

## **Ordinance 26-XXX**

### **An Ordinance amending the Subdivisions Regulations of the City of Brookings and pertaining to Article VI. Subdivision Improvements and Design Standards for the purposes of administration of the Subdivision Regulations**

Be It Ordained by the City Council of the City of Brookings, State of South Dakota: that Chapter 51, Subdivision Regulations shall be amended as follows:

#### Section 1.

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

##### Sec. 51-61. Streets and Circulation

- (a) Connectivity of Streets, Sidewalks, and Trails. Subdivisions shall provide for continuation and extension of arterial, collector and local streets, sidewalks and trails in order to ensure connectivity between neighborhoods, multiple travel routes resulting in the diffusion and distribution of traffic, efficient routes for public and emergency services, and to provide direct and continuous vehicular and pedestrian travel routes to neighborhood destinations.
  - (1) The arrangement of streets, sidewalks and trails in a new subdivision shall conform to the major street plan and master trails plan and provisions shall be made for the continuation of existing streets, sidewalks, and trails in adjoining areas or their proper projection where adjoining land is not subdivided. There will be occasions when new streets and trails are proposed which were not included in the major street plan or master trails plan. When this occurs, the major street plan or master trails plan may be amended to include these new streets and trails.
  - (2) In general, provisions should be made for a collector street every half mile, and there should be a street connecting adjacent subdivisions at appropriate intervals where topographical and land use considerations permit. The arrangement of all streets and alleys shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
  - (3) In undeveloped or vacant areas, streets, sidewalks and trails shall be identified and classified through the transportation planning process. The location of major streets shall conform to the major street plan.

##### Sec. 51-62. Streets, sidewalks, and trails design.

All public street improvements, including pavement width, street grades, alignment and visibility, and intersections shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the city engineer. All public street facilities shall be designed in compliance with the engineering design standards manual and the Brookings Area Master Transportation Plan.

##### Sec. 51-63. Street plans and specifications.

- (a) The developer shall submit street plans and specifications and all supporting documentation in accordance with the City of Brookings Manual of Engineering Design Standards to the city engineer for approval.
- (b) The city engineer will only approve street plans and specifications for street rights-of-way that have been final platted.

Sec. 51-64. Street names.

- (a) Streets obviously in alignment with existing streets shall bear the names of the existing streets.
- (b) No street names shall be used which will duplicate, be the same in spelling or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 30 inches. Street names shall indicate directions either south or west when applicable.
  - (1) Numbered street name suffixes shall be applied as follows:
    - a. *Street*: A road running east and west.
    - b. *Avenue*: A road running north and south.
  - (2) Other street name suffixes shall be applied as follows:
    - a. *Road*: This suffix shall be reserved for major rights-of-way that run either east and west or north and south.
    - b. *Lane*: A road running northeast to southwest.
    - c. *Drive*: A road running northwest to southeast.
    - d. *Trail*: A road that wanders in different directions.
    - e. *Circle*: All culs-de-sac.
    - f. *Court*: A road with two openings that enter and exit onto the same road.
    - g. *Place*: All private roads.
    - h. *Parkway*: Limited access roads that are divided by a median.
    - i. *Boulevard*: A local street divided by a median.
  - (3) The prefix of all culs-de-sac shall, whenever possible, match the prefix of the intersecting road.
- (c) When, due to topography, offsets cause streets to become interrupted, quarter-line and section line streets shall retain the same name on either side of the irregularities.
- (d) Subdivision names shall not duplicate, be the same in spelling or alike in pronunciation with any existing subdivision names, and shall be subject to the approval of the city.

Sec. 51-65. Street standards.

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

Street Type	Right-of-Way in Feet
Arterials	
Local	80
Regional	100
Collectors	70
Locals	60
Frontage roads	50
Culs-de-sac	60 (radius)
Alleys	20

- (b) Alleys shall be regulated as follows:

- (1) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
  - (2) Alleys are permitted in residential districts when conditions warrant an alternative means of access.
  - (3) A nonconforming right-of-way width is only permitted to complement an existing nonconforming right-of-way width.
  - (4) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the city engineer.
- (c) Half-streets shall be regulated as follows:
- (1) Whenever an existing nonconforming right-of-way width is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
  - (2) A preliminary plat of a subdivision may show one-half of a nonconforming right-of-way width along adjoining property which has not been subdivided, but no lot abutting on such nonconforming right-of-way width shall have a building permit issued for it until such time as the other nonconforming right-of-way width is dedicated.
  - (3) A final plat shall not contain a half-street right-of-way.
- (d) Culs-de-sacs will be allowed where one or more of the following criteria have been met for the reasonable development of a subdivision:
- (1) Physical site conditions warrant a cul-de-sac. Physical site conditions include, but are not limited to:
    - a. Steep slopes or hills.
    - b. Natural barriers such as bodies of water, rock outcrops, or cliffs.
    - c. For the purposes of this chapter, man-made features do not constitute a physical site condition that warrants approval of a cul-de-sac.
  - (2) A through street is not physically feasible or desirable due to environmental considerations, access limitations along adjacent arterial streets, or where other unusual features prevent the extension of the street to the property line or the interconnection to other streets within or abutting the subdivisions.

The maximum length of a cul-de-sac shall be 400 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. Temporary turnarounds may also be required by the city engineer on dead-end streets that will eventually be continued.
- (e) Where street jogs are unavoidable, the centerline offset shall not be less than 125 feet.
- (f) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 60 degrees.
- (g) Private streets or roads, if allowed, shall meet the following requirements:
- (1) Private streets shall be paved by the developer to a width of not less than 28 feet, and shall be maintained in a passable condition. Greater width may be required when necessary. All private

streets/roads must provide a minimum height clearance of 14 feet six inches and are subject to the same grade requirements as public streets.

- (2) The property owner(s) or agent shall place street signs on all private streets 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 as specified in the Public Works – Engineering Specifications for street signs to ensure they are easily readable at night as well as day, and are subject to the approval of the city engineer.
  - (3) Buildings located adjacent to a private street or road shall be addressed in accordance with Brookings Code of Ordinances, Chapter 74, article VI. Numbering of Buildings.
  - (4) Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.
  - (5) Any private street or road approved by the city shall provide permanent unobstructed access to the area it serves. No structure may be erected either within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency.
  - (6) Any plat presented for city approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for private maintenance and shall reserve the private street or road as a permanent unobstructed access.
  - (7) The city will not subsequently accept a private street or road for dedication unless and until it is brought to city standards, which provides adequate rights-of-way without requiring variances for setbacks. In addition, all streets considered for acceptance must be inspected by a licensed engineer and deemed to have a Pavement Condition Index of 80 or higher, unless otherwise agreed to by the Public Works-Engineering Division.
- (h) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
- (1) Any mutual access easement accepted by the city must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
  - (2) Mutual access easements shall be indicated on the plat.
  - (3) Any plat presented for city approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.
  - (4) Mutual access easement areas shall be paved by the owner or developer and maintained in an all-weather 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. The maintenance agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs (see subsection (6), below).

- (6) The developer/owner may be required to place traffic control signs on mutual access easements or to pay the city to place traffic control signs for mutual access easements at the locations the city engineer deems necessary for the safety and convenience of the public. Traffic control signs shall be approved by the city engineer.
- (i) Concrete or asphalt pedestrian walkways of an appropriate width (as determined by the engineering design standards) shall be required upon and through blocks where deemed necessary to provide circulation or access to schools, playgrounds and other community facilities. They may also be required to provide access through greenways and common areas. Maintenance shall be the responsibility of the adjacent property owners unless stated otherwise.
- (j) Secondary access is required for all residential subdivisions as hereinafter provided:
  - (1) Each residential subdivision with a projected trip generation of over 400 vehicle trips per day shall have an all-weather secondary access. The trip generation count is determined within the area accessible by a single primary access.
  - (2) The number of vehicle trips per day for purposes of the trip generation count shall be determined by the following:
    - a. Single family unit—10 trips per day.
    - b. Each apartment unit—7 trips per day.
    - c. Condominium/townhouse unit—6 trips per day.
    - d. Mobile home units—5 trips per day.
    - e. Elderly housing units—3 trips per day.
    - f. Residential PDD or mixed use—7 trips per day.
  - (3) No additional platting shall be allowed in any area exceeding 400 vehicle trips per day unless a secondary access is constructed or the planning commission has granted a variance as provided in ordinance section 51-84.
  - (4) Subdivisions which received preliminary plat approval prior to the adoption of this regulation shall be exempt from this requirement for the lots shown on the approved preliminary plat. Preliminary plats which are revised subsequent to adoption of this ordinance are subject to the provisions of this ordinance.
  - (5) If the density of the residential subdivision is unknown at the time of platting, the maximum density in the zoning district shall be used in calculating the vehicle trips per day.

Sec. 51-66. Street acceptance and transfer of ownership to the City:

- (1) The developer shall be responsible for constructing the street to the City approved plans and specifications. This shall include all street signs, traffic control signage, ramps, roadways and curbing, and the stormwater management for all street runoff.
- (2) Before the street can be accepted and ownership of the street is transferred to the City the developer shall be responsible for the following:
  - a. Retain a licensed professional engineer with responsibilities which will permit the engineer to provide a professional opinion that the construction of the streets and associated work was constructed in general accordance with the approved plans and specifications and the City of Brookings Manual of Engineering Design Standards.

- b. Construct street utilities and storm sewer in the street at least one construction season prior to paving of the street.
  - c. Upon completion of street construction, or a segment of street construction, and prior to the street maintenance responsibilities being transferred to the city, the developer shall submit to the city engineer:
    - 1. A certificate of completion signed by the developer's engineer stating that in their opinion, the streets and associated work were constructed in general accordance with the approved plans and specifications, and the City of Brookings' Manual of Engineering Design Standards.
    - 2. Warranty security in the amount of ten percent of the engineer's estimate of construction based on the approved plans and specifications subject to the certificate of completion for the duration of three years, naming the City of Brookings as the additional insured.
    - 3. Construction lien waivers from all general contractors who worked on the subdivision
    - 4. All inspection reports required in the City of Brookings Engineering Design Standards.
    - 5. As-builts as required in the City of Brookings Engineering Design Standards.
  - d. Upon receipt of the certificate of completion, warranty security, and all supporting documentation required by the City of Brookings Manual of Engineering Design Standards the city engineer shall determine acceptability of these submittals and site conditions within 30 days of the submission of the documents.
  - e. Upon review and approval of the certificate of completion, warranty security, site conditions, and all of the supporting documentation required by the City of Brookings Manual of Engineering Design Standards the city engineer shall issue a transfer of street ownership certificate for the specific segments of streets listed on the certificate of completion which satisfy these requirements, provided:
    - 1. The three-year warranty period shall begin upon the date of the transfer of street ownership.
- (3) Once the street is accepted by the City, the developer shall be held responsible for the street workmanship, materials, deterioration or any other deficiencies for a period of three years.

During this three-year period:

- a. The developer shall be responsible for repairing and/or replacing all street deficiencies at no cost to the city within 180 days of notice of deficiency by the city engineer. The city may extend the time required by this section on written request by the developer, showing that circumstances beyond the control of the developer have prevented or delayed street repair or restoration.
- b. The city shall have the final approval as to whether adequate repair and restoration has been completed by the developer after repairs are completed. In the event the developer fails to repair or restore the affected street in a manner acceptable to the city, the city shall have the right, after allowing the developer a reasonable period to complete the repair and restoration, to make such repairs and restoration, and the developer shall pay the costs incurred by the city for such actions.
- c. The city may also apply the warranty security required in subsection 51-64 (k) to the developer's obligation to pay the costs incurred by the city to repair and restore the street. The developer shall

remain obligated to the city for any costs of street repair and restoration which are not covered by the warranty security.

Sec. 51-67. Land design and improvements.

(1) Blocks.

- (a) The lengths, widths and shapes of blocks shall be determined with regard to the following:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2. The need for convenient access, circulation, control and safety of traffic and utilities.
  - 3. Limitations and opportunities of topography.
- (b) Block lengths shall not exceed 1,000 feet, have intersecting streets, and shall normally be wide enough to allow two tiers of lots of an appropriate depth.  
Exception(s):
  - i. Civic type uses may exceed the maximum block length as determined by the City Engineer.
  - ii. Based upon a traffic impact study for commercial and industrial areas, the City Engineer determines the transportation network functions at an acceptable level of service to support longer block lengths.

(2) Lots.

- (a) Lot dimensions shall be appropriate for the location of the subdivision and conform to the requirements of the zoning ordinance.
- (b) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.
- (c) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
- (d) All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.
- (e) Side lot lines shall be at right angles to the street whenever possible except on curves where they shall be radial.
- (f) Each lot shall abut a dedicated street right-of-way or shall include an approved private street except as provided in subsection (g), below.
- (g) A lot that will be joined with another existing lot having street frontage shall adhere to section 51-51 of this chapter.
- (h) Where residential lots abut an existing or proposed arterial street, they shall constitute double frontage lots.
- (i) Lot development that would result in reverse frontage lots shall be prohibited.
- (j) Lots abutting major drainageways, detention basins or a railroad right-of-way shall be designed with an increased depth to allow for extra setback.

- (k) Label for each lot, the minimum elevation of the lowest allowable building opening as determined through the storm drainage study.
- (3) *Developments adjacent to arterial streets.* In order to maintain the traffic carrying capacity of an arterial street and to protect the residents of adjacent property from the high traffic volume, land along such arterial streets shall be subdivided in the manner set forth below:
- (a) Where double frontage lots are planned, an extra lot depth shall be required to allow for a greater building setback to offset the impact of high traffic volume.
  - (b) Corner lots or double frontage lots shall be restricted or limited from accessing an arterial street in order to maintain its traffic carrying capacity.
  - (c) Frontage roads may be required as the city grows into areas of the county where excessive access points exist from previous rural developments.
- (4) *Public parks and open space.* Where a proposed park, playground, school or other public use shown in the comprehensive development plan is located in whole or in part in a subdivision, the planning commission may require the reservation or option by the appropriate public agency of the right to purchase such an area within the subdivision. Information necessary for the consideration of the possible sale of land to a public agency or by any other method shall be as follows:
- (a) The size and location of the parcel and its relationship to the subdivision design and purpose.
  - (b) The topography of the parcel, to include elevations, drainage, wetlands, floodplains, soil suitability, tree cover and other vegetation.
- (5) *Easements.*
- (a) All easement widths shall be identified on the final plat.
  - (b) Standard utility easements shall be ten feet in total width and centered on shared lot lines.
  - (c) Easements along lot lines shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the distribution of electric, telephone, sewer, water and gas services.
  - (d) Drainage easements shall conform substantially to the boundaries of watercourses, drainageways, channels and streams and shall have a minimum width of 15 feet or as determined by the circumstances and drainage plan. No above ground structures, fences, grade changes or impediments to drainage that may impede the flow of water shall be placed in a drainage easement or over any public storm sewer system without written approval from the city engineer.
- (6) *Maintenance agreements.* Where a subdivision contains sewers, lift stations, water supply systems, park areas, road systems, drainage systems/basins, or other facilities or services which are necessary to the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by written agreement for the proper and continuous maintenance and supervision of such facilities. A signed copy of the agreement shall accompany every plat having a facility or service covered by such an agreement.
- (7) *Final drainage plan.* The final drainage plan for the subdivision shall conform to the city approved Storm Drainage Design and Technical Criteria Manual.

- (8) *Final grading plan.* The final grading plan shall, as much as possible, be designed to conform to the natural contours of the land. The plan shall be submitted to and approved by the city engineer.
- (9) *Erosion.* Wherever possible, development plans should coincide with the existing topography in order to create the least erosion potential. Stripping of vegetation, regrading, and cut and fill operations should be kept to a minimum. If these activities occur to any degree within a subdivision where soil is exposed to erosion, all exposed land that has existed or will exist for a period of more than one year shall be reseeded with an appropriate perennial protective vegetative cover that will remain until the land is developed. Erosion from developments or individual building sites shall be prevented from being deposited on public streets or other adjacent property. Ditches and drainageways shall not be disturbed without prior approval of the city engineer. Erosion control must conform to chapter 72 of this Code.
- (10) *Preservation of natural landscape.* Existing natural features such as trees, water courses or similar amenities, which would add value to a development or to the community as a whole, should be preserved and integrated into the design of the subdivision. Sensitive environmental areas shall be reviewed with regard to promoting harmonious design.
- (11) *Preservation of topsoil.* All boulevards shall have a uniform, minimum planting basin depth of 12 inches of top soil or a combination of topsoil and intermediate soil at the time of final grading. In addition, all yard areas reserved for grass and landscape plantings shall have a minimum of six inches of topsoil or a combination of topsoil and intermediate soil at the time of final grading.

Secs. 51-68-51-70. Reserved.

## Section 2.

Any and all ordinances in conflict herewith are hereby repealed.

FIRST READING:

SECOND READING:

PUBLISHED:

CITY OF BROOKINGS, SOUTH DAKOTA

ATTEST:

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Oepke G. Niemeyer, Mayor

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Bonnie Foster, City Clerk