

AN ORDINANCE REGULATING SUBDIVISION DEVELOPMENTS AND OFF-SITE IMPROVEMENTS OF SUBDIVISION PROJECTS AND OTHER PARCELS OF LAND BEING DEVELOPED WITHIN THE CITY OF BROOKINGS AND DECLARING THE SAME TO BE AN EMERGENCY.

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

ARTICLE 1. DEVELOPMENTS WITHIN A SUBDIVISION.

Section 1. A subdivision development shall comply with all requirements of the City's Subdivision Ordinance, Number 217, and in addition shall provide complete curbs and paving of all streets, drives, cul-de-sacs or accessways within subdivision.

Section 2. Sidewalks shall also be provided with the following conditions:

Minimum width	=	3'-0"	(36")
Standard width	=	4'-6"	(54")

(a) The Planning Commission should determine when a minimum sidewalk width should be allowed and only when the land area being developed does not allow for proper right of way dimensions. The Commission shall have the right to require certain changes in the preliminary plat to allow for standard dimensions in street widths and sidewalks.

(b) Where, in order to maintain an adequate street width the property does not have additional dimensions for a sidewalk on both sides, then one sidewalk on one side shall be provided.

Section 3. In a subdivision where properties are being sold to private individuals prior to any construction of housing units there is the unknown location of the driveway entrance, therefore:

(a) The individual owner shall sign a statement of responsibility providing the City the assurance of that owner's

constructing the sidewalk and driveway entrance to City specifications prior to an occupancy certificate being granted to the owner.

The Building Department will provide such form and will include this within the building permit process.

(b) The developer or owners of those properties not built upon in a subdivision shall have twenty-four months from the date of completion and acceptance of the streets or cul-de-sac within the subdivision to complete the sidewalks on those unimproved properties.

The City shall notify the proper individuals when this specific time period elapses and will require completion of improvements.

ARTICLE 2. OFF-SITE IMPROVEMENTS OF SUBDIVISION PROJECTS.

Section 1. When properties of a subdivision abut City streets, accessways, cul-de-sacs, or right of ways for traffic purposes the following requirements shall be met:

(a) Curbs and sidewalks shall be constructed by the developer to standard specifications provided by the City.

(b) The City shall require adequate, approved drainage systems along street right of ways and shall require that minimum pipe size for any approved drainage system shall be no less than (12") twelve inches in diameter.

Section 2. When the City does not provide specific engineering data required for the location of curb lines and elevations of final street grades, water drainage specifications and other pertinent information then the following shall be required:

The owner/owners of those perimeter properties of a subdivision that are effected by this Article shall sign a waiver

of protest to assessments arising from street improvement projects during a period of 10 years from date of signature that binds their heirs and assigns. The City will provide said forms.

ARTICLE 3. DEVELOPMENT OF OTHER LARGER PARCELS OF LAND.

Section 1. When a land owner applies to the City Planning Commission for permission to partition land in any given calendar year for development purposes the following shall apply:

(a) Upon receipt of permission to partition land, the property owner shall be required to sign a waiver of protest to street improvements with a duration of ten (10) years from date of issuance.

This waiver shall apply only to those properties that abut City street right of ways.

Section 2. When the same land owner or a new land owner applies for permission for additional partitioning of the original parcel the following shall apply:

(a) The original parcel shall be considered a subdivision and all requirements of the City's subdivision ordinance shall be met.

(b) All streets, drives, cul-de-sacs or traffic accessways shall be developed in the manner prescribed in this ordinance and, further that,

(c) When the City does not provide those engineering specifications relating to street widths, elevation, drainage requirements, area development, sewer/water facilities, etc., then the individual owner/owners shall sign a statement of Waiver of Protest that binds their heirs, or assigns for a period of 10 years from date of signing.

Section 3. When a property owner within the City of Brookings applies for a building permit for the construction of a residential or a commercial structure on a single lot that abuts unimproved streets or right of ways the owner shall be required to

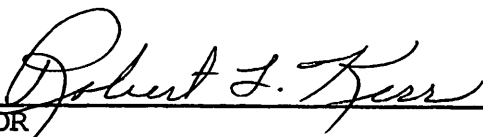
sign a statement of Waiver of Protest to street improvement assessments with a duration of 10 years from date of issuance of the building permit.

ARTICLE 4. BECAUSE OF AN IMMEDIATE NEED TO ESTABLISH DEVELOPMENT CRITERIA WITHIN THE CITY OF BROOKINGS, and

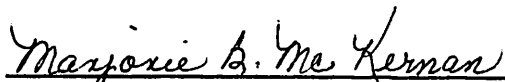
Because a number of development projects are currently being held up,

The Council hereby finds that it is necessary for the peace, health and safety of the City of Brookings that this Ordinance take effect immediately upon its passage. Therefore, the Council of the City of Brookings hereby declares an emergency to exist and that this ordinance shall be in full force and effect immediately upon its passage by the Council and signing by the Mayor.

Passed by the Council and signed by the Mayor this 15th day of December, 1977.


MAYOR

ATTEST:


RECORDER