



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

MINOR PLAT

The filing fee for a Minor Plat application is \$250.00.

Resolution and plat recording fee of \$90.00 must also accompany Minor Plat Application. Actual review costs exceeding the minimum plat fees will be charged to the applicant prior to approval of the City Commission. Covenants being recorded with the plat will be charged a recording fee as per Meade County.

Information and submission requirements follow:

1. The purpose of a Minor Plat is to allow, without being subject to the requirements of a Preliminary Plat Review: consolidation of up to three (3) previously platted parcels of land; the adjustment of common lot line between up to three (3) previously platted parcels of land; or the resubdivision of a previously platted parcel into three (3) or fewer lots.
2. No lot created by a Minor Plat shall be included in another subdivision plat for a period of two (2) years from the Register of Deeds filing date of the Minor Plat.
3. Minor Plats shall not be allowed if extension of community water, city sanitary sewer, drainage facilities, or public streets would be required if the Minor Plat is approved.
4. Applicant shall submit a complete Minor Plat application (below) including non-refundable fee more than **three (3) weeks** before a regular meeting of the Planning Commission and shall submit copies as follows:
 - ___(1) Copies of Minor Plat Application and Minor Plat, prepared by a registered land surveyor, (on fifteen by twenty-six inch (15" x 26") paper)
 - ___(1) Electronic copy of Minor Plat(submitted by disk, e-mail or other approved electronic media)
 - ___(1) Copy of Minor Plat on 8 1/2" x 11 paper

Minor Plat shall include the following:

- ___ Plat title, centered at the top of the page, consisting of the proposed name of the subdivision and a description of the land being subdivided. This should include former description if applicable.
- ___ A scaled map of the proposed subdivision showing the location, dimension and area of the subdivision, lot(s), street(s) and dedicated boundaries. Include subdivisions, lots, and streets of adjoining subdivisions.
- ___ A north arrow, scale, creation date, preparer name, and address legend.
- ___ The location, width, and purpose of all easements and reserve strips.
- ___ The location and dimension of lands to be dedicated or reserved for streets, parks, open space, and other public use.
- ___ The lot and (if needed) block number that clearly identifies each parcel of land.
- ___ A floodplain note addressing if any FEMA-defined Flood Hazard Area is present in the subdivision.
- ___ A note (if there are any major drainage easements shown on the plat) stating that "Major drainage easements shall be kept free of all obstructions, including fences, and that the major drainage easement provides the Summerset Public Works Department, or their designee(s) the rights of entry, construction, and maintenance in order to facilitate drainage through these easements."
- ___ A note stating "An eight foot (8') utility easement is hereby granted on the interior of all lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner."
- ___ All certifications and signature lines that are required on the Final Plat (see Subdivision Ordinance 115, Section 4, Paragraph D, for required certifications and signatures).

City of Summerset Ordinance #115 Subdivision Regulations can be found online at:

http://www.summerset.us/City_Ordinances.html

The City of Summerset has adopted the current Rapid City Infrastructure Design Criteria Manual, the Rapid City Stormwater Quality Manual and the Standards and Specifications for Public Works Construction for Rapid City.



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Minor Plat Procedures:

1. The Minor Plat Application shall be submitted **three (3) weeks (inclusive)** before a regularly scheduled meeting of the Planning and Zoning Commission. Upon receipt of a complete application and fee the Planning Department will inform the subdivider of the date, time and location of the Planning Commission meeting.
2. The Planning and Zoning Commission shall review the Minor Plat Application and make a recommendation to the City Commission within thirty (30) days of the receipt of a completed Minor Plat Application. **The subdivider shall not submit a mylar original of the Minor Plat to the Planning Department until after the Planning Commission has made its recommendation to the City Commission. The mylar should have all the signatures required in Article 3, Section 3, Paragraph J, when submitted to the City Commission for review.**
3. The City Commission at its next regular meeting after the Planning Commission makes its recommendation and after receipt by the Planning Department of the signed original mylar(s), shall review the Minor Plat Application and the Planning Commission's recommendation and act upon said recommendation. If the Minor Plat is approved by the City Commission, the Planning Department shall, within fifteen (15) days of said approval, submit the signed mylar original(s) of the Minor Plat to the office of the Register of Deeds to be recorded. No building or other applicable permit shall be issued within the newly-platted subdivision until the Register of Deeds has recorded the mylar original(s) of the approved Minor Plat.



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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment

- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ **Signature** _____ **Date** _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ **Signature** _____ **Date** _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____
 Print Name: _____ Print Name: _____
 Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
-
- Other: _____
- Other: _____
- Other: _____
- Other: _____

Covenants filing fee? Yes No

Planning and Zoning Meeting Date: _____
 Commission Meeting Date: _____
 Date Paid: _____
 Payment Type: Cash Check Credit Card

§ 151.038 MINOR PLAT.

(A) *Purpose.* The purpose of a minor plat is to allow, without being subject to the requirements of a preliminary plat review, consolidation of up to three previously platted lots the resubdivision of a previously platted lot into three or fewer lots or a boundary line adjustment.

(B) *Time restriction on further platting.* No lot created by a minor plat shall be included in another subdivision plat for a period of two years from the Register of Deeds' filing date of the minor plat.

(C) *No improvements required.* Minor plats shall not be allowed if extensions of, or improvements to, community water, city sanitary sewer, drainage facilities, or public streets would be required if the minor plat is approved.

(D) *Application.*

(1) The subdivider shall submit a minor plat application to the Planning Department more than three weeks (inclusive) before a regular meeting of the Planning Commission. The minor plat application shall consist of an original and one copy of each of the following:

(a) Minor plat application form;

(b) A minor plat of the proposed subdivision prepared by a registered land surveyor on 15 by 26-inch Mylar;

(c) A reduced copy of the minor plat on eight and one-half by 11-inch paper;

(d) An electronic copy of the minor plat in a file format approved by the Planning Official; and

(e) Any supplemental materials.

(2) The application form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable minor plat application fee is due and payable at the time of submission of the application. Upon receipt of the application, the Planning Department will inform the subdivider of the date, time, and location of the Board of Commissioners meeting at which the application will be received and reviewed. The Planning Department shall provide a copy of the application to each Planning Commission member before the Planning Commission meeting. The subdivider shall not submit a Mylar original of the minor plat to the Planning Department until after the Planning Commission has made its recommendation to the Board of Commissioners. The Mylar original shall have the signatures required in § 151.053(D) when it is submitted to the Board of Commissioners for review.

(E) *Planning Commission review and recommendation.* The Planning Commission shall review the minor plat application to ensure it conforms to the requirements of this chapter and make a recommendation to the Board of Commissioners within 30 days of receipt of a completed minor plat application, unless the subdivider agrees to an extension of this time limit.

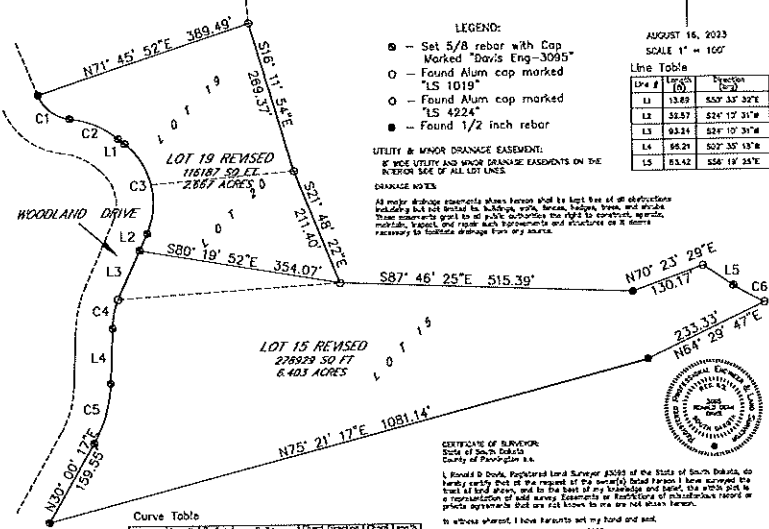
(F) *Board of Commissioners review and action and recording of the minor plat.* The Board of Commissioners, at its next regular meeting after the Planning Commission makes its recommendation and after receipt by the Planning Department of the signed original Mylar(s), shall review the minor plat application and the Planning Commission's recommendation and act upon said recommendation. If the minor plat is approved by the Board of Commissioners, the Planning Department shall, within 15 days of said approval, submit the signed Mylar original(s) of the minor plat to the office of the Register of Deeds to be recorded. No building or other applicable permits shall be issued within the newly platted subdivision until the Register of Deeds has recorded the Mylar original(s) of the approved minor plat.

(Ord. #115, passed 2-16-2017)

Example

PLAT OF: LOT 19 REVISED AND LOT 15 REVISED
OF WOODLAND HILLS SUBDIVISION, PLAT #4,
MEADE COUNTY, SOUTH DAKOTA.
Formerly: Lots 19, 20, & 15 OF WOODLAND HILLS SUBDIVISION, PLAT #4

ALL LOCATED IN: N1/2 OF NW1/4 OF SECTION 11, T2N, R6E, B1W,
MEADE COUNTY, SOUTH DAKOTA.



Curve Table

Curve #	Length (ft)	Radius (ft)	Chord (ft)	Chord Bearing (Deg)	Offset Length (ft)
C1	26.06	47.00	61° 34' 52"	S62° 43' 12"E	43.82
C2	84.43	183.00	33° 02' 00"	S67° 03' 31"W	93.13
C3	173.38	133.00	7° 45' 52"	S13° 12' 32"W	131.50
C4	51.38	163.00	18° 23' 37"	S11° 47' 17"W	51.19
C5	119.08	233.00	27° 25' 02"	S10° 17' 42"E	139.01
C6	81.35	329.00	12° 42' 40"	S21° 27' 15"E	81.28

CERTIFICATE AND ACKNOWLEDGMENT OF OWNERS:
State of South Dakota
County of Meade S.S.

We, Gary P. Edwards and Kathleen A. Edwards, do hereby certify that we are the owners of the land shown and described herein, and that this plat was done in our presence for the purposes indicated herein, that we do hereby approve the survey and this plat of said land, and that the development of the land shall conform to all zoning applicable zoning, subdivision, and zoning and setback control regulations.

OWNERS:
G.P. Edwards Kathleen A. Edwards

On this _____ day of _____, 2013, before me, a Notary Public, personally appeared Gary P. Edwards and Kathleen A. Edwards, known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed this plat for the purposes herein contained.

NOTARY PUBLIC: _____
My commission expires: _____

CERTIFICATE AND ACKNOWLEDGMENT OF OWNERS:
State of South Dakota
County of Meade S.S.

We, Lance B. Swartz and Melinda C. Swartz, do hereby certify that we are the owners of the land shown and described herein, and that this plat was done in our presence for the purposes indicated herein, that we do hereby approve the survey and this plat of said land, and that the development of the land shall conform to all zoning applicable zoning, subdivision, and zoning and setback control regulations.

OWNERS:
Lance B. Swartz Melinda C. Swartz

On this _____ day of _____, 2013, before me, a Notary Public, personally appeared Lance B. Swartz and Melinda C. Swartz, known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed this plat for the purposes herein contained.

NOTARY PUBLIC: _____
My commission expires: _____

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY:
The location of the proposed driveway with respect to the Highway or Street on which it is to be approved, its approaches or access to the Highway or Street all require additional approval.

Dated this _____ day of _____, 2013.

Woodland Hills Road Street

CERTIFICATE OF SURVEYOR:
State of South Dakota
County of Pennington S.S.

I, Ronald D. Davis, Registered Land Surveyor #2085 of the State of South Dakota, do hereby certify that at the request of the owner(s) listed herein I have surveyed the tract of land shown, and to the best of my knowledge and belief, the above plat is a representation of said survey, easements or restrictions of subdivision history or private agreements that are not known to me are not within herein.

In witness whereof, I have hereunto set my hand and seal:
Dated this _____ day of _____, 2013.

Ronald D. Davis, PLS # 2085

CERTIFICATE OF SURVEYOR CITY FINANCE OFFICER:
I, Finance Officer of the City of Summit, do hereby certify that all special assessments that are levied upon the land included within each plot, as shown by the records of this office, have been paid in full.

Finance Officer of the City of Summit

RESOLUTION OF APPROVAL: Summit City Commission (2013 11-3-5)

Whereas there has been presented to the City Corporation of the City of Summit, South Dakota, the within plat of the above-described lands, and it appears to this Council of Commissioners that the system of streets set forth therein conforms to the system of streets of the existing plat of the City;

Whereas all provisions of the City subdivision regulations have been complied with;

Whereas all base and special assessments upon the tract or subdivision have been fully paid;

Whereas such plat and the survey thereon have been recorded according to law;

NOW THEREFORE, BE IT RESOLVED that said plat is hereby approved in all respects.

Signed: _____ on the _____ day of _____, 2013.
Mayor of the City of Summit

CERTIFICATE OF SURVEYOR CITY FINANCE OFFICER:
I, Finance Officer of the City of Summit, do hereby certify that this plat was signed by the Mayor of the City of Summit on the date shown above.

Finance Officer of the City of Summit

CERTIFICATE OF PLANNING COMMISSION MEMBER:
I, _____, member of the Planning Commission of the City of Summit, do hereby certify that the Summit Planning and Zoning Commission reviewed such minor plat on this _____ day of _____, 2013, and recommended approval of the minor plat to the City Commission of the City of Summit.

Member of Summit Planning and Zoning Commission

CERTIFICATE OF COUNTY TREASURER:
I, Treasurer of Meade County, do hereby certify that all taxes which are levied upon the within described lands are fully paid according to the records of this office.

Dated this _____ day of _____, 2013.

Treasurer of Meade County

CERTIFICATE OF DIRECTOR OF EDUCATION:
I, Director of Education of Meade County do hereby certify that I have no record in my office of a copy of the within described plat.

Dated this _____ day of _____, 2013.

APPROVED: Director of Education of Meade County

OFFICE OF REGISTER OF DEEDS

PARCEL ID: Lot 19 14.52.04.19
PARCEL ID: Lot 20 14.52.04.20
PARCEL ID: Lot 15 14.52.04.15

PREPARED BY: J2023-43 WOODLAND HILLS SUBDIVISION, PLAT #4 MEADE COUNTY REGISTER OF DEEDS

DAVIS ENGINEERING AND SURVEYING LLC
1060 KINGS ROAD, RAPID CITY, SD (605) 341-3095 EMAIL: davisengineering@reagon.com

Example

HDR
9-5-2023

Final Plat Review
Plat of Lot 19 revised and lot 15 revised of Woodland Hills
Subdivision, Plat#4
Formerly Lots 19,20,15 of Woodland Hills Subdivision plat #4

General Information:

Parcel Acreage 9.07 acres
Location Meade County
Date of Application 8-18-23
Reviewed By: Gary Anderson, LS, HDR Engineering, Inc.

Purpose: Combine 3 lots to 2 lots.

Access and Utilities: Access and utilities will remain the same.

Fire Protection: By Black Hawk Volunteer Fire Department.

Drainage: Drainage will remain the same.

Final Plat Review:

Subdivision is spelled wrong in the title block.
"Plat of" rather than "Survey Plat" in the header.
.2 feet misclosure in the boundary of the plat.
Label the adjacent right-of-way "Woodland Drive".
Need to add a certificate for the Register of Deeds indicating the date and time of recording and the location of the filing by plat book and page.
Only need one signature line on the "Highway Authority" certification. Should be the Woodland Hills Road District since they maintain Woodland Hills Drive.



Gary Anderson, LS 12000





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PRELIMINARY PLAT

The Filing Fee for a Preliminary Plat Application is \$1000.00 Information and submission requirements follow:

1. Prior to submitting to the Planning Department any plat application applicant may schedule an optional Layout Plan meeting with the City of Summerset.
2. Applicant shall submit a complete Preliminary Plat application (below) with non-refundable fee and shall submit copies as follows:
 - (1) Copies of Original Preliminary Plat Application and Preliminary Plat for proposed subdivision on 15"x26" paper by a registered land surveyor
 - (1) Electronic copy of Preliminary Plat (submitted by disk, e-mail or other approved electronic media)
 - (1) Copy of Preliminary Plat on 8 1/2" x 11" paper
 - A copy of any covenants for the proposed subdivision
3. **Preliminary Plat shall include the following:**
 - Plat title, centered at the top of the page, consisting of the proposed name of the subdivision and a description of the land being subdivided. This should include former description if applicable.
 - A scaled map of the proposed subdivision showing the location, dimension and area of the subdivision, lot(s), street(s) and dedicated boundaries. Include subdivisions, lots, and streets of adjoining subdivisions.
 - A north arrow, scale, creation date, preparer name, and address legend.
 - The location, width, and purpose of all easements and reserve strips.
 - The location and dimension of lands to be dedicated or reserved for streets, parks, open space, and other public use.
 - The lot and (if needed) block number that clearly identifies each parcel of land.
 - A floodplain note addressing if any FEMA-defined Flood Hazard Area is present in the subdivision.
 - A note (if there are any major drainage easements shown on the plat) stating that "Major drainage easements shall be kept free of all obstructions, including fences, and that the major drainage easement provides the Summerset Public Works Department, or their designee(s) the rights of entry, construction, and maintenance in order to facilitate drainage through these easements."
 - A note stating "An eight foot (8') utility easement is hereby granted on the interior of all lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner."
 - All certifications and signature lines that are required on the Final Plat (see Subdivision Ordinance 115, Section 4, Paragraph D, for required certifications and signatures).

The following supplemental information shall be included in the Preliminary Plat Application unless waived by the Planning Commission during Layout Plan review. Submission identified below to include paper originals plus one (1) electronic copy:

- (2) Copies of Soil Erosion and Sediment Control Plan including:
 - Scaled topographic survey map showing proposed lot lines and two-foot (2') contours
 - Locations and areas of anticipated soil disturbance
 - Proposed erosion control structures and practices
 - Seeding and planting plan for any screening strips or other landscaped areas required by the City Commissioners
 - Evidence of acceptance of the subdivider's application onto the State NPDES Permit by DENR
 - Soils Engineering Report (if required by the City Commissioners)
- (4) Copies of Water Distribution Plan-(2) copies will be used by city staff (2) copies to be submitted to DENR by the subdividers engineer. Plans to include:
 - Scaled plan and profile showing the proposed location and size of the water distribution system including all pipes, appurtenances, and methods proposed for connection to the existing water system
 - Location and size of service tap for each lot
 - Letter of plan approval from water utility company



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PRELIMINARY PLAT

The following supplemental information shall be included in the Preliminary Plat Application unless waived by the Planning Commission during Layout Plan review. Submission identified below to include paper originals plus one (1) electronic copy:

(4) Copies of Sanitary Sewer Plan-(2) for city staff and (2) copies to be submitted to DENR by subdividers engineer. Copies to include:

- Scaled plan and profile showing the location and size of the proposed and existing sanitary sewer system and methods proposed for connection to the existing sanitary sewer system
- Direction of flow of each sewer main, location and type of manholes and other appurtenances
- Location and size of the service tap and method of connection for each lot

(2) Copies of Stormwater Management Plan-designed to a (100)-year, (24) hour, design storm including:

- Scaled plan and profile of the existing and proposed drainage ways, detention structures, streams, and water features in and adjacent to the subdivision showing the direction of flow through the subdivision
- Location of easements and rights-of-way for drainage ways, and maintenance access thereof
- Location, size, and invert elevations of proposed drainage structures (culverts, pipes, drop inlets, etc.)
- A report on pre- and post-development runoff within and through the subdivision
- Area of land contributing runoff to each drainage structure
- A report on the capacity of downstream drainage structures and channels and the effects of the proposed subdivision's development on downstream capacities

(2) Copies of Utility (gas, electric, cable and telephone) Distribution Plan including:

- Scaled plan and profile drawing showing the location of gas mains, street lights, electric lines, telephone lines, cable television lines and facilities as necessary to serve each lot with in the subdivision
- Scaled map showing required easements, including anchor easements for guy wires

(2) Copies of Street Plan including:

- Scaled plan and profile drawing of the location and names of all streets in and adjacent to the proposed subdivision
- Widths and areas of existing and proposed rights-of-way
- Locations, dimensions, and areas of required sidewalks, curbs and gutters, drop inlets, mailboxes and signage
- Letter of approval from applicable Fire District
- Notation of any major street that is identified in the Major Street Plan
- Existing and proposed topography of the subdivision at two-foot (2') contours (unless a smaller interval is requested by the City Engineer)

(2) Copies of a Street Maintenance Plan: for all plats within the extraterritorial platting jurisdiction of the City. Each copy shall include one of the following:

- An agreement with Meade County indicating that the proposed street will be accepted by Meade County for road maintenance and snow removal.
- Evidence that a road district has been established in accordance with SDCL 31-12A.
- An agreement to be approved by the City Commission which guarantees sufficient financial commitment to provide these services.
- A written request to be approved by the City Commission for a waiver based upon one or more of the following:
 - a) Proposed subdivision includes (4) or fewer lots and resubdivision is unlikely under existing zoning or covenants
 - b) Unusual topographic restraints which would prevent acceptance of the street for public maintenance; or
 - c) Other unique circumstances proposed to the City Commission.

City of Summerset Ordinance #115, Subdivision Regulations can be found online at http://www.summerset.us/City_Ordinances.html

The City of Summerset has adopted the most current Rapid City Infrastructure Design Criteria Manual, Stormwater Quality Manual as well as the most current Rapid City Standards and Specifications for Public Works Construction to govern all planned development improvements. Please ensure all submissions meet these standards and specifications.



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(1) copy of a soils engineering report and/or an engineering geology report shall be requested by the Board of Commissioners when unstable soils or steep slopes are present within or adjacent to the subdivision.

Subdivision Required Improvements by Type.

High Density subdivisions shall be required to have the following: (10,000 + sq. ft)

Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 15' deep per every 12 lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

Modified High Density subdivision shall be required to have the following: (1 to 3 acres)

Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 15' deep per every six lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

Medium Density subdivisions shall be required to have the following: (3 to 9 acres) Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 15' deep per every four lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

Commercial subdivisions shall be required to have the following:

Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 25' deep per every lot unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

Multi-residential subdivisions shall be required to have the following: (1+ acres)

Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 25' deep per every four lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

*per ordinance 2022-07



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PRELIMINARY PLAT

Preliminary Plat Procedures:

1. The Preliminary Plat Application shall be submitted **three (3) weeks (inclusive)** before a regularly scheduled meeting of the Planning and Zoning Commission. Upon receipt of a complete Preliminary Plat Application and a Submission Checklist the Planning Department will inform the subdivider of the date, time and location of the Planning Commission meeting at which the Application will be received and reviewed.
2. The Planning and Zoning Commission shall review the Preliminary Plat Application and forward a recommendation to approve, approve with conditions, or deny approval of the Preliminary Plat to the City Commission within thirty (30) days of the receipt of the application, unless the subdivider agrees to an extension of this time limit. The subdivider may request that the Final Plat Application be reviewed immediately after completion of the review of the Preliminary Plat Application by the Planning and Zoning Commission.
3. The City Commission shall review the Preliminary Plat Application and the Planning and Zoning Commission's recommendation at the following regularly scheduled meeting.
4. Approval of a Preliminary Plat by the City Commission shall be effective for two (2) years from the date of approval. An extension beyond the two (2) year period for a period not to exceed one (1) year may be granted by the City Commission.
5. Upon approval of the Preliminary Plat by the City Commission, the sub-divider may proceed with the construction of streets and installation of other approved improvements.
6. The subdivider, upon inspection and approval of streets and other required improvements by the Planning Official, Public Works Official, and/or the City Engineer, shall submit a Final Plat Application to the Planning Department based upon the approved Preliminary Plat. The subdivider may be requested to provide surety sufficient to construct or install the improvements plus fifteen percent (15%) administration reserve in lieu of immediate construction.



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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment
- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site--Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____ Date _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____ Date _____

OWNER OF RECORD (if different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____
 Print Name: _____ Print Name: _____
 Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING	
Current	
North	
South	
East	
West	
Planner	
File No.	
Comp Plan	
Received By:	

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
- Quaal Road District
- Other: _____
- Other: _____
- Other: _____
- Other: _____
-

Planning and Zoning Meeting Date: _____
 Commission Meeting Date: _____
 Date Paid: _____

Payment Type: Cash Check Credit Card

§ 151.051 PRELIMINARY PLATS.

The following information is required on a preliminary plat.

(A) *Plat title.*

(1) The plat title shall be centered at the top of the page and consist of two parts: the primary title, which shall be the proposed name of the subdivision and shall be shown on the first line of the title; and the secondary title, which is located below the primary title and describes the subdivision, the description of the land being subdivided, and the location of the subdivision (including the section, township, range, and Black Hills Meridian).

(2) The following are two examples of plat titles.

EXAMPLE 1 SUBDIVISION

A plat of Lots 1-20 of Example 1 Subdivision, formerly Tract B of Out There Subdivision, located in the NE 1/4 SE 1/4 of Section 22, T2N, R9E, B.H.M., Meade County, SD.

EXAMPLE 2 SUBDIVISION

A plat of Lots 1-6 of Example 2 Subdivision of the City of Summerset, formerly Outlot F of the Old Addition to the City of Summerset, located in the NW 1/4 of Section 19, T2N, R9E, B.H.M., City of Summerset, Meade County, SD.

(B) *Scaled map.* A scaled map of the proposed subdivision showing the location, dimension, and area of the subdivision, lot, street, and dedication boundaries. Subdivisions, lots, and streets of adjoining subdivisions shall be shown on the map. Phase lines shall be shown if the subdivision is to be developed in phases.

(C) *Map information.* A north arrow, scale, creation date, preparer name and address, and legend.

(D) *Easements.* The location, width, and purpose of all easements and reserve strips.

(E) *Public land dedication.* The location and dimension of lands to be dedicated or reserved for streets, parks, open space, or other public use.

(F) *Lot and block identification.* The lot and (if needed) block number that clearly identifies each parcel of land.

(G) *Floodplain note.* A floodplain note addressing if any FEMA-defined flood hazard area is present within the subdivision.

(H) *Major drainage easement note.* A note (if there are any major drainage easements shown on the plat) stating: "Major drainage easements shall be kept free of all obstructions, including fences, and that the major drainage easement. Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to § 10.99 of this code of ordinances and maintenance in order to facilitate drainage through these easements."

(I) *Utility and minor drainage easement note.* A note stating: "An eight-foot utility and minor drainage easement is hereby granted on the interior of all lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner."

(J) *Certifications.* All certifications and signature lines that are required on the final plat. (See § 151.053(D).)

(Ord. #115, passed 2-16-2017)

Statutory reference:

Related provisions, see SDCL § 11-3-7

§ 151.052 SUPPLEMENTAL INFORMATION.

The following supplemental information shall be required unless the Board of Commissioners approves a variance request submitted by the subdivider to waive specific requirements. The submissions identified below are to include the number of paper copies indicated (inclusive of one original) plus one electronic copy (submitted by disk, email, or other electronic media approved by the Planning Official).

(A) *Soil erosion and sediment control plan: two paper copies.* Each copy shall contain the following:

(1) A scaled topographic survey map of the proposed subdivision site showing proposed lot lines and two-foot contour intervals;

(2) A soil erosion control plan showing locations and areas of anticipated soil disturbance and the proposed erosion control structures and practices that will be used to control the anticipated erosion;

(3) A sediment control plan detailing the structures and practices that will be applied to control sediment generated by on-site erosion;

(4) A seeding and planting plan for any screening strips or other landscaped areas required by the Board of Commissioners;

(5) Evidence of acceptance of the subdivider's application onto the State National Pollution Discharge Elimination System (NPDES) permit by DENR; and

(6) A soils engineering report and/or an engineering geology report may be requested by the Board of Commissioners when unstable soils or steep slopes are present within or adjacent to the subdivision.

(7) Subdivision improvements required by type.

(a) High Density subdivisions shall be required to have the following (10,000 + sq. ft): Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 15 feet deep per every 12 lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

(b) Modified High Density subdivisions shall be required to have the following (one to three acres): Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 15 feet deep per every six lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

(c) Medium Density subdivisions shall be required to have the following (three to nine acres): Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 15 feet deep per every four lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

(d) Commercial subdivisions shall be required to have the following: Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 25 feet deep per every lot unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

(e) Multi-residential subdivisions shall be required to have the following (one + acres): Geotechnical soil borings must be completed by a geotechnical engineer with one soil boring hole at a depth of at least 25 feet deep per every four lots unless otherwise recommended that additional depth or additional soil borings based on soil conditions are needed by the geotechnical engineer.

(B) *Water distribution plan: four paper copies.*

(1) Two of the copies are meant to be used for review by the Planning Department, the Public Works Official, and the City Engineer. Two of the copies are to be submitted to DENR by the subdivider's engineer for review and comment after review by city staff.

(2) Each copy shall contain the following:

(a) A scaled plan and profile drawing showing the location and size of the water distribution system including such features as pipes, valves, fittings, hydrants, high pressure pumping equipment, pressure reduction valves, and the locations and methods proposed for connection to the community water system; and

(b) A scaled drawing showing the location and size of the service tap for each lot.

(C) *Sanitary sewer plan: four paper copies.*

(1) Two of the copies are meant to be used for review by the Planning Department, the Public Works Official, and the City Engineer. Two of the copies are to be submitted to DENR by the subdivider's engineer for review and comment after review by city staff.

(2) Each copy shall contain the following information:

(a) A scaled plan and profile drawing of the proposed subdivision's sanitary sewer system showing the location and size of all existing and proposed sewer facilities in and adjacent to the subdivision; and

(b) The direction of flow of each sewer main; the location and type of each manhole and other sewerage system appurtenance, including lift stations, treatment plants, and connection locations to the city's sanitary sewer system; and the service tap location and method for each lot.

(D) *Stormwater management plan: two paper copies.*

(1) The plan shall provide stormwater management for the entire subdivision and each block within the subdivision.

(2) Each copy shall contain the following information:

(a) A scaled plan and profile drawing of the location of existing and proposed drainage ways, detention structures, streams, and water features in and adjacent to the subdivision with a notation of the direction of water flow through the subdivision;

(b) The location of easements and rights-of-way for drainage ways and maintenance access thereof;

(c) The location, size, and invert elevations of proposed drainage structures, such as culverts, bridges, pipes, drop inlets, and headwalls;

(d) A report on both pre- and post-development runoff within and through the subdivision;

(e) The area of land contributing runoff to each drainage structure;

(f) A report on the capacity of downstream drainage structures and channels and the effects of the proposed subdivision's development on downstream capacities; and

(g) All stormwater management structures and conveyances shall be designed to accommodate a 100-year, 24-hour design storm.

(E) *Utility distribution plan: two paper copies.*

(1) This shall include gas, electric, cable, and telephone utilities.

(2) Each copy shall contain the following information:

(a) A scaled plan and profile drawing showing the location of gas mains, street lights, electric lines, telephone lines, cable television lines, and facilities as necessary to serve each lot within the subdivision and, where necessary, adjacent property; and

(b) A scaled map showing required easements, including anchor easements for guy wires.

(F) *Street plan: two paper copies.*

(1) This shall be used for review by the Planning Department, the Public Works Official, and the City Engineer. Additional copies may be required for review by the County Highway Superintendent(s) or the South Dakota Department of Transportation (SDDOT) Rapid City Region Engineer.

(2) Each copy shall contain the following information:

(a) A plan and profile drawing of the location and names of all streets in and adjacent to the proposed subdivision, the widths and areas of existing and proposed rights-of-way, the locations, dimensions, and areas of all parks and dedications, and the location of all required sidewalks, curbs and gutters, drop inlets, gang mailboxes, street name and traffic control signage, bike or walking paths, crosswalks, and curb cuts;

(b) A notation of any major street that is identified in the major street plan; and

(c) The topography of the subdivision at two-foot contour intervals, unless a smaller contour interval is requested by the City Engineer, showing the location of streets and rights-of-way.

(3) The Board of Commissioners may require that a traffic impact study be prepared for a large subdivision.

(G) *Street maintenance plan: two paper copies.*

(1) This shall be submitted for all plats within the extraterritorial platting jurisdiction of the city to provide evidence that a legal entity will provide the mechanism for street maintenance and snow removal on all proposed subdivision streets.

(2) Each copy shall include one or more of the following documents:

(a) An agreement with the county indicating that the proposed street will be accepted by the county for road maintenance and snow removal;

(b) Evidence that a Road District has been established in accordance with SDCL Ch. 31-12A;

(c) An agreement to be approved by the Board of Commissioners which guarantees sufficient financial commitment to provide these services; and

(d) A written request to be approved by the Board of Commissioners for a waiver based upon one or more of the following:

1. The proposed subdivision includes four or fewer lots and resubdivision is unlikely under existing zoning or covenants;

2. Unusual topographic restraints which would prevent acceptance of the street for public maintenance; or

3. Other unique circumstances proposed to the Board of Commissioners.

(Ord. #115, passed 2-16-2017; Ord. 2022-07, passed 7-7-2022)

Example

HDR
12-14-2023

Plat Review

Plat of Lot 3 of Norman Estates Subdivision

Located in the NW 1/4 of the SW 1/4 Section 5, Township 2 North, Range 7 East, Black Hills Meridian, Meade County, South Dakota

General Information:

Parcel Acreage 4.753 acres
Location Meade County
Date of Application 9-4-2023
Reviewed By: Lindsay Shagla, HDR Engineering, Inc.

Purpose: Platting a lot for future sale.

Access and Utilities: Waiting for letter on access approval from Meade County. Gas and fiber are shown on provided map. Is there any power, water, etc. in the adjacent right-of-way? Black Hawk Water has indicated they intend to provide service.

Fire Protection: By Black Hawk Volunteer Fire Department.

Drainage: The intent of the property is to be sold to a commercial business. A drainage plan will be required as part of the commercial business permit.

Final Plat Review:

Bearings and distances close on the plat.

Acreages also need to be listed in square footage.

Proposed Lot 3 is overlapping the existing Lot U1.

Lot U1 is shown as a parcel of land for utility use, will there be an access easement needed to place an approach in it? Or is there an existing access easement for the existing approach?

Example



RECEIVED

JAN 03 2024

BY: _____

January 3, 2024

This letter is approval of Norman Estates Subdivision plat approval.

As for the plans provided to the department, I see no problem with the approval.

We will provide fire response to the property.

Further questions or concerns, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kurt Klunder".

Kurt Klunder, Fire Chief

Black Hawk Volunteer Fire Department
6010 Peaceful Pines Road
Black Hawk, South Dakota
605-787-6415

Example



BLACK HAWK WATER USER DISTRICT
5513 OAK STREET
PO BOX 476
BLACK HAWK, SD 57718

Phone 605-787-5777
Email: office@bhwud.com

Serving Black Hawk since 1949

RECEIVED
SEP 18 2023
BY: _____

September 18th, 2023

City of Summerset
7055 Leisure Ln
Summerset, SD 57718

This letter shall act as notification that Black Hawk Water User District intends to serve water to Lots 3, Norman Estates located in Summerset SD.

Sincerely,

Ken LeBon
Manager.
Black Hawk Water User District.

UTILITY SURVEY

PROPOSED LOT 3 OF NORMAN ESTATES SUBDIVISION
 LOCATED IN THE NE 1/4 SW 1/4 OF SECTION 5,
 TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN,
 MEADE COUNTY, SOUTH DAKOTA.

NOVEMBER, 2023

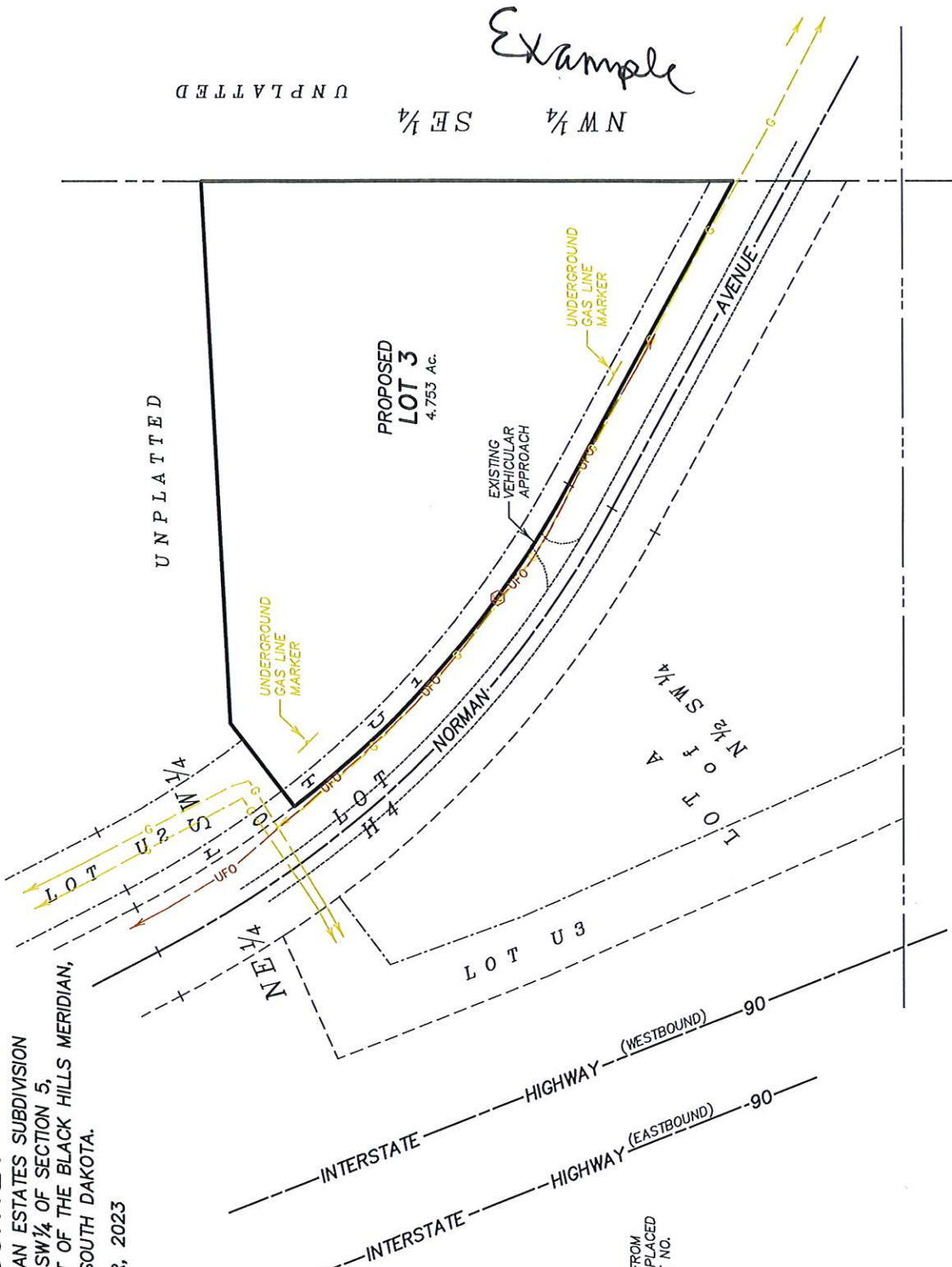
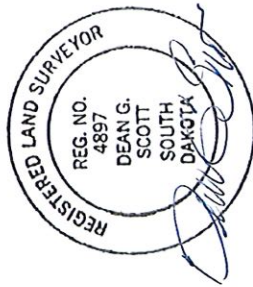


LEGEND

- SUBJECT PROPERTY LINE.
- - - OTHER PROPERTY LINE.
- - - EASEMENT LINE.
- - - QUARTER-SECTION LINE.
- - - SIXTEENTH-SECTION LINE.
- - - NATURAL GAS LINE.
- - - UFO
- - - UNDERGROUND FIBER-OPTIC.

NOTE

UTILITY INFORMATION SHOWN WAS OBTAINED FROM
 SURVEY MEASUREMENTS MADE TO MARKINGS PLACED
 VIA S.D. 811 UTILITY LOCATE REQUEST TICKET NO.
 2330590711 PLACED NOV. 1, 2023.



UNPLATTED

SE 1/4 NW 1/4

Example

PROPOSED
 LOT 3
 4.753 AC.

UNPLATTED

UNDERGROUND
 GAS LINE
 MARKER

EXISTING
 VEHICULAR
 APPROACH

UNDERGROUND
 GAS LINE
 MARKER

AVENUE

LOT 1
 SW 1/4

LOT 2
 SW 1/4

LOT 3
 SW 1/4

LOT 4
 SW 1/4

LOT 5
 SW 1/4

LOT 1
 SW 1/4

INTERSTATE HIGHWAY (WESTBOUND) -90

INTERSTATE HIGHWAY (EASTBOUND) -90

Example

LEGEND

- FOUND IRON ROD WITH CAP SET BY VASKNETZ, L.S. 7719.
- ⊗ FOUND ORIGINAL STONE MON.
- SET IRON ROD WITH CAP MARKED "SCOTT, L.S. 4897".
- (M) MEASURED THIS SURVEY.
- (R) DIMENSION OF RECORD FROM PLATS IN PLAT BOOK 22, PG. 154, 156, AND 333, M.C.R.D.

NORMAN ESTATES SUBDIVISION

A PLAT OF LOT 3 OF NORMAN ESTATES SUBDIVISION
 LOCATED IN A PORTION OF LOT U1 IN THE N 1/2 SW 1/4 OF SECTION 5
 AND IN THE UNPLATTED PORTION OF THE NE 1/4 SW 1/4 OF SECTION 5,
 TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN,
 MEADE COUNTY, SOUTH DAKOTA.

JANUARY, 2024

T3N SEC. 32
T2N SEC. 5

LINE AND CURVE TABLE

LINE	BEARING	DISTANCE	CURVE DATA
L1	N54°33'28"E (R)	105.50'	C1 Δ=23°37'09" R=1041.35'(R) L=1041.52'(W)
L2	N59°03'41"W (R)	348.42'(R)	L=429.35' Ch=N44°9'24"39"W 426.32'
L3	N02°15'13"E (R)	113.99'(R)	C2 Δ=10°29'10" R=1041.35'(R) L=1041.52'(W)
L4	N02°15'13"E (R)	114.12'(W)	L=190.62' Ch=N32°21'30"W 190.35'
L5	N02°15'13"E (R)	53.53'(R)	C3 Δ=28°05'53" R=1141.35'(R) L=1141.64'(W)
L6	S65°51'28"W (R)	135.04'(R)	L=559.82' Ch=N47°10'17"W 554.22'

FOR REVIEW
PRINT DATE 01-18-2024

SURVEYOR'S STATEMENT

I, Dean G. Scott, Registered Land Surveyor, do hereby state that, at the request of the Owners listed hereon, I have surveyed the tract of land as shown hereon, and have marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief. Certain easements, restrictions, or other property rights of public record or private agreement may not be shown.

IN WITNESS WHEREOF, I hereunto set my hand and seal

this ___ day of ___, 20___, Reg. Land Surveyor No. 4897

OWNER'S CERTIFICATE

We, Thomas W. Norman and Joseph F. Norman, do hereby certify that we are the Owners of the land shown and described hereon, and that we did authorize and do join in and approve the survey and plat. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

IN WITNESS WHEREOF, We hereunto set our

hands this ___ day of ___, 20___.

Thomas W. Norman, Owner Joseph F. Norman, Owner

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA }
COUNTY OF _____ } SS

On this ___ day of ___, 2023, before me, the undersigned officer, personally appeared Thomas W. Norman and Joseph F. Norman, known to me to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that they executed the same for the purposes therein contained.

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

_____, my commission expires:

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this ___ day of ___, 20___, Meade County Treasurer

PLANNING COMMISSION CERTIFICATE

I, hereby certify that the Summerset Planning and Zoning Board has reviewed this plat on the ___ day of ___, 20___, and has provided a recommendation to the Board of Commissioners.

Dated this ___ day of ___, 20___, Member, Summerset Planning Commission

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

Per SDCL 11-3-12.1 access to this property from the abutting Highway or Street is approved. Specific approach location and configuration must conform to all current Highway and/or Street regulations.

Dated this ___ day of ___, 20___, Highway or Street Authority

NOTES

- UTILITY AND MINOR DRAINAGE EASEMENTS ARE GRANTED EIGHT FEET WIDE ON THE INTERIOR SIDE OF ALL SIDE AND REAR LOT LINES. REMOVAL OR MODIFICATION OF ANY OBSTRUCTION OR IMPEDIMENT TO SUCH AN EASEMENT SHALL BE THE FINANCIAL RESPONSIBILITY OF THE LANDOWNER.
- THIS PROPERTY LIES WITHIN THE LIMITS OF FEMA FIRM PANEL 46093C 1791F, DATED SEPT. 16, 2011, AND IS DEPICTED THEREON AS LYING OUTSIDE OF ANY SPECIAL FLOOD HAZARD AREA. THE LOCATION OF THE FLOOD PLAIN MAY BE SUBJECT TO CHANGE.
- AS STIPULATED IN THE PERMANENT UTILITY EASEMENT INSTRUMENT RECORDED APRIL 1, 2009, AND FILED IN BOOK 773, PAGES 1989-1993, WRITTEN PERMISSION FROM THE MEADE COUNTY HIGHWAY DEPT. MUST BE OBTAINED BEFORE CONSTRUCTING OR INSTALLING ANYTHING WITHIN THE LIMITS OF LOT U1 IN THE N1/2 SW1/4 OF SECTION 5.
- ALL FIGURES PROVIDED IN SQUARE FEET ARE APPROXIMATELY ESTIMATED.

RESOLUTION OF GOVERNING BOARD

WHEREAS there has been presented to the Board of Commissioners, the within plat of the above described lands, and it appears to this Board of Commissioners that:

- the system of streets set forth therein conforms to the system of streets of existing plats of the municipality,
- all provisions of any City subdivision regulations have been complied with,
- all taxes and special assessments upon the property have been fully paid,
- the plat and survey of the land have been lawfully executed,

NOW THEREFORE, BE IT RESOLVED: that said plat is hereby approved in all respects. Dated this ___ day of ___, 20___.

Mayor City of Summerset Attest: Finance Officer City of Summerset

FINANCE OFFICER'S CERTIFICATE

I, Finance Officer of the City of Summerset, South Dakota, do hereby certify that all special assessments which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this ___ day of ___, 20___, Finance Officer of the City of Summerset

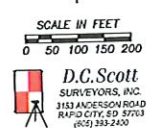
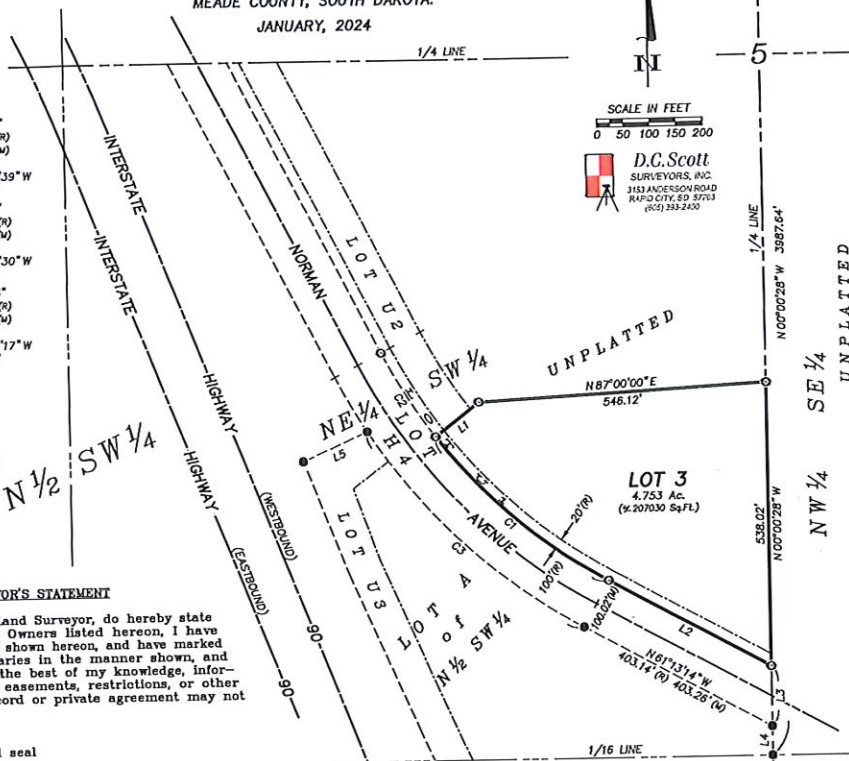
CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have a copy of the within described plat in my office.

Dated this ___ day of ___, 20___, Meade County Director of Equalization

CERTIFICATE OF REGISTER OF DEEDS

FOR REVIEW
PRINT DATE 01-18-2024



D.C. Scott
 SURVEYORS, INC.
 3153 ANDERSON ROAD
 RAPID CITY, SD 57703
 (605) 338-2300

Example

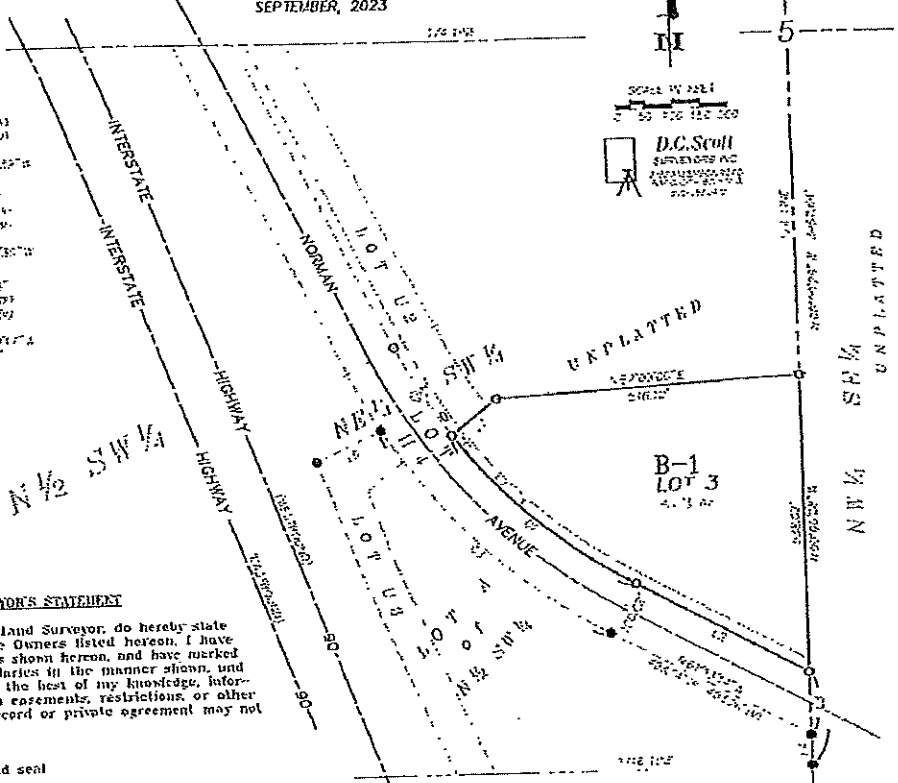
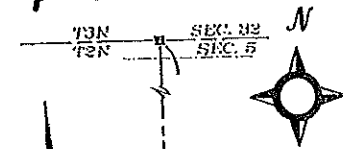
LEGEND

- BOUNDARY MARK WITH 1/2" DIA. 1/4" ST. IRON PIN
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LINE AND CURVE TABLE

LINE NO.	BEARING	DISTANCE	CURVE DATA
11	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
12	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
13	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
14	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
15	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
16	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
17	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
18	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
19	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
20	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
21	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
22	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
23	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
24	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
25	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
26	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
27	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
28	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
29	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00
30	N 12° 15' 00" E	100.00	R=100.00, L=100.00, P=100.00

NORMAN ESTATES SUBDIVISION
 A PLAT OF LOT 3 OF
 NORMAN ESTATES SUBDIVISION
 LOCATED IN THE NE 1/4 SW 1/4 OF SECTION 5,
 TOWNSHIP 2 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN,
 HEDGE COUNTY, SOUTH DAKOTA.
 SEPTEMBER, 2023



SURVEYOR'S STATEMENT

I, Dean G. Scott, Registered Land Surveyor, do hereby state that, at the request of the Owners listed herein, I have surveyed the tract of land as shown hereon, and have marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief. Certain easements, restrictions, or other property rights of public record or private agreement may not be shown.

IN WITNESS WHEREOF, I hereunto set my hand and seal this _____ day of _____, 20____ Reg. Land Surveyor No. 4897

OWNER'S CERTIFICATE

We, Thomas W. Norman and Joseph F. Norman, do hereby certify that we are the Owners of the land shown and described hereon, and that we did authorize and do join in and approve the survey and plat. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

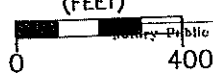
IN WITNESS WHEREOF, We hereunto set our hands this _____ day of _____, 20____

Thomas W. Norman, Owner Joseph F. Norman, Owner

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA }
 COUNTY OF _____ }
 On this _____ day of _____, 2023, before me, the undersigned officer, personally appeared Thomas W. Norman and Joseph F. Norman, known to me to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that they executed the same for the purposes therein contained.

SCALE: IN WITNESS WHEREOF, I hereby set my hand and official seal.



NOTES

- VERIFY THE MARCH CURVE DATA AS SHOWN HEREON.
- THE PROPERTY LIES WITHIN THE LIMITS OF HEDGE COUNTY AND IS SUBJECT TO ALL APPLICABLE ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

RESOLUTION OF GOVERNING BOARD

WHEREAS there has been presented to the Board of Commissioners, the within plat of the above described lands, and it appears to this Board of Commissioners that:

- the system of streets set forth therein conforms to the system of streets of existing plots of the municipality;
- all provisions of any City subdivision regulations have been complied with;
- all taxes and special assessments upon the property have been fully paid;
- the plat and survey of the land have been lawfully executed;

NOW THEREFORE BE IT RESOLVED that said plat is hereby approved in all respects. Dated this _____ day of _____, 20____

Mayor City of Summerset Attest: Finance Officer City of Summerset

	PROJECT: LOT 3 - NORMAN ESTATES SUBDIVISION BLACKHAWK, SOUTH DAKOTA	PROJECT NO. P-0027723
	SUBJECT: FIGURE 2: BORING LOCATION MAP	DATE: OCTOBER 24, 2023
	SCALE: 1 INCH = 400 FEET	DRAWN BY: JR REVIEWED BY: RT



SUBSURFACE BORING LOG

Example

AET No: P-0027723 Log of Boring No. B-1 (p. 1 of 1)
 Project: Lot 3 - Norman Ranch Estates Subdivision; Blackhawk, South Dakota

DEPTH IN FEET	Surface Elevation MATERIAL DESCRIPTION	GEOLOGY	N	MC	SAMPLE TYPE	REC IN.	FIELD & LABORATORY TESTS				
							WC	DEN	LL	PL	%-#200
1	TOPSOIL, Lean Clay with organics, brown LEAN CLAY, reddish brown, firm (CL)	TOPSOIL ALLUVIUM	5	M	SS	18					
2											
3	SILTY LEAN CLAY with sand, reddish brown, firm to stiff (CL)		8	M	SS	18					
4											
5											
6											
7											
8											
9											
10											
11											
12											
13	WEATHERED SHALE, Silty Lean Clay with sand, red, greenish gray, hard (CL)	SPEARFISH FORMATION	33	M	SS	18					
14											
15											
16											
17											
18	SHALE, Silty Lean Clay with sand, red, greenish gray, hard (CL)										
19											
20											
21											
22											
23	SILTSTONE, Sandy Silt, red, hard (ML)										
24											
25	Bottom of Boring		50/3	M	SS	4					

AET CORP P-0027723.GPJ AET-CPT-WELL.GDT 10/24/23

DEPTH:	DRILLING METHOD	WATER LEVEL MEASUREMENTS							NOTE: REFER TO THE ATTACHED SHEETS FOR AN EXPLANATION OF TERMINOLOGY ON THIS LOG
		DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	DRILLING FLUID LEVEL	WATER LEVEL	
25.0	3.25" HSA	10/23/23	13:00	25.3	25.0	NA	NA	19.2	
BORING COMPLETED: 10/23/23 DR: ES LG: BB Rig: 106									

October 27, 2023

Thomas & Joseph Norman
8044 Norman Avenue
Blackhawk, South Dakota 57718

Attn: Mr. Thomas Norman
normanranch@gmail.com

RE: Preliminary Geotechnical Exploration
Lot 3 – Norman Ranch Estates Subdivision
Blackhawk, South Dakota
AET Project No. P-0027723



RECEIVED
NOV 02 2023
BY: _____

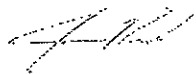
Dear Thomas,

Based on the plans and information provided, we understand the project will consist of subdividing a single 5-acre lot (Lot 3), from parcel: LOTS 3, 4 LESS PLATTED PARTS & RW; S2NW E OF I-90, LESS PLATTED PARTS & RW; NESW E OF I-90 LESS PLATTED PARTS & RW), located on the east side of Norman Drive in Blackhawk, South Dakota (see attached Figure 1: Site Location Map and Figure 2: Boring Location Map). We understand Meade County requires a single SPT soil boring on each new lot to a minimum depth of 25 feet below grade.

As requested by you, a single soil boring was performed on Lot 3 of the Norman Ranch Estates Subdivision on October 23, 2023. In general, below topsoil, the soils encountered consisted of approximately 12 feet of firm to stiff lean clay alluvium overlying hard weathered and un-weathered lean clay shale and sandy silt siltstone of the Spearfish Formation until the final depth sampled of 25.3 feet below grade. At the time of drilling, water was encountered in the boring at approximately 19.2 feet below grade. A more detailed description of the soils and soil layering encountered can be found on the attached boring log.

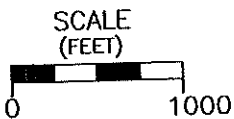
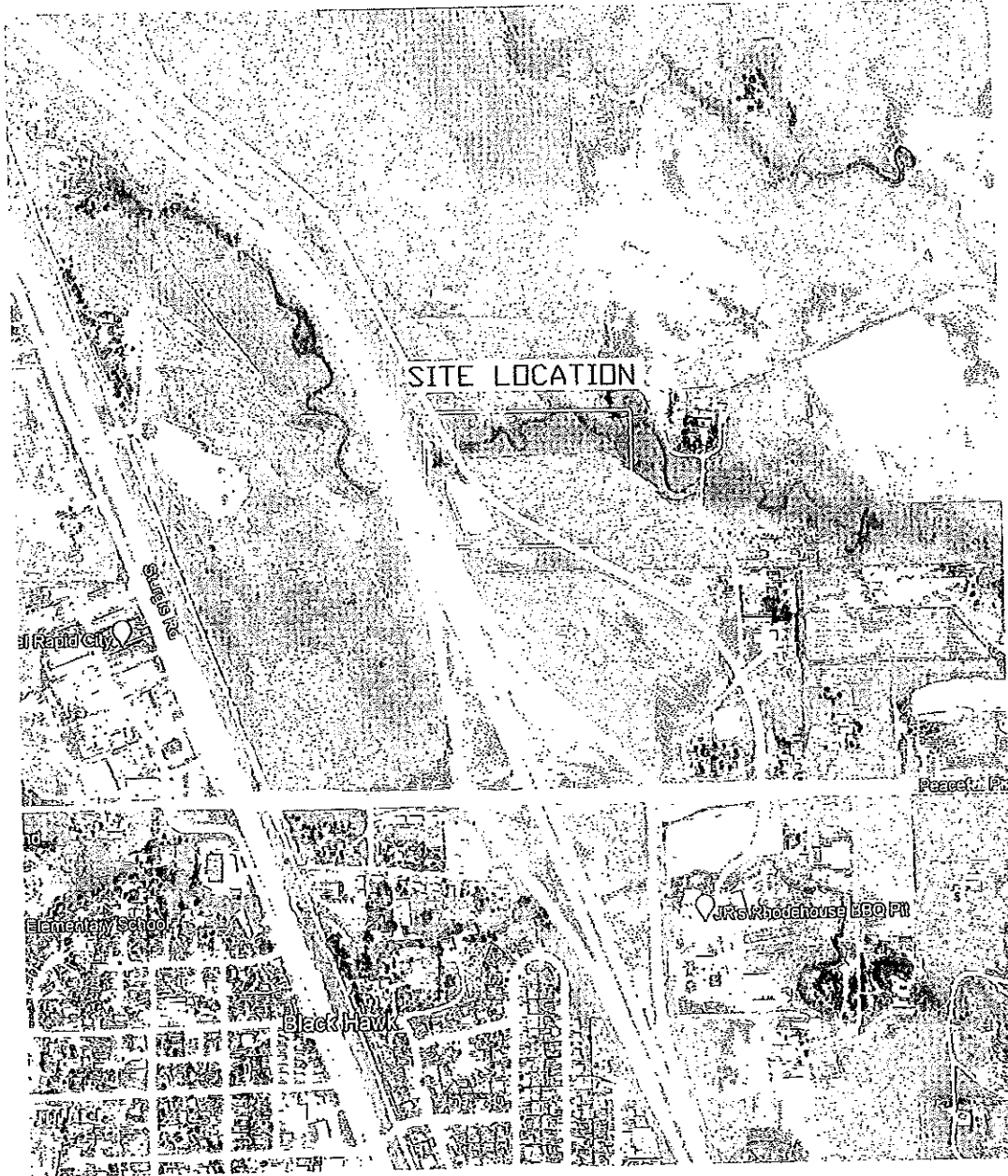
If there are any questions or we can be of further service, please contact our office at (605) 388-0029.


Sincerely,
American Engineering Testing, Inc.


James Reed, PG
Geologist II


Robert Temme, PE
Senior Engineer

Example



	PROJECT: LOT 3 - NORMAN ESTATES SUBDIVISION BLACKHAWK, SOUTH DAKOTA		PROJECT NO. P-0027723
	SUBJECT: FIGURE 1: SITE LOCATION MAP		DATE: OCTOBER 24, 2023
	SCALE: 1 INCH = 1000 FEET	DRAWN BY: JR	REVIEWED BY: RT

Example



D.C. Scott
SURVEYORS, INC.

3153 ANDERSON ROAD
RAPID CITY, SD 57703
(605) 393-2400

December 22, 2023

Re: Proposed plat of Lot 3 of Norman Estates Subdivision,
located in the NE1/4 SW1/4 of Section 5, T2N, R7E B.H.M.,
Meade County, South Dakota.

TO WHOM IT MAY CONCERN:

At the request of Mr. Tom Norman, our firm prepared the preliminary plat for proposed Lot 3 of Norman Estates Subdivision. Most of the property contained within proposed Lot 3 consists of unplatted land in the NE1/4 SW1/4 of Section 5, T2N, R7E B.H.M., in Meade County. A small portion of proposed Lot 3, along its highway frontage, includes part of a strip of land already platted as "Lot U1".

In 2004, several parcels were platted within the Norman family ranch by the South Dakota D.O.T in anticipation of certain highway improvements. One of the parcels consisted of a "utility lot" named Lot U1, a 20-foot wide strip crossing the NE1/4 SW1/4 of Section 5 adjacent to the Northeast side of what became Norman Avenue. Fee title ownership of Lot U1 was in, and remains in, the Norman family today.

A usual South Dakota D.O.T. procedure for parcels of land associated with highway construction or improvement is to classify them as either "right of way" or "easement". Parcels acquired for right-of-way usually include the acquisition of the fee, and are referred to as "H-lots", whereas easements do not affect fee title but are created mostly for drainage and/or utility lines.

In 2007, The South Dakota D.O.T. filed a notice of a condemnation action¹ which described the purpose for condemning the various platted parcels including Lot U1. In that document, Lot U1 was described as:

1. recorded March 2, 2007, and filed in Book 746 on pages 807 through 811 inclusive in the office of the Meade County Register of Deeds.

“Parcel 17A... **...utility easement** of that portion of Project No. IM-PH 90-1(61)50 which lies within Lot U1 in the N1/2 SW1/4 of Section 5... **...said Lot U1 contains 0.72 acre, more or less.**” *(emphasis added)*

A nearby example of an H-lot is Lot H4, another strip crossing the NE1/4 SW1/4 of Section 5 which runs parallel and adjacent to Lot U1, and was described in the same notice of condemnation as:

“Parcel 16... **...right of way** of that portion of Project No. IM-PH 90-1(61)50 which lies within Lot H4 in the N1/2 SW1/4 of Section 5... **...said Lot H4 contains 3.84 acres, more or less.**” *(emphasis added)*

Today, Lot H4 serves as the 100-foot wide right-of-way of Norman Avenue, and fee title is no longer held privately.

In 2009, Meade County filed an instrument² titled “Permanent Utility Easement” which referenced the same South Dakota D.O.T. Project No. IM-PH 90-1(61)50, and the same Parcel 17A (a.k.a. Lot U1 in the N1/2 SW1/4 of Section 5). This instrument clarified the rights in Lot U1 that were granted to Meade County, most of which are paraphrased as follows:

- 1) Meade County, its agents, representatives, permittees, and assigns, and any contractor employed by Meade County, its agents, representatives, permittees or assigns, have a perpetual right of way and easement to construct, operate, maintain, repair, alter, inspect, remove, upgrade, update, enhance, and replace utility facilities upon, above, under and across Lot U1, including, but not limited to, the right to trim any trees or brush where necessary to secure a clearance of at least twenty feet from conductors or other facilities, and the right to install and maintain anchors and guy wires when reasonably necessary, and the right of ingress and egress over adjacent land as necessary to access the easement.
2. recorded April 1, 2009, and filed in Book 773 on pages 1989 through 1993 inclusive in the office of the Meade County Register of Deeds.

- 2) The landowner "shall not construct or install anything" within Lot U1 without written permission from Meade County, acting by and through its Department of Transportation.

Summary:

The research we have conducted demonstrates that Lot U1 functions as a utility easement benefitting Meade County. Other unrelinquished rights to the land remain vested in the landowner, including rights of ingress and egress, and access to and from Norman Avenue. In our opinion, there is one unusual characteristic of the utility easement, being the phrase where the landowner "shall not construct or install anything" without written permission. As written, this phrase is very broad in comparison with other easements we have encountered.

Proposed Lot 3 of Norman Estates Subdivision is designed to front directly upon the Northeastern right-of-way line of Norman Avenue so as to provide access. The existing vehicular approach was likely constructed at the same time as Norman Avenue. Our research indicates that any 'construction or installation' of a surfaced driveway across Lot U1 should be approved by the Meade County Highway Department in writing.

We propose to revise the preliminary plat document to include the following information:

1. We will make reference in the title of the plat, that part of Lot U1 is contained within proposed Lot 3;
2. We will add a note on the plat that states: "as stipulated in the Permanent Utility Easement instrument recorded April 1, 2009, and filed in Book 773 pages 1989 to 1993, written permission from the Meade County Highway Department must be obtained before constructing or installing anything within the limits of Lot U1 in the N1/2 SW1/4 of Section 5.";
3. We will revise note no. 1 to state: "Utility and minor drainage easements are granted eight feet wide on the interior side of all **side and rear** lot lines...";

4. The 20-foot width of Lot U1 will be dimensioned on the plat.

Respectfully,

D. C. SCOTT SURVEYORS, INC.



Dean G. Scott, L.S.



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

FINAL PLAT

The filing fee for a Final Plat application is \$750.00.

Resolution and plat recording fee of \$90.00 must also accompany Final Plat Application. Actual review costs exceeding the minimum plat fees will be charged to the applicant prior to approval of the City Commission. Covenants being recorded with the plat will be charged a recording fee as per Meade County.

Information and submission requirements follow:

1. Final Plat Application shall be submitted to the Planning Department **more than two (2) week** before a regular meeting of the Planning Commission. This submission shall consist of an original Final Plat Application and an original Final Plat prepared on 15" x 26" mylar.
2. Two (2) mylar originals of the Final Plat may be required if the land being subdivided is located in two (2) counties.
3. The mylar original(s), when submitted, shall include, in permanent black ink, the notarized signatures of the owner(s), and the signatures and seals (if applicable) of the surveyor, the County Treasurer(s), and Official(s) of Equalization or their designees, and the Highway Authority(s).
4. The Application Form (below) must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdividers agent. The non-refundable Final Plat Application Fee and recording fees are due and payable at the time of submission of the Application.
5. Additionally the following copies must be submitted for a complete application to be considered:
 - ___(1) Copy of Final Plat and application for proposed subdivision in paper format on a 15"x26" by a Registered Land Surveyor
 - ___(1) Electronic copy of Final Plat (submitted by disk, e-mail or other approved electronic media)
 - ___(1) Copy of Final plat on 8 1/2" x 11 paper



COMMUNITY PLANNING & DEVELOPMENT SERVICES

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7055 Leisure Lane, Summerset, SD 57718

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FINAL PLAT

Final Plat Procedures:

1. Upon receipt of the Final Plat Application, the Planning Department shall review the Final Plat Application and ensure the Final Plat conforms to the approved Preliminary Plat and that the conditions of approval of the Preliminary Plat have been met. The Planning Commission shall forward a recommendation to approve, approve with conditions, or deny approval of the Final Plat to the City Commission within thirty (30) days of the receipt of the Application, unless the subdivider agrees to an extension of this time frame.
2. The City Commission, at its next regular meeting after the Planning Commission makes its recommendation, shall review the Final Plat Application and the Planning Commission's recommendation and act upon said recommendation. If the Final Plat is approved by the City Commissioners, the Planning Department shall, within fifteen (15) days of said approval, submit the signed mylar original(s) of the approved Final Plat and the approved subdivision covenants (if covenants are to be applied by the subdivider) to the appropriate Register of Deeds. An additional fee of \$30 will apply to Final Plats recorded with covenants of up to 50 pages. For each additional page above 50 the recording fee is \$2 per page. A 52 page document would be charged \$34. Data on the front and back of a page is considered 2 pages.
3. The City Commissioners, upon approval of the Final Plat and upon receipt from the Public Works Official of a Certificate of Final Completion, may accept the dedication of public infrastructure, right of way, and parks from the subdivider.

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset

7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment

- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____

Print Name: _____ Print Name: _____

Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- | | | |
|--|---|--|
| <input type="checkbox"/> Sewer Utility | <input type="checkbox"/> BHP&L | <input type="checkbox"/> Diamond D Water |
| <input type="checkbox"/> Fire Department | <input type="checkbox"/> Finance Officer | <input type="checkbox"/> Black Hills Water |
| <input type="checkbox"/> Public Works | <input type="checkbox"/> Register of Deeds | <input type="checkbox"/> |
| <input type="checkbox"/> Planning | <input type="checkbox"/> County - Planning | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Building Inspector | <input type="checkbox"/> SD DOT | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Engineering | <input type="checkbox"/> SD DENR | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> City Code Enforcement | <input type="checkbox"/> Auditor - Annexation | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Police | <input type="checkbox"/> Drainage | |
| <input type="checkbox"/> City Attorney | <input type="checkbox"/> Parks & Recreation | |

Planning and Zoning Meeting Date: _____ Covenants filing fee? Yes No

Commission Meeting Date: _____ Payment Type: Cash Check Credit Card

Date Paid: _____

§ 151.053 FINAL PLATS.

The following information is required on final plats.

- (A) *Size and material.* The original final plat shall be drawn in waterproof black ink upon a 15- by 26-inch Mylar sheet.
- (B) *Final plat title.* The title of the final plat shall be the same as that approved for the preliminary plat, except for modifications approved by the Board of Commissioners for phased development of the proposed subdivision.
- (C) *Congruency with preliminary plat.* The final plat shall include the information shown on the approved preliminary plat (as described in § 151.051) except for modifications approved by the Board of Commissioners for phased development of the proposed subdivision.
- (D) *Certifications and resolution.* The following certifications and resolutions shall appear on the final plat followed by lines for the appropriate signature(s) and date.
- (1) *Landowner.* The landowner, or his or her duly authorized agent, shall certify that the plat has been made at the request and under the direction of the landowner for the purposes indicated therein, that he or she is the owner of all land included therein, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. This certification shall be acknowledged before some officer authorized to take the acknowledgment of deeds, and this acknowledgment shall be endorsed on the plat.
- (2) *Registered land surveyor.* The registered land surveyor who actually performed the survey or had the survey performed under his or her direct supervision shall certify that the plat is in all respects correct and shall attach thereto his or her official seal as specified in SDCL § 36-18A-45.
- (3) *City Finance Officer.* The City Finance Officer shall certify that all special assessments that are liens upon any land included within such plat, as shown by the records of her or his office, have been fully paid.
- (4) *County Treasurer.* The County Treasurer shall certify that all taxes that are liens upon any land included within such plat, as shown by the records of her or his office, have been fully paid.
- (5) *County Official of Equalization.* The County Official of Equalization shall certify that he or she has received a copy of such plat.
- (6) *Street or Highway Authority.*
- (a) The appropriate Street or Highway Authority shall certify that the location of the proposed access to an abutting subdivision street(s) from the existing public street or highway is hereby approved and any change in the location of said access street(s) shall require additional approval.
- (b) The signature lines for this certification may be required multiple times on the plat to accommodate the signatures of the City Street Authority, the County Highway Authorities, the Rapid City Region Engineer for the State Department of Transportation, and/or the President of the applicable Road District.
- (7) *Planning Commission.* A Planning Commission member shall certify that the city's Planning and Zoning Board has reviewed such final plat on (date) and has provided a recommendation to the Board of Commissioners.
- (8) *Board of Commissioners resolution.*
- (a) Every plat shall bear of copy of the resolution approving the plat by the Board of Commissioners, which shall state:

WHEREAS there has been presented to the Board of Commissioners, the within plat of the above-described lands, and it appears to this Board of Commissioners that:

(A) The system of streets set forth therein conforms to the system of streets of the existing plats of the city;

(B) All provisions of the city's subdivision regulations have been complied with;

(C) All taxes and special assessments upon the tract or subdivision have been fully paid; and

(D) Such plat and the survey thereof have been executed according to law.

NOW THEREFORE, BE IT RESOLVED that said plat is hereby approved in all respects.

(b) This resolution shall be signed and dated by the Mayor and certified by the Finance Officer.

(9) *Register of Deeds*. Every plat shall bear a certificate of the County Register of Deeds indicating the date and time of recording. This certification shall also indicate the location of filing by plat book and page number.

(Ord. #115, passed 2-16-2017)

Statutory reference:

Related provisions, see SDCL §§ 11-3-4, 11-3-6, 11-3-9, 11-3-10, and 11-6-26

§ 151.037 PRELIMINARY AND FINAL PLAT.

(A) *Preliminary plat application.*

(1) The subdivider shall submit preliminary plat application and a plat submission checklist to the Planning Department more than three weeks (inclusive) before a regular meeting of the Planning Commission. The preliminary plat application consists of an original and two paper copies of each of the following:

- (a) A preliminary plat application form;
- (b) A preliminary plat of the proposed subdivision prepared on 15 by 26-inch paper by a registered land surveyor;
- (c) A reduced copy of the preliminary plat on eight and one-half by 11-inch paper;
- (d) An electronic copy of the preliminary plat in a file format approved by the Planning Official;
- (e) All necessary plans prepared by a professional engineer in accordance with the requirements of § 151.052;
- (f) A copy of any covenants for the proposed subdivision; and
- (g) Any supplemental materials.

(2) The application form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable preliminary plat application fee is due and payable at the time of submission of the application. Upon receipt of the application, the Planning Department will inform the subdivider of the date, time, and location of the Planning Commission meeting at which the application will be reviewed. The Planning Department may also solicit comments on the application from other agencies or departments before the Planning Commission meeting and shall provide a copy of the application to each Planning Commission member before the Planning Commission meeting.

(B) *Planning Commission review and recommendation.* Upon receipt of the application, the Planning Commission shall review the preliminary plat application and ensure that the requirements of this chapter and the Comprehensive Plan have been met. The Planning Commission may require the subdivider to provide additional information if such is deemed necessary and may continue its review of the application until the additional information is provided by the subdivider. The Planning Commission shall forward a recommendation to approve, approve with conditions, or deny approval of the application to the Board of Commissioners within 30 days of the receipt of the application, unless the subdivider agrees to an extension of this time limit. The subdivider may request that the final plat application be reviewed immediately after completion of the review of the preliminary plat application by the Planning Commission.

(C) *Board of Commissioners review and action.* The Board of Commissioners, at its next regular meeting after the Planning Commission makes its recommendation, shall review the preliminary plat application and the Planning Commission's recommendation and act upon said recommendation. Approval of a preliminary plat by the Board of Commissioners shall be effective for two years from the date of approval. An extension(s) beyond the two-year period for a period not to exceed one year may be granted by the Board of Commissioners.

(D) *Installation of improvements.* Following approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the construction of streets and installation of other approved improvements.

(E) *Inspection of improvements or surety required prior to final plat application.* The subdivider, upon inspection and approval of streets and other required improvements by the Planning Official,

Public Works Official, and/or the City Engineer (or their designees), shall submit a final plat application to the Planning Department based upon the approved preliminary plat. The subdivider may request to provide surety sufficient to construct or install the improvements plus a 15% administration reserve in lieu of immediate construction.

(F) *Final plat application.*

(1) The subdivider shall submit a final plat application to the Planning Department more than two weeks (inclusive) before a regular meeting of the Planning Commission. The final plat application consists of an original and one paper copy of each of the following:

(a) A final plat application form;

(b) A final plat of the proposed subdivision prepared by a registered land surveyor on 15 by 26-inch Mylar. Two Mylar originals of the final plat may be required if the land being subdivided is located in two counties. The Mylar original(s), when submitted, shall include, in permanent black ink, the notarized signatures of the owner(s), and the signatures and seals (if applicable) of the surveyor, the County Treasurer(s) and Official(s) of Equalization or their designees, and the Highway Authority(s);

(c) A reduced copy of the final plat on eight and one-half by 11-inch paper;

(d) An electronic copy of the final plat in a file format approved by the Planning Official;

(e) Surety for required improvements and/or a developer's agreement, if applicable; and

(f) Any supplemental materials.

(2) The application form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The non-refundable final plat application fee is due and payable at the time of submission of the application. Upon receipt of the application, the Planning Department will inform the subdivider of the date, time, and location of the Planning Commission meeting at which the application will be received and reviewed. The Planning Department shall provide a copy of the application to each Planning Commission member before the Planning Commission meeting.

(G) *Planning Commission review and recommendation.* Upon receipt of the application, the Planning Commission shall review the final plat application and ensure the final plat conforms to the approved preliminary plat and that the conditions of approval of the preliminary plat have been met. The Planning Commission shall forward a recommendation to approve, approve with conditions, or deny approval of the final plat to the Board of Commissioners within 30 days of the receipt of the application, unless the subdivider agrees to an extension of this time limit.

(H) *Board of Commissioners review and action and recording of final plat.* The Board of Commissioners, at its next regular meeting after the Planning Commission makes its recommendation, shall review the final plat application and the Planning Commission's recommendation and act upon said recommendation. If the final plat is approved by the Board of Commissioners, the Planning Department shall, within 15 days of said approval, submit the signed Mylar original(s) of the final plat to the office of the Register of Deeds to be recorded. No building or other applicable permits shall be issued within the newly-platted subdivision until the Register of Deeds has recorded the Mylar original(s) of the approved final.

(I) *Dedication of public infrastructure and land.* The Board of Commissioners, upon approval of the final plat and upon receipt from the Public Works Official of a certificate of final completion, may accept the dedication of public infrastructure, rights-of-way, and parks from the subdivider.

(Ord. #115, passed 2-16-2017)

Example

PLAT OF LOTS 1-6 & DEDICATED HEATHER LANE RIGHT-OF-WAY, NEW LEAF SUBDIVISION (formerly Tract 1 of Richardson Subdivision less Lot H1, less Lot H2 & less Lot H3 of Tract 1 of Richardson Subdivision) LOCATED IN SECTION 31, T3N, R7E, BHM, CITY OF SUMMERSET, MEADE COUNTY, SOUTH DAKOTA

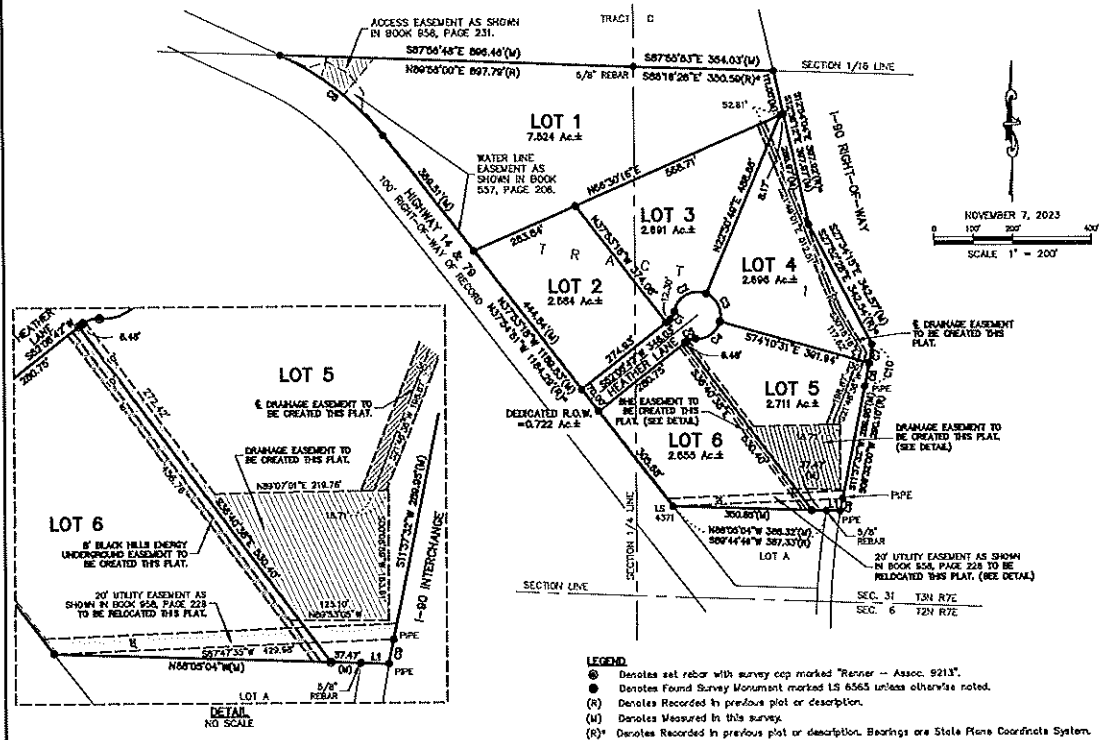


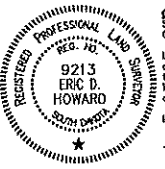
Table with 3 columns: LINE, BEARING, DISTANCE. It lists boundary lines for Lot 1 and Lot 2.

Table with 5 columns: CURVE, ARC LENGTH, RADIUS, CHORD BEARING, CHORD LENGTH. It lists curve data for the subdivision.

- Legend: (R) Denotes set rebar with survey cap marked 'Renner - Assoc. 9213'. (F) Denotes Found Survey Monument marked LS 6565 unless otherwise noted. (R) Denotes Recorded in previous plat or description. (M) Denotes Measured in this survey. (R*) Denotes Recorded in previous plat or description. Bearings are State Plane Coordinate System.

NOTES: Eight foot (8') utility and minor drainage easement is hereby granted on the interior of all lot lines, except where drainage easements exist. Major drainage easements shall be kept free of all obstructions... DUE TO THE PRESENCE OF GYPSUM IN THE SUBDIVISION, A GEOTECHNICAL INVESTIGATION WILL NEED TO BE COMPLETED AT BUILDING LOCATIONS AND ALL FOUNDATIONS, UNLESS DETERMINED OTHERWISE, SHALL BE DESIGNED BY A LICENSED GEOTECHNICAL ENGINEER.

CERTIFICATE OF OWNERSHIP: I, the undersigned do hereby certify that I am the owner of the tract of land shown and described herein, that said land is free from any encumbrance, that I do authorize and do hereby approve the survey and within plot of said land for the purposes indicated herein.



CERTIFICATE OF SURVEYOR: I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey.

ACKNOWLEDGEMENT OF OWNERSHIP: On this day of 20 before me, a Notary Public, personally appeared Matthew J. Leon, Member of NEW LEAF, LLC, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

RESOLUTION OF CITY COMMISSION: Whereas there has been presented to the City Commission of the City of SummerSet, South Dakota, the within plat of the above described lands, and it appears to the Council of Commissioners that: a. The system of streets set forth therein conforms to the system of streets of the existing plats of the City.

CERTIFICATE OF PLANNING COMMISSION: The City of SummerSet Planning and Zoning Commission certifies it has reviewed the first plat and hereby recommends approval to the City Commission of the City of SummerSet, South Dakota.

APPROVAL BY HIGHWAY OR STREET AUTHORITY: The location of the proposed access to the Highway or Street as shown herein is hereby approved. Any change in the location of the proposed access shall require additional approval.

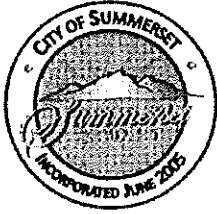
CERTIFICATE OF DIRECTOR OF EQUALIZATION: I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have on record in my office a copy of the within described plat.

CERTIFICATE OF COUNTY TREASURER: I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes, which are liens upon the within described lands are fully paid according to the records in my office.

CERTIFICATE OF CITY FINANCE OFFICER: I, Finance Officer of the City of SummerSet, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Commission of City of SummerSet, South Dakota, at a meeting held on the day of 20.

CERTIFICATE OF CITY FINANCE OFFICER: I, Finance Officer of the City of SummerSet, South Dakota, do hereby certify that all special assessments which are liens upon the within described lands are fully paid according to the records in my office.

Example



City of
SUMMERSET
A GREAT PLACE TO CALL HOME

FINAL REVIEW & ACCEPTANCE

DEVELOPER: Matt Leon
ADDRESS: 3975 Sturgis Rd, Rapid City, SD 57702
PROJECT: New Leaf Subdivision

On this Date, October 25, 2023, a final review of the project as constructed was made.

The Developer hereby certifies that the construction has been performed in accordance with the plans and adopted City specifications.

The undersigned City of Summerset does hereby agree that all construction and engineering work on the project is complete and does satisfy all terms of appropriate construction or engineering agreements.

City of Summerset and the Developer do hereby acknowledge that the two (2) year warranty period will begin on October 25, 2023.

The warranty shall be against defective workmanship or materials by the Contractor. The Contractor shall make all needed repairs to improvements at the direction, inspection, and approval of the Public Works Official. The Public Works Department is hereby authorized to make such repairs at the subdivider's expense if, within ten (10) days after the first-class mailing of a notice in writing to the subdivider, the subdivider neglects to make or undertake with due diligence to make the directed repairs. However, in the case of an emergency where, in the judgment of the Public Works Official, delay would cause serious loss or damage, repairs may be made immediately after the mailing of said notice and the subdivider shall pay the cost of such repairs.

(CITY OF SUMMERSET)

By: Melanni Torneo

Date: 11/29/23

(DEVELOPER)

By: Matt Leon

 11/29/23

WITNESSED BY:
HDR Engineering

 [Signature]
(CITY OF SUMMERSET ENGINEER)

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

REZONING PROCEDURES

The Filing Fee for a Rezoning Request is \$300.00

Information and actions required of the Petitioner:

1. The applicant meets with Zoning Administrator to discuss the proposal.
2. An application is submitted which is signed by the property owner and includes the legal description of the property for which rezoning is requested. Planning and Zoning Hearing date established.
3. A vicinity map is submitted which identifies the general area and boundaries of the property on which rezoning is requested.
4. Upon receipt of a complete application, the Zoning Administrator will prepare the property owners list. The Zoning Administrator will contact the petitioner when the list is ready.
5. The Finance Officer will prepare an official notice of public hearing fully setting forth a description of the development plan for the property, if any, in the event the rezoning request is approved. A property owners list along with the original of official notice of public hearing will be provided to the applicant. The applicant shall notify by certified letter, as least ten(10) days in advance of of the public hearing, the owners of equity of all property in the City limits within 250 feet, inclusive of streets and alleys, from any part of the property subject to rezoning, of the date, place and time of the public hearing.

Procedure:

1. A notice of hearing is published.
2. The request is considered at a public Planning Commission hearing and the Planning Commission recommends action to the City Council.
3. A date is established for the Planning and Zoning recommendation to be heard by the City Commission. The City Commission shall publish a legal notice not less than ten (10) days prior to the public hearing.
4. The City Commission shall make a final determination within 30 days form the date of the Planning and Zoning hearing recommendation.
5. If approved, the rezoning becomes effective twenty days after publication of the City Council action.

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
12150 Stouland Dr., Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment
- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Minor Boundary Change
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

OWNER OF RECORD (if different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature	Date	Property Owner Signature	Date
Signature	Date	Signature	Date
Print Name:		Print Name:	
Title*:		Title*:	

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
- Other: _____
- Other: _____
- Other: _____
- Other: _____

Planning and Zoning Meeting Date: _____
 Commission Meeting Date: _____
 Date Paid: _____

Payment Type: Cash Check Credit Card

§ 155.357 REZONING REQUESTS.

An application for a rezoning shall be filed with the Zoning Administrator. Rezoning requests may be initiated by either the property owner or a designated representative or by an appropriate governmental agency. If by a designated representative, the designation shall be in writing, signed by the property owner, and filed with the application.

(A) *Appearance.* The applicant shall appear before the Planning and Zoning Board to present the application, at which time the Planning and Zoning Board may initiate a study of the request. If in the opinion of the Planning and Zoning Board a study is not required, a public hearing shall be set.

(B) *Notification procedure.* The applicant shall notify by certified letter, at least ten days in advance of the public hearing, the owners of equity of all property in the city limits within 250 feet, inclusive of streets and alleys, from any part of the property subject to the rezoning, of the date, place, and time of the public hearing. Such notification shall fully set forth a description of the development plan for the property, if any, in the event the rezoning request is approved.

(C) *Hearing by the Planning and Zoning Board.* The Planning and Zoning Board shall publish legal notice not less than ten days prior to the public hearing. At the close of the public hearing, the Planning and Zoning Board shall forward its recommendation to the Board of Commissioners.

(D) *Hearing by Board of Commissioners.* The Board of Commissioners shall publish legal notice not less than ten days prior to the public hearing. After taking into account all pertinent information and the recommendation of the Planning and Zoning Board, the Board of Commissioners shall make a final determination within 30 days of the date of the hearing.

(Ord. passed 2-3-2011, § 2.38.030)

§ 155.357 REZONING REQUESTS.

An application for a rezoning shall be filed with the Zoning Administrator. Rezoning requests may be initiated by either the property owner or a designated representative or by an appropriate governmental agency. If by a designated representative, the designation shall be in writing, signed by the property owner, and filed with the application.

(A) *Appearance.* The applicant shall appear before the Planning and Zoning Board to present the application, at which time the Planning and Zoning Board may initiate a study of the request. If in the opinion of the Planning and Zoning Board a study is not required, a public hearing shall be set.

(B) *Notification procedure.* The applicant shall notify by certified letter, at least ten days in advance of the public hearing, the owners of equity of all property in the city limits within 250 feet, inclusive of streets and alleys, from any part of the property subject to the rezoning, of the date, place, and time of the public hearing. Such notification shall fully set forth a description of the development plan for the property, if any, in the event the rezoning request is approved.

(C) *Hearing by the Planning and Zoning Board.* The Planning and Zoning Board shall publish legal notice not less than ten days prior to the public hearing. At the close of the public hearing, the Planning and Zoning Board shall forward its recommendation to the Board of Commissioners.

(D) *Hearing by Board of Commissioners.* The Board of Commissioners shall publish legal notice not less than ten days prior to the public hearing. After taking into account all pertinent information and the recommendation of the Planning and Zoning Board, the Board of Commissioners shall make a final determination within 30 days of the date of the hearing.

(Ord. passed 2-3-2011, § 2.38.030)

§ 155.358 PROTEST.

(A) Approval or denial of any application for a zoning district classification shall be by a majority of all members of the Board of Commissioners. After publication of the Board of Commissioners' approval as provide for in SDCL § 9-19-7, the zoning district classification change shall take effect unless the referendum be invoked, or unless a written protest be filed with the City Clerk, signed by at least 40% of the owners of equity in the lots included in any proposed district and the lands within 250 feet from any part of such proposed district.

(B) A **CORPORATION** shall be construed to be a sole owner and, when parcels of land are in the name of more than one person, owner representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners.

(C) If a protest is filed, the ordinance does not become effective unless the ordinance is approved by a resolution by two-thirds of the Board of Commissioners at its next regularly scheduled meeting. The protest provisions of this section do not apply to any ordinance regulating or establishing floodplain areas.

(Ord. passed 2-3-2011, § 2.38.040)

ZONING DISTRICTS AND MAPS

§ 155.020 DISTRICTS ESTABLISHED.

(A) For the purpose of promoting the public health, safety, morals, convenience, and the general welfare of the community, the city is divided into districts of seven different types, each type being of such number, shape, kind, and area, and such common unity of purpose, and adaptability of use that are deemed most suitable to carry out the purpose of this chapter.

(B) The types of districts are as follows. The city is hereby divided into districts of seven different types, each being of such number, shape, kind, and area, and being of such common unity of purpose and adaptability of use as are deemed most suitable to carry out the purpose of this chapter:

- (1) AG Agricultural;
- (2) R-1 Single-Family Residential;
- (3) R-2 One- and Two-Family Residential;
- (4) R-3 Multi-Family Residential;
- (5) C-1 General Commercial;
- (6) GI General Industrial; and
- (7) PD Planned Development.

(Ord. passed 2-3-2011, § 2.06.010; Ord. passed 2-16-2017)

§ 155.021 ZONING MAP.

The location and boundaries of the zoning districts established by this chapter are illustrated by the map entitled "the Zoning Map of Summerset, South Dakota," adopted, and from time to time amended together with this chapter. The zoning map is hereby incorporated into this chapter as is fully set forth, and from time to time amended as necessary and described herein. The zoning map and description of the area shall be kept, maintained, and displayed at an appropriate location in City Hall.

(Ord. passed 2-3-2011, § 2.06.020)

§ 155.022 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply.

(A) Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of such streets, highways, or alleys.

(B) For boundaries shown as following or approximately following platted lot lines or other property lines, such lines shall be construed to be the boundary lines.

(C) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

(D) Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses and the boundaries shall be deemed to be at the limit of the jurisdiction of the city unless otherwise indicated.

(E) Boundaries shown as following or closely following the limits of the city shall be construed as following such limits.

(F) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts; the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Commissioners.

(G) Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

(Ord. passed 2-3-2011, § 2.06.030)

§ 155.023 SCOPE OF REGULATIONS.

The regulations applying to each district include specific limitation on the use of land and structure, height, and bulk of structures, density of population, lot area, yard dimension, and area of lot that can be covered by structures.

(Ord. passed 2-3-2011, § 2.06.040)

§ 155.024 SIGNS.

Any sign posting requirement in this chapter or state law in connection with providing notice concerning either the establishment of a zoning district, or the rezoning of an existing district, shall be satisfied for notice purposes provided the sign posted is no smaller than 18 inches by 18 inches.

(Ord. 2.01C, passed 6-4-2015)

AG AGRICULTURAL DISTRICT

§ 155.035 GENERAL DESCRIPTION.

This district is intended to provide for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses and therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area, and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

(Ord. passed 2-3-2011, § 2.08.010)

§ 155.036 USES PERMITTED.

Property and structures in the AG Agricultural District shall be used only for the following purposes:

(A) Agricultural uses such as general farming, pasture, grazing, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting including roadside stands exclusively for the sale of produce, but excluding commercial feed lots;

(B) Detached single-family dwellings;

(C) Transportation and utility easements, alleys, and rights-of-way;

(D) Signs;

(E) Accessory buildings and uses customarily incidental to the above uses when located on the same lot;

(F) Veterinary clinics, subject to the following requirements:

(1) Confinement pens for large animals and outdoor runs for small animals shall maintain a minimum setback of 80 inches from all property lines;

(2) The clinic facility shall be constructed and operated in such a manner as to minimize the transmission of sound to neighboring properties; and

(3) Fenced outdoor runs and exercise areas shall be used only during normal business hours and shall be screened to a height of eight feet.

(G) Home occupations; and

(H) Home day care.

(Ord. passed 2-3-2011, § 2.08.020)

§ 155.037 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

(A) Wind energy conversion systems as regulated in §§ 155.215 through 155.229;

(B) Elementary, middle, or high school, subject to one of the principal frontages of the premises shall abut upon an arterial or collector street;

(C) Radio, television, and cellular communication tower, subject to a minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line;

(D) Cemetery;

(E) Kennel;

(F) Stable, public;

(G) Family day care or a day care center; and,

(H) Public parks and/or playgrounds.

(Ord. passed 2-3-2011, § 2.08.030)

§ 155.038 AREA REGULATIONS.

All setbacks shall be measured from the owner's property lines as follows:

(A) *Front setback.* All structures: 25 feet;

(B) *Side setback.*

(1) Primary uses: eight feet;

(2) Corner lots: two front setbacks and two side setbacks;

(3) Unattached buildings of accessory use located on interior lots: five feet; and

(4) Portable accessory building: two feet.

(C) *Rear setback.*

- (1) Primary uses: 25 feet;
- (2) Unattached buildings of accessory use: five feet; and
- (3) Portable accessory building: two feet.

(D) *Lot width.* Minimum 75 feet at the front building line;

(E) *Minimum lot size.* Twenty acres; and

(F) *Maximum lot coverage.* Ten percent.

(Ord. passed 2-3-2011, § 2.08.040)

§ 155.039 HEIGHT REGULATIONS.

Structures shall not exceed two and one-half stories or 35 feet.

(Ord. passed 2-3-2011, § 2.08.050)

§ 155.040 OTHER REGULATIONS.

Development within the Agricultural District (AG) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.08.060)

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 155.055 GENERAL DESCRIPTION.

This district is intended to be used for single-family residential development with low population densities and such supportive community facilities as parks, playgrounds, schools, libraries, and churches normally required to provide the basic elements of a balanced and attractive residential area. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

(Ord. passed 2-3-2011, § 2.10.010)

§ 155.056 USES PERMITTED.

Property and buildings in an R-1 District shall be used only for the following purposes:

- (A) Detached single-family dwellings;
- (B) Utility facility, neighborhood, transportation, and utility easements, alleys, and rights-of-way;
- (C) Accessory buildings and uses customarily incidental to the above uses when located on the same lot;
- (D) Signs;
- (E) Home day care; and
- (F) Home occupation.

(Ord. passed 2-3-2011, § 2.10.020)

§ 155.057 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

- (A) Assisted living center which contains not more than 12 units;
- (B) Bed and breakfast facility;
- (C) Boarding houses and rooming houses;
- (D) Cemeteries;
- (E) Places of worship;
- (F) Colleges and universities;
- (G) Convalescent, nursing, and rest homes;
- (H) Day care, family;
- (I) Group home;
- (J) Golf courses and country clubs;
- (K) Governmental services;
- (L) Public recreational and park facilities;
- (M) Radio, television, and telecommunication or wireless communication towers;
- (N) Utility facility, public;
- (O) Elementary, middle, and high schools, public or private; and
- (P) Other uses may be allowed, provided they are not found to be contrary to intended uses of the district.

(Ord. passed 2-3-2011, § 2.10.030)

§ 155.058 AREA REGULATIONS.

All setbacks shall be measured from the owner's property line as follows:

- (A) *Front setback.* All structures: 25 feet;
- (B) *Side setback.*
 - (1) All structures: eight feet; and
 - (2) Exception for portable accessory buildings: two feet.
- (C) *Rear setback.*
 - (1) Primary uses: 25 feet;
 - (2) (a) Unattached buildings of accessory use: eight feet; and
 - (b) Exception for portable accessory buildings: two feet.
- (D) *Lot width.* There shall be a minimum lot width of 75 feet at the front building line;
- (E) *Minimum lot size.* Eight thousand and five hundred square feet; for any non-residential use and their accessory buildings, 30,000 square feet; and
- (F) *Maximum lot coverage.* Thirty five percent.

(Ord. passed 2-3-2011, § 2.10.040; Ord. passed 2-16-2017)

§ 155.059 HEIGHT REGULATIONS.

Principal structures shall not exceed two and one-half stories or 35 feet. Accessory structures shall not exceed 15 feet.

(Ord. passed 2-3-2011, § 2.10.050)

§ 155.060 OTHER REGULATIONS.

Development within the Single-Family Residential District (R-1) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.10.060)

R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT

§ 155.075 GENERAL DESCRIPTION.

This is a residential district to provide for medium population density. The principal uses of land is for single-family and two-family residential uses and such supportive community facilities as parks, playgrounds, schools, libraries, and churches normally required to provide the basic elements of a balanced and attractive residential area. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

(Ord. passed 2-3-2011, § 2.12.010)

§ 155.076 USES PERMITTED.

Property and buildings in an R-2 Residential District shall be used only for the following purposes:

- (A) Any use permitted in an R-1 Single-Family Residential District;
- (B) Two-family dwelling; and
- (C) Townhouses.

(Ord. passed 2-3-2011, § 2.12.020)

§ 155.077 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses any conditional uses in and subject to all the same requirements as in an R-1 district.

(Ord. passed 2-3-2011, § 2.12.030)

§ 155.078 AREA REGULATIONS.

All setbacks shall be measured from the owner's property line as follows:

- (A) *Front setback.* All structures: 25 feet;
- (B) *Side setback.*
 - (1) All structures: eight feet;
 - (2) Unattached buildings of accessory use: eight feet; and

(3) Portable accessory building: two feet.

(C) *Rear setback.*

(1) Primary uses: 25 feet;

(2) Unattached buildings of accessory use: eight feet; and

(3) Portable accessory building: two feet.

(D) *Lot width.* There shall be a minimum lot width of 65 feet at the front building line, except for townhouses which shall a minimum of 35 feet at the front building line.

(E) *Minimum lot size.*

(1) For each single-family dwelling, served by a sanitary sewer system, there shall be a lot area of not less than 7,000 square feet;

(2) For each two-family dwelling, there shall be a lot area of not less than 9,500 square feet;

(3) For townhouse and assisted living structures, there shall be a lot area of not less than 4,500 square feet plus an additional 2,500 square feet for each townhouse unit which shall not exceed two units or assisted living unit; and

(4) For places of worship and other main and accessory buildings and their accessory buildings, 30,000 square feet.

(F) *Maximum lot coverage.* Forty percent.

(Ord. passed 2-3-2011, § 2.12.040; Ord. passed 2-16-2017)

§ 155.079 HEIGHT REGULATIONS.

Dwellings shall not exceed two and one-half stories or 35 feet. Accessory structures shall not exceed 15 feet.

(Ord. passed 2-3-2011, § 2.12.050)

§ 155.080 OTHER REGULATIONS.

Development within the One- and Two-Family Residential District (R-2) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.12.060)

R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

§ 155.095 GENERAL DESCRIPTION.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by high-density, multiple-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy housing conditions.

(Ord. passed 2-3-2011, § 2.14.010)

§ 155.096 USES PERMITTED.

Property and buildings in an R-3 Multi-Family Residential District shall be used only for the following purposes:

- (A) Any use permitted and as regulated in R-1 and R-2 Districts; and
- (B) Multi-family dwelling units.

(Ord. passed 2-3-2011, § 2.14.020)

§ 155.097 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

- (A) Any conditional uses in and subject to all the same requirements as in any R-1 and R-2 districts; and
- (B) Manufactured home parks.

(Ord. passed 2-3-2011, § 2.14.030)

§ 155.098 AREA REGULATIONS.

All setbacks shall be measured from the owner's property lines as follows:

(A) Front setback.

- (1) Twenty-five feet for single-family, two-family, and multi-family dwellings not exceeding two and one-half stories;
- (2) Thirty-five feet for multiple-family dwellings more than two and one-half stories;
- (3) Unattached buildings of accessory use: 25 feet; and
- (4) Places of worship and their accessory buildings: 35 feet.

(B) Side setback.

- (1) Single- and two-family residential dwellings: eight feet;
- (2) Multi-family dwellings: 12 feet;
- (3) For each additional story above two stories: one foot additional side setback;
- (4) Unattached buildings of accessory use: eight feet; and
- (5) Places of worship and their accessory buildings: 35 feet.

(C) Rear setback.

- (1) Primary uses of two stories in height and less: 25 feet; and
- (2) For all primary uses of three stories and more in height: 30 feet.

(D) Lot width.

(1) There shall be a minimum lot width of 65 feet at the front building line, except for townhouses and multi-family dwellings; and

(2) There shall be a minimum lot width of 75 feet at the front building line for all other dwellings except townhouses.

(E) Minimum lot size.

- (1) For each single-family dwelling, there shall be a lot area of not less than 7,000 square feet;
- (2) For each two-family dwelling, there shall be a lot area of not less than 9,500 square feet;
- (3) For multi-family structures, townhouses, and assisted living structures, there shall be a lot area of not less than 4,500 square feet plus an additional 2,500 square feet for each dwelling unit or assisted living unit; and
- (4) For places of worship and other main and accessory buildings their accessory buildings: 30,000 square feet.

(F) *Maximum lot coverage.* Thirty percent.

(Ord. passed 2-3-2011, § 2.14.040)

§ 155.099 HEIGHT REGULATIONS.

There shall be a maximum of five stories or 60 feet, and a maximum 15 feet for unattached accessory buildings.

(Ord. passed 2-3-2011, § 2.14.050)

§ 155.100 OTHER REGULATIONS.

Development within the Multi-Family Residential District (R-3) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.14.060)

§ 155.101 USEABLE OPEN SPACE.

For all multi-family uses of land, useable open space shall be provided as follows.

<i>Dwelling Height Open Space per Dwelling Unit</i>	
Two-story	400 square feet
Three- to five-story	300 square feet

(Ord. passed 2-3-2011, § 2.14.070)

§ 155.102 REQUIRED PLAY AREA.

(A) For all multi-family uses of land, a designated and defined play area for children shall be provided, based on the formula of 50 square feet per dwelling unit.

(B) Square footage of the play area shall be computed as part of usable open space.

(C) The requirements of this section shall not apply to multi-family developments exclusively restricted to the elderly.

(Ord. passed 2-3-2011, § 2.14.080)

C-1 GENERAL COMMERCIAL DISTRICT

§ 155.115 GENERAL DESCRIPTION.

This Commercial District is for personal and business services and the city's general retail business.

(Ord. passed 2-3-2011, § 2.18.010)

§ 155.116 USES PERMITTED.

The following uses shall be permitted in the C-1 General Commercial District:

(A) Retail establishments, including incidental manufacturing of goods for sale at wholesale or retail on the premises, provided there are three or less employees engaged in the manufacture of the product;

(B) Eating and drinking establishments;

(C) Service and repair establishments;

(D) Personal service establishments;

(E) Hotel, motel, rooming and boarding house, bed and breakfast;

(F) Entertainment services;

(G) Parking lots and garages;

(H) Offices;

(I) Financial institutions;

(J) Private clubs and lodges;

(K) Newspaper and printing firms;

(L) Residential uses subject to the requirements and regulations of §§ 155.055 through 155.060, 155.075 through 155.080, and 155.095 through 155.102;

(M) Places of worship;

(N) Signs;

(O) Libraries, museums, art galleries, planetarium, aquariums, historic and monument sites;

(P) Governmental services;

(Q) Gasoline, diesel, propane, and CNG service stations;

(R) Building material sales;

(S) Garden centers, greenhouses, and nurseries;

(T) New and used vehicle sales;

(U) Farm implement and machinery, new and used sales;

(V) Truck and trailer rental and sales;

(W) Monument sales;

(X) Sales of prefabricated houses;

(Y) Auction houses;

(Z) Manufactured home sales and services;

(AA) Taxidermists;

(BB) Open storage uses which shall comply with the following requirements:

(1) All open storage and display of merchandise, material, and equipment shall be screened by a solid fence seven feet high at the side and rear of the lot which abuts any residential district;

(2) Driveways used for ingress and egress shall not exceed 40 feet in width, exclusive of curb returns; and

(3) Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets.

(CC) Small animal veterinary clinics, subject to the following requirements:

(1) Outdoor runs shall maintain a minimum setback of 40 feet from all property lines, and 100 feet from residential uses;

(2) The clinic facility shall be constructed and operated in such a manner as to minimize the transmission of sound to neighboring properties; and

(3) Fenced outdoor runs and exercise areas shall be used only during normal business hours, and shall be screened to a height of eight feet.

(DD) Inpatient and outpatient health care facilities and clinics;

(EE) Long-term care, congregate and assisted living facilities;

(FF) Educational facilities and institutions;

(GG) Light manufacturing and office park uses;

(HH) Public and private recreation facilities and their ancillary services;

(II) Public and private transportation, neighborhood utility facility, and public safety facilities;

(JJ) Agricultural uses; and

(KK) Parking lots and garages.

(Ord. passed 2-3-2011, § 2.18.020)

§ 155.117 CONDITIONAL USES.

After the provisions of §§ 155.240 through 155.242 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

(A) Video lottery;

(B) Radio, television, and telecommunication or wireless communication towers;

(C) Day care center;

(D) Utility facility, public; and

(E) Other uses may be allowed, provided they are not found to be contrary to intended uses of the district.

(Ord. passed 2-3-2011, § 2.18.030; Ord. passed 2-16-2017)

§ 155.118 AREA REGULATIONS.

All setbacks shall be measured from the owner's property lines as follows:

- (A) *Front setback.* None;
- (B) *Side setback.* None;
- (C) *Rear setback.* None;
- (D) *Lot width.* No minimum requirement;
- (E) *Minimum lot size.* No minimum requirement; and

(F) *Lot coverage.* No maximum percentage of lot coverage except that, for buildings serviced from the rear, space shall be provided either inside or outside the building for loading or unloading goods and materials. Such space shall have access to a street or other public way.

(Ord. passed 2-3-2011, § 2.18.040)

§ 155.119 HEIGHT REGULATIONS.

There shall be a maximum of five stories or 60 feet.

(Ord. passed 2-3-2011, § 2.18.050)

§ 155.120 OTHER REGULATIONS.

Development within the General Commercial District (C-1) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.18.060)

GI GENERAL INDUSTRIAL DISTRICT

§ 155.135 GENERAL DESCRIPTION.

The General Industrial District (GI) is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution in which operations are conducted so that noise, odor, dust, and glare are completely confined within an enclosed building.

(Ord. passed 2-3-2011, § 2.22.010)

§ 155.136 USES PERMITTED.

The following uses shall be permitted in the GI General Industrial District:

- (A) Wholesale distributing companies, all commodities except live animals, explosives, and junk;
- (B) Assembling and packaging, freight handling, light manufacturing, storage and warehousing, and similar operations;
- (C) Factory outlet stores for the retail sale and showrooms for the display of goods manufactured on-site;
- (D) Service and research and development establishments;
- (E) Contractor's shop/storage yard;
- (F) Mini storage facility;
- (G) Utility facility, public, and neighborhood;

(H) Signs;

(I) Motor vehicle repair, provided that all body and/or mechanical repair work shall be completed within the building area. All inoperable vehicles shall be stored within a building or within a side or rear yard which is screened with an opaque fence at least six feet in height;

(J) Carwashes;

(K) Bus garaging and equipment maintenance;

(L) Veterinary establishments and kennels;

(M) Farm and contractor implement sales, display, and service;

(N) Farm store or feed store;

(O) Manufactured home sales and services; and

(P) Accessory uses and buildings. Any accessory building shall be located on the same lot with the principal building.

(Ord. passed 2-3-2011, § 2.22.020)

§ 155.137 CONDITIONAL USES.

After the provisions of §§ 155.335 through 155.341 relating to conditional uses have been fulfilled, the Planning and Zoning Board may permit as permitted conditional uses:

(A) Stockyards/slaughtering of animals;

(B) Processing of minerals, rendering, or refining any organic or inorganic material, explosive manufacture storage, grain and forage processing and handling, alcohol or ethanol plant, or similar products or processes;

(C) Ready-mix concrete plant;

(D) Asphalt concrete plant;

(E) Solid waste transfer facility;

(F) Recycling processing facility;

(G) Junkyard or salvage yard;

(H) Landfill; and

(I) Other uses may be allowed, provided they are not found to be contrary to intended uses of the district.

(Ord. passed 2-3-2011, § 2.22.030; Ord. passed 2-16-2017)

§ 155.138 AREA REGULATIONS.

All setbacks shall be measured from the owner's property lines as follows:

(A) *Front setback.* Twenty five feet. Buildings with sidewalls over 20 feet shall have a 40-foot front setback;

(B) *Side setback.* Twenty five feet;

(C) *Rear setback.* Twenty five feet;

(D) *Minimum lot width.* One hundred feet, except in cul-de-sac areas;

(E) *Minimum lot size.* Fifteen thousand square feet; and

(F) *Maximum lot coverage.* Seventy five percent.

(Ord. passed 2-3-2011, § 2.22.040)

§ 155.139 HEIGHT REGULATIONS.

There shall be a maximum of five stories or 60 feet.

(Ord. passed 2-3-2011, § 2.22.050)

§ 155.140 PARKING AND LOADING REQUIREMENTS.

(A) No loading dock shall be constructed facing any public street unless it is constructed a minimum of 80 feet from the property line.

(B) All loading, unloading, and maneuvering operations shall be off-street. No loading or unloading shall be permitted which will interfere with ingress or egress thereto. Driveways and access roads to loading or unloading facilities shall be paved at least as far as the defined setback area.

(C) Paved surface areas are required. All parking areas and loading and unloading areas shall be hard-surfaced.

(D) All provisions of §§ 155.255 through 155.257 shall be met.

(Ord. passed 2-3-2011, § 2.22.060)

§ 155.141 SCREENING.

(A) All provisions of §§ 155.295 through 155.304 shall be met.

(B) There shall be no open storage of material, equipment, or products unless behind an opaque screen which is not less than the height necessary to completely screen the use. All fencing or screening shall be aesthetically compatible with the building design and shall be of an all-wood material, or vinyl, or masonry, or concrete in the case of walls, or all-metal construction for security fences. No security fence or screen shall be permitted to extend closer to the street than the building setback line. All fences and screening shall be maintained in good condition and, in the case of walls, shall be properly painted. Short-term storage of 48 hours or less shall be allowed in any areas adjacent to buildings. If scrap storage is necessary, the same shall be on a concrete pad and completely screened from view. No storage shall be permitted, even if conforming with the requirements of this division (B), if the same shall create a health hazard for occupants of adjacent properties or to the public.

(Ord. passed 2-3-2011, § 2.22.070)

§ 155.142 OTHER REGULATIONS.

Development within the General Industrial District (GI) shall be regulated in conformance with the provisions of §§ 155.175 through 155.183, 155.255 through 155.257, 155.270 through 155.280, and 155.295 through 155.304.

(Ord. passed 2-3-2011, § 2.22.080)

PLANNED DEVELOPMENT DISTRICT

§ 155.155 GENERAL DESCRIPTION.

(A) The purpose of the Planned Development District (PD) is to allow development of undeveloped parcels of land that, by virtue of their visually and/or environmentally unique location, lend themselves to a blend of diverse yet compatible uses, innovative layouts, or sensitive designs.

(B) Development of such parcels shall be accomplished while meeting public requirements, including preservation, promotion, and protection of open space, scenic vistas, and natural resources, by the application of extra administrative controls.

(C) All final plans in the Planned Development District shall be recommended by the Planning and Zoning Board and approved by the Board of Commissioners under the procedure set forth in § 155.159. Final approval by the Board of Commissioners is deemed to be an administrative act not subject to referendum.

(Ord. passed 2-3-2011, § 2.24.010)

§ 155.156 USES PERMITTED.

Unless expressly prohibited in § 155.157, the following uses are permitted:

(A) Any permitted and conditional use in the AG-Agricultural District;

(B) Any permitted and conditional use in the R-1 Single-Family Residential, R-2 One- and Two-Family Residential, and R-3 Multi-Family Residential Districts; and

(C) Any permitted and conditional use in the C-1 General Commercial District.

(Ord. passed 2-3-2011, § 2.24.020)

§ 155.157 USED PROHIBITED.

The following uses are prohibited:

(A) New and used vehicle or machinery sales and service;

(B) Manufactured home sales;

(C) Building material sales;

(D) Truck terminals, stand-alone warehouse facilities;

(E) Use requiring unscreened outside storage;

(F) Industrial uses; and

(G) Off-premises signs unless already located on the property.

(Ord. passed 2-3-2011, § 2.24.030)

§ 155.158 MINIMUM REQUIREMENTS FOR IMPROVEMENTS AND DESIGN.

(A) *General.* Minimum requirements for improvements and design are not subject to modification by the procedure outlined in § 155.159. Projects that exceed the minimum requirements are encouraged.

(B) *Area regulations.*

(1) Front, side, and rear setbacks and lot width and size are governed by the minimum requirements for parking and open space as described per divisions (C) and (F) below.

(2) Height restrictions are as follows:

- (a) Commercial uses: five stories or 60 feet;
- (b) Residential uses: five stories or 60 feet; and
- (c) All other uses: five stories or 60 feet.

(C) *Parking.* For individual uses or approved as a comprehensive parking plan for integrated uses or for the overall development.

(D) *Lighting.* All lighting shall be fully shielded, 85% full cut-off fixtures.

(E) *Signs.* As regulated for individual uses, or approved as a comprehensive signage plan for the overall development when evaluated as a whole, all illuminated signage shall be down-lighted or back-lighted;

(F) *Open space.*

(1) *Common open space.* A minimum total area of 10% of the land included in the application shall be comprised of common open space, which shall be used for amenity or active or passive recreational use. Open space containing natural features may be left unimproved. Designated amenities including parks, playgrounds, and the like shall be installed immediately or bonded.

(2) *Individual lot open space.* Commercial: 20%; all other uses: 30%.

(G) *Landscaping.*

(1) Each application shall include a comprehensive landscaping plan showing the location and species of all plant materials and an irrigation plan, meeting the minimum requirements of the §§ 155.295 through 155.304.

(2) Additional requirements in the form of berms, open yard buffer areas, landscape islands, and live and/or constructed screening are encouraged and may be imposed as conditions of landscape plan approval.

(H) *Transportation system.* Each application shall include a transportation plan showing points of ingress and egress, circulation pattern, and integration with the system to which it relates.

(1) All streets, sidewalks, pedestrian ways, and rights-of-way to be dedicated to the city shall conform to the minimum requirements of the regulations of the city's ordinances, as adopted and in effect when the plan is approved.

(2) All streets, sidewalks, pedestrian ways, and rights-of-way to remain private shall be subject to approval as part of the overall development plan.

(Ord. passed 2-3-2011, § 2.24.040)

§ 155.159 PROCEDURE.

(A) *Initial development plan.* When a petitioner wants to request rezoning to the Planned Development District, he or she shall submit his or her request to the Planning Department, showing the information specified in § 155.160, a minimum of 20 days prior to the Planning Commission meeting at which consideration is desired. After the planned development request has been reviewed, the Planning Commission shall make a recommendation to the Board of Commissioners on the requested rezoning. The Board of Commissioners shall then act to approve or deny said request. This request for rezoning is subject to the requirements for amendment of the ordinance specified in § 155.358. No building permit shall be issued within the development until the final development plan is approved and the plat is filed.

(B) *Final development plan.*

(1) Prior to construction on any lots in the planned development, the petitioner shall present a final development plan showing the information specified in § 155.161 below to the Planning Commission, who shall make a recommendation to the Board of Commissioners on the requested rezoning. The Board of Commissioners shall then act to approve or deny said request. This request for rezoning is subject to the requirements for amendment of § 155.358.

(2) The final development plan may be submitted in conjunction with the initial development plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an initial and final development plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.

(3) Signs shall be posted on the property for a continuous period of seven days immediately prior to any public hearing held by the Planning Commission or Board of Commissioners to consider any final development plan. Said signs shall be furnished by the city and posted by the applicant in the numbers and locations prescribed by the Administrator.

(C) *Amendments.*

(1) *Major amendments.* Major amendments to the initial and/or final development plan shall be required to be approved with a public hearing in the same manner as provided for in § 155.357.

(2) *Minor amendments.*

(a) Minor amendments to the initial and/or final development plan shall be required to be approved by the Planning Commission. Notice of such hearing shall be given by the posting of not less than four signs provided by the city.

(b) Minor amendments to the initial development plan may also be made by the submission and approval of a final development plan which is changed from the approved initial development plan. Any such amendments shall be shown as a change from the initial development plan on the final development plan.

(3) *Minimal amendments.* Minimal amendments to the final development plan shall be submitted to the Administrator on a reproducible development plan showing the requested changes. The Planning Director may then approve such change in writing if she or he deems it appropriate.

(Ord. passed 2-3-2011, § 2.24.050)

§ 155.160 INITIAL DEVELOPMENT PLAN.

Upon application for rezoning to Planned Development District, the petitioner shall present an initial development plan to the Planning Commission for review and to the Board of Commissioners for its approval showing the following information:

(A) Project name and legal description;

(B) A preliminary subdivision plan in compliance with Chapter 151; and

(C) (1) The proposed development scheme showing the following information:

(a) The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed non-residential buildings, and their square footage;

(b) The proposed maximum density of the development, which shall not exceed the density allowed in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such densities undesirable;

(c) The proposed minimum setbacks which shall be no less than those required in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such setbacks undesirable;

(d) The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such heights undesirable;

(e) Proposed design features illustrating compatibility to the surrounding environment and neighborhood; and

(f) Anticipated subarea development sequence.

(2) In addition, the developer shall provide an eight and one-half by 11-inch scaled rendering on Mylar of the approved initial development plan showing each of the subareas.

(Ord. passed 2-3-2011, § 2.24.060)

§ 155.161 FINAL DEVELOPMENT PLAN.

(A) Prior to construction on any lots in the Planned Development Zoning District, the petitioner shall present a final development plan to the Planning Commission for review, and to the Board of Commissioners for its approval showing the following information:

(B) (1) Final development plan approval shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the Administrator and prior to the final development plan approval expiration date, a time extension for the final development plan approval may be granted.

(2) The final development plan shall show the following information:

(a) The subdivision name, the legal description, and the individual project name (if any);

(b) Boundaries of the subarea or subareas submitted for approval superimposed on the map of the initial development plan;

(c) A subdivision plat of the subarea or subareas submitted for approval in compliance with Chapter 151; and

(d) A scale drawing showing the following information will be required:

1. Size and location of proposed structures including height and number of units;

2. Calculated floor area for each structure and a generic listing of the uses within said structure;

3. Off-street parking lot arrangement designating all parking spaces, off-street loading spaces, and any outdoor trash container;

4. Any sidewalks, bikeways, or other paths;

5. Any outdoor lighting, type, and location, except for standard street lights provided by the city;

6. Landscaping plans showing the type and location of any walls or fences, the placement, size, and species of any trees or shrubs, and berms in areas that will be sod or seeded;

7. All existing and proposed utilities, drainage ways, watercourses, and location of above ground existing utilities on adjacent property;

8. Proposed final ground contours;

9. Curb cuts and all private drives;
10. Adjacent, existing, and proposed uses;
11. First floor elevation for any structure located in a flood hazard area;
12. Accurate building elevation of all proposed structures;
13. Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities, including private streets;
14. Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve;
15. Proposed parking and loading spaces which shall be in conformance with §§ 155.255 through 155.257, except where unique physical, environmental, or design characteristics make such requirements undesirable; and
16. Unless otherwise specified on the final development plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the final development plan. For example, townhouses on block X shall be developed in conformance with the requirements of the R-1 Residential District.

(Ord. passed 2-3-2011, § 2.24.070)

§ 155.162 AMENDMENTS.

(A) *Major amendments.* The following changes in an initial and/or final development plan are considered major amendments:

- (1) Any change in the proposed land uses shall follow a rezoning process; and
- (2) An increase in density above that provided for in division (B)(5) below shall follow a rezoning process.

(B) *Minor amendments.* The following changes in an initial and/or final development plan are considered minor amendments:

- (1) Any adjustment in the size or shape of the building envelope (increasing the height or reducing the building setback);
- (2) Any change in the number or location of curb cuts;
- (3) Any decrease in the size of required open areas;
- (4) A minor change in the street pattern;
- (5) Any increase in density of a subarea:
 - (a) Less than 25% for a subarea with less than eight units;
 - (b) Less than 15% for a subarea with between nine and 20 units; and
 - (c) Less than 8% for a subarea with 21 units or more.
- (6) Any change in the number of parking spaces;
- (7) Any minor change to on-premises signage; and
- (8) Any major change in the street pattern.

(C) *Minimal amendments.* The following changes in an initial and/or final development plan are considered minimal amendments:

- (1) Any adjustment of a building within a previously established building envelope;
- (2) A reduction in density and scale;
- (3) Any minimal change in the street pattern;
- (4) Any minimal change in the parking and loading requirements;
- (5) Any minimal change to on-premises signage; and
- (6) Any adjustment in the size or shape of the building envelope by reducing the building setback by one foot or less.

(Ord. passed 2-3-2011, § 2.24.080)

C'X amp W

NOTICE FOR PUBLICATION

Ordinance TSO 2022-02

CITY OF SUMMERSET ZONING ORDINANCE AMENDMENT

**AN ORDINANCE AMENDING ZONING ORDINANCE AND MAP INCORPORATED
AT TITLE 155, CHAPTER 021**

NOTICE IS HEREBY GIVEN that the City of Summerset will set the first reading on Ordinance #TSO 2022-02 An Ordinance Amending Zoning Ordinance and Map Incorporated at Title 155, Chapter 021.

Said first reading will be held at Summerset City Hall, 7055 Leisure Lane, Summerset SD on January 6th, 2022 @ 6:00 p.m. The purpose of the public hearing is to accept public comment on the proposed amended ordinance on the following described property:

Lot D in Block 9 of Summerset Subdivision, Section 36, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County SD.

Said property is zoned PD (Planned Development) and said petitioner requests the zoning to be changed to C-1 (General Commercial).

Individuals needing assistance related to the American Disabilities Act should contact the Summerset City Finance Officer no less than 24 hours prior to this hearing to make necessary arrangements.

Dated this 15th day of December 2021.

City of Summerset

Published once on 12/16/2021, at the total approximate cost of \$25.70.

Example

**TSO 2022-02
CITY OF SUMMERSET ZONING ORDINANCE AMENDMENT**

**AN ORDINANCE AMENDING ZONING ORDINANCE AND
MAP INCORPORATED AT TITLE 155, CHAPTER 021**

**BE IT ORDAINED BY THE CITY BOARD OF COMMISSIONERS OF THE
CITY OF SUMMERSET**, Meade County, South Dakota that the following changes and
amendments be made to the City of Summerset Zoning Ordinance, Title 155, Chapter 021.

BE IT ORDAINED that the zoning map referenced at Title 155, Chapter 155.021, and
incorporated herein by this reference, shall be amended as it pertains to the following property:

**Lot D in Block 9 of Summerset Subdivision, Section 36, Township 3 North,
Range 6 East, Black Hills Meridian, City of Summerset, Meade County SD.**

which property shall be re-zoned from PD (Planned Development) to C-1 (General Commercial)
and that the zoning map shall be amended accordingly, which amendments are incorporated
herein.

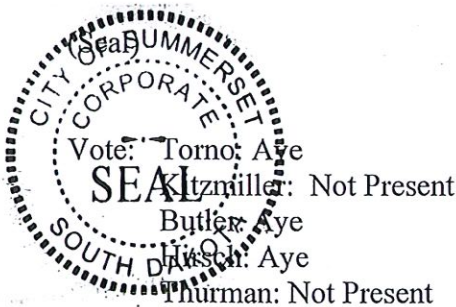
Dated this 20th day of January, 2022.

ATTEST:

Candace Sealey
Candace Sealey, Finance Officer

CITY OF SUMMERSET

Melanie Torno
Melanie Torno, Mayor



First Reading: January 6, 2022
Second Reading: January 20, 2022
Adopted: January 20, 2022
Publication: January 22, 2022
Effective: February 11, 2022

Published once 1/22/2022 at approximate cost of \$29.13.

PETITION FOR ANNEXATION

We, the undersigned, hereby state that we constitute not less than three-fourths of the legal voters and further constitute the owners of not less than three-fourths in value of the described territory contiguous to the City of Somerset and hereby petition the council of commissioners of the City of Somerset to annex the following described territory pursuant to SDCL 9-4-1.

Legal description of the territory sought to be annexed below:

Property Assessed Valuation: _____

(PLEASE PRINT)

Owner Name: _____ Date: _____

Owner Address: _____

Owner Signature: _____

Voter Name: _____ Date: _____

Voter Address: _____

Voter Signature: _____

.....
City of Somerset Office Use Only

Petition Received by _____ Date Received _____

Mayor's Signature: _____

Meeting Date of Approval: _____



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718
Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment
- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site-Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____ Date _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____ Date _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____
 Print Name: _____ Print Name: _____
 Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
-
- Other: _____
- Other: _____
- Other: _____
- Other: _____
-

Covenants filing fee? Yes No

Planning and Zoning Meeting Date: _____
 Commission Meeting Date: _____
 Date Paid: _____ Payment Type: Cash Check Credit Card

§ 155.357 REZONING REQUESTS.

An application for a rezoning shall be filed with the Zoning Administrator. Rezoning requests may be initiated by either the property owner or a designated representative or by an appropriate governmental agency. If by a designated representative, the designation shall be in writing, signed by the property owner, and filed with the application.

(A) *Appearance.* The applicant shall appear before the Planning and Zoning Board to present the application, at which time the Planning and Zoning Board may initiate a study of the request. If in the opinion of the Planning and Zoning Board a study is not required, a public hearing shall be set.

(B) *Notification procedure.* The applicant shall notify by certified letter, at least ten days in advance of the public hearing, the owners of equity of all property in the city limits within 250 feet, inclusive of streets and alleys, from any part of the property subject to the rezoning, of the date, place, and time of the public hearing. Such notification shall fully set forth a description of the development plan for the property, if any, in the event the rezoning request is approved.

(C) *Hearing by the Planning and Zoning Board.* The Planning and Zoning Board shall publish legal notice not less than ten days prior to the public hearing. At the close of the public hearing, the Planning and Zoning Board shall forward its recommendation to the Board of Commissioners.

(D) *Hearing by Board of Commissioners.* The Board of Commissioners shall publish legal notice not less than ten days prior to the public hearing. After taking into account all pertinent information and the recommendation of the Planning and Zoning Board, the Board of Commissioners shall make a final determination within 30 days of the date of the hearing.

(Ord. passed 2-3-2011, § 2.38.030)

Example

NOTICE FOR PUBLICATION FOR HEARING

ON A PETITION FOR VOLUNTARY ANNEXATION OF UNPLATTED PROPERTY

NOTICE IS HEREBY GIVEN that the City of Summerset will set a hearing on a Petition for Voluntary Annexation of Unplatted Property for Thursday, January 18th @ 6:00 p.m. at Summerset City Hall located at 7055 Leisure Lane, Summerset SD.

Said applicant is Norman Ranch Subdivision LLC whose legal description is as follows:

Southwest Quarter (SW1/4) of Section 32 in Township 3 North of Range 7 East of the Black Hills Meridian, Meade County, South Dakota.

The purpose of the public hearing is to accept public comment on the proposed Petition for Voluntary Annexation of Unplatted Property and Resolution of Intent to Annex Certain Unplatted Property.

Individuals needing assistance related to the American Disabilities Act should contact the Summerset City Finance Officer no less than 24 hours prior to this hearing to make necessary arrangements.

Dated this 29th day of December 2023.

City of Summerset

Published once on _____, at the total approximate cost of \$_____.

Example

Prepared by:
City of Summerset
7055 Leisure Lane
Summerset SD 57718
605-718-9858

**CITY OF SUMMERSET
RESOLUTION 2024-05
ANNEXATION RESOLUTION**

WHEREAS, there has been presented to the Board of Commissioners of the City of Summerset, South Dakota, a Petition for Voluntary Annexation of the real property described as:

Southwest Quarter (SW1/4) of Section 32 in Township 3 North of Range 7
East of the Black Hills Meridian, City of Summerset, Meade County,
South Dakota.

WHEREAS, the Petition for Annexation was heard at a duly noticed regular meeting of the Summerset Board of Commissioners on February 1st, 2024, and has been signed and presented by Forrest Thompson, President of Norman Ranch Subdivision LLC, of 1624 Concourse Court, Rapid City, South Dakota, dated December 14, 2023, and

WHEREAS, the Petition for Annexation pertains to a request to extend the boundaries of the City of Summerset by including the above described real property into the City of Summerset; and

WHEREAS, the City determines and expressly finds that all of the real property subject to the voluntary Petition for Annexation and as reflected in map attached as Exhibit A to be contiguous to the City of Summerset in all respects, and that the annexation of the real property is natural and reasonable, and

WHEREAS, the Petition has been submitted in accordance with SDCL 9-4-1, having been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the municipality, it appearing to the satisfaction of the City of Summerset that Forrest Thompson, President of Norman Ranch Subdivision, LLC is the sole legal owner of the described property; and

THEREFORE, BE IT RESOLVED, that said Petitions for voluntary annexation is hereby approved and adopted in all respects and that the described real estate as identified above and in the map attached as Exhibit A is now within the municipal boundaries of the City of Summerset; and whereas the City desires to inform all relevant authorities and public and private officers of its geographic corporate boundaries, as well as all legal descriptions of real property within said boundaries, the City requests the Meade County Register of Deeds to record the above legal description as within the boundaries of the City of Summerset.

Dated: February 1, 2024.

ATTEST:

Stephany Baumeister
Finance Officer

Melanie Torno
Mayor

Published:
Effective:

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF MEADE)

I, Stephany Baumeister, duly appointed Finance Officer of and for the City of Summerset, Meade County, South Dakota, do hereby certify that the foregoing is a true and correct resolution adopted by the City Commission of the City of Summerset at the regular meeting held on February 1, 2024.

Stephany Baumeister
Finance Officer



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

LAYOUT PLAN

There are no filing fees for a Layout Plan

Description: This is an optional procedure to determine potential development requirements. The procedure may be utilized by any developer, but may be particularly helpful for less experienced developers that are unfamiliar with the platting processes and improvement requirements.

NOTE: The subdivider shall be required to submit a petition for voluntary annexation of his subdivision into the City with the Final or Minor Plat Application if any portion of the subdivision is adjacent to the City's municipal boundary. For the purposes of Ordinance #115, the term adjacent ignores any right-of-way or dedication that lies between the municipal boundary and the subdivision boundary.

Materials required of the Applicant:

1. A completed application signed by the property owner(s) or their designee.
2. A minimum of one (1) copy of the all submission requirements shall be provided. Applicant must also submit one (1) electronic copy of submission requirements by disk, email, or other approved electronic media. Additional copies may be required as determined by the Planning Department.
3. Scaled drawing of the proposed subdivision showing the location of the lots, streets and public areas.
4. A north arrow, scale, creation date and legend.
5. Vicinity Sketch showing the proposed subdivision in relation to surrounding development (may be on 8 1/2" x 11" sheet).
6. A one page written layout plan description of the proposed subdivision and the subdividers intent for the subdivision (including resubdivision). Any additional supplemental information would be appreciated to help us provide a written review.

Procedure:

1. Upon receipt of the required application and supporting information, Planning Department will route the information to all affected departments and agencies.
2. Within fifteen (15) working days, the City shall provide the applicant with review comments. (Please note that a Layout Plan is not approved or denied by the City. The review is intended to provide the applicant with a list of items that must be addressed in order to meet minimum design standards.)



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset

7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858

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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment
- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____
 Print Name: _____ Print Name: _____
 Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
- Other: _____
- Other: _____
- Other: _____
- Other: _____



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718
Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

LAYOUT PLAN CHECKLIST

X	APPLICANT	STAFF	X
	A completed application signed by the property owner(s) or their designee.		
	Scaled drawing of proposed subdivision showing the location of the lots, streets and public areas.		
SITE PLANS MUST INCLUDE THE FOLLOWING INFORMATION			
	-A north arrow, scale, creation date and legend.		
	-Lot configurations with approximate areas designated in square feet		
	-Vicinity Sketch showing proposed subdivision and surrounding development on 8 1/2" x 11" sheet.		
	-A paper copy of submission requirements was received, as well as one in electronic format.		
	-A one page written layout plan description of the proposed subdivision and the subdividers intent for the subdivision (including resubdivision). Any additional supplemental information would be appreciated to help us provide our written review.		

APPLICANT SIGNATURE	DATE:	STAFF SIGNATURE	DATE:

§ 151.036 LAYOUT PLAN.

(A) *General.* Prior to submitting an application to the Planning Department for a preliminary plat, or a minor plat, the subdivider may optionally submit a layout plan to obtain written feedback from the Planning Department regarding:

- (1) The appropriateness of the intended land use of the proposed development;
- (2) The suitability of the location of the proposed subdivision;
- (3) The most advantageous subdivision plan;
- (4) The arrangement of proposed streets and lots;
- (5) The availability of service from city sanitary sewer; and
- (6) Compliance with the ordinances and regulations of the city.

(B) *Application.*

(1) The subdivider may submit a layout plan application to the Planning Department at any time. The layout plan application consists of an original and two paper copies of each of the following:

- (a) A layout plan application form;
- (b) A one-page written layout plan description of the proposed subdivision and the subdivider's intent for the subdivision (including resubdivision);
- (c) A scaled layout plan of the proposed subdivision (prepared on eight and one-half by 11-inch paper);
- (d) An electronic copy of the layout plan in a file format approved by the Planning Official; and
- (e) Any supplemental materials.

(2) The application form must be signed by the subdivider, the landowner(s) (if different than the subdivider), and (if applicable) the subdivider's agent. The Planning Official shall provide a copy of the layout plan application to each Planning Commission member and relevant departments for review.

(C) *Application review.* Upon receipt of the application, the Planning Commission members and relevant departments shall independently review the layout plan application and provide feedback as per division (A) above. The intent of the review is not to approve or deny the layout plan application, but rather to provide the subdivider with sufficient guidance to enable the subdivider to prepare a preliminary plat or minor plat and necessary supplemental materials. The Planning Department may require the subdivider to provide additional information if such information is needed to fully review the layout plan and may continue the review of the application until the additional information is provided by the subdivider. The Planning Department shall provide written comments to the subdivider based on the feedback received from the Planning Commission members and relevant departments within 30 days of the receipt of the application, unless the subdivider agrees to an extension of this time limit.

(Ord. #115, passed 2-16-2017)

§ 151.020 GENERAL REQUIREMENTS.

(A) *Violation.* It shall be a violation of this chapter for any person having an interest in any land within the jurisdiction of the city to subdivide or resubdivide such land into lots other than in accordance with the provisions of this chapter.

(B) *Subdivision plats subject to review.* Any subdivision of land within the platting jurisdiction of the city containing two or more lots, no matter how described, shall be platted or replatted, and said plat must be submitted to the Planning Commission for its consideration and recommendation to the Board of Commissioners for approval or rejection.

(C) *Platting required prior to sale/transfer.* Any parcel of land of less than 40 acres which is located within the extraterritorial platting jurisdiction of the city must be platted prior to the sale or transfer of the land. The Register of Deeds may not record any document of any sale or transfer of unplatted property that does not comply with this chapter.

(D) *Minimum lot sizes.* The subdivider shall conform to lot densities established by Chapter 155 or, if the subdivision is outside of the city's municipal limits, not be less than the minimum lot sizes established by SDAR 74:53:01, which establishes regulations for individual and small on-site wastewater systems.

(E) *Annexation.* The subdivider shall be required to submit a petition for voluntary annexation of his or her subdivision into the city with the final or minor plat application if any portion of the subdivision is adjacent to the city's municipal boundary. For the purposes of this chapter, the term "adjacent" ignores any right-of-way or dedication that lies between the municipal boundary and the subdivision boundary.

(F) *Adjacent access and street extension.* Land adjacent to a proposed subdivision shall not have its access left land-locked by a proposed subdivision. Sufficient proposed streets shall be extended as far as the boundary line of the parcel being subdivided, and provided with a temporary cul-de-sac in order to ensure normal circulation of traffic within the vicinity.

(G) *Street maintenance.* Maintenance of public streets that have not been accepted for maintenance purposes by the city shall be the responsibility of the subdivider until said maintenance is accepted by the Board of Commissioners, in the case of streets outside of the municipal limits of the city, the Board of Commissioners approves a street maintenance plan that provides for said maintenance.

(H) *Lot monuments, numbering, and naming.* All property corners, including the beginning (point of curvature) and ending (point of tangency) of curves along property lines, shall be accurately marked on the ground with a five-eighths inch to one-and-one-quarter-inch diameter iron rod at least 18 inches in length. Each bar is to be capped with an aluminum or plastic cap indicating the license number of the surveyor who placed the bar in the ground. The monumentation of all corners required by SDCL § 11-3-2 shall be fixed in the ground at the locations shown on the approved preliminary plat before the final plat application is submitted to the Planning Official for review. Lots shall be numbered or named in accordance with SDCL § 11-3-3.

(I) *Ghost platting.* Ghost platting shall be required for all subdivisions within the platting jurisdiction of the city that create one or more lots of one or more acres that may be resubdivided in the future. Those subdivisions utilizing the minor plat procedure that have not previously been subject to ghost platting may be exempted from this requirement by the Board of Commissioners. The ghost plat shall be included as part of the developer's agreement for the proposed subdivision and shall not be subject to expiration.

(J) *Additional administrative rules.* The Board of Commissioners may formulate additional written administrative rules that govern the procedure for processing subdivisions. These procedures may outline the responsibility of parties concerned with subdivisions and subdivision processing, and may contain other information necessary to systematize handling and processing.

(K) *Fees.* Application fees shall be set by resolution by the Board of Commissioners. At no time shall a plat or other subdivision regulations application be brought before the Board of Commissioners without the proper fees being collected.

(Ord. #115, passed 2-16-2017)

Statutory reference:

Related provisions, see SDCL § 11-6-31

§ 151.050 LAYOUT PLANS.

(A) The following information is required on a layout plan:

- (1) A title showing the proposed name of the subdivision and the current legal description and location of the land proposed for subdivision;
- (2) A scaled drawing of the proposed subdivision showing the location of lots, streets, and public areas;
- (3) A north arrow, scale, creation date, and legend;
- (4) A vicinity sketch showing the proposed subdivision in relation to surrounding development (this sketch may be on a separate eight and one-half by 11-inch sheet); and
- (5) The proposed names of subdivision streets and the widths of their rights-of-way.

(B) The subdivider is encouraged to provide additional information to support the layout plan application.

(Ord. #115, passed 2-16-2017)

Memo

Date: Monday, February 28, 2022
Project: Lot N Revised Layout Review
To: Lisa Schieffer, City Administrator
From: HDR, Inc
Subject: Layout Plan Review

General

1. All camping units/spaces, cabins, and/or service structures shall be set back from all property lines a minimum of 25 feet.
2. There is a future home shown on the layout. To meet City ordinances, they would need to plat a separate lot for the dwelling. The dwelling couldn't be built on the same lot as the campground. The residential lot could be zoned commercial, but would need to meet the requirements of the R-1 District (Ordinance 155.055)

Example

Peaceful Pines RV Park
7935 Captain Soelzer St
Black Hawk, SD 57718

Construction Phases Plan

The property will undergo four different phases of construction.

Phase 1

The first phase will be the construction of 15-16 full service sites including water, sewer, and electrical on all sites.

Phase 2

The second phase will be for the rehabilitation of the existing structure into an office and services facility including bathrooms and laundry facilities.

Phase 3

The third phase will be the construction of 30-35 full service sites including water, sewer, and electrical on all sites.

Phase 4

The final phase will be to asphalt the road in the park. We do ask the City of Summerset to allow two years of time to pass before asphaltting the road to allow for any defects in the road base to be addressed before asphaltting.

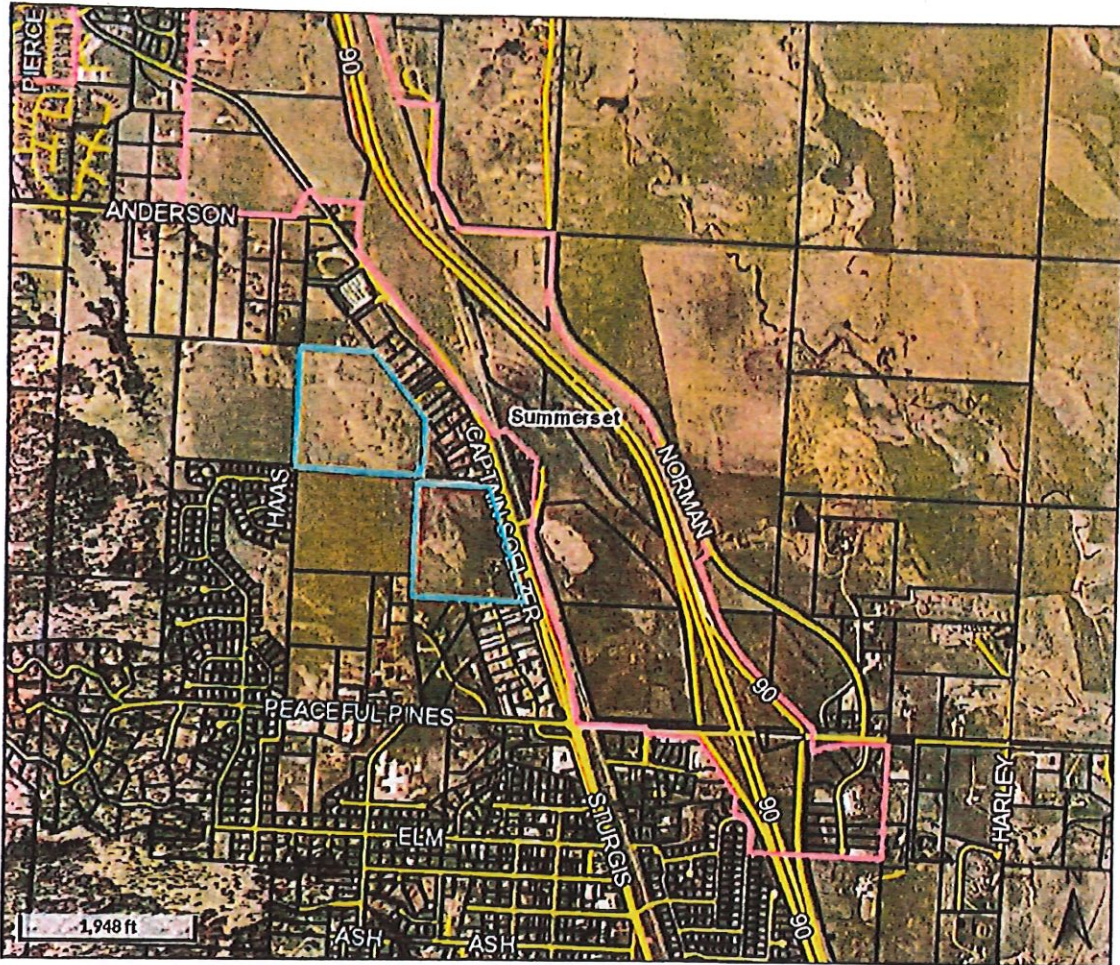
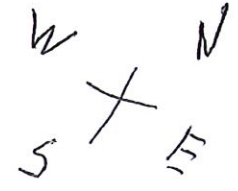
If you have any questions please reach out to us anytime.

Mark and Francine Croyley.
605-981-0075

Mark and Francine Cropley.
514 Americas Way
PMB 155152
Box Elder, SD 57719

We are proposing a 40 to 45 space RV Park at 7935 Capt. Soelzer in Blackhawk, SD. The project will include a property split of about 9 acres on the north east end. The annexation into the City of Summerset, South Dakota. The rehabilitation of the current structure into restrooms, showers, small laundry, and office. We are currently in discussions with engineers to come up with the complete proposal.

If you have any questions please feel free to contact me at 605-981-0075



Overview



Legend

- Parcels 2022
- Roads
- Box Elder City Limits
- Sturgis City Limits
- Summerset City Limits
- Faith City Limits
- Piedmont City Limits

Parcel ID	20.60.0M	Alternate ID	n/a	Owner Address	DAVIS, JO ANNE ET AL
Sec/Twp/Rng	6-2-7	Class	NAC		C/O ROBERT HATCH
Property Address	7935 CPT SOELZER ST	Acreage	n/a		6739 W ELMWOOD DR
					BLACK HAWK SD 57718
District	BHF514				
Brief Tax Description	RICHARDSON PLAT LOT M LESS LOT M-1, LOT N REVISED, LOTA (Note: Not to be used on legal documents)				

Date created: 2/2/2022
 Last Data Uploaded: 2/1/2022 10:03:39 PM

Developed by Schneider
 GEOSPATIAL



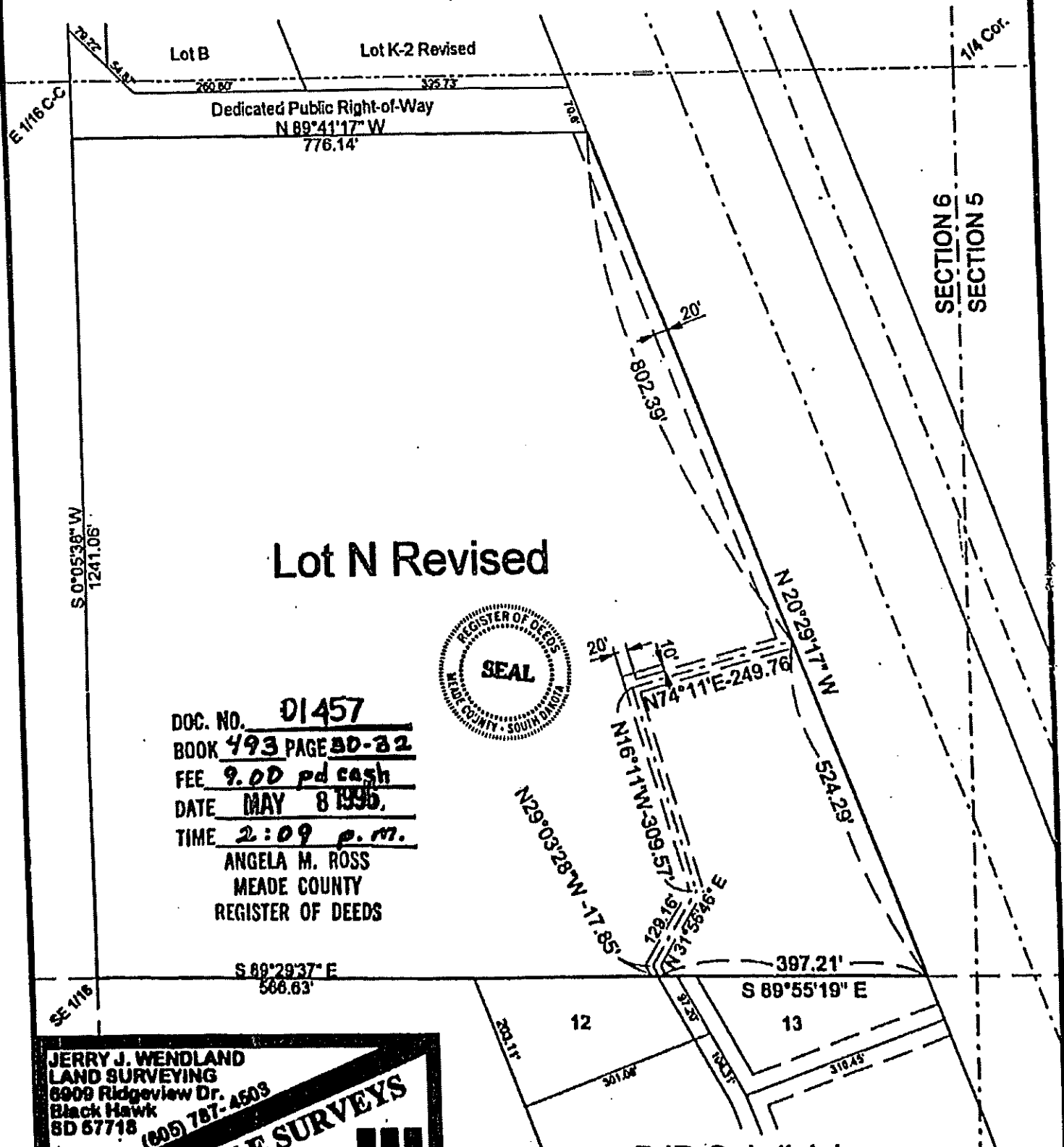


N
W
E
S



EXHIBIT "A"

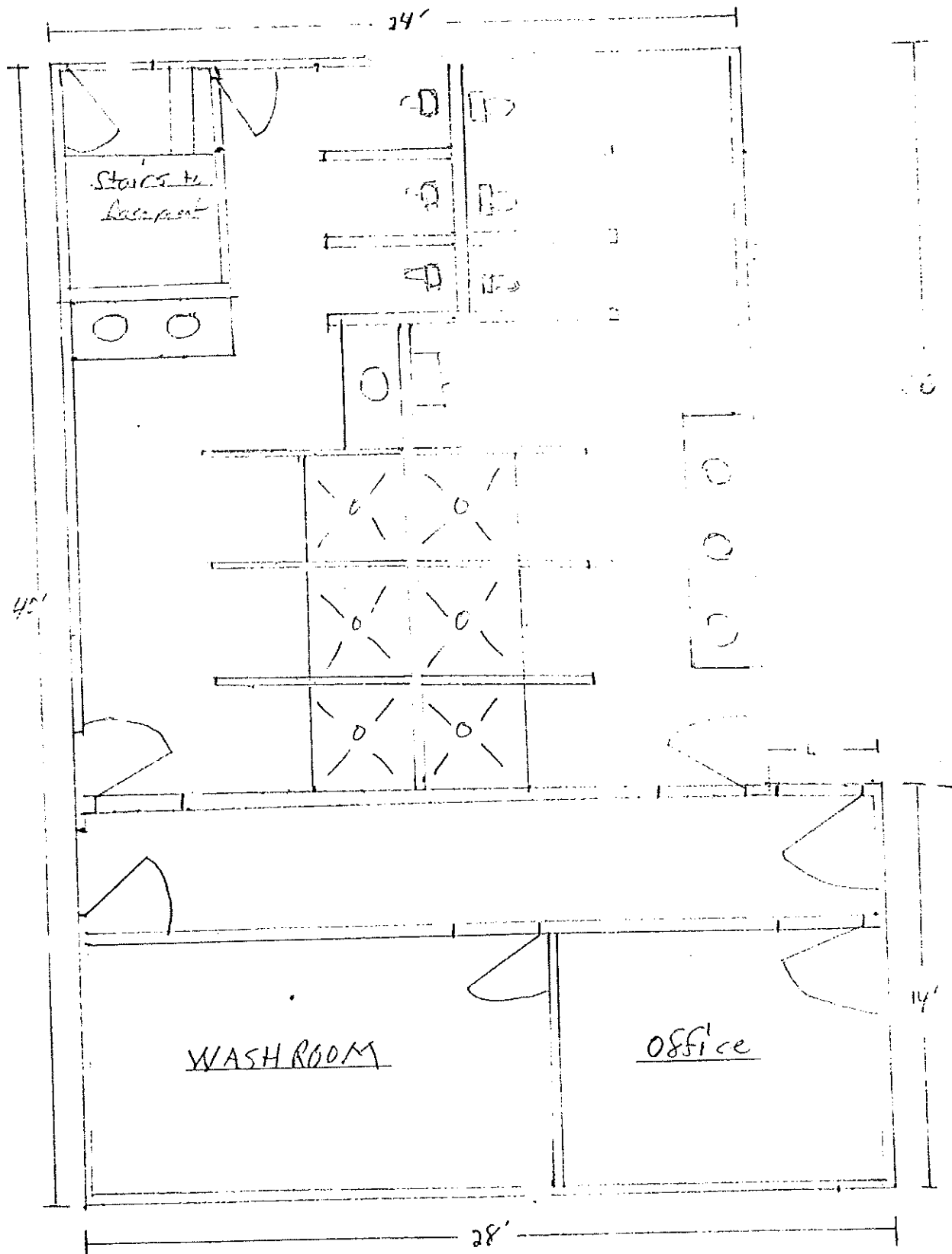
20' Wide Easement for water main across a portion of Lot N Revised
in the NW1/4 of the SE1/4 of Section 6, T2N, R7E, B.H.M.,
Meade County, South Dakota



JERRY J. WENDLAND
LAND SURVEYING
 6909 Ridgeway Dr.
 Black Hawk
 SD 57718
 (605) 787-4503

WENDLAND SURVEYS

Peaceful Pines RV Park Rest Room
Office and Washroom



CAMPSITE PLAN

SCALE: 1/16"=1'-0"





COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
7055 Leisure Lane, Summerset, SD 57718

Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

VARIANCE PROCEDURES

The Filing Fee for a Variance Request is \$300.00

Information and actions required:

Petitioner:

1. **Petitioner shall file application** for a variance, in writing, on a form furnished by the city with associated fee and sign deposit.
2. **Application shall include:**
 - Legal description of land on which variance is being requested and local street address (if available).
 - Name and address of each owner of the property.
 - Name, address and phone number of applicant(s).
 - Zoning district class upon application.
 - Specific standard, regulation or decision being appealed.
 - Specific remedy being requested.
 - Drawings, plans, and other documentation being requested by Board.
3. **Notification of surrounding property owners:**
 - A sign noting the request shall be posted by applicant on the site not less than ten (10) days before the public hearing.
 - Sign shall be secured from the city and deposit of \$75 shall be collected to cover cost of replacement. Location and number of signs to be determined by city.
 - Petitioner shall submit postal receipts to city to demonstrate good faith attempt to notify by certified letter with return receipt all property owners within two hundred fifty feet (250).
 - Certified mailing notice shall include date, place and time of public hearing and variance requested.
 - Mailing list prepared by City of Summerset - notices to be sent by applicant no less than ten (10) days prior to the public hearing.
4. **Petitioner has the burden of showing:**
 - that granting variance will not be contrary to public interest.
 - that literal enforcement of title will result in unnecessary hardship.
 - that by granting the variance contrary to the provisions of this title the spirit of the

title will be observed.

-that by granting the variance, substantial justice will be done.

Procedure:

1. Upon filing of complete application city shall set date of public hearing on date when Board of Adjustments is regularly scheduled to meet and allows for necessary noticing requirements.
2. Legal notice of public hearing shall be placed in general circulation paper by City of Summerset Finance Officer.
3. Zoning Board of Adjustments shall consider and decide upon application within 30 days of public hearing.
4. Decision of Board shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the variation.
5. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustments, or any taxpayer, department, board, or bureau of the city, may petition a court of record within 30 days after the filing of the board's decision, as provided by SDCL 11-4-25



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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment

- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Variance
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
HARDSHIP:		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____
 Print Name: _____ Print Name: _____
 Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING	
Current	
North	
South	
East	
West	
Planner	
File No.	
Comp Plan	
Received By:	

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation

- Diamond D Water
- Black Hills Water
-
- Other: _____
- Other: _____
- Other: _____
- Other: _____
-

Board of Adjustments Meeting Date: _____

Date Paid: _____

Sign Deposit Received: _____ Amount: _____ Sign returned: _____ Payment Type: Cash Credit Check 02/2024

BOARD OF ADJUSTMENTS

§ 155.370 VARIANCES.

(A) The purpose of the variance is to modify the strict application of the specific requirements set out in each zoning district in conditions where such strict application would result in practical difficulty or unnecessary hardship depriving an owner of the reasonable use of his land.

(B) The variance shall be used only where necessary to overcome some condition which prevents an owner from using his or her lot as this chapter intended.

(Ord. passed 2-3-2011, § 2.40.010)

§ 155.371 BOARD ESTABLISHED.

There is hereby established a Board of Adjustment which may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances, hear appeals, or make special exceptions to the terms of this chapter in harmony with its general purpose and intent and in accordance with the general or specific rules herein contained.

(Ord. passed 2-3-2011, § 2.40.020)

§ 155.372 MEMBERSHIP.

(A) If neither the Planning and Zoning Board or the Board of Commissioners are designated as the Board of Adjustments, then the Board of Adjustments shall consist of five persons to be appointed by the Mayor. The terms of all members shall be for three years each and so arranged that the term of at least one member will expire each year. Members of the Board shall be removable for cause by the mayor upon written charges and after a public hearing.

(B) Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Mayor shall also appoint a first alternate and a second alternate for a term of three years each. If a member is unable to attend a meeting, the first alternate or second alternate, in turn, shall serve in that person's place.

(Ord. passed 2-3-2011, § 2.40.030)

§ 155.373 RULES.

The Board shall organize and adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with the city's ordinances, the Comprehensive Plan, or state or federal law.

(Ord. passed 2-3-2011, § 2.40.040)

§ 155.374 MEETINGS.

(A) All meetings of the Board shall be open to the public and held as the Board may determine.

(B) The Chairperson or, in her or his absence, the acting Chairperson may administer oaths, and the Board may compel the attendance of witnesses. All business of the Board shall be transacted at such meetings.

(C) The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(Ord. passed 2-3-2011, § 2.40.050)

§ 155.375 APPEAL PROCEDURE.

(A) Any person aggrieved by any decision of the Administrator may make an appeal to the Board. The petitioner shall file an application for a variance, in writing, on a form furnished by the city. Every application shall contain the following information:

- (1) Legal description of the land on which such variance is requested, together with local street address;
- (2) Name and address of each owner of the property;
- (3) Name, address, phone number, and signature of the applicant;
- (4) Zoning district classification under which the property is regulated at the time of such application;
- (5) The specific standard, regulation, or decisions which is being appealed;
- (6) The specific remedy that is being requested; and
- (7) Any drawings, plans, and other documentation requested by the Board.

(B) Upon the filing of any application for a variance with the Planning Department, the applicant shall pay to the city the appropriate fee as designated in § 155.400.

(C) Notification of surrounding property owners, tenants, and interested parties shall be accomplished by posting a sign on the property and/or by mailing notices of public hearing to neighboring property owners. Legal notice is the general circulation paper.

(1) (a) A sign noting the fact that a variance request is pending shall be posted on the site not less than ten calendar days before the public hearing before the Zoning Board of Adjustments. The sign shall be maintained on the site until the final action has taken action on the request or the petition is withdrawn.

(b) Approved signs shall be secured from the city who shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and who shall determine the number and location of the sign or signs to be posted on the site addressed in the petition for the variance.

(2) The petitioner shall submit postal receipts to demonstrate a good faith attempt to notify by certified letter with return receipt all property owners within 250 feet, inclusive of public right-of-way, of the site measured from the perimeter of the lot or lots which contain the buildings and area dedicated to the proposed use.

(3) The certified mailings shall include the date set for the hearing before the Zoning Board of Adjustments and variance requested, and shall be on a form provided by the Planning Department.

(4) The property owners listed shall be prepared by the city and based on the County Director of Equalization office records of ownership and addresses. Notices are to be sent by the applicant to all parties on the aforementioned list by certified mail with return receipt requested no less than ten calendar days prior to the public hearing on the request held by the Zoning Board of Adjustments.

(D) Upon the filing of an application for a variance, the city shall set a date for public hearing on the request. Said date for the public hearing shall be a day when the Zoning Board of Adjustments is regularly scheduled to meet as determined by the rules, policies, and regulations as adopted or which may hereafter be adopted by the Zoning Board of Adjustments for holding public hearings on such requests. The Zoning Board of Adjustments shall consider and decide the applications for variances within 30 days of the public hearing and in accordance with the following standards.

(1) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting), fully described in the finding of the Board, do not apply generally in the district.

(2) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(3) For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his or her land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

(4) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

(5) The granting of any variance is in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Comprehensive Plan for development.

(E) Before the Board shall have the authority to grant a variance, the person claiming the variance has the burden of showing that:

(1) The granting of the variance will not be contrary to the public interest;

(2) The literal enforcement of this chapter will result in unnecessary hardship;

(3) By granting the variance contrary to the provisions of this chapter, the spirit of this chapter will be observed; and

(4) By granting the permit, substantial justice will be done.

(F) Every decision by the Board shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the variation. The concurring vote of three-fourths of the Members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to grant any variance.

(Ord. passed 2-3-2011, § 2.40.060)

§ 155.376 SIGNS.

The sign posting requirement as required by § 155.370, pertaining to variance applications, shall be satisfied provided the sign noting the fact that a variance request is pending is no smaller than 18 inches by 18 inches in size.

(Ord. passed 2-3-2011, § 2.40.61; Ord. 2.01C, passed 6-4-2015)

§ 155.377 LIMITATIONS.

Any order of the Board of Adjustment granting a variance shall be invalid unless substantially completed within two years from the date of such order, and such order shall expire without notice. For good cause, the Board may extend this.

(Ord. passed 2-3-2011, § 2.40.070)

§ 155.378 COURT REVIEW.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the city, may petition a court of record

within 30 days after the filing of the Board's decision, as provided by SDCL § 11-4-25.

(Ord. passed 2-3-2011, § 2.40.080)

PLANNING/COMMISSION PUBLIC HEARINGS

Staff Report

Meeting Dates: May 9 th , 2023 May 18 th , 2023	Agenda Item: Variance Request
Petition Number: n/a	Staff Recommendation: Approval

Project Name:	New Leaf LLC
Type of Application:	Variance
Applicant:	New Leaf LLC
Owner:	Matt Leon
Request:	Eliminating sidewalk & handicapped ramps.
Purpose:	Sidewalks would go to nowhere on the lots.

General Location:	0C.57.01
Legal Description:	
Existing: Tract 1 of Richardson Subdivision less Lot H1, less Lot H2, and less Lot H3, SW1/4 and SW1/4 of SE1/4 of Section 31, Township 3 North, Range 7 East, Black Hills Meridian, City of Summerset, Meade County SD.	
Preliminary Plat: Plat of Lots 1-6 & Dedicated Heather Lane Right-of-Way, New Leaf Subdivision (formerly Tract 1 of Richardson Subdivision less Lot H1, less Lot H2 & less Lot H3 of Tract 1 of Richardson Subdivision) located in Section 31, Township 3 North, Range 7 East, Black Hills Meridian, City of Summerset, Meade County, SD	
Area:	21.6 acres
Existing Zoning:	Commercial
Existing Land Use/Form:	New Leaf LLC – Commercial
City of Summerset Land Use Designation: Commercial-C1	
Attachments:	application
Planning and Zoning Public Hearing:	May 9th, 2023 @ 6:00 p.m.
City Commission Public Hearing:	May 18th, 2023 @ 6:00 p.m.
Dated this 18th day of May, 2023.	
(SEAL)	<hr/> Melanie Torno, Mayor



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CONDITIONAL USE PERMIT

The Filing Fee for a Conditional Use Permit is \$300.00

Information and actions required:

Petitioner:

1. Petitioner shall file application for a conditional use permit, in writing, on a form furnished by the city with associated fee.

2. Application shall include:

- Preliminary development/redevelopment plan
- location and legal description of the property
- position, size and use of all structures, improvements and facilities to be constructed/reconstructed
- location of all points of ingress and egress and internal traffic circulation pattern
- if applicable, landscape, lighting parking and drainage plan
- such other architectural and engineering data as may be required by the Planning and Zoning Commission

3. Notification of surrounding property owners:

- A sign noting that a conditional use permit request is pending shall be posted by petitioner on the site not less than ten (10) days before the public hearing. Sign to be maintained until final action on request or request withdrawn.
- Sign shall be secured from the city and deposit of \$75 shall be collected to cover cost of replacement. Location and number of signs to be determined by city.
- Petitioner shall submit postal receipts to city to demonstrate good faith attempt to notify by certified letter with return receipt all property owners within two hundred fifty feet (250) of the site measured from the perimeter of the lot, or lots of proposed use.
- Certified mailing notice shall include date, place and time of public hearing and conditional use requested.
- Mailing list prepared by City of Summerset
- Notices to be sent by applicant no less than ten (10) days prior to the public hearing

Procedure:

1. Upon filing of complete application city shall set date of public hearing on date when Planning and Zoning is regularly scheduled to meet and allows for necessary noticing requirements.
2. Legal notice of public hearing shall be placed in general circulation paper by City of Summerset Finance Officer.
3. Planning and Zoning Commission shall make its decision, fully setting forth its findings and conditions, if any, for approval as per 2.36.020.E.
4. Appeals of the Planning and Zoning decision must be made in writing and filed with the city by close of business on the fifth working day from the Planning Commission's decision.
5. Upon filing of any appeal, the applicant shall pay to the city an administration fee of one hundred (\$100) dollars.
6. Upon filing of any appeal, the city shall set a date for public hearing of the request. Said date shall be within thirty (30) days of the appeal and shall be a day when the City Commission is regularly scheduled to meet.
7. The city shall mail a notification of the appeal to all land owners as identified in the original mailing by first class mail no less than ten (10) days prior to the public hearing.
8. The City Commission shall review the decision and recommendations of the Planning and Zoning Commission as provided for in Chapter 2.36. In making its determination of such application, the City Commission, may make changes in accordance with or in rejection or modification of the recommendation of the Planning and Zoning Commission. Any modification shall in compliance to the conditional use permit criteria stated in section 2.36.020.E inclusivley.



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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment

- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat

- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____ Date _____
PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____ Signature _____ Date _____
OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____ Property Owner Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____
 Print Name: _____ Print Name: _____
 Title*: _____ Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING	
Current	
North	
South	
East	
West	
Planner	
File No.	
Comp Plan	
Received By:	

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation

- Diamond D Water
- Black Hills Water
- Quaal Road District
- Other: _____
- Other: _____
- Other: _____
- Other: _____
-

Planning and Zoning Meeting Date: _____
 Commission Meeting Date: _____
 Date Paid: _____

Payment Type: Cash Check Credit Card

AUTHORIZING CONDITIONAL USES

§ 155.335 GENERAL.

(A) The city recognizes that diversity and the blending of compatible uses is essential to a healthy and dynamic community.

(B) Toward that end, the following procedure is established to properly integrate conditional uses with permitted uses in the district.

(C) The Planning and Zoning Board may authorize by conditional use permit the uses designated in this chapter when located in a zoning district allowing such use.

(D) The Planning and Zoning Board shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such conditional use permit.

(Ord. passed 2-3-2011, § 2.36.010)

§ 155.336 APPLICATION PROCEDURE.

(A) A property owner or a designated representative may apply to the city for a conditional use, using forms available from the Zoning Administrator. If the request is by a designated representative, the designation shall be in writing, signed by the property owner, and filed with the application fees.

(B) (1) An applicant shall submit a preliminary development/redevelopment plan to the Planning and Zoning Board.

(2) The plan shall include, but not be limited to:

(a) The location and legal description of the property;

(b) Position, size, and use of all structures, improvements, and facilities to be constructed/reconstructed;

(c) Location of all points of ingress and egress and internal traffic circulation pattern;

(d) If applicable, landscape, lighting, and drainage plan;

(e) Parking plan; and

(f) Such other architectural and engineering data as may be required by the Planning and Zoning Board.

(C) The city shall set a date for public hearing on the request. Said date for the public hearing shall be a day when the Planning and Zoning Board is regularly scheduled to meet as determined by the rules, policies, and regulations as adopted or which may hereafter be adopted by the Planning and Zoning Board for holding public hearings on such requests, or the Planning and Zoning Board may designate a special meeting at which to hear a requested conditional use application. The Planning and Zoning Board shall act on all applications within 90 days of submission of the application, or the application shall automatically be approved; provided, however, that, the applicant may waive this requirement in writing and consent to the extension of the period.

(D) Notification of surrounding property owners, tenants, and interested parties shall be accomplished by the following.

(1) A sign noting the fact that a conditional use permit request is pending shall be posted on the site not less than ten calendar days before the public hearing before the Planning and Zoning Board. The sign shall be maintained on the site until the final action has taken action on the request or the

petition is withdrawn. Approved signs shall be secured from the city who shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and who shall determine the number and location of the sign or signs to be posted on the site addressed in the petition for conditional use permit.

(2) The petitioner shall submit postal receipts to demonstrate a good faith attempt to notify by certified letter with return receipt all property owners within 250 feet, inclusive of public right-of-way, of the site measured from the perimeter of the lot or lots which contain the buildings and area dedicated to the proposed use. The certified mailings shall include the date set for the hearing before the Planning and Zoning Board and contemplated uses, and shall be on a form provided by the city. The property owners listing shall be prepared by the city and based on the County Director of Equalization office records of ownership and addresses. Notices are to be sent by the applicant to all parties on the aforementioned list by certified mail with return receipt requested no less than ten calendar days prior to the public hearing on the request held by the Planning and Zoning Board.

(3) The Planning and Zoning Board shall hold its public hearing, having given ten days notice of the date, place, and time of the hearing in the city's designated legal newspaper.

(E) The Planning and Zoning Board may impose such conditions regarding the location, character, or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this chapter. The Planning and Zoning Board shall make its decision, fully setting forth its findings and conditions, if any, for approval. Any decision to grant a conditional use shall be based upon and accompanied by a statement regarding:

(1) The objectives of the Comprehensive Plan;

(2) The purpose of this chapter and its relevant zoning districts when making a decision to approve or disapprove a conditional use permit; and

(3) The following conditional use standards:

(a) The location, character, and natural features of the property;

(b) The location, character, and design of adjacent buildings;

(c) Proposed fencing, screening, and landscaping;

(d) Proposed vegetation, topography, and natural drainage;

(e) Proposed pedestrian and vehicular access, circulation, and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;

(f) Existing traffic and traffic to be generated by the proposed use;

(g) Proposed signs and lighting;

(h) The availability of public utilities and services;

(i) The objectives of the adopted Comprehensive Plan and the purpose of the ordinance codified herein;

(j) The overall density, yard height, and other requirements of the zone in which it is located;

(k) The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation; and

(l) The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.

(Ord. passed 2-3-2011, § 2.36.020)

§ 155.337 APPEALS.

(A) (1) The decision rendered by the Planning and Zoning Board on a conditional use permit may be appealed to the Board of Commissioners. Any person or party has the right to appeal the decision of the Planning and Zoning Board regarding any conditional use permit.

(2) Appeals must be made in writing and filed with the city by close of business on the fifth working day from the Planning Commission's decision. When an official appeal has been filed, the Board of Commissioners shall conduct a public hearing to act on all applications which have been appealed to them for public hearing as provided in this section.

(B) Upon the filing of any appeal of the Planning Commission's decision of a conditional use permit with the Planning Department, the applicant shall pay to the city an administration fee of \$100.

(C) Upon the filing of any appeal of a Planning and Zoning Board decision of a conditional use permit, the city shall set a date for public hearing on the request. Said date for the public hearing shall within 30 days of the appeal and shall be a day when the Board of Commissioners is regularly scheduled to meet.

(D) The city shall mail a notification of the appeal to all land owners as identified in the original mailing as required in § 155.336(D)(2). Notices are to be sent by the city to all parties on the aforementioned list by first class mail no less than ten calendar days prior to the public hearing on the request held by the Board of Commissioners.

(E) (1) The Board of Commissioners shall review the decisions and recommendations of the Planning and Zoning Board of all applications coming before the Board of Commissioners as provided in this chapter.

(2) The Board of Commissioners, in making its determination of such applications, may make changes in accordance with or in rejection or modification of the recommendation of the Planning and Zoning Board. Any modification to the Planning and Zoning Board decision shall be in compliance to the conditional use permit criteria stated in § 155.336(E) inclusively.

(Ord. passed 2-3-2011, § 2.36.030)

§ 155.338 GOVERNING BODY PERCENTAGE OF VOTE REQUIRED FOR APPROVAL OF CONDITIONAL USE PERMIT.

Whenever a vote of the Planning and Zoning Board as set forth in this chapter is necessary for the approval of a conditional use permit, such approval shall be obtained by receiving the affirmative vote of not less than a majority (51%) of the Planning and Zoning Board members in attendance and voting. Whenever a vote of the Board of Commissioners is required under this chapter pursuant to an appeal of a conditional use permit matter, any decision approving the conditional use permit application on appeal, with modifications or otherwise, shall be obtained by receiving the affirmative vote of a majority (51%) of the Board of Commissioners in attendance and voting.

(Ord. passed 2-3-2011, § 2.36.31; Ord. 2.01C, passed 6-4-2015)

§ 155.339 AMENDMENTS.

(A) Approved plans shall not be changed, modified, or altered without authorization from the Planning and Zoning Board giving final approval, and all work shall be completed and enforced in accordance with the approved plans. The conditions of approval of a conditional use permit may be amended.

(B) Amendments are considered major or minimal and are addressed in the following manner.

(1) Major amendments shall be processed in the same manner as required for a separate conditional use permit. A major amendment is required when:

(a) A change to specific stipulations addressed in the initial approval or a subsequent amendment;

(b) The structure and/or occupied site is substantially enlarged. A structure is considered to be substantially enlarged when the gross square footage increases by 20% or 2,000 square feet, whichever is less. The land or site which supports the use is considered to be substantially enlarged when the gross square footage of the occupied site increases by 10% or 10,000 square feet, whichever is less; and

(c) The Zoning Administrator determines that the proposed change is major and requires public hearing review.

(2) (a) Minimal amendments must be reviewed and approved by the Zoning Administrator. A minimal amendment involves a change to the site plan affecting any or all of the following: parking, circulation, landscaping, and lot coverage by buildings or building setbacks.

(b) The Director shall determine that the proposed modification to the site will not have a significant adverse impact on neighboring properties, the street network, or the appearance of the property in approving a minimal amendment.

(c) The Director shall consider the criteria outlined in § 155.336(E) inclusively to determine if the proposed modifications still meet the requirements of a conditional use permit.

(d) The Zoning Administrator shall file a memorandum explaining the changes with the original conditional use permit file or major amendment file.

(Ord. passed 2-3-2011, § 2.36.040)

§ 155.340 EXPIRATION AND RENOVATIONS.

(A) A conditional use permit approved shall expire if the primary use proposed under the conditional use permit has not been undertaken and completed according to the terms and conditions of the conditional use permit within two years of the approval of the conditional use permit. A conditional use permit is considered approved upon the effective date of the Planning and Zoning Board or Board of Commissioners' action, resolution, or ordinance relating thereto.

(B) A conditional use permit approved shall expire one year after the use discontinues on the premises.

(C) The use is changed to another permitted use in the underlying district.

(D) Upon written request to the Director and prior to the conditional use permit expiration date, the Director shall place the extension request on the next regular scheduled Planning Commission meeting. The Planning and Zoning Board may extend the period of the conditional use permit where it is warranted in light of the relevant circumstances, including, but not limited to the size and phasing of the development, economic cycles, and market conditions. The Planning and Zoning Board may grant one two-year extension to the original conditional use permit or major amendment. If a longer extension is requested, the extension shall be processed as a major amendment and shall follow all procedures required in § 155.339(B)(1).

(E) (1) A conditional use permit may be revoked only for cause consisting of failure to maintain the standards required for the conditional use permit.

(2) A notice of intent to revoke a conditional use permit shall be given in writing 30 days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed.

(3) If, during that period, proof of compliance is made by the holder of the conditional use permit, the conditional use permit shall be continued in force.

(4) If a hearing has been requested following receipt of notice of intent to revoke, the Planning and Zoning Board shall hold a public hearing on the matter and make a final determination on the revocation.

(Ord. passed 2-3-2011, § 2.36.050)

§ 155.341 DENIAL OF REQUEST.

In the event the request for a conditional use permit is denied by the Planning and Zoning Board or the Board of Commissioners, re-application shall not be permitted for a period of one year, unless the Zoning Administrator determines that the request has substantially changed.

(Ord. passed 2-3-2011, § 2.36.060)

PLANNING/COMMISSION PUBLIC HEARINGS

Staff Report

Meeting Dates:	August 22, 2023 September 7, 2023	Agenda Item: CUP McKeever Properties, LLC
Petition Number:	n/a	Staff Recommendation: Approval

Project Name:	Warehouse – McKeever Properties, LLC
Type of Application:	Conditional Use Permit
Applicant:	McKeever Properties, LLC
Owner:	Steve Elfstrand and Jim Semmler
Request:	Warehouse Distribution Bldg. in Commercial Zoning
Purpose:	To comply with Ordinance 155.117 (E) other uses allowed. Warehouse Distribution Bldg. in Commercial Zoning.

General Location:	0C.70.03 & 0C.70.02
Legal Description:	Lot 2 and 3, Semmler Subdivision - Summerset USA
Area:	.417 acres/.576 acres
Existing Zoning:	Commercial
Existing Land Use/Form:	McKeever Properties LLC – Warehouse Distribution
City of Summerset Land Use Designation: Commercial-C1	
Attachments:	application
Planning and Zoning Public Hearing:	August 22nd, 2023 @ 6:00 p.m.
City Commission Public Hearing:	September 7th, 2023 @ 6:00 p.m.
Dated this _____ day of September, 2023.	
(SEAL)	_____
	Melanie Torno, Mayor

Lisa Schieffer, City Administrator	

POLICY AGREEMENT

Between the

CITY OF SUMMERSET

And

MEADE COUNTY, SOUTH DAKOTA

March _____, 2011

CITY OF SUMMERSET, SOUTH DAKOTA RESOLUTION #2011-10

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE FINANCE OFFICER TO ATTEST TO AN AGREEMENT BETWEEN MEADE COUNTY, SOUTH DAKOTA AND THE CITY OF SUMMERSET, SOUTH DAKOTA ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE EXTRATERRITORIAL PLATTING JURISDICTION OF THE CITY OF SUMMERSET THAT IS LOCATED WITHIN MEADE COUNTY.

WHEREAS, two (2) local governments desire to enter into an agreement to cooperate for the mutual advantage of the governments involved; and

WHEREAS, the City of Summerset deems a policy agreement with Meade County to promote orderly growth and development within the extraterritorial platting jurisdiction of the City of Summerset that is located within Meade County.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the City of Summerset hereby authorized the Mayor to sign and the Finance Officer to attest to this agreement between Meade County and the City of Summerset establishing policies for the development of land within the extraterritorial platting jurisdiction of the City of Summerset that is located within Meade County.

Passed and approved this _____ day of March, 2011.

Mayor

ATTEST:

Finance Officer

MEADE COUNTY, SOUTH DAKOTA RESOLUTION # _____

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COMMISSIONERS TO SIGN AND THE COUNTY AUDITOR TO ATTEST TO AN AGREEMENT BETWEEN MEADE COUNTY, SOUTH DAKOTA AND THE CITY OF SUMMERSSET, SOUTH DAKOTA ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE EXTRATERRITORIAL PLATTING JURISDICTION OF THE CITY OF SUMMERSSET THAT IS LOCATED WITHIN MEADE COUNTY.

WHEREAS, two (2) local governments desire to enter into an agreement to cooperate for the mutual advantage of the governments involved; and

WHEREAS, Meade County deems a policy agreement with the City of Summersset to promote orderly growth and development within the extraterritorial platting jurisdiction of the City of Summersset that is located within Meade County to be to the mutal advantage of both the City of Summersset and Meade County.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Meade County hereby authorizes the Chairman of the Board of Commissions to sign and the County Auditor to attest to this agreement between Meade County and the City of Summersset establishing policies for the development of land within the extraterritorial platting jurisdiction of the City of Summersset that is located within Meade County.

Passed and approved this _____ day of April, 2011.

Governing Board of Commissioner Chairman

ATTEST:

County Auditor

POLICY AGREEMENT BETWEEN MEADE COUNTY, SOUTH DAKOTA AND THE CITY OF SUMMERSSET, SOUTH DAKOTA

THIS AGREEMENT is entered into by and between Meade County, South Dakota, a local government in the state of South Dakota, and the City of Summersset, South Dakota, a local government in the state of South Dakota, to wit:

WHEREAS, the Meade County Board of Commissioners supports the preparation and adoption of development plans and agreements between the County and the City regarding the municipality and its environs, and

WHEREAS, the City of Summersset Comprehensive Plan outlines the extent of urban development expected in the future and projected annexation of extraterritorial areas; and

WHEREAS, it is in the interest of Meade County and the City of Summersset to establish policies to promote orderly growth and development within the extraterritorial platting jurisdiction of the City of Summersset that is located within Meade County; and

WHEREAS, Meade County and the City of Summersset mutually agree that such policies are desirable in order to effectively and economically provide services for future growth and development.

NOW THEREFORE, the parties hereto agree for themselves and their respective successors as follows:

I. INTENT, DEVELOPMENT AREAS, AND IMPLEMENTATION MEASURES.

The parties accept and agree to the following policies and implementation measures regarding subdivision review in areas located within the extraterritorial platting jurisdiction of the City of Summersset that is located within Meade County.

A. Statement of Intent

It is the intent of this Agreement to: provide for accurate, clear and concise legal descriptions of real estate in order to prevent, whenever possible, land boundary disputes or real estate title problems; provide for a balance between development rights of individual landowners and the economic, social and environmental concerns of the public when either the City of Summersset or Meade County is creating or enforcing development regulation; provide for uniform application or procedures and standards for the platting of land while allowing the widest possible latitude for the City of Summersset and Meade County to establish and enforce ordinances regulating the division and development of land; encourage orderly community development; and provide for the regulation and control of the extension of public

improvements, public services and utilities, the improvement of land, and the design of subdivisions consistent with approved community plans.

This Agreement was developed in the interest of promoting orderly and effective development patterns in those areas of Meade County within the extraterritorial platting jurisdiction of the City of Summerset that is located within Meade County.

This Agreement also hopes to define how services will be provided for such development at the least cost to all the citizens of Meade County. The City of Summerset and Meade County agree to the following policies and implementation measures regarding annexation and subdivision review for various designated areas outlined herein.

This Agreement between the City of Summerset and Meade County will pertain to the extraterritorial platting jurisdiction of the City of Summerset that is located within Meade County, as shown in Exhibit A.

B. Development Areas

1. Area "A" (see Exhibit A).

Development Type:

Development in Area "A" is expected to be served by City utilities now or in the future.

Policy:

Sanitary sewer: City standards shall be followed.

Water supply and distribution: City standards shall be followed.

Subdivision streets: City standards shall be followed.

Public road to subdivision: Shall be built to City standards.

Building code, building and septic system permits, and inspections:

County standards shall be followed prior to annexation and City standards shall be followed upon and after annexation.

Design standards: City subdivision regulations shall be followed.

Subdivision regulations: City subdivision regulations shall be followed.

Annexation: To be determined by the City according to State statutes.

Plat review and approval by the City with the County solicited by the City for comments.

Implementation:

- City subdivision regulations and construction standards shall be applied to regulate development. The City shall provide the County with the opportunity to comment on all requests for subdivision within Area "A". Approval of plats will be made by the City.
- Upon annexation of parcels within this area by the City, the County's review, building and septic permitting, and inspection authority over those parcels shall cease.

2. Area "B" (see Exhibit A).

Development Type:

Development in Area "B" is not expected to be served by City utilities in the foreseeable future. Any development that is proposed in this area is expected to be served either by a private (not a public) sewage treatment facility, and /or individual septic systems.

Policy:

Sanitary sewer: County standards shall be followed.

Water supply and distribution: County standards shall be followed.

Subdivision streets: County standards shall be followed.

Public road to the subdivision: Shall be built to County standards.

Building code, building and septic system permits and inspections: County standards shall be followed.

Design Standards: County subdivision regulations shall be followed.

Subdivision regulations: County subdivision regulations shall be followed.

Annexation: Annexation cannot occur in this Area because it is not contiguous to the present municipal boundaries of the City of Summerset, nor will the County allow the formation of new cities in this Area.

Plat review and approval by the County with the City solicited by the County for comments.

Implementation:

- County subdivision regulations and construction standards shall be applied in order to regulate development. The County shall provide the City with the opportunity to comment on all requests for subdivision within Area "B". Approval of plats will be made by the County.

II. ADMINISTRATIVE POLICIES.

The City of Summerset, referred to as the City and Meade County, referred to as the County, accept and agree to the following Administrative Policies, which will be used to implement this Agreement:

Future development affects both jurisdictions and has produced a clear and pressing need for coordination and joint administration. To that end, the County and the City agree to the following procedures for administration of land use regulations.

A. Subdivision Regulations:

Subdivision of land within the extraterritorial platting jurisdiction of the City of Summerset that is located within Meade County shall be required to conform to the subdivision regulations or the construction standards of either the County or the City in accordance with the area policies and implementation measures specified in this agreement.

Persons wishing to subdivide land within Area "A", as specified in this Agreement, shall be required to file a subdivision application with the City. City subdivision regulations shall be followed for subdivision of land within Area "A". A copy of each subdivision application will be provided to the County for review of the application.

Persons wishing to subdivide land within Area "B", as specified in this Agreement, shall be required to file a subdivision application with the County. County subdivision regulations shall be followed for subdivisions or land within Area "B". A copy of each subdivision application will be provided to the City for review and comment prior to County Planning Commission review of the application.

For the purposes of this Agreement, property line adjustments and parcel consolidations or splits shall be considered a subdivision. Both parties to this Agreement agree to direct subdividers to the Planning Department of the jurisdiction having platting authority over the land proposed for subdivision.

B. Annexation:

The City of Summerset may annex territory in Meade County in accordance with State law. Upon each annexation, the boundaries of Areas "A" and "B" may be adjusted on Exhibit A. Such adjustments will be coordinated and reviewed by the City and the County.

C. Development in Several Areas:

If land proposed for subdivision is located in both Area "A" and Area "B", the policy and procedures of the most restrictive Area shall apply. For the purposes of this Agreement, Area "A" shall be considered the most restrictive and Area "B" shall be considered the least restrictive.

III. REVIEW AND AMENDMENT.

The Mayor of the City of Summerset or the Chairman of the Meade County Board of Commissioners shall initiate a review of the area development policies, implementation measures, and administrative policies each year during the term of this Agreement. Either party to this Agreement shall consider amendments to this Agreement in a manner similar to its initial adoption.

IV. EFFECTIVE DATE AND RECORDING.

This Agreement shall become effective upon acceptance and execution of the parties, and shall be in effect for a period of five (5) years. This Agreement may be modified and extended by the written mutual consent of the parties.

This Agreement shall be filed and recorded in the Register of Deeds office of Meade County, South Dakota.

CITY OF SUMMERSET, SOUTH DAKOTA

BY: _____
Mayor

ATTEST: _____
Finance Officer

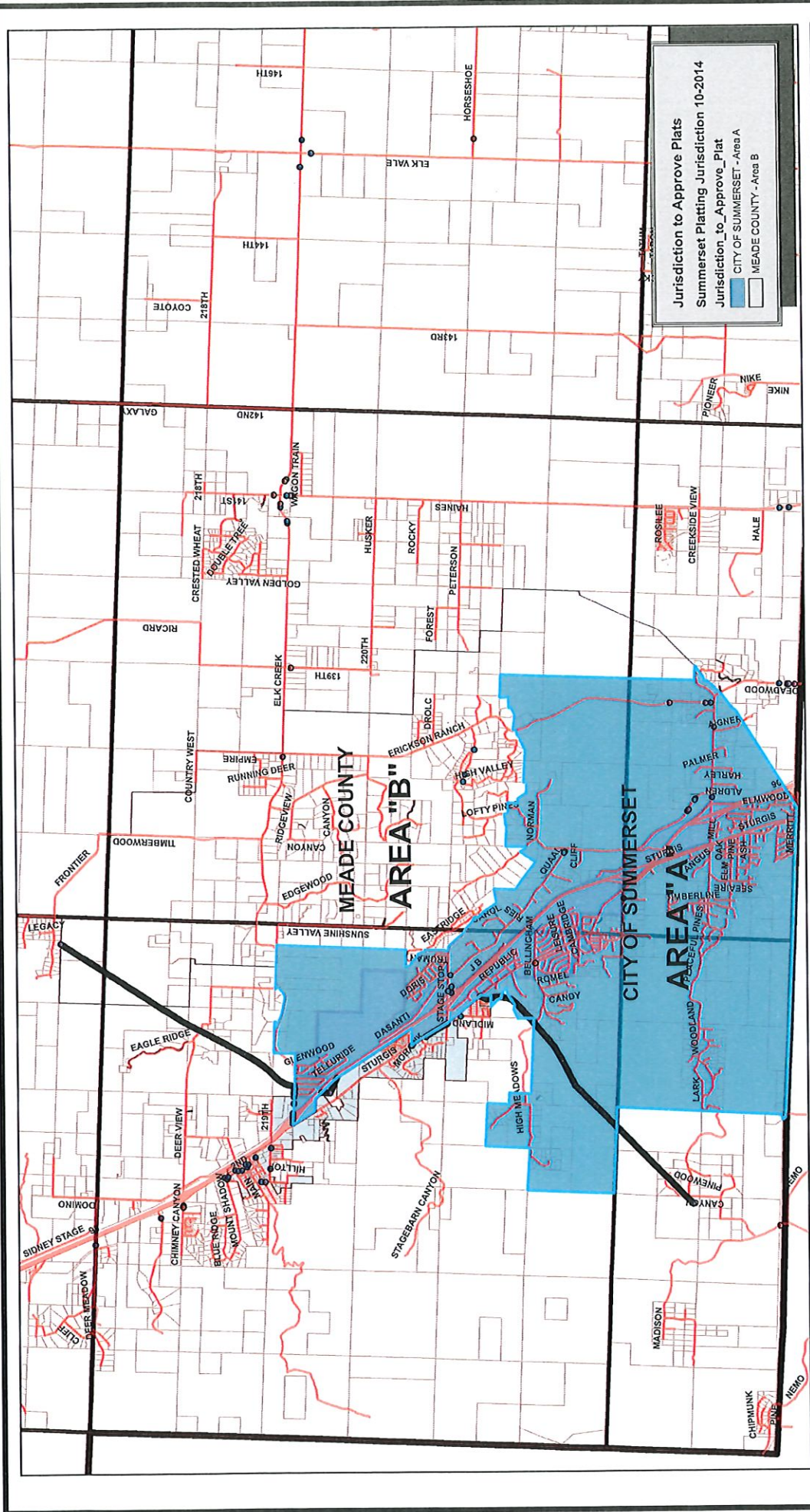
Dated this _____ day of April, 2011

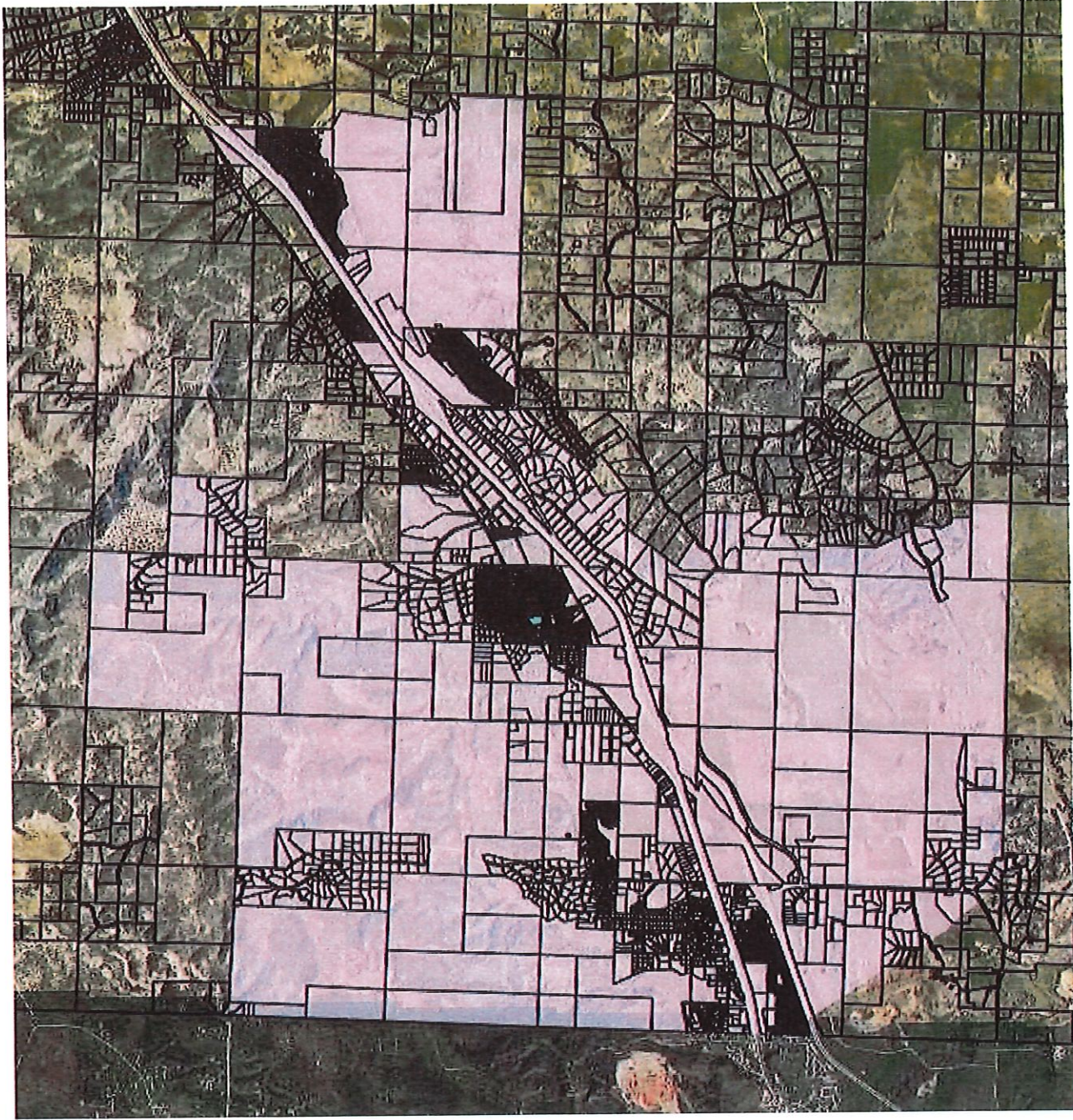
MEADE COUNTY, SOUTH DAKOTA

BY: _____
Board of Commissioners Chairman

ATTEST: _____
County Auditor

Dated this _____ day of April, 2011





ORDINANCE § 2023-17

AN ORDINANCE TO AMEND ARTICLE XV: LAND USAGE,
CHAPTER 151: SUBDIVISIONS, OF CITY OF SUMMERSET
ORDINANCE § 151.002 JURISDICTION

BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF THE CITY OF SUMMERSET, Meade County, South Dakota that the following additions and amendments be made to City of Summerset Ordinance § 151.002 Jurisdiction:

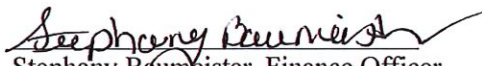
AND BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF THE CITY OF SUMMERSET, Meade County, South Dakota that the following § 151.002 Jurisdiction, amend by replacing the currently existing § 151.002 Jurisdiction, in City of Summerset Ordinance Article XV: Land Usage, Chapter 151: Subdivisions:

§ 151.002 JURISDICTION

Pursuant to SDCL 11-6-26, this chapter shall govern all territory within the statutory jurisdiction of the city, which includes all land located within the incorporated limits of the city, all land within one mile of the city's corporate boundaries, and all land designated by the Board of Commissioners to be within the extraterritorial platting jurisdiction of the city. The city's extraterritorial platting jurisdiction map is incorporated herein by this reference.

Dated this 7th day of December, 2023.

ATTEST:


Stephany Baumeister, Finance Officer

CITY OF SUMMERSET


Melanie Torno, Mayor

(Seal)

Vote: Hirsch: Aye
Kitzmilller: Aye
Butler: Aye
Reade: Aye
Torno: Aye



First Reading: November 16, 2023
Second Reading: December 7, 2023
Adopted: December 7, 2023
Publication: Dec 14, 2023
Effective Date: Jan 3, 2024

Published once at the approximate cost of \$_____.