

CHAPTER 12 – PLANNING & ZONING

ARTICLE 12 - SUBDIVISION OF LAND

SECTIONS:

Sections 12-12-101 to 199, inclusive. General provisions.

Section 12-12-101. Lands Regulated.

Section 12-12-102. City Officers or employees.

Section 12-12-103. Policy.

Section 12-12-104. Definitions.

Section 12-12-105. Pre-application Procedure.

Section 12-12-106. Preliminary Plat.

Section 12-12-107. Final Plat.

Section 12-12-108. Street Design Standards.

Section 12-12-109. Alley Design Standards.

Section 12-12-110. Standards for Easements.

Section 12-12-111. Standards for Blocks.

Section 12-12-112. Standards for Lots.

Section 12-12-113. Parks.

Section 12-12-114. Improvements to be Made by Subdivider.

Section 12-12-115. Roadway Pavement.

Section 12-12-116. Sidewalks.

Section 12-12-117. Monuments and Markers.

Section 12-12-118. Sanitary Sewers.

Section 12-12-119. Utility Services.

Section 12-12-120. Street Lighting.

Section 12-12-121. Lift Stations.

Section 12-12-122. Final Plans.

Section 12-12-123. Variances.

Section 12-12-124. Penalties.

Section 12-12-125. Validity.

Section 12-12-126. Effective Date.

Section 12-12-127 to 199, inclusive. Reserved.

Sections 12-12-101 to 199, inclusive. General provisions.

Section 12-12-101 Lands Regulated.

All property not subdivided into lots, blocks, and streets within the Corporate limits or Jurisdiction of Pierre shall hereafter be laid out under the direction of the City Planning Commission or subject to its approval, and no other subdivision will be recognized by the City. This shall also include any re-subdivision of platted lands.

In order to make uniform the development of presently undeveloped Additions to the City which have been heretofore platted within the limits or jurisdiction of the City, the development or improvement of land in the following named Additions to the City shall be regulated by and pursuant to the provisions and requirements of this ordinance, to-wit:

Cottonwood Park Addition
Savannah Addition
Glenwood Addition
Prentice Addition
Euclid Avenue Addition
Kleiner's Addition
Steer's Second Addition
Hull;s Addition
Hyde's First Addition
Hyde's Third Addition
Hyde's Fourth addition
Hyde's Sixth Addition
Llewellyn Heights Addition

Capitol Syndicate Addition
Carr & McClure's Addition
Ervin's Fairview Addition
Grandview Addition
Baird's Second Addition
Baird's First Addition
New York City addition
Theall's Addition
Highland Park Addition
Ash's Second Addition
Lot B, Capitol Grounds Addition
Syndicate Addition
Parkview Addition
Robinson's Addition
New York Addition

Section 12-12-102 City Officers or Employees.

No officer or employee of the City shall perform or cause to perform, any work upon any street or in any addition or subdivision of the City, unless all requirements of these regulations have been complied with by the owner of said addition or subdivision.

Section 12-12-103 Policy.

The City hereby defines its policy to be that the City will withhold improvements of any nature whatsoever, including the maintenance of streets, and furnishing of utilities, from all additions until the subdivision plat has been approved by the City Commission. No improvements should be initiated nor any contracts executed until this approval has been given.

Section 12-12-104 Definitions.

For the purpose of interpreting this ordinance, certain words used herein are defined as follows:

1. AGRICULTURE - The word "AGRICULTURE" shall mean the science of cultivating soil or producing crops or raising livestock for personal livelihood.
2. ALLEY - The word "ALLEY" shall mean a minor way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.
3. BUILDING LINE - The phrase "BUILDING LINE" shall mean a line on which the property fronts.

4. CITY - The word "CITY" shall mean the City of Pierre, South Dakota, together with all its governing and operating bodies.
5. CITY COMMISSION - The "COMMISSION or CITY COMMISSION" shall mean the duly elected governing body of the municipality.
6. COLLECTOR STREET - The phrase "COLLECTOR STREET" shall mean a street which is continuous through several residential districts and is intended as a connecting street between residential districts and arteries, highway, or business districts.
7. COUNTY - The word "COUNTY" shall mean Hughes County, South Dakota, together with all its governing and operating bodies.
8. CUL-DE-SAC - The word "CUL-DE-SAC" shall mean a short minor street having but one vehicular access to another street and terminated by a vehicular turn-around.
9. DEAD END STREET - The phrase "DEAD END STREET" shall mean a street other than a cul-de-sac with only one outlet and no turn-around.
10. ENGINEER - The word "ENGINEER" shall mean the City's Engineer, or his duly authorized representative.
11. FINAL PLAT - The phrase "FINAL PLAT" shall mean any plat of any lot, tract, or parcel of land requested to be recorded by the Register of Deeds of Hughes County.
12. LOCAL STREET - The phrase "LOCAL STREET" shall mean a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is used primarily for access to abutting properties.
13. MAJOR STREET - The phrase "MAJOR STREET" shall mean principal traffic thoroughfares more or less continuous across the City which are intended to connect remote parts of the City, or areas adjacent thereto, and act as principal connecting streets with State and Federal Highways.
14. MASTER PLAN - The phrase "Master Plan" shall mean the comprehensive plan or general plan of the City and adjoining areas as adopted by the City Commission and the City Planning and Zoning Commission, including all its revisions. this plan indicates the general location recommended for various land uses transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements.
15. PLANNING COMMISSION - The word "PLANNING COMMISSION" or Zoning Commission shall mean the official City Planning and Zoning Commission of the City, as appointed by the City Commission.

16. PRELIMINARY PLAT - The phrase "PRELIMINARY PLAT" shall mean any plat of any lot, tract or parcel of land that is not to be a plat of record, but is only a proposed division of land for review and study by the City.

17. RE-SUBDIVISION - The word "RE-SUBDIVISION" shall mean the resubdivision of any part of all or any block or blocks of a previously platted subdivision, addition, lot or tract.

18. SHALL - The word "SHALL" whenever used in this ordinance will be interpreted in its mandatory sense.

19. STREET - The term "STREET" means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

20. STREET WIDTH - The word "STREET WIDTH" shall mean the shortest distance between the lines which delineate the rights-of-way of a street.

21. SUBDIVIDER - The word "SUBDIVIDER" shall mean any person, group, corporation, or other entity, or any agent thereof, dividing or proposing to divide lands so as to constitute a subdivision.

22. SUBDIVISION - The word "SUBDIVISION or ADDITION" shall mean any division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future, of sale or of building development. It also includes re-subdivision or replatting of land, lots or tracts. Divisions of land for agricultural purposes in parcels of five (5) acres or more shall not be included within this definition, unless any such division of five (5) acres or more includes the planning or development of a new street or access easement.

23. Any office referred to in the ordinance by title, i.e., City Attorney, City Finance Officer, City Engineer, Director of Public Works, shall mean the person so retained in the position by the City, or his duly authorized representative.

24. 100 YEAR STORM - A storm or precipitation event which has a one percent probability of occurring in any one year, also called the 100-year storm event.

25. 10 YEAR STORM - A storm or precipitation event which occurs at regular intervals, also called the 10-year storm event.

Source: Ord. 1426, 1998

Section 12-12-105 Pre-Application Procedure.

Prior to the filing of a preliminary plat, the subdivider shall consult with interested parties representing the City concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of

streets, alleys, and lots, and the layout of utility lines and availability of service from trunk mains for sewer and water. Conditional approval as to the general land use of the proposed subdivision must be obtained from the City Planning Commission prior to preparation of the preliminary plat.

Section 12-12-106 Preliminary Plat.

An application, in writing, for the tentative approval of the Preliminary Plat, together with six (6) prints, shall be filed with the city Planning Commission at least two (2) weeks before the meeting of the Planning Commission, if the plat is to be acted upon at such meeting. The Preliminary Plat shall include the following:

1. The proposed name of the subdivision.
2. North point, scale, and date.
3. The names and addresses of the subdivider and of the engineer or surveyor.
4. The tract designation and other description according to the real estate records of the City or County Auditor and Recorder.
5. The boundary lines (accurate in scale) of the tract to be subdivided.
6. Contours with intervals of ten (10) feet or less, referred to City datum.
7. The location, width, and names of all existing of platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and important features such as section lines, political subdivision or corporation lines, and school district boundaries.
8. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
9. The layout, names, and widths of proposed streets and the layout and widths of alleys and easements.
10. The layout, numbers and approximate dimensions of proposed lots.
11. On a separate sheet the proposed uses of land within the subdivision and layout of the sanitary sewer system including pipe size.
12. A certificate of intent to comply with the Sediment and Erosion Control Standards of Hughes County Conservation District. The Sediment and Erosion Control Standards shall be reviewed by the Hughes County Conservation District.

13. The developers shall provide the City with a soils engineering report and an Engineering Geology report as hereafter defined:

a. Soils Engineering Report. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

b. Engineering Geology Report. The engineering geology report shall include an adequate description of the geology of the site including groundwater conditions, surface runoff, and flood plains, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

c. The reports may be combined if the authors are qualified to address both engineering subjects.

14. A preliminary drainage and grading plan which generally shows the existing drainage pattern for the area with any proposed cut and fill operations which would alter the existing drainage pattern and shows existing structures which may limit the flow enroute to the major drainageway. The drainage plan should also illustrate the discharge route from point of collection to outlet. Any improvements to the drainage facility required because of the full development plan at the subject subdivision shall be noted.

Source: Ord. No. 1414, 1998; Ord. 1426, 1998.

Section 12-12-107 Final Plat.

Six (6) copies, one in ink on linen tracing cloth, or approved film, of the final plat shall be filed with the City Planning Commission at least two (2) weeks prior to the meeting at which approval is requested. All final plats must be approved by the City Commission, and their action is final, regardless of the action taken by the City Planning Commission. The final plat shall be drawn to scale as large as possible on a sheet 15" x 26" and shall show the following:

1. The boundary lines with accurate distances and angles, the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

2. Angles and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines, accurately tied to the lines of the subdivision by distances and angles.

3. An accurate location of the subdivision in reference to the real estate records of the County.

4. The exact layout including:

a. Street names.

- b. The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
 - c. All easements for rights-of-way provided for public services or utilities, drainage easements for surface and subsurface drainage facilities, and any limitations of the easements. Limitations for surface drainage easement shall include prohibition of structures, fences, and landscaping other than grass for designated drainageways.
 - d. All lot numbers and lines with accurate dimensions in feet and tenths.
- 5. The accurate location, material, and approximate size of all monuments.
 - 6. The accurate outline description of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
 - 7. Proposed name of the subdivision.
 - 8. Name of the subdivider.
 - 9. North point, scale, and date.
 - 10. Certification by a registered land surveyor to the effect that the plan represents a survey made by him and that all monuments shown thereon actually exist, and that their locations are correctly shown.
 - 11. A certificate of ownership and dedication of all streets, alleys, parks and playground to public use forever, signed and acknowledged before a Notary Public by the owner of the land and a complete and accurate description of the land subdivided and the streets dedicated.
 - 12. All other certificates required by state laws.

The following items shall be filed with the Planning Commission the same time as the final plat.

- a. A plan and profile shall be submitted to the City Engineer on a sheet 24" x 36" of each street with top of curb grades shown. Scales shall be as approved by the City Engineer.
- b. The cross-section of proposed streets showing the width of roadways and location and width of sidewalk.
- c. A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated.
- d. A drainage plan showing the proposed drainageways, storm sewer systems, and identification of flood plains. For drainageways, the plans shall include calculation of the rainfall duration and intensity, calculations for peak flow within the development (100

year and 10 year storm events), the acreage, the calculated volume of flow for the tributary drainage basin, the velocity of flow in the drainageway, and the 100-year flood elevations along the drainageway. For internal drainage in the development, the plan shall include the flow into the development, the flow out of the development, and the approximate layout of the storm drainage system. The drainage plan shall provide the location of open channels, bridges, culverts, storm sewers, ponding areas, and the location and size of easements for the drainage system. The proposed channel/and or pipe sizes, grades, and the approximate inlet locations and outlet connections shall be shown. The plan shall include a discussion and analysis of downstream and upstream facilities as shown on the route outlet map, and a discussion and analysis of drainage problems and solutions. When evaluating the drainage from the proposed subdivision, the developer must assume that the existing storm sewers, channels and other storm water facilities located downstream are at full capacity. The discharge from the development must not exceed the volume or rate of discharge prior to development. This may be accomplished by the use of storm water detention ponds, underground storage, or other methods satisfactory to the City Engineer. The proposed method shall detain storm water originating in the development until such a time as the existing system can accommodate the runoff.

e. Three (3) sets of plans, one which is reproducible, for sanitary sewer, curb and gutter, storm sewer, street surfacing and lighting prepared by a registered civil engineer, shall be filed with the City commission prior to any construction in the subdivision. A land use plan of the subdivision shall also be submitted.

13. A Sediment and Erosion Control Plan which complies with the Sediment and Erosion Control Standards of the Hughes County Conservation District. The Sediment and Erosion Control Standards shall be enforced by the City of Pierre.

Source: Ord. 1426, 1998.

Section 12-12-108 Street Design Standards.

1. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the general plan of the community and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to the public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Where such is not shown in the general plan for the community, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

b. Conform to a plan for the neighborhood approved or adopted by the City Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street impracticable.

3. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.

4. Streets shall be laid out so that they shall intersect at right angles or near right angles.

5. Street right-of-way widths shall be as shown in the Major Street Plan for the community and where not shown therein shall be not less than as follows:

| Street Type | Right of Way Width | Pavement Widths (measured from face to curb) |
|----------------------------|--------------------|---|
| Major Street | 90 | 52 |
| Collector Street | 70 | 44 |
| Local Street (residential) | 66 | 40 |
| Cul-de-Sac | 51 | 36 |
| Turn-around in Cul-de-Sac | 115. ft. diameter | 100 ft. diameter |

6. Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the City Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining half of the street shall be platted within such subdivision.

7. Dead end streets or cul-de-sac designed to be permanent, shall not be longer than six hundred (600) feet. No street shall dead end without a turn around.

8. Street grades shall be established with regard to topography, proposed land use, and the existing Community Drainage Plan and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be four tenths of one percent (0.4%).

Source: Ord. No. 1467, 2000.

Section 12-12-109 Alley Design Standards.

1. Alleys shall be provided in all districts, where the Planning Commission deems they are necessary to assure service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

2. The minimum width of an alley shall be twenty (20) feet in industrial and commercial areas and sixteen (16) feet in residential areas.

3. Alley intersections and sudden changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Section 12-12-110 Standards for Easements.

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities when necessary and shall be at least ten (10) feet wide, five (5) feet on each side of the respective lot lines.

2. Where a subdivision is bounded by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose as approved by the City Engineer.

Section 12-12-111 Standards for Blocks.

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

- a. Provision of adequate building sites suitable to the special needs of the type of use proposed.
- b. Zoning requiring as to lot sizes dimensions.
- c. Needs for convenient access, circulation, control and safety of traffic.
- d. Limitations of topography.

2. The length of blocks shall not exceed one thousand (1,000) feet.

Section 12-12-112 Standards for Lots.

The lot's size, width, depth, shape, and orientation, and the minimum building setback lines shall meet minimum zoning requirements and shall be appropriate for the location of the subdivision and for the type of development and use proposed.

Section 12-12-113 Parks.

The subdivider will be required to make payment to the Municipal Finance Officer for park purposes when 50% of the lots in the subdivision have been sold, according to the following schedule:

| | |
|---------------------------------|-----------------------------|
| Single Family Residence ----- | \$100.00 per lot |
| Multiple Family Residence ----- | \$ 50.00 per apartment unit |

Section 12-12-114 Improvements to be made by subdivider.

Before final approval of a plat is given, the subdivider must provide a bond with corporate surety, or other assurance satisfactory to the City, which will assure the City of Pierre that the application of gravel, asphalt paving, installation of street lighting, erosion control, and any other improvements required by the City will be complete according to the following timetable:

When the building permits have been issued for 50% of any 500 foot segment of street within the plat, the developer shall complete the application of gravel, asphalt paving, street lighting, erosion control, and any other improvements required by the City according to City specifications and within one year.

Revised by: Ord. No. 1499, 2001

Section 12-12-115 Roadway Pavement.

1. All streets constructed shall be of the widths required in Section 12-12-108, Item No. 5, of these regulations.
2. The rights-of-way shall be graded for their full width to provide suitable finish grades for streets, sidewalks and planting strips with adequate surface drainage and convenient access to the lots.
3. The streets will be constructed with curb and gutter and graveled with a minimum of eight (8) inches of crushed gravel meeting City specifications. The curb and gutter shall conform to the standard section used by the City. Streets shall be paved with a minimum of four (4) inches of asphalt pavement meeting City specifications or other material approved by the City Engineer. This is a minimum specification for roadway pavement to be provided by the Developer. If the development includes major streets or streets anticipated to have traffic loads beyond normal residential traffic then an adequate pavement section to support the additional load shall be provided.

The subdivider will install all storm sewer pipes, catch basins, and manholes that would be required to drain the total area. The City will pay additional material costs over and above those costs for all storm sewer and appurtenances for major storm sewer trunk lines greater than 18 inches in diameter. The storm sewer plan will be designed on a 10 year storm frequency. Storm sewer lines shall generally be located in the street 7 feet from the face of the southerly and easterly curbs. Storm sewer lines shall be constructed of reinforced concrete. Other materials will be considered on a case by case basis for catch basin leads and storm sewers through undeveloped areas.

The City shall temporarily maintain those improvements provided and installed by the Subdivider in advance of the asphalt surfacing for a reasonable period of time mutually agreed to by the City and the Subdivider.

When all improvements required by the subdivider are provided or installed they shall become property of the City of Pierre and be maintained by the City of Pierre.

The City shall, upon the request of the subdivider, contract for street lighting fixtures and poles, the paving construction or for gravel stockpiling. In such event, the subdivider will deposit the money to pay for street lighting fixtures and poles, paving, or gravel stockpiling with the City before the City enters into a contract with any of the above contractors.

4. All alleys shall be graded full width and graveled with a minimum of five (5) inches of crushed gravel meeting City specifications.

Source: Ord. No. 1329, 1993; Ord. 1447, 1999. Ord. No. 1496, 2001

Section 12-12-116 Sidewalks.

Concrete sidewalks shall be constructed on both sides of the street within the subdivision of a width of not less than four (4) feet on local and cul-de-sac streets and not less than five (5) feet on collector and major streets. All sidewalks placed adjacent to the curb shall be seven (7) feet wide. Sidewalks shall have a thickness of not less than four (4) inches. Said sidewalk shall be one (1) foot from the property line within the street right-of-way and shall extend along the street frontage including the side of corner lots and across parking, except that on petition of 70% of the property owners on any side of a block, a variance as to horizontal placement or grade of all sidewalk on such side shall be allowed except that before any grade variance shall be allowed said property owners shall present a written survey proposal to the city commission. Sidewalk constructed on the turnaround in cul-de-sacs shall be constructed on the property line within the street right-of-way.

Amended by Ord. No. 1248, 1989.

Section 12-12-117 Monuments and Markers.

Lot markers shall be a minimum of one-half (1/2) inch reinforcing bar, twenty-four (24) inches long, with cap stating surveyor's registration number, and shall be placed at all lot corners flush with the ground or countersunk, if necessary, in order to avoid being disturbed.

Section 12-12-118 Sanitary Sewers.

Sanitary sewer facilities shall be provided to adequately serve the subdivision and conform with the City Sewer Plan.

1. All sewer mains shall be PVC, ASTM D-3034, SDR35 pipe or approved material.
2. A minimum of eight (8) inch sewer pipe shall be specified. If larger sewer is required, the City shall pay the difference in cost.
3. All joints shall be sealed by a joint approved by the City.
4. Wherever possible, sewers should follow the centerline of the street. All house connections shall be installed at the time of construction and stubbed out beyond the curb and gutter. Manholes shall be no farther than 400 feet apart, unless approved by the City.

Section 12-12-119 Utility Services.

All services for utilities shall be made available for each lot in such a manner as will eliminate the necessity for disturbing the street gravel, curb, gutter, and drainage structures when connections are made. All utility customer connections will be installed underground.

Section 12-12-120 Street Lighting.

All streets shall be provided with street lighting on one side of the street. Fixtures shall be 150 watt for residential areas and 250 watt for commercial areas. Poles shall be sixteen (16) foot fiberglass for residential areas and the height for commercial areas shall be as approved by the City Engineer. They shall be spaced approximately 150 feet and at all street intersections.

If the City requires other fixtures or poles, the City shall pay the additional costs.

All wiring for street lighting shall be underground and placed behind the curb in accordance with the City of Pierre standards.

Section 12-12-121 Lift Stations.

Lift stations shall be avoided unless absolutely necessary. If required, they shall be approved by the City and designed to carry all wastewater originating in the subdivision. The subdivider shall furnish and install all telemetry equipment required to add the lift station to the existing supervisory control and data acquisition system (SCADA).

The City may require installation of a larger lift station in which case the City shall pay all additional costs over and above those costs to carry wastewater originating in the subdivision.

A subdivider wishing to use an existing lift station shall be required to reimburse the City or other persons his proportional share of the wastewater originating in his subdivision.

Amended by Ord. No. 1496, 2001

Section 12-12-122 Final Plans.

Upon completion of construction of any such utilities or improvements, the subdivider shall provide all information on improvements to the City of Pierre, showing all features as actually installed, including materials, size, location, depth or elevation, numbers, ends of lines, connections, wyes, valves, storm sewer drains, inlets and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the foregoing has been complied with. The subdivider will provide to the Planning Commission all environmental statements which are required.

Section 12-12-123 Variances.

Where the City Planning Commission finds there are extraordinary hardships resulting from strict compliance with these regulations, they may recommend to the City Commission alteration of the regulations so that substantial justice may be done and the public interest secured; provided that such alteration will not have the effect of nullifying the intent and purpose of the general plan of the Community or these regulations. Such variances and modifications as may be granted under this section shall be by a majority of the full membership of the City Commission.

In granting variances and modifications, the City Commission may require such conditions so that it may, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 12-12-124 Penalties.

Violation of any provision or provisions of this subdivision ordinance by any subdivider shall constitute a misdemeanor and upon conviction of such violation there shall be imposed a fine not exceeding One Hundred Dollars (\$100.00) Each day that such violation continues shall be a separate offense.

Section 12-12-125 Validity.

If for any reason any section, paragraph, subdivision, clause, phrase, or provisions of this Ordinance shall be held invalid, it shall not affect the remaining provisions of this, or any other ordinance of the City, to which these rules and regulations relate.

Section 12-12-126 Effective Date.

The subdivision regulations shall take effect the 27th day of July, 1987.

Sections 12-12-127 to 199, inclusive. Reserved.