

## ARTICLE I

### GENERAL PROVISIONS

#### Section 101. Title

These regulations may be referred to as the 2003 Revised Subdivision Ordinance of Lake County, South Dakota.

#### Section 102. Purpose

It is the purpose of this ordinance to regulate the subdivision of land so as to provide coordination of roads with other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sanitation facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to prevent premature land subdivision; to protect and provide for the public health, safety, and general welfare of the County; and to conform with the comprehensive plan.

#### Section 103. Applicability

In accordance of South Dakota Codified Law and any other authority provided by law or as such statutes may be amended, Lake County does hereby exercise the power and authority to review and approve or disapprove plats for the subdivision of land within the unincorporated areas of Lake County.

1. These subdivision regulations shall apply to all subdivisions of land, as described herein, located within the unincorporated area of the county.
2. It shall be unlawful for any person having control of any land within the jurisdiction of the County to subdivide or lay-out such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.
3. No land shall be subdivided until the owner or developer has submitted the preliminary plat, if required, to the Planning Commission for its approval.
4. No plat shall be recorded in the office of the Register of Deeds and no lots shall be sold from such plat unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of unplatted property except in accordance with this ordinance.

#### Section 104. Conformity With Other Plans

In addition to the requirements established herein, all subdivision plans and plats shall comply with the following laws, rules, and regulations:

1. The Comprehensive Plan for the County and the policies set forth therein.
2. The Zoning Ordinances of the County.
3. Other plans which may be or have been adopted that would affect the subdivision and use of the land.

### **Section 105. Interpretation, Conflict, and Separability**

1. Interpretation. In their interpretation and application, these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. Separability. Should any article, section, sub-section, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the subdivision ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

### **Section 106. Amendments**

For the purpose of providing for the health, safety and general welfare of the community, the County Commission may from time to time amend the provisions imposed by these subdivision regulations. The Planning Commission and the County Commission in the manner prescribed by State Law shall hold public hearings on all proposed amendments.

### **Section 107. Variances**

1. Exceptional Conditions
  - a. General. The Planning and Zoning Commission may recommend and the County Commission may grant variances from the provisions of these regulations, but only after determining that:
    - (1) There are unique circumstances or conditions affecting the property.
    - (2) The variance is necessary for the reasonable and acceptable development of the property in question.

(3) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.

(4) The variance will not permit or encourage uses contrary to zoning regulations.

c. Conditions. In approving variances, the County Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

d. Procedures. A petition for any such variations shall be submitted in writing by the subdivider at the time when the petition is filed for the consideration of the County Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

### **Section 108. Enforcement**

1. It shall be the duty of the Administrative Official to enforce these regulations and to bring to the attention of the States Attorney any violations or lack of compliance herewith.

### **Section 109. Violations**

1. No person, firm, or corporation shall transfer, sell, or negotiate to sell any parcel either by reference to, exhibition of, or by the use of a subdivision plan before a plat of such subdivision has been approved by the County in accordance with this ordinance and has been filed with the County Register of Deeds.

2. The subdivision of any lot or any parcel of land, by the metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading the terms of this ordinance shall not be permitted.

3. Zoning or building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this ordinance.

### **Section 110. Penalties**

Any person, firm, or corporation violating the provisions of this ordinance shall be subject to a maximum penalty of a \$200 fine, 30 days in jail, or both; or up to the maximum penalty allowed by law. Each and every day that the violation continues may constitute a separate offense.

### **Section 111. Effective Date**

This ordinance shall take effect and be in force from, and after, its passage and publication according to law.

## ARTICLE II

### **SUBDIVISION PLANS IN GENERAL**

#### **Section 201. Plat Required**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer, owner, or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth below.

#### **Section 202. Recording, Use and Selling**

1. No plat of any subdivision shall be allowed to be recorded with the Register of Deeds or have any validity until it has been approved in the manner prescribed by this ordinance. If any such unapproved plat is recorded, it is invalid and the County Commission shall institute proceedings to have the plat stricken from the records.
2. No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said and has been approved and recorded in the manner prescribed herein.
3. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance if it is found that such real property is contrary to the public health, safety, or welfare. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of his interest in said real property.
4. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with intent of evading these regulations, shall not be permitted.

#### **Section 203. Plat Approval Process**

1. All proposed subdivision plats must be approved through a three-phase development process. Where a proposed subdivision would contain no more than two (2) parcels or plots of land and no new roads, the procedure of preparing a sketch plan and preliminary plat may be waived by the County Commission.

a. Sketch Plan

Prior to the submission of the preliminary plat to the Planning Commission, the developer shall present a sketch of the proposed plan to the Administrative Official for discussion and comments regarding the requirements for the general layout of roads, reservations of land, road improvements, drainage, and similar matters as well as the availability of services. This informal review should prevent unnecessary costly revisions in the layout and development of the subdivision. The informal advisory meeting does not require formal application, fee, or filing of plat with the Planning and Zoning Commission or County Commission

b. Preliminary Plat

Based on the discussion of the sketch plan, the applicant may submit the preliminary plat for approval. The preliminary plat shall provide all of the information indicated in Article III. This plan will be subject to review by the Administrative Official and Highway Superintendent, and approval of the Planning and Zoning Commission and the County Commission.

c. Final Plat

The final plat shall provide the information indicated in Article IV and shall require the approval of the County Commission. At the time of the final plat, either all or a portion of the preliminary plat may be approved by the County Commission for platting.

2. Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plat and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plan and the plat, unless the re-subdivision meets the requirements set forth in Section 5.01. The County Commission may waive the requirements for a preliminary plat.

3. Plat Review Fee.

A fee shall be levied for the examination and approval or disapproval of every plat reviewed by the County Commission. At the time preliminary plat(s) are filed with the Administrative Official, the subdivider shall pay to the Administrative Official the amount of twenty-five (\$25). Prior to release of the plat, the developer shall also pay for the cost of all road signs as specified in Section 603.5.

## ARTICLE III

### PRELIMINARY PLAT

#### Section 301. Preliminary Plat Approval

##### 1. General.

After meeting informally with the Planning and Zoning Commission or Administrative Official, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or the installation of any utilities. The preliminary plat shall provide all of the information indicated in Section 301.3 below. The preliminary plat will be subject to review and revision by the Administrative Official and Planning and Zoning Commission.

##### 2. Procedure:

- a. One (1) copy of the preliminary plat and the required supplemental material shall be filed with the Administrative Official who shall transmit them to the Planning and Zoning Commission. Such filing shall take place at least ten (10) days prior to the meeting of the Planning and Zoning Commission at which it is to be considered.
- b. The Planning and Zoning Commission shall study the said preliminary plat to see if it is consistent with the standards set forth in these regulations. Following a hearing and due consideration of the preliminary plat, the Planning and Zoning Commission shall transmit all copies of the preliminary plat to the County Commission together with its recommendation, within sixty (60) days after receipt thereof. Said recommendation shall include approval, disapproval, or suggestions for modification and the reasons thereof, and a discussion of the effect of said plat on the comprehensive plan. Said recommendation shall be of an advisory nature only. If the Planning and Zoning Commission does not act within sixty (60) days, the preliminary plat shall be deemed to have received a favorable recommendation in all respects, and shall receive due consideration by the County Commission.
- c. Following a hearing and due consideration of the preliminary plat, the County Commission shall approve, disapprove, or modify the plat and shall impose those requirements or grant those variances in conformance with this ordinance deemed necessary and appropriate by the County Commission for final approval. The action of the County Commission, together with all modifications, requirements, variances, and reasons thereof, shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider and one (1) copy retained by the Administrative Official. Approval of the preliminary plat shall indicate approval of the development concept only, and it does not

constitute an acceptance or approval of the subdivision plan; therefore, no zoning or building permits shall be issued based on the approval of the preliminary plat.

- d. The approval of a preliminary plat shall be effective for a period of three (3) years, at the end of which time approval of the subdivision plat or a portion thereof must have been obtained from the County Commission. Any plan which has not received approval for all or a portion of it within the period of time set forth herein, shall be null and void, and the developer shall be required to resubmit a new plan for preliminary approval subject to any new subdivision regulations.
3. Preliminary plat Information. The preliminary plat shall meet the standards of design as set forth in Article IV and shall show the following information:
- a. Names of subdivision, names and addresses of the owners, and engineer or surveyor, and the names of adjoining property owners of any perimeter boundary to the subdivision. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
  - b. Date, north point and scale. Scale shall not be less than one - (1) inch equals one hundred (100) feet.
  - c. Location of property lines, roads, existing utilities with size of lines, and other underground installations.
  - d. Acreage of land to be subdivided.
  - e. Existing and proposed utility systems.
  - f. Contours at an interval of not greater than five (5) feet; also, the locations of watercourses, bridges, wooded areas, and such other topographic features as may be pertinent to the subdivision.
  - g. Lot lines, lot numbers, and minimum building setback lines.
  - h. Location of proposed culverts and other drainage provisions.
  - i. Preliminary Drainage and Grading. The existing drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns.
  - j. Erosion Control. In any proposed subdivision in which an area greater than five acres will be disturbed, or in areas where topographic features are such that erosion, siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved.

- k. Proposed easements, dedications, and reservations of land to be considered for sale or dedication to public use.
- l. Names of new streets.
- m. Copies of proposed deed restrictions, if any, shall be attached to the preliminary plat.
- n. Certificates of approval for endorsement by the Planning Commission and County Commission.



## **ARTICLE IV**

### **FINAL PLAT**

#### **Section 401. Final Plans**

Following the approval of the Preliminary Plat, if the developer wishes to proceed, final drainage, grading and erosion control plans shall be submitted to the Administrative Official and Highway Superintendent for review and approval. Any or all of these plans may be deleted at the County Commission's discretion.

#### **Section 402. Final Plat Approval**

1. General. The final plat shall conform substantially to the preliminary plat as approved; and it may constitute only a portion of the preliminary plat, which the subdivider proposes to record and develop.
2. Procedure:
  - a. Following the approval of the preliminary plat, if the developer/subdivider wishes to proceed, three (3) copies of the final plat and required supplemental material shall be filed with the Administrative Official, who shall transmit them to the Chairperson of the Planning and Zoning Commission. Such filing shall take place at least ten (10) days prior to the meeting of the Planning and Zoning Commission at which it is to be considered.
  - b. The Planning and Zoning Commission shall study the said final plat to see if it is consistent with the minimum standards set forth in these regulations. Following due consideration by the Planning and Zoning Commission, the Planning and Zoning Commission shall transmit three (3) copies of the final plat to the County Commission, together with its recommendation, within sixty (60) days after receipt thereof. Said recommendation shall include approval, disapproval, or suggestions for modifications and reasons thereof, and a discussion of the effect of said plat on the comprehensive plan. Said recommendation shall be of an advisory nature only. If the Planning and Zoning Commission does not act within sixty (60) days, the final plat shall be deemed to have received a favorable recommendation in all respects, and shall then receive due consideration by the County Commission.
  - c. When the County Commission has approved the final plat, one (1) copy shall be returned to the subdivider with the approval of the County Commission certified thereon, for filing with the County Register of Deeds as an official plat of record within (90) days after the date of approval thereof by the County Commission. Another copy certified by the County Commission will be transmitted to the appropriate Director of Equalization for his/her records.

3. Final Plat Information. The following information is required for final plats for subdivisions:
  - a. The original or reproducible final plat shall be drawn in black ink and shall be uniform size, fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-½) inches by fourteen (14) inches. The scale shall be one (1) inch equals one hundred (100) feet or larger.
  - b. The final plat shall show the following information:
    - (1) Date, title, name and location of subdivision, graphic scale, and true north line.
    - (2) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or infeasible by the County Commission, these control points shall be the located section corners of the Coordinate System of the State of South Dakota.
    - (3) Name and right-of-way width of each street, easements, or other right-of-way.
    - (4) Lot numbers, lot lines, and frontage dimensions.
    - (5) Location and description of monuments.
    - (6) Purpose for which sites are dedicated or reserved.
  - c. The final plat shall be accompanied by:
    - (1) Certification on plat of title showing that the applicant is the owner, that the making of the plat receives his consent and is in accordance with his desires, and a statement by such owner dedicating streets, rights-of-way, and other sites for public use.
    - (2) Certification on plat by registered engineer as to the accuracy of survey and plat.
    - (3) Certification that the subdivider has complied with one of the following alternatives – alternative to be determined by the County Commission:
      - (a) All improvements have been installed in accordance with the requirements of this ordinance, or;
      - (b) A security bond or certified check has been posted with the Auditor, per the requirements of Section 403, to assure such completion of all required improvements, or;

- (c) At the County Commission's discretion, the subdivider shall file a Letter of Assurance, per the requirements of Section 403, to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the County Commission, such period not to exceed three years. An extension to that three-year period may be granted at the discretion of the County Commission. Said Letter of Assurance shall be recorded with the Register of Deeds at the time of filing the Plat.

A copy of each Letter of Assurance shall be placed on file in the Administrative Official's Office and prior to the issuance of any permits, the permit applicant shall be presented with the Letter of Assurance so that he or she will be made aware of where the responsibilities lie for the installation of any improvements not yet in place.

- (4) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.
- (5) Certification on plat by the County Commission that the plat has been approved for recording in the office of the County Register of Deeds.
- (6) A copy of the certificate of the County Director of Equalization that he/she has received a copy of such plat.
- (7) Endorsed on plat or attached to the certificate of the county treasurer that all taxes which are liens upon any land included.

**Section 403. Guarantee in Lieu of Completed Improvement.**

1. No final subdivision plat shall be approved by the County Commission or accepted for record by the Register of Deeds until the required improvements have been installed in accordance with the preliminary plat and approved by the County Commission; or in lieu of such prior construction, the County Commission may accept a letter of assurance, or a security bond in an amount equal to the estimated cost installation of the required improvements, whereby improvements may be made and utilities installed without cost to the County in the event of default of the subdivider.
2. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract (Letter of Assurance) in writing with the County requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by a Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any sub-contractors authorized to proceed thereunder and

with any other work being done or contracted by the County in the vicinity. At the County's discretion they may require that the agreement require the subdivider make an escrow deposit or in lieu thereof to furnish a performance bond, the amount of the deposit and penal amount of the bond to be equal to one hundred (100) percent of the Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the subdivider the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The time for completion of the work and several parts thereof shall be determined by the County Commission upon recommendation of the Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision.

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

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

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

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

## ARTICLE V

### **REPLATS AND PLAT VACATIONS**

#### **Section 501. Replats**

1. If the land proposed for platting is a re-subdivision, it shall require a preliminary plat and a final plat of the subdivision, requiring the same review and approval procedures, including the fees, as the original preliminary and final plats. However, if the re-subdivision meets the following requirements, then it may be submitted as a plat.
  - a. The perimeter of the tract being replatted shall not be altered by the replat.
  - b. The previous platting lines shall be shown on the plat.
  - c. The grades shall not be changed from the drainage plan which was submitted and approved with the original plat, or if the grades are to be changed, or if no drainage plan was submitted with the original plat, then a drainage and grading plan shall be submitted and approved for the resubdivision.

#### **Section 502. Vacation of Plats**

Any plat or any part of a plat intended to be vacated shall be governed by the requirements of SDCL Chapter 11-3.

## ARTICLE VI

### **GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN**

#### **Section 601. General**

1. The County Commission shall impose the following general requirements and compel all subdividers to comply with the principles of design in the layout of subdivisions hereinafter described.

#### **Section 602. Suitability of the Land for Subdivision Development**

1. If the County Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all public agencies concerned, it has been determined that in the best interest of the public, the land should not be platted and developed for the purpose proposed, the County Commission shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.
2. The County Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would necessitate an excessive expenditure of public funds for the supply of such services such as undue maintenance costs for adequate roads.

#### **Section 603. Arrangement and Design**

1. The arrangement, character, extent, location and grade of all streets shall be in accordance with good planning principles and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.
2. The arrangement of streets in a new subdivision shall conform to the Major Street Plan and shall make provisions for the continuation of existing streets in adjoining areas or their proper projection where adjoining land is not subdivided.
3. Roads shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.
4. All new subdivision roads shall be properly integrated with the existing system of roads. There should be a road connecting adjacent subdivisions where topographical and land use considerations permit.

5. In order to maintain consistent signage throughout the County, it shall be the County's responsibility to erect road signs at all road intersections, both public and private, within the new subdivision. The owner or developer shall pay the County for all material and installation costs as determined by the Highway Superintendent.
6. Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions.
7. The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.
8. All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication or the owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads (see Section 802).
9. When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of access easements, the following requirements shall apply:
  - a. The access easement shall provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the access easement by the public or any governmental agency.
  - b. Access easements shall be indicated on the plat.
  - c. Any plat which shows an access easement as a means of access shall provide language in the owner's certificate (see Section 802) reserving the easement area for perpetual unobstructed access.

#### **Section 604. Dedication of Right of Way and Roadway Width**

1. General. The following conditions shall govern the designation and minimum street right-of-way and roadway width:
  - a. Minimum Road Right-of-Way**
    - (1) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of sixty-six (66) feet shall be reserved for private roadways. A maximum right-of-way of one hundred (100) feet may be required on roads designated as arterial and collector.
    - (2) Cul-de-sacs are not encouraged but will be allowed where, due to physical constraints, they are necessary for the reasonable development of the

subdivision. The minimum radius of a turnaround at the end of a cul-de-sac shall be sixty (60) feet and the length of the road shall be generally limited to 500 feet. This shall also apply to private roadways.

b. Minimum roadway widths:

<u>Street Type</u>	<u>Pavement Width (Measured from Curb Faces)</u>
Arterial (State Roads)	60
Collector (County Paved)	36
Local (County/Township Gravel)	24

**Section 605. Access to Arterials and Collectors.**

1. Where a subdivision borders on or contains an existing or proposed arterial, access to such roads may be limited. The County Commission upon recommendation from the Planning and Zoning Commission may require that access to such streets be limited by one of the following means:
  - a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial and screening shall be provided in a strip of land along the rear property line of such lots.
  - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel streets, with the rear lines of their terminal lots backing on the arterial.
  - c. A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).
  - d. Reverse frontage with screen planting contained in a non-access reservation along the rear property line, or;
  - e. Deep lots with rear service drives, or;
  - f. Other treatment as may be necessary to adequately protect residential properties and to afford separation of through and local traffic.



## **Section 606. Intersections**

1. Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than 70 degrees.
2. Road curb intersections shall be rounded by a radius of at least thirteen (13) feet on minor streets and twenty (20) feet on collector streets. When the smallest angle of the street intersection is less than ninety (90) degrees, the County Commission may require curb radii of greater length.
3. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within one hundred (100) feet of the right-of-way or any street which intersects such arterial street on the side on which such lot or parcel is located.
4. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be made.
5. Not more than two roads shall intersect at one point unless specifically approved.

## **Section 607. Subdivision Road Standards**

1. Access from individual lots within a subdivision onto an arterial road shall be limited (See Section 605).
2. Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.
3. Minimum width of the driving surface shall be 24 feet. Ditches and driveways shall have a maximum side slope of 4:1.
4. If access to the subdivision is not a hard surfaced road, the subdivision roads may have a gravel-driving surface. If access to the subdivision is hard surfaced or planned for hard surfacing, or if the size of development creates a significant traffic impact, the subdivision roads shall be hard surfaced.
5. Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be allowed to settle over one winter season. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt and/or portland cement concrete surfaces shall be constructed in accordance with specifications of the Highway Superintendent. At a minimum, there shall be a 6-inch granular base course and a 2-inch thickness of asphalt or a 7-inch thickness of portland cement concrete.

6. Culverts under roadways shall be R.C.P. Culverts under driveways shall be either R.C.P. or C.M.P. Flared end sections or slope Portland cement concrete headwalls are required on all culverts within the road right-of-way.
7. The size of culverts shall be determined by a drainage study for the entire subdivision. The minimum culvert diameter shall be 18 inches.
8. A cross slope (crown) shall be provided on all roads at a rate of .04 feet per foot.
9. The road ditch shall be at least 3 1/2 feet below the road grade.
10. Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

**Section 608. Street Grades and Elevations**

1. Street grades shall conform to the following:

<u>Street Type</u>	<u>Maximum Percent Grade</u>
Arterial	7
Collector	8
Local	10

2. Minimum grades of any roadway shall not be less than 0.5 percent unless otherwise approved by the County Commission.

**Section 609. Private Streets**

1. Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
2. Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
3. Any plat presented for approval which shows a private roadway as a means of access shall provide language in the Owner's Certificate in accordance with Section 802 reserving the private road for permanent unobstructed access to abutting property and establishing private responsibility for maintenance of the roads.
4. All road standards specified in Section 607 shall also apply to private roadways.

## **Section 610. Blocks**

1. Length. Block lengths shall generally not exceed thirteen hundred (1,300) feet.
2. Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevents two (2) tiers of lots, the County Commission may approve a single tier of lots of minimum depth.

## **Section 611. Lots**

1. The lot size, width, depth, shape orientation, and minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the requirements of zoning regulations and the requirements of the South Dakota Department of Environmental Protection.
3. Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and side street.
4. Each lot shall abut a dedicated public right-of-way, approved private roadway or have an appropriate easement to a public road.
5. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
6. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Driveways for such lots shall have access only to an interior subdivision road. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of higher traffic volumes.
7. Minimum lot size required by the zoning regulations shall not include any public right-of-way or private roadway easement.

## **Section 612. Easements**

1. Where necessary or advisable the County Commission shall require easements of at least twenty (20) feet in width to be centered along property lines.
2. If the County Commission deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

3. The property owner whose property is subject to such easements shall be responsible for its maintenance. The property owners shall keep the easement clear of any structure, debris trees, shrubs or landscaping whatsoever except that lawn grass, which shall be regularly mowed and annual vegetation may be grown thereon, and no permanent fences shall be allowed.

## ARTICLE VII

### **REQUIRED IMPROVEMENTS PREREQUISITE TO FINAL APPROVAL**

#### **Section 701. General**

1. The subdivider is required to install or construct the improvements hereinafter described prior to receiving approval of his/her final plat or prior to having released the bonds or other securities which guarantee such required improvements.
2. All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk, or other requirement pavement.

#### **Section 702. Property Markers**

The corners of all lots and the beginning and ending of all curves on property lines shall be accurately marked on the ground with three fourths (3/4) inch diameter iron rods or pipes at least twenty- four (24) inches long.

#### **Section 703. Streets and Alleys**

The subdivider shall provide street pavements, according to Section 603, which shall be designed to carry the expected traffic and which shall be approved by the County Commission.

#### **Section 704. Street Signs**

The Subdivider shall pay for the installation of durable street name signs at all intersections, which meet specifications of the County Highway Superintendent (See Section 603.5).

#### **Section 705. Water Supply System**

The subdivider shall install a complete water distribution system adequate for domestic supply and for fire protection needs to serve each lot or tract in every subdivision where connection is to be made immediately to a community or a utility water system in accordance with the Lake County's design standards and specifications. In subdivisions inside the "PD" Planned Development District and Lake Park Districts (LP-1, LP-2, LP-3) where such connection to a system is not to be made immediately, plans shall be prepared for future installation of a water-distribution system to serve each lot or tract.

## **Section 706. Sanitary Sewers**

The subdivider shall construct a subdivision sewer system to adequately serve each lot and connect the subdivision system to the public system after the County Commission and the South Dakota Department of Environment and Natural Resources has approved the design of the system.

## **Section 707. Grading Plan**

The final grading plan for the subdivision shall be submitted to and approved by the County Commission.

### 1. Final Site Grading Plan

The grading plans shall show the contours with intervals acceptable to the County Commission. The site-grading plan shall also show the drainage arrows for each lot.

### 2. Final Road Grading Plan

The road-grading plan shall show percent slope for all proposed roads, drainage arrows, and location and size of culverts.

## **Section 708. Drainage Plan**

1. All drainage facilities including on-site detention, drainageways, detention ponds and drainage channels shall be shown on the drainage plan and is subject to the approval of the County Commission. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the County determines that the potential exists for impact beyond the development area, both upstream and downstream. The plan shall provide the following information:
  - a. Existing and proposed contour lines and the surface water drainage system, including any major alteration of the existing drainage pattern. Drainageways and detention ponds shall be designed for a 25-year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.
  - b. The boundaries of all drainage easements and detention ponds. A maintenance agreement for the upkeep of the detention ponds shall be filed with the plat.
  - c. Individual lot drainage shall be coordinated with the general surface drainage pattern for the area. Drainage shall be designed so as to avoid a concentration of storm drainage water from each lot to adjacent lots.
  - d. Surface water shall not be carried across or around any intersection.

- e. Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain a culvert under the driveway when construction commences.
2. The subdivider shall construct an adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., for the proper drainage of all surface water shall be provided. Cross drains shall be provided to accommodate all natural water flow and they shall be of sufficient length to permit full width roadways and required slopes.

## **Section 709. Erosion Control Plan**

### **1. Specifications**

Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Lake Conservation District. Stripping of vegetation, regrading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. The Administrative Official, with assistance of the Conservation District, shall require any further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on roads or other property.

Every effort shall be made to retain the natural vegetation on all ditches and drainageways. Ditches and drainageways will not be disturbed without the approval of the County Commission.

Erosion control plans shall show:

- a. All proposed land disturbance including areas of excavation, grading, filling, removal, or destruction of topsoil and spreading of earth material.
- b. Provisions for erosion control during construction. Such provisions shall include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion will be designed to withstand the two-year rain event and be shown on the plan.

### **2. Existing Features**

Existing natural features which would add value to residential development or to the community as a whole, such as trees, watercourses, and similar irreplaceable assets, should be preserved in the design of the subdivision.

**Section 710. Electric Power and Telephone Service.**

The subdivider shall arrange with the appropriate utility and shall file his request at the earliest feasible date for electric power and telephone service to his subdivision.

**Section 711. Inspection.**

Each facility constructed in the subdivision shall be designed and installed under inspection of a certified engineer at the cost to the subdivider.

**Section 712. Payment for Installation of Improvements**

The required improvements to be furnished and installed by the subdivider, which are listed and described, are to be furnished and installed at the sole expense of the subdivider; provided, however, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.



**ARTICLE VIII.**

**CERTIFICATES REQUIRED**

**Section 801. Certificates for Preliminary plats**

Certificates shall be attached to the preliminary plat in the following form:

**COUNTY PLANNING COMMISSION APPROVAL**

Approval of the preliminary plat of (Subdivision Name) Addition is hereby granted by the Lake County Planning Commission on this \_\_\_ day of \_\_\_\_, 20\_\_.

Chair, County Planning Commission  
Lake County, South Dakota

**COUNTY COMMISSION APPROVAL**

I hereby certify that the preliminary plat of (Subdivision Name) Addition was duly submitted to the Lake County Board of County Commissioners, and that after due consideration the Board approved said preliminary plat at its meeting held on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

County Auditor  
Lake County, South Dakota

**Section 802. Certificates for Plats and Replats**

Certificates shall be attached to the plat or replat in the following form:

**COUNTY PLANNING COMMISSION APPROVAL**

Approval of the preliminary plat of (Subdivision Name) Addition is hereby granted by the Lake County Planning Commission on this \_\_\_ day of \_\_\_\_, 20\_\_.

Chair, County Planning Commission  
Lake County, South Dakota

**COUNTY COMMISSION APPROVAL**

I hereby certify that the preliminary plat of (Subdivision Name) Addition was duly submitted to the Lake County Board of County Commissioners, and that after due consideration the Board approved said preliminary plat at its meeting held on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

County Auditor  
Lake County, South Dakota

## **SURVEYOR'S CERTIFICATE**

I, (Name), a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before (Date), survey that parcel of land described as \_\_\_\_\_(Legal Description).

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

(SEAL)

Registered Land Surveyor

## **OWNER'S CERTIFICATE**

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. We hereby dedicate to the public for public use forever, the streets, roads, alleys and parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds, whether such improvements are shown or not. We also here by grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements. If the plat does not include a certificate for Township Acceptance of Road Dedication, include:

We also certify that construction and maintenance, including snow removal, of (name of roads) as shown on said plat shall be provided by (name) in accordance with the covenants filed with the Lake County Register of Deeds, and said roads shall be kept and preserved at all times in a good condition of repair and maintenance. This shall remain in effect until a public entity accepts the maintenance of said roads.

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

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. We also certify that ownership and maintenance of streets, roads, and alleys, parks and other open space, drainageways and detention areas, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowners Association except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

If private roadways are shown, include:

I further grant and certify that the roadway(s) shown as (Names of private roads) are private roadways which are hereby reserved as a permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the Owner, their lessees and assignees have the responsibility with respect to maintaining said private roadway. Said grant is to run with the land. As no dedication to the public is being made of said private roadways, the Owners, their lessees and assignees, of the property platted as (Name of subdivision), shall at their own cost and expense keep and preserve said private roadways at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private roadways which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of said private roadways. This shall remain in effect until a public entity accepts the roadways as a public dedication.

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

If the plat is a replat, include:

We further certify that this platting of said described (New subdivision name) does hereby vacate the following platting: (Legal description of old plat) on file at the Register of Deeds Office in Book Page, said plat, hereby vacated, being situated within described (New subdivision name) as surveyed.

State of South Dakota  
County of Lake

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

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

My commission expires:  
Notary Public, Lake County, South Dakota

**TOWNSHIP ACCEPTANCE OF ROAD DEDICATION**

I hereby certify that the Board of Supervisors of Township, at an official meeting conducted on the \_\_\_day of\_\_\_, 20\_\_\_, accepted the roads indicated on the plat of (Name of subdivision).

Clerk, Township  
Lake County, South Dakota

**COUNTY AUDITOR CERTIFICATE**

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.  
County Auditor  
Lake County, South Dakota

**DIRECTOR OF EQUALIZATION**

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

Director of Equalization  
Lake County, South Dakota

**COUNTY TREASURER'S CERTIFICATE**

I, Treasurer of Lake County, South Dakota, hereby certify that all taxes, which are liens upon any land shown in the above plat, as shown by the records of my office, have been paid in full.

Treasurer  
Lake County, South Dakota

**REGISTER OF DEEDS**

Filed for record this \_\_\_day of\_\_\_, 20\_\_\_, at O'clock, M., and recorded in book of plats on page.

Register of Deeds  
Lake County, South Dakota

## ARTICLE IX.

### DEFINITIONS

Administrative Official – The duly designated administrative official(s) of the Lake County with the charge of enforcing the subdivision ordinance.

Alley – A minor public way having a narrow right-of-way and affording a secondary means of access to abutting properties.

Auditor - The duly elected Auditor of the Lake County.

County Commission - The duly elected County Commission of the Lake County.

Comprehensive/Development Plan – Any legally adopted part or element of the Comprehensive/Development Plan of the Lake County. This may include but is not limited to: Zoning Ordinance, Subdivision Ordinance, Community Facilities Plan, Major Street Plan, Capital Improvements Program, and Comprehensive Land Use Plan.

Easement – A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Engineer – The duly designated engineer acting on behalf of the County Commission.

Final Plat – A plat of a tract of land, which meets the requirements of these regulations and is in form for recording in the office of the Lake County Register of Deeds.

Lot – A parcel of land intended for transfer of ownership or for building development.

Major Street Plan – The Major Street Plan adopted as an element of the Comprehensive/Development Plan.

Planning and Zoning Commission – The Lake County Planning and Zoning Commission.

Preliminary plat – The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

Register of Deeds – The duly designated Register of Deeds of Lake County.

Sketch Plan – The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this ordinance, to evaluate feasibility and design characteristics at an early stage in the planning.

Street – A tract of land, dedicated to public use, which affords the primary means of access to the abutting property, but excluding private driveways serving only one (1) parcel of land.

Subdivider – The person(s), firm(s), or corporation(s) owning land in the process of creating a subdivision of said land.

Subdivision – The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development (whether immediate or future); provided that a division of land into lots or parcels of more than twenty (20) acres and not involving a new street shall not be deemed a subdivision. The term includes the establishment or dedication of a road, highway, street or alley through a tract of land, a resubdivision of land or lots; and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Utilities – Municipal and franchised utilities.

Zoning Ordinance – The Zoning Ordinance of the Lake County.

Adopted this 19<sup>th</sup> day of August, 2003.  
Effective date October 1<sup>st</sup>, 2003.

LAKE COUNTY

/s/ Bert Verhey  
Chairperson

ATTEST:

/s/ Kay A. Schmidt  
Auditor