adjacent to the major drainageways and detention ponds as shown on the drainage plan adopted as a part of the comprehensive plan, shall be designed with an increased depth to allow for building setback requirements. Greater backyard depth will increase the functional separation between the developed subdivision and the drainage facilities.
- h. Townhouses, multiple-family units and other non-traditional housing styles of development are particularly suitable for the intersection of two (2) arterial streets. Any development of this type should have limited access to the arterial street.
- i. Alleys are not encouraged, but they would be considered in unique situations. Alleys would be allowed at the discretion of the City Engineer and Planning Commission.

Q. Walkways (Sidewalk/Trail).

- 1. Concrete or asphalt pedestrian walkways of an appropriate width shall be required through blocks where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.
- 2. Subdividers may also be required to provide access through greenways and common areas.
- 3. Sidewalks shall be improved at all intersections, including handicap ramps.
- 4. The Planning Commission may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width.
- 5. Trail design shall be at the reviewed and approved by the City Engineer. Trail width shall be at least ten (10) feet.
- 6. The Planning Commission in its discretion may waive the requirement that the applicant install sidewalks /trails prior to the signing of the subdivision plat, and that as an alternative, the applicant post a bond or set up an escrow account to cover the cost of construction. The Planning Commission will estimate the amount needed to assure that installations and dedication of the in completed portion of the required improvements can be carried out.
- 7. Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.
- 8. Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.

## R. Alleys.

1. Alleys shall be provided in commercial and industrial districts, except that the City Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed in accordance with Zoning Ordinance 17.3702.
2. The minimum width of an alley shall be twenty (20) feet in industrial and commercial areas and fifteen (15) feet in residential areas.
3. Alley intersections and sudden changes in alignment shall be avoided but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
4. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities, as determined by the City Planning Commission.
5. Alleys may be permitted in residential districts when conditions warrant an alternative means of access.

## S. Street Names.

1. No street names shall be used which will duplicate by spelling or sound or will otherwise be confused with the names of existing streets. Street names are subject to the approval of the Council. All street names should be kept as short as possible to permit signs to be no longer than 36 inches. All street names shall indicate directions either north, south, east or west. Street name suffixes shall be applied as follows:
  - a. Street: A road running east and west.
  - b. Avenue: A road running north and south.
  - c. Road: A road running east and west or north and south, such names may only be assigned to major rights-of-way.
  - d. Lane: A road running northeast to southwest.
  - e. Drive: A road running northwest to southeast.
  - f. Trail: A road which wanders in different directions.
  - g. Circle: All cul-de-sacs.
  - h. Court: A road with two openings which enters and exits on the same street.
  - i. Place: All private roads.

- j. Parkway: Limited access roads such as major streets which are divided by a median.
- k. Boulevard: A minor street divided by a median.
- 2. Subdivision names and apartment project names shall not duplicate or be similar to existing names. Subdivision and apartment project names are subject to approval by the City Commission.
- 3. Streets obviously in alignment with existing streets shall bear the names of those streets.

**Section 4. Blocks.**

- A. The lengths, widths and shapes of blocks shall be determined regarding:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use proposed.
  - 2. Zoning requirements as to lot sizes and dimensions.
  - 3. Needs for convenience access, circulation, control and safety of traffic.
  - 4. Limitations and opportunities of topography.
- B. The length of blocks shall not exceed twelve hundred (1200) feet and shall normally be wide enough to allow two tiers of lots of an appropriate depth.

**Section 5. 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, and shall conform to the requirements of the zoning Ordinance. In such cases where requirements may conflict, the larger requirement shall govern.
- 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 setback from both streets.
- D. Each lot shall abut a dedicated right-of-way or approved private street.
- 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 line of lots abutting such traffic artery or any other such disadvantages feature, the subdivider shall put in a planting screen easement of not less than ten (10) feet in width, across which no right of access shall be provided.

- F. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
- G. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.
- H. An access control easement shall be placed on lots adjoining arterial streets between access points.

### **Section 6. Easements.**

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than twenty (20) feet wide total unless otherwise approved by the City Engineer.
- B. Where a subdivision is traversed by a water course, drainage way, or stream, there shall be provided a storm-water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way.
- C. The width of such drainage easement or right-of-way shall conform substantially with the lines of such existing or planned drainage way and shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.
- D. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water and sewer services.
- E. All new and existing easements shall be shown on the plat.
- F. The property owner whose property is subject to such easements shall be responsible for its maintenance. The property owners shall keep the easement clear of any structure, debris, trees, shrubs or landscaping whatsoever except that lawn grass, which shall be regularly mowed, and annual vegetation may be grown thereon. No permanent fences shall be allowed.
- G. Where topographical or other conditions warrant side yard easements and easements across lots, easements at least ten (10) feet in total width shall be provided.

### **Section 7. Homeowner's Associations.**

- A. Where the subdivision contains park areas, road maintenance systems or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of said agreement shall be attached to each and every plat having a facility or service covered by such an agreement.

**Section 8. Drainage and Inundation.****A. Drainage Plan to Conform.**

1. The final drainage and grading plan for the subdivision shall be submitted for review by the City Engineer and subsequent approval by the City Commission. The grading plan shall, as much as possible, be laid out to conform to the natural contour of the land. The final drainage plan shall show that the proposed development will not result in any increase in peak storm water flows for all storm events up to the 100-year storm caused by the proposed development. No subdivision plans will be approved prior to completion and acceptance of the final drainage plan. Detention dam requirements may be waived for subdivisions with approved preliminary plats predating this ordinance if no changes are made to the preliminary plat.
2. Based upon specific site conditions, commercial and industrial development on parcels of five (5) acres or less and residential development on parcels of three (3) acres or less may be exempt from this requirement as recommended by City Engineer and approved by the City Commission. Commercial and industrial parcels of more than five (5) acres and residential parcels of more than three (3) acres at the time of adoption of this ordinance shall not be subdivided into smaller parcels in order to circumvent the regulations of this ordinance.
3. If there is not a master drainage plan in place for the entire basin of which the subdivision is part and if the City deems it necessary in total or in part, a master drainage plan will be conducted by the City for the drainage basin of which the proposed subdivision is part. If said master drainage plan is required, the pro rata costs based upon acres is subdivision versus acres entire drainage basin shall be born by the subdivider and the final drainage plan shall comply with recommendations of master drainage plan. The subdivider may conduct both the master drainage plan and final drainage plan provided subdivider's consultant coordinates with City Engineer.

**B. Drainage Way and Detention Pond Maintenance.**

1. Major drainage ways which are a part of the drainage system as included in the subdivision shall have sufficient land area assigned and reserved as such as recommended by the City Engineer and approved by the City Commission. The area to be assigned and reserved shall include the entire parcel of land, which would be inundated by the 100-year design storm.
  - a. Detention pond sites which are designated parts of the major drainage system shall have sufficient land area reserved and assigned for said purpose.
  - b. The area to be assigned and reserved shall include the entire land parcel which would be inundated by the 100-year design storm.

- c. Where a detention pond site can be sized or located such that it will impact or otherwise benefit other property or future subdivisions, a drainage service area shall be identified if authorized by the City. All of the accessory detention pond site area shall be assigned and reserved with the cost of that portion benefiting other development to be reimbursed by the City to the subdivider at the time of plat approval. The land reimbursement cost shall be based on an appraisal obtained for the City and thereafter the cost plus interest shall be prorated and charged to future benefiting development(s) in the drainage service area in an equitable manner.
- d. Where a detention pond site is required for topographical reasons or other practical reasons to be located outside of the subject development area that will contribute to the storm water flow, the City may be requested to consider sponsoring the acquisition and development of pond facility with the acquisition and construction costs to be prorated to the respective developing property and other future development within the drainage service area.

#### C. Design Methodology.

1. The final grading plan shall be made prior to all other utility plans. The drainage system shall take into account the ultimate development of the tributary area. Surface water drainage plans shall be shown for each and every lot and block on the Final Drainage Plan. The final drainage plan shall indicate what the existing peak storm water flows and volumes are as compared to what the peak storm water flows and volumes would be after completion of the proposed development for the 2, 5, 10, 25, 50 and 100-year storm events. The plan shall show how the subdivider proposes to detain all the excess storm water volume due to the change in runoff coefficients caused by the proposed development. The excess storm water shall not be discharged from the detention structure at a greater rate than a calculated 5-year peak storm water design flow would be based on pre-developed conditions for the principle outlet assembly and the 100-year peak storm shall be conveyed through an overflow assembly.
2. The release rate from the development or the detention pond cannot exceed pre-development rates as specified above when discharge is conveyed onto undeveloped property unless City-owned conveyance structures of adequate size are contiguous and/or are downstream of the proposed discharge points.

#### D. Drainage Easements

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-way, perpetual, unobstructed drainage easements of a minor nature, at least twenty 20 feet in width shall be provided where deemed necessary by the City Engineer. The City Engineer may require additional width or setback as deemed necessary. Said easements shall be kept clear by the owner from all fill, debris, trees, landscaping, structures or vegetation which will in any way impair the drainage course or the water carrying capacity of the drainage

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way except that lawn grass which shall be regularly mowed and annual vegetation may be grown thereon. All routine maintenance along said drainage ways shall be performed by the adjacent property owners. All such drainage way easements shall be indicated on the plat.

2. Where runoff from the proposed subdivision is redirected or significantly increased, and offpremise drainage easements and improvements are required to carry this water away from the subdivision, appropriate drainage rights must be secured and referenced on the plat.

E. Additional Information.

1. The City Engineer may require whatever additional engineering information he/she deems necessary for subdivision and other developments which are in areas of questionable drainage.

F. Limitations of Building Type.

1. The City Commission by resolution may limit development in areas with high water tables to structures constructed without basements.

G. Structural Entrances

1. In areas where structure entrances are adjacent to detention pond, drainage ways, or inundation area, all structural entrances shall have an elevation which exceeds the design water elevation by a minimum of two (2) feet above that would be reached during a 100-year rainfall and two (2) feet above overflow elevations.

H. Design Standards

1. All drainage facilities including storm sewers and storm drainage structures (including retention and detention ponds) shall be designed in accordance with standard accepted engineering practice or as otherwise herein provided and are subject to approval of the City Engineer. But in no case shall storm sewers be constructed with less than a five-year rainfall design standard and in no case shall storm drainage ways be constructed with less than a one hundred (100)-year design standard. In no case shall the peak storm water flows exceed flow rates that existed prior to development for 2, 5, 10, 25, 50 and 100-year storm events. The excess storm water volume resulting to the change in runoff coefficient from development shall not be released at a greater rate than a five (5)-year peak flow based on pre-developed conditions.
2. In residential development, the subdivider is responsible for the cost of storm sewer pipe up to twenty-four (24) inches in diameter and associated inlet costs within the development. When pipe larger than twenty-four (24) inches in diameter is installed, the City may reimburse the appropriate party for the difference in the cost of the pipe based on the pipe contract in effect up to a maximum size of pipe of forty-eight (48) inches in diameter. The subdivider shall be responsible for all additional costs for pipe over forty-eight (48) inches in diameter.

3. In non-residential development, the subdivider is responsible for the cost of storm sewer pipe up to forty-eight (48) inches in diameter and associated inlet costs within the development. When pipe larger than forty-eight (48) inches in diameter is installed, the City may reimburse the appropriate party for the difference in the cost of the pipe based on the pipe contract in effect up to a maximum size of pipe of sixty (60) inches. The subdivider shall be responsible for all additional costs for pipe over sixty 60 inches in diameter.

#### I. Drainage Way Design

1. All drainage ways from streets across lots to rear lot lines shall be properly designed to carry storm water and approved by the City Engineer. Said drainage ways shall either be hard surfaced, with curb and gutter and sufficient width to remove snow, or else said drainage way shall provide a storm sewer inlet with the water carried by pipe to the rear lot line. Landscaping and fill over storm sewer pipe shall leave a depression so that excess surface water can run overland without danger to abutting homes and without causing severe ponding on the streets.
  - a. A minimum of twenty (20) feet is required for a drainage easement on lateral drainage ways which drain public storm water. No drainage easement is required for drainage ways or storm sewer pipe which drains run-off from private properties. Private drainage easements shall be shown on the plat and a reference shall be included in the owner's certificate for maintenance responsibilities.
  - b. Major drainage ways are channels which are utilized to carry the storm water run-off generated by the lateral drainage ways from a development. They may be either a natural intermittent watercourse or stream or an excavated drainage way. In either case, they shall be adequate to convey the one hundred (100)-year rainfall event.
  - c. The costs for construction and re-vegetation of the drainage way in a subdivision are to be the responsibility of the subdivider according to the approved final grading plan and final drainage plan.

#### J. Detention Pond Criteria

1. Detention ponds shall be designed to be aesthetically pleasing and compatible with the environmental characteristics and appearance of the adjacent drainage ways. The planting of trees buffering the detention ponds may be required. Detention ponds shall also be designed where deemed feasible by the City to accommodate park or recreational or other compatible uses.
2. Detention ponds and similar areas, not required as a necessary part of the major drainage system may be accepted by the City for maintenance if such land provides another useful public service such as a public park or wildlife area. If the City does not accept the responsibility of maintenance, the responsibility to maintain the detention ponds and similar areas will be on the subdivider or homeowners association.

3. The construction and other improvements of a detention pond shall be the ultimate responsibility of the subdivider according to the final grading plan and final drainage plan.

**Section 9. Water Facilities.**

- A. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.
- B. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the City Engineer as shown on the final utility plan required in Article III Section 3.A.3
- C. Water main extensions shall be approved by the City Engineer. If the water main is extended adjacent to property that will not participate in the initial construction cost of the water main, the subdivider shall submit to the City Planning Commission a cost recovery study based upon the actual construction costs showing the amount due from each property when a connection is made to the extended water main.
- D. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts shall be shown on the preliminary water and sewer plan.
- E. Fire hydrants shall be required for all subdivisions where city water mains are available. Fire hydrants shall be approved by the City Engineer. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.
- F. Public water supply. Land which is located over or adjacent to a water bearing stratum or water supply reservoir and which is designated as an area providing or supplementing a municipal water supply shall not be developed or subdivided for residential, recreational, commercial or industrial purposes except when public water and sewer systems are provided.
- G. Design Standards. All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City Engineer. All water facilities shall be designed in compliance with the engineering design standards or as determined by the City Engineer.
- H. If a well is required for each lot, the locations, construction, and use of such well shall meet any State of South Dakota requirements.
- I. Minimum size water main shall be six (6) inches in diameter. Exceptions include dead-end water mains less than five hundred (500) feet in length and hydrant leads, both which shall be six inches in diameter. Dead-end mains longer than five hundred (500) feet shall be eight (8) inches in diameter.

**Section 10. Sanitary Sewers.**

- A. Each lot within a subdivision area shall be provided with a connection to an approved public sanitary sewer.
- B. Exceptions - In areas where a public sanitary sewer is not reasonably accessible, but where plans, including the comprehensive plan, a facilities plan or any other approved plan for the installation of sanitary sewers in the vicinity of the subdivision has been prepared, the subdivider shall install sewers in conformity to plans approved by the City engineer. In cases where a connection to an existing public sanitary sewer may not be immediately practical, a connection may be made to the gravity sewer system by the use of a lift station, constructed in accordance with the regulations and requirement set forth by the City Engineer
- C. All sanitary sewer facilities including gravity sewers, manholes, lift stations and force mains shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City engineer. All sewer facilities shall be designed in compliance with engineering design standards or as determined by the City Engineer.
- D. Subdivisions not located in the City shall have a sewer distributing system meeting design and specification requirements of the City.

**Section 11. Erosion.**

- A. Measures used to control erosion on a development site shall meet the standards approved by the City Engineer. Stripping of vegetation, regrading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible, natural vegetation shall be retained, protected and supplemented. The 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 drainageways. Ditches and drainageways will not be disturbed without the approval of the City Engineer.

**Section 12. Preservation of Natural Features and Amenities.**

- A. Existing features which would add value to residential development or to the community as a whole, such as trees, water courses and similar irreplaceable assets, should be preserved in the design of the subdivision.
- B. Sensitive environmental areas as shown on the Comprehensive Plan shall be reviewed with regard to the special character of the area taking into consideration harmonious design, environmental protection and topographical restraints.

**Section 13. Areas Subject to Periodic Inundation.**

- A. Flood Zones - Land areas of such elevation and location to be subject to periodic inundation by flood waters shall not be subdivided or developed except as provided below.
- B. Development Review in Flood Zones - Proposed subdivisions and proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, the floodway and floodplain shall be shown on the preliminary plat and elevations must be shown. Any such proposals shall be reviewed to assure that:
  - 1. All such proposals are consistent with the need to minimize flood damage within the flood prone area.
  - 2. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - 3. Adequate drainage is provided to reduce exposure to flood hazards.
  - 4. Such development would be allowed by the Zoning Ordinance.

**Section 14. Property Markers.**

- A. The corners of all lots and the beginnings and endings of all curves on property lines shall be accurately marked on the ground with five-eighths (5/8) to one and one-quarter (1 1/4) inch diameter iron rods or pipes at least eighteen (18) inches long.

**Section 15. Oversize Facilities.**

- A. The Council may participate in the cost of oversize improvements within a subdivision if it is adjudged that such oversize improvements are necessary to serve large areas of land not in the subdivision and if the cost of such oversize improvements is an unreasonable burden on the subdivider.
- B. The subdivider shall not be required to pay the full cost of any highway or arterial street, but shall participate in the cost of these improvements in the amount a collector street would cost if situated where such highway or arterial street is located.

**Section 16. Final Plans.**

- A. Upon completion of construction of any such facilities or improvements, one (1) set of reproducible tracings of completed final plans, dated, signed and certified by the engineer in charge shall be filed with the City Engineer, showing all features as actually installed, including materials, size, location, depth or elevation, number ends of lines, connections, wyes, valves, storm sewer drains, inlets and all other pertinent information. There shall be no connections made to utilities serving the subdivision until the foregoing has been complied with.

**Section 17. Park Dedication.**

- A. When any land that has an area of five (5) acres or more is annexed or when any platted parcel(s) of five (5) acres or more that is within the City limits and presently undeveloped at the time of the adoption of this Ordinance with the exception of business or industrial zoned property, is proposed to be annexed or developed, the person or persons requesting such annexation or permission to develop the existing platted property for residential purposes shall dedicate an area equal to five (5) percent of the land so annexed and/or residentially developed to be set aside for use as parks or playgrounds, under the jurisdiction of the City Commission.
- B. The location of such park and playground land shall be determined by the Madison Park Board. In the event the owners of the land to be annexed and/or residentially developed are unsatisfied with the decision of the Board, an appeal to the City Commission may be taken within thirty (30) days after notification to the owner in writing by the Board.
- C. The City Commission may allow the owner to donate a sum in cash equal to five (5) percent of the current appraised value of the property to be annexed and/or residentially developed (but in no event less than \$1,000.00) in lieu of dedication of land. Such decision shall be solely at the City Commission's discretion.
- D. Parcels to be annexed with an area of more than five acres and undeveloped parcels of more than five (5) acres at the time of adoption of this Ordinance shall not be subdivided into smaller parcels in order to circumvent the regulations of this Ordinance.
- E. Drainage detention pond areas may be used to satisfy this requirement if deemed appropriate by the City Commission after recommendation of the Madison Park Board.
- F. These regulations shall not apply to forced annexation unless specifically set out in the annexation resolution.
- G. Monies derived from this Ordinance shall be placed in a special fund for the sole purpose of park and playground acquisition and/or development at the discretion of the Park Board.

**Section 18. Required Improvements.**

- A. The subdivider is required to install or construct all improvements described in this Article prior to receiving approval of his final plat or prior to having released the bonds or other securities which guarantee such required improvements.
- B. All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk, or other required pavement.

- C. The City hereby defines its policy to be that the City withhold improvements of any nature whatsoever, including the maintenance of streets and furnishing of sewage facilities and water service from all additions, until the subdivision plat has been approved by the City Planning Commission or, in the absence of such a commission, by the City Commission. No improvements should be initiated nor any contracts executed until this approval has been given.
- D. All property presently subdivided as described above, upon which no further improvement has been made and which has not been furnished with water service or sewer facilities, shall fall under the provisions of this Ordinance as it pertains to all improvements namely streets, curb and gutter, and water and sewer facilities.
- E. All property presently subdivided as described above, which has been partially improved and which is bordered and served by traveled vehicular roadways, shall fall under the provisions of this Ordinance as it pertains to water and sewer facilities if same are not in place.
- F. All requests for attachments to water service presently in place shall be submitted to the City Engineer for approval. Said attachment shall be made as directed by the City Engineer and all costs for same excluding intersections as stated in Article IV, Section 18 of this Ordinance, shall be borne by the applicant.

**ARTICLE V. ACCEPTANCE PROCEDURES AND REQUIREMENTS FOR PRIVATE CONSTRUCTION OF PUBLIC IMPROVEMENTS**

- A. Application of Standards. The requirements contained herein shall apply to all new private development construction and site development construction within City dedicated right-of-way and easement areas that is planned for or subject to public use within the jurisdiction of the City of Madison. This acceptance shall consist of all improvements included in the Owner submitted construction plans accepted by the City Engineer.
- B. Acceptance Limitation. The acceptance of an improvement shall in no way constitute an assumption by the City of liability for defects in the improvement. By accepting the improvement, the City does not warrant or guarantee that the improvement has been properly designed or constructed. Any errors or omission of the Owner/Developer/Engineer shall not be the responsibility of the City.
- C. Acceptance Procedure. The acceptance process will proceed in two phases. The first phase will consist of Utility Acceptance which includes the water main, sanitary sewer, and storm sewer facilities. The second phase or Final Acceptance shall consist of all other public improvements including but not limited to grading, crushed base, curb and gutter, and surfacing. All items identified during the final inspection shall be complete before the final acceptance.
  - 1. Utility Acceptance. A Utility Warranty Report shall be sent to the developer's representative when the water main, sanitary sewer, and storm sewer facilities are

complete and accepted by the City Engineer. Storm sewer facilities shall include storm sewer pipe, storm sewer inlets, and storm sewer junction boxes. The warranty start date shall be shown on the Utility Warranty Report. The warranty start date shall be the date the two-year warranty period commences for the water main, sanitary sewer, storm sewer pipe, storm sewer inlets, and storm sewer junction boxes.

2. Final Acceptance. The City Engineer shall notify the developer's representative when all public improvements are complete and accepted by the City. The date the improvements are accepted shall be included in this notification. This date shall be the date the one-year warranty period commences for all improvements included in the final acceptance. After the City grants final acceptance, the City will assume all maintenance responsibilities for the public improvements.
3. General Policy. The City shall provide snow removal service on streets where the lower lift of asphalt has been placed. The City shall not provide snow removal services on streets where manholes, valve boxes, and any other items protrude above the roadway surface. Prior to the final acceptance, the Owner shall maintain the improvements and repair or correct any deficiencies that may occur before final acceptance is granted. The City will accept responsibility for damage to curb and gutter caused by snow plow operations provided notification is given prior to the final lift of asphalt being placed. The Owner shall be responsible for installation and maintenance of any barricades or warning signs required until final acceptance is granted.

## **ARTICLE VI. ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS**

### **Section 1. Assurances Required.**

- A. No final subdivision plat shall be approved by the City Commission or accepted for record by the Register of Deeds until the required improvements have been installed in accordance with the preliminary plat and approved by the City Commission; or in lieu of such prior construction, the City Commission may accept a letter of assurance, escrow deposit, or a security bond in an amount equal to the estimated cost installation of the required improvements, whereby improvements may be made and utilities installed without cost to the City in the event of default of the subdivider.
- B. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract (Letter of Assurance) in writing with the City requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. At the City's discretion it may require that the agreement require the subdivider make an escrow deposit or in lieu thereof to furnish a performance bond. On request of the subdivider the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The

time for completion of the work and several parts thereof shall be determined by the City Commission upon recommendation of the City Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision.

C. If the City Requires A Financial Guarantee: The contract (Letter of Assurance) provided above shall require the subdivider to make an escrow deposit or in lieu thereof furnish a performance bond as follows:

1. Escrow Deposit: An escrow deposit shall be made with the Finance Officer in a sum equal to one hundred (100) percent of the total cost as estimated by the Engineer, including cost of inspection by the City, of all the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat.

The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.

2. Performance Bond: In lieu of making the escrow deposit above described, the subdivider may furnish a public contractor's performance bond in form prescribed by statute, with corporate surety in a penal sum equal to one hundred (100) percent of the total cost as estimated by the City Engineer, including cost of inspection by the City, of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the City Attorney and filed with the City Finance Officer.

D. When all improvements required by the subdivider are completed to the standard required by the City Engineer, they shall be dedicated to, and become property of, the City.

## **ARTICLE VII. CONSTRUCTION PLANS**

### **Section 1. General.**

A. Detailed reproducible plans, prepared by or under the direct supervision with the signature, seal, and date of the licensed Professional Engineer in the State of South Dakota, shall be filed with the City Engineer for all work involved in public improvement contracts. Electronic copies of plans shall be submitted with the detailed plans. The Engineer must follow state laws in submitting electronic copies. The electronic plans shall conform to the City's Computer-Aided Drafting Standards. Detailed plans shall conform to the following requirements.

**Section 2. General Plan Sheet Requirements.**

- A. Plan Sheet Size. Prepare plans on sheets eleven (11) inches by seventeen (17) inches in size, except for special layout sheets when specifically accepted by the City Engineer. Review plans maybe submitted on sheets twenty-two (22) inches by thirty-four (34) inches. The maximum width of any sheet shall not be greater than thirty-six (36) inches.
- B. Names on Sheets. All persons designing, detailing, and checking plans shall legibly place their names on the plan sheets in a space provided for this purpose.
- C. Title Block. A title block listing the name of the project, Owner, and Engineer along with sheet title, date, sheet number, and space to denote revisions. Title block shall go in lower right corner or right edge of each sheet except the title sheet so as to be read from the bottom or right side. Page numbers shall be in the lower right corner of each sheet.
- D. Precision and Detail. Plans shall be prepared with such precision and in such detail as to be within the customary degree of accuracy for work of this kind and so permit the convenient layout in the field for construction and for other purposes. They shall also be of such character as to provide for the production of an accurate estimate of quantities for the several pertinent items of work to be performed in the construction of the improvement.
- E. Special Provisions. Plans shall include special provisions for items of work included in the plans which are not covered by the Standard Specifications and accepted special provisions of the South Dakota Department of Transportation and the City of Madison as may be required to properly cover the work contemplated by the plans. Special provisions may be prepared on 8 ½ (8.5)-inch by eleven (11)-inch paper and bound with other bid documents.

**Section 3. Title Sheet.**

- A. The following information shall be shown when applicable.
  - 1. Project name and location.
  - 2. Type of project.
  - 3. Small scale map showing project location. Plan and profile sheet layout shall be shown on location map.
  - 4. Index (a complete sheet index is to be shown).
  - 5. File number (to be filled in by City Engineer's Office).
  - 6. Engineer's firm name and address.
  - 7. Acceptance Block—show acceptance block in lower right-hand corner with signature line for City Engineer.

Accepted:

\_\_\_\_\_  
City Engineer's Office      Date

8. Estimate of quantities (may be placed on second sheet).
9. Development plan shall contain utility quantities only.
10. Design Engineer's certification, registration number, and date certified.
11. General Notes (show all general notes pertaining to construction.
12. Include a general note that project shall be constructed in accordance with the City of Madison specifications.
13. Legend (define all symbols shown in the plans).
14. Legal Description, including section, township, and range.

**Section 4. General Information to be Shown on Detailed Plans.**

- A. The following information shall be shown when applicable.
1. Construction limits.
  2. Benchmarks.
  3. Street names.
  4. Right-of-way widths.
  5. Removal of large trees, buildings, pavement, structures, or other features as required.
  6. Horizontal and Vertical Control. Alignment notes and benchmark descriptions are to be located on the plan portion of the sheets. All vertical control shall be based on NAVD 1988 vertical datum.
  7. Lot and block numbers and subdivision name in new subdivisions. Otherwise, show property addresses.
  8. Lot dimensions (along rights-of-way or easements).
  9. Show scale (usually 1" = 20' horizontal and 1" = 5' vertical reduced to 1" = 40' horizontal and 1" = 10' vertical) using a bar type diagram and standard north arrow together. Show arrow on right-hand side pointing to top or left of sheet.

10. Existing and proposed utilities—type, size, and location. (Show existing features less prominently or dashed.)
11. Pavement widths.
12. Where stationing is continuous from one sheet to the next, the last station on one sheet is to be the first station shown on the next. If possible, locate on the sheet to avoid “breaking” the plan and profile.
13. Existing trees, fences, walks, drainage structures, ditches, pavements, buildings, and other obstacles or improvements that are in or near the work area. (Show existing features less prominently or dashed.)
14. Survey line or reference line shall be shown on plan view.
15. Temporary and permanent easements.
16. Special details and special notes when required.
17. Plan view and profile shall line up whenever possible.
18. Symbols and abbreviations used on plans.
19. Any soils information available. (Show test hole locations on plan and profile sheets.)
20. When it is required by the City Engineer, a traffic control plan shall be shown on plans.
21. Other information deemed necessary by the Design Engineer certifying the plans.
22. Revision block showing description, date, and by.
23. City standard drawings and details (may be omitted on development plan).

### **Section 5. Street and Storm Sewer Plans.**

- A. The following information shall be shown when applicable.
  1. Show BEGIN STA. and END STA.
  2. Storm sewer plans shall be shown on the same sheets as paving unless it is a major installation or a benefit district.
  3. Match lines to other plan and profile sheets where they do not follow in order in the plans such as at an intersection.

4. Horizontal curve data near curve or code for clarity if several are to be shown or if the sheet is crowded. Show Point of Intersection (PI) Station, \_ angle, degree, radius, tangent, length, and super elevation, if any. Show Point of Curvature (PC), Point of Intersection (PI), and Point of Tangent (PT) station on the plan. For vertical curves show stationing, length, and elevations of Point of Vertical Curvature (PVC), Point of Vertical Intersection (PVI), and Point of Vertical Tangent (PVT). Also show “K” value as defined in *A Policy on Geometric Design of Highways and Streets* published by AASHTO, latest English edition.
5. Drainage arrows designating direction of runoff.
6. Stationing of paving projects will generally run from north to south or from west to east so that the north arrow will point to the top or left hand side of the sheet. Sewer stationing, when used, shall run from the lower end of the project on the left of the sheet toward the higher end on the right.
7. New construction and information notes in accordance with standard “Typical Notes.”
8. Show profile of existing ground or proposed street high enough to allow for storm sewer information and profile grades below. Show street profile grade elevations every 25 feet, typical. Label the existing ground line and show percent of grade on the new grade line (usually top of curb).
9. Show profile flow line elevations on all inlets, catch basins, pipes, and culverts. Show size, type, class (if necessary), and percent of grade on storm sewer pipes.
10. Show intersection details to the extent necessary to insure proper horizontal and vertical alignment. The following additional information is required:
  - a. Spot elevations along center lines and along curb lines extended through the intersection.
  - b. Drainage arrows showing direction of storm water flow.

Additional geometric information may be required including key distances, stations, angles, curve data, and elevations necessary for design and staking.
11. Show typical sections as required including information on the following:
  - a. Shoulder slopes, back slopes, side slopes
  - b. Paving widths, thicknesses, and types
  - c. Lane widths
  - d. Pavement cross slopes
  - e. Sidewalks and slopes

- f. Subgrades and paving treatment
- g. Median details
- h. Typical right-of-way lines
- i. Other typical details of paving or grading sections as appropriate not otherwise covered on the standard paving details. Typical sections may be waived for private development plans if it is a standard section.

### **Section 6. Sanitary Sewer Plans.**

- A. The following information shall be shown when applicable.
  - 1. Stationing, location, and type of all manholes, intakes, or other structures. Type of structures shall be in conformance with the Standard Specifications and Standard Plates.
  - 2. Details shall be shown for all structures that are not in accordance with City of Madison standards.
  - 3. Plan and profiles of all sewer lines (including existing ground profile and proposed finished grade profile).
  - 4. Size, length, and grade of sewers.
  - 5. Type of pipe materials and strengths (if necessary).
  - 6. Invert elevations at all intakes, manholes, and other structures.
  - 7. On reconstruction projects, location, size, and type of all sewer stub outs, wyes, or tees. Stub out locations shall be referenced to lot corners. When risers are to be installed, riser location and size shall be shown on reconstruction plans.
  - 8. Estimates shall include stub out quantities when they are to be constructed by City contract.
  - 9. Rim elevations of manholes.
  - 10. Manholes shall be identified with numbering system on plan and profile.
  - 11. Class of pipe bedding if necessary.
  - 12. Existing underground utilities such as cables, water, sewer, or gas lines or any other underground features that cross or are near the proposed sewer. Show exact elevations, if possible, where there may be conflict with new construction.

**Section 7. Drainage Ditch and Drainageway Plans.**

A. The following information shall be shown when applicable.

1. Stationing and flow line elevation at beginning and end of ditch construction.
2. Size, type, length, and grade of ditch.
3. Typical sections showing ditch dimensions, backslopes, and invert and slope treatment.
4. Invert elevations at all structures.
5. All special structures shall be detailed on plans.
6. Drainage design data.
7. Cross-sections and topographic map showing existing ground and finished grade at intervals of 100'.

**Section 8. Water Main Plans.**

A. The following information shall be shown when applicable.

1. Stationing, location, and type of all water lines, manholes, valves, fire hydrants, or other appurtenances.
  - a. Stationing and type of structure shall be shown on station bar.
  - b. Location shall be shown on plan or on station bar if referenced to survey line or center line.
  - c. Type of structures shall be in conformance with Standard Specifications or Standard Plates.
2. Details shall be shown for all structures that are not standard in Standard Specifications or Standard Plates.
3. Plan and profiles of all water lines where future changes in grade are possible.
4. Size and length of water lines.
5. Type of pipe materials and strengths if necessary.
6. Top of pipe grade to be six (6) feet below finished grade.
7. On reconstruction projects, location, size, and type of all water stubs, wyes, or tees. Stub locations shall be referenced to lot corners and stubbed to property line.

8. Estimates shall include stub out quantities when they are to be constructed by City contract.
9. Curb elevations at all hydrant locations.
10. All castings shall be City standard where maintained by the City.
11. Class of pipe bedding if necessary.

### **Section 9. Erosion Control Plan.**

- A. An erosion control plan shall be submitted as required and outlined by the City of Engineer.

## **ARTICLE VIII. VARIANCES**

### **Section 1. Hardship.**

- A. Where the Commission finds that extraordinary hardships, due to unusual topographic or other conditions, beyond the control of the subdivider, may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Ordinance, Zoning Ordinance, Major Street Plan, or other elements of the Comprehensive Plan.

### **Section 2. Experimental Subdivisions.**

- A. The Commission may waive, vary, or modify the standards and requirements of these regulations if, in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:
  1. The use of unusual materials in constructing required improvements; or,
  2. A new or untried design concept in the Madison area which appears promising.
- B. The Commission shall require the subdivider to provide a written proposal stating the nature of the experiment, and justifying reasons why these regulations cannot be applied.

### **Section 3. Conditions.**

- A. In granting variances, modifications, and approvals for experimental subdivisions, the Commission may require such conditions as well, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These conditions may include without being limited to: personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments.

**ARTICLE IX. ENFORCEMENT**

**Section 1. General**

- A. It shall be the duty of the City Engineer to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- B. The City Engineer or an authorized representative may request and shall receive the assistance and cooperation of the Chief of Police and County Sheriff in enforcing orders, and the assistance and cooperation of the City Attorney in prosecuting violation, and the cooperation and assistance of any other officials he deems necessary.
- C. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**Section 2. Penalties for Transferring Lot in Unapproved Subdivisions.**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Council and recorded in the office of the Registrar of Deeds, shall forfeit and pay a penalty of one hundred (100) dollars for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipality may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

**ARTICLE X. EFFECTIVE DATE**

**Section 1. In General.**

- A. The Subdivision Ordinance shall take effect and be in force from and after the date of adoption. Subdivision regulations heretofore adopted are hereby repealed. No building permits for property being subdivided will be issued on any lots where hard surfacing has not been installed on streets.

**ARTICLE XI. CERTIFICATES FOR PRELIMINARY PLATS**

**CITY COMMISSION APPROVAL**

Number\_\_\_\_\_

APPENDIX A: SUBDIVISION REGULATIONS

Art. XI. 1.

Be it Resolved by the City Commission of the City of Madison, that the preliminary plat of (Subdivision Name) to the City of Madison is hereby approved and that the City Finance Officer of the City of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

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

\_\_\_\_\_  
Mayor, City of Madison

ATTEST: \_\_\_\_\_  
City Finance Officer

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF _____	)

I, (Name), the duly appointed, qualified and acting City Finance Officer of the City of Madison, South Dakota, hereby certify that the above resolution is a true and correct copy of the resolution adopted by the City Commission of the City of Madison, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Witness my hand as City Finance Officer and the official seal of the City of Madison, South Dakota.

\_\_\_\_\_  
City Finance Officer  
City of Madison,  
South Dakota

**CITY ENGINEER APPROVAL**

I, (Name), City Engineer of the City of Madison, do hereby certify that I did duly review and recommend approval of this preliminary plat on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Engineer  
City of Madison, South Dakota

**CITY PLANNING COMMISSION APPROVAL**

The City Planning Commission of the City of Madison approves the preliminary plat of (Subdivision Name) to the City of Madison and the same is recommended to the City Commission of the City of Madison for approval.

\_\_\_\_\_  
City Planning Commission  
(Chair)

**If the preliminary plat is within the area of extraterritorial platting jurisdiction, the following certificates shall also be included.**

**COUNTY PLANNING COMMISSION APPROVAL**

The County Planning Commission of Lake County, approves the preliminary plat of (Subdivision Name) and that the same be certified to the County Commission of Lake County, with the recommendation that the preliminary plat of (Subdivision Name), Lake County, be approved.

\_\_\_\_\_  
Lake County Planning Commission  
(Chair)

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. COUNTY COMMISSION APPROVAL

Be it Resolved by the Board of Commissioners of Lake County, that the preliminary plat of (Subdivision name), Lake County, is hereby approved and that the County Auditor is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

\_\_\_\_\_  
Auditor  
Lake County

**ARTICLE XII. CERTIFICATES FOR PLATS**

**SURVEYOR'S CERTIFICATE**

I, (Name), a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before (Date), survey that parcel of land described as (Legal description) containing (Size) [and it is in all respects correct].

\_\_\_\_\_  
Registered Land Surveyor

The following statements may be included in all certificates for plats when applicable and necessary. The office of the Madison City Engineer shall have discretion and authority to determine which of the following provisions, whether it be one or more, shall be included within the owner's certificate and shall also have the discretion and authority to make reasonable adjustments and/or additions which are consistent with the Subdivision Regulations:

**OWNER'S CERTIFICATE OF COMPLIANCE**

I, (Name), do hereby certify that I am the sole, absolute, and unqualified owner of all land included in the above plat and that said plat has been made at my request and in accordance with my instructions for the purposes (Indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations as well as all water pollution prevention control rules, codes, and laws. This parcel of land is free from any encumbrances.

**OWNER'S CERTIFICATE FOR DEDICATION OF LAND FOR PUBLIC USE**

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

On my behalf as the owner and also binding on behalf of future successors and assigns, I hereby waive any rights of protest to any special assessment program which may be initiated by the City for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison. I hereby waive any rights of protest to any special assessment program which may be initiated for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison.

**OWNER'S CERTIFICATE ONLY WHEN EXCEPTION ALLOWED FOR PRELIMINARY PLAT NOT PRECEDING THE FINAL PLAT**

We do hereby acknowledge that this platting is being proposed for transfer purposes only and that prior to any further subdivision of these parcels the owner shall accomplish the following as described in the City of Madison Subdivision Regulations- apply for and secure approval of a Preliminary Plat for all the land or parcels described in this Plat irrespective of individual parcel size(s). These requirements shall be applicable and binding on our heirs, successors, and assigns even if there are multiple owners of the land or parcels described herein.

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

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

If private streets are shown, include:

I further grant and certify that the roadway shown as (Name of private road) is a private roadway easement which is hereby reserved as a permanent unobstructed access. Said street or road is for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the owner, their lessees and assignees have the responsibility with respect to maintaining said private street or road. Said grant is to run with the land and shall remain in effect until such street or road is accepted for public declaration. The owners, their lessees and assignees, of the property platted as (Name of subdivision), shall at their own cost and expense keep and preserve said private street or road at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private street or road which might interfere in any way with the property maintenance, use, repair, reconstruction and patrolling of said private street or road.

If mutual access easements are shown, include:

I further grant and certify that the roadway is a mutual access easement which is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel over the roadway for the purpose of access to the abutting property. The owner, their lessees and assignees shall maintain the easement area. They shall, at their own expense, keep the easement

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area in good repair and maintenance and clear of snow and other obstructions. No improvements of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of the mutual access easement. This covenant shall run with the land.

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

\_\_\_\_\_  
Name

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF _____	)

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

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, South Dakota

**CITY ENGINEER'S CERTIFICATE**

I, (Name), City Engineer of the City of Madison, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval by the City Commission. Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Engineer  
Madison, South Dakota

**PLANNING COMMISSION CERTIFICATE**

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

\_\_\_\_\_  
Chair, City Planning Commission

**CITY COMMISSION APPROVAL**

Resolution Number\_\_\_\_\_

Be it Resolved by the City Commission of the City of Madison, that the plat of (Subdivision Name) to the City of Madison is hereby approved and that the City Finance Officer of the City of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

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

\_\_\_\_\_  
Mayor, City of Madison

ATTEST: \_\_\_\_\_  
City Finance Officer

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF _____	)

**CITY FINANCE OFFICER'S CERTIFICATE**

I, (Name), the duly appointed, qualified and acting City Finance Officer of the City of Madison, South Dakota, hereby certify that I have compared the copy of the foregoing Resolution No. \_\_\_\_\_ with the original as contained in the minutes of the said Board of City Commissioners for the meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ and that the foregoing is a true and correct copy of said resolution and that the same has not been altered, modified, or amended, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Finance Officer  
Madison, South Dakota

**COUNTY TREASURER'S CERTIFICATE**

I, Treasurer of \_\_\_\_\_ County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

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

\_\_\_\_\_  
Treasurer of \_\_\_\_\_ County  
South Dakota

**DIRECTOR OF EQUALIZATION**

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

\_\_\_\_\_  
Director of Equalization  
\_\_\_\_\_ County, South Dakota

(Ord. No. 1497, 10-4-10)

**REGISTER OF DEEDS**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m., and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
\_\_\_\_\_ County, South Dakota

\* If the final plat or replat is within the area of extraterritorial platting jurisdiction of Lake County, the following certificate shall also be included:

**COUNTY PLANNING COMMISSION**

Approved by the Lake County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Chair, Lake County  
Planning Commission  
Lake County, South Dakota

\* If the final plat or replat is within the area of extraterritorial platting jurisdiction of Lake County, the following certificate shall also be included:

**COUNTY COMMISSION APPROVAL**

Be it Resolved by the Board of Commissioners of Lake County, that the plat of (Subdivision name), Lake County, is hereby approved and that the County Auditor is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon.

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

\_\_\_\_\_  
Auditor  
Lake County

**ARTICLE XIII. CERTIFICATES FOR REPLATS**

**SURVEYOR'S CERTIFICATE**

The following statements may be included in all certificates for plats when applicable and necessary. The office of the Madison City Engineer shall have discretion and authority to determine which of the following provisions, whether it be one or more, shall be included within the owner's certificate and shall also have the discretion and authority to make reasonable adjustments and/or additions which are consistent with the Subdivision Regulations:

I, (Name), a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before (Date), survey that parcel of land described as (Legal description) containing (Size) [and it is in all respects correct].

\_\_\_\_\_  
Registered Land Surveyor

I, (Name), do hereby certify that I am the sole, absolute, and unqualified owner of all land included in the above plat and that said plat has been made at my request and in accordance with my instructions for the purposes (Indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations as well as all water pollution prevention control rules, codes, and laws. This parcel of land is free from any encumbrances.

**OWNER’S CERTIFICATE ONLY WHEN EXCEPTION ALLOWED FOR PRELIMINARY PLAT NOT PRECEEDING THE FINAL PLAT**

We do hereby acknowledge that this platting is being proposed for transfer purposes only and that prior to any further subdivision of these parcels the owner shall accomplish the following as described in the City of Madison Subdivision Regulations- apply for and secure approval of a Preliminary Plat for all the land or parcels described in this Plat irrespective of individual parcel size(s). These requirements shall be applicable and binding on our heirs, successors, and assigns even if there are multiple owners of the land or parcels described herein.

**OWNER’S CERTIFICATE FOR DEDICATION OF LAND FOR PUBLIC USE**

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

On my behalf as the owner and also binding on behalf of future successors and assigns, I hereby waive any rights of protest to any special assessment program which may be initiated by the City for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison.

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

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

If private streets are shown, include:

I further grant and certify that the roadway shown as (Name of private road) is a private roadway easement which is hereby reserved as a permanent unobstructed access. Said street or road is for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the owner, their lessees and assignees have the responsibility with respect to maintaining said private street or road.

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Said grant is to run with the land and shall remain in effect until such street or road is accepted for public declaration. The owners, their lessees and assignees, of the property platted as (Name of subdivision), shall at their own cost and expense keep and preserve said private street or road at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private street or road which might interfere in any way with the property maintenance, use, repair, reconstruction and patrolling of said private street or road. If mutual access easements are shown, include:

I further grant and certify that the roadway is a mutual access easement which is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel over the roadway for the purpose of access to the abutting property. The owner, their lessees and assignees shall maintain the easement area. They shall, at their own expense, keep the easement area in good repair and maintenance and clear of snow and other obstructions. No improvements of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of the mutual access easement. This covenant shall run with the land.

Due to replat include:

I, (Name), do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

I further certify that this platting of said described (New Subdivision Name) does hereby vacate the following platting:

(Legal description of old plat) on file at the Register of Deeds office in Book \_\_\_\_\_, page \_\_\_\_\_, said plat, hereby vacated, being situated within described (New Subdivision Name) as surveyed.

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

\_\_\_\_\_  
Name

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF _____	)

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

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, South Dakota

**CITY ENGINEER'S CERTIFICATE**

I, (Name), City Engineer of the City of Madison, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval by the City Commission. Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Engineer  
Madison, South Dakota

**CITY COMMISSION APPROVAL**

Resolution Number \_\_\_\_\_

Be it Resolved by the City Commission of the City of Madison, that the plat of (Subdivision Name) to the City of Madison is hereby approved and that the City Finance Officer of the City of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

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

\_\_\_\_\_  
Mayor, City of Madison

ATTEST: \_\_\_\_\_  
City Finance Officer

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF _____	)

**CITY FINANCE OFFICER'S CERTIFICATE**

I, (Name), the duly appointed, qualified and acting City Finance Officer of the City of Madison, South Dakota, hereby certify that the certificates of approval are true and correct including the signature thereon, and that any special assessments which are liens upon the land shown in the above plat, as shown by the records in my office, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, have been paid in full. I also hereby certify that I have compared the copy of the foregoing Resolution No. \_\_\_\_\_ with the original as contained in the minutes of the said Board of City Commissioners for the meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ and that the foregoing is a true and correct copy of said resolution and that the same has not been altered, modified, or amended, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Finance Officer  
Madison, South Dakota

**COUNTY TREASURER'S CERTIFICATE**

I, Treasurer of \_\_\_\_\_ County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

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

\_\_\_\_\_  
Treasurer of \_\_\_\_\_ County  
South Dakota

**DIRECTOR OF EQUALIZATION**

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

\_\_\_\_\_  
Director of Equalization,  
\_\_\_\_\_ County, South Dakota

**REGISTER OF DEEDS**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m., and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
\_\_\_\_\_ County, South Dakota

\* If the final plat or replat is within the area of extraterritorial platting jurisdiction of Lake County, the following certificate shall also be included:

**LAKE COUNTY PLANNING COMMISSION**

Approved by the Lake County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Chair, Lake County  
Planning Commission  
Lake County, South Dakota

\* If the final plat or replat is within the area of extraterritorial platting jurisdiction of Lake County, the following certificate shall also be included:

**COUNTY COMMISSION APPROVAL**

Be it Resolved by the Board of Commissioners of Lake County, that the plat of (Subdivision name), Lake County, is hereby approved and that the County Auditor is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon.

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

\_\_\_\_\_  
Auditor  
Lake County

**ARTICLE XIV. LETTER OF ASSURANCE AGREEMENT**

\_\_\_\_\_  
(Legal Description)

THIS IS AN AGREEMENT made as of \_\_\_\_\_(DATE), between the City of Madison, South Dakota (CITY), \_\_\_\_\_(OWNER), and \_\_\_\_\_ (SUBDIVIDER). OWNER and SUBDIVIDER intend to make public and private improvements in order to develop \_\_\_\_\_ (DEVELOPMENT NAME).

OWNER, SUBDIVIDER, AND CITY, in consideration of their mutual covenants herein, agree in respect to the construction and acceptance of the improvements for the DEVELOPMENT as set forth below.

OWNER and SUBDIVIDER shall:

1. Construct and/or pay for the improvements required for the DEVELOPMENT in the Subdivision Ordinance, in accordance with the plans and specifications as filed with the City Engineer.
2. Complete all required improvements no later than two years after acquiring a construction permit, but no later than three years after filing of the plat. Time extensions may be granted by the City Engineer.
3. Pay all costs attributed to this land when and if the City makes a final determination as to the appropriate costs for any detention ponds benefiting this land.
4. File this Assurance Agreement with the plat in the office of the County Register of Deeds. Improvements Required and Method of Payment (Owner/Subdivider--D, Special Assessment--SA, Not Required--NR):

Improvements Required	Method of Payment	Comments
STREETS		
Grading and Graveling	_____	_____
Curb and Gutter	_____	_____
Paving	_____	_____
Other	_____	_____
UTILITIES		
Street Lighting	_____	_____
Water System	_____	_____
Sanitary Sewer System	_____	_____
DRAINAGE		
Storm Sewer	_____	_____
Drainageways	_____	_____
OTHER		
Lot Grading	_____	_____

CITY shall, upon satisfactory completion of DEVELOPMENT, including any and all warranty periods, accept and maintain all public improvements. Final acceptance of all improvements will be made upon final inspection and acceptance by the CITY.

Upon written notice, the City Engineer may suspend or revoke any active city permits and/or deny issuance of further city permits or city inspections within any phase of subdivision development if utility infrastructure improvements within that phase of subdivision development have not been extended to the adjacent property, and development of that adjacent property is restricted.

Should the OWNER and/or SUBDIVIDER fail to fully complete the required improvements within the time or extensions there of, of this Assurance Agreement, the CITY may complete any unfinished required improvements. All costs to the CITY related to the completion of any unfinished required improvements will be billed to the OWNER and/or SUBDIVIDER. Should the OWNER and/or SUBDIVIDER fail to pay for these improvements, the responsibility for payment shall fall to the abutting property which will be assessed for such improvements.

This Assurance Agreement is given for the benefit of the CITY and the purchasers of lots in the DEVELOPMENT.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Owner

ATTEST: \_\_\_\_\_  
City Finance Officer

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF (_____)	

APPENDIX A: SUBDIVISION REGULATIONS

Art. XIV. 1.

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

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public/South Dakota

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Subdivider

STATE OF SOUTH DAKOTA	)
	: SS
COUNTY OF (_____)	

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

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public/South Dakota

My Commission expires: \_\_\_\_\_

(Ord. No. 1420, 2-8-07; Ord. No. 1497, 10-4-10)