

**2008 REVISED SUBDIVISION ORDINANCE
OF
LINCOLN COUNTY, SOUTH DAKOTA**

PREPARED BY LINCOLN COUNTY PLANNING COMMISSION
UNDER AUTHORITY OF SDCL CHAPTER 11-2

ADOPTED BY ORDINANCE OF
LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS
DATE: August 12, 2008
PUBLISHED: August 21, 2008 and August 28, 2008
EFFECTIVE DATE: September 17, 2008

Ordinance No. 08-08-07

TABLE OF CONTENTS

ARTICLE 1: GENERAL PROVISIONS	1
Section 101. Title	1
Section 102. Purpose.....	1
Section 103. Jurisdiction.....	1
Section 104. Conformity.....	1
Section 105. Interpretation.....	1
Section 106. Amendments	2
ARTICLE 2: SUBDIVISION PLANS IN GENERAL.....	3
Section 201. Administration	3
Section 202. Recording, Use and Selling	3
Section 203. Penalties	3
Section 204. Plat Approval Process.....	3
Section 205. Replats	4
Section 206. Filing Fee	5
ARTICLE 3: PRELIMINARY PLAN.....	6
Section 301. Submission.....	6
Section 302. Approval of Preliminary Plan.....	7
Section 303. Effective Period of Preliminary Plan Approval.....	7
Section 304. Revisions to Preliminary Plan.....	7
ARTICLE 4: FINAL PLANS AND THE PLAT.....	8
Section 401. Final Plans.....	8
Section 402. The Plat.....	8
Section 403. Approval of the Plat	10
Section 404. As-Built Plans	10
ARTICLE 5: REPLATS AND PLAT VACATIONS.....	11
Section 501. Replats	11
Section 502. Vacation of Plats.....	11
ARTICLE 6: BLOCKS, LOTS, AND MONUMENTS	12
Section 601. Blocks	12
Section 602. Lots	12
Section 603. Monuments	12
ARTICLE 7: MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS	13
Section 701. Road Arrangement and Design.....	13
Section 702. Minimum Road Right-of-Way.....	14
Section 703. Road Construction	14
Section 704. Road Names	15

ARTICLE 8: GRADING AND DRAINAGE.....16
 Section 801. Grading Plan16
 Section 802. Drainage Plan.....16
 Section 803. Approval Limitation16

ARTICLE 9: EROSION CONTROL PLAN.....17
 Section 901. Specifications.....17
 Section 902. Existing Features.....17

ARTICLE 10: ASSURANCES FOR COMPLETION OF MINIMUM IMPROVEMENTS18
 Section 1001. Assurances for Subdivisions18

ARTICLE 11: CERTIFICATES REQUIRED.....19
 Section 1101. Certificates for Preliminary Plan19
 Section 1102. Certificates for Plats and Replats.....19

ARTICLE 12: DEFINITIONS.....23

ARTICLE 1: GENERAL PROVISIONS

Section 101. Title

These regulations shall be referred to as the 2008 Revised Subdivision Ordinance of Lincoln County, South Dakota.

Section 102. Purpose

It is the purpose of these regulations to govern the subdivision of land so as to provide for coordination of roads within other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sewer 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; and to conform with other plans and regulations.

Section 103. Jurisdiction

These subdivision regulations shall apply to all subdivisions of land, as described herein, located within the unincorporated area of Lincoln County outside any municipal jurisdiction as set forth under SDCL 11-6-26.

Section 104. Conformity

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

- A. The Comprehensive Plan for the County and the policies set forth therein.
- B. The Zoning Regulations, as amended or revised.
- C. The Official Zoning Map, as amended or revised.
- D. The Engineering Design Standards, as amended or revised.
- E. Flood Damage Protection Ordinance, as amended or revised.
- F. Other plans and regulations, such as any nuisance ordinance.

Section 105. Interpretation

These regulations are the minimum requirements for the promotion of public safety, health, and general welfare. It is not the intent of these regulations to repeal, abrogate or impair any existing easement, covenant, or deed restriction, where these provisions conflict or overlap. Whichever imposes the more stringent restrictions shall prevail.

Section 106. Amendments

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified or repealed by the County Commission according to law; however, such amendments, supplements, changes or modifications shall not become effective until after study and recommendation by the Planning Commission and final approval by the County Commission as follows:

- ___ Proposed change(s) in Subdivision Regulations drafted and sent to States Attorney for review
- ___ Letter received from States Attorney confirming legality of proposed change(s)
- ___ Planning Commission holds a public hearing on the proposed change(s) with notice to be published in the County's official newspaper at least 10 days prior to the scheduled date of the public hearing
- ___ Planning Commission recommends adoption of the proposed change(s) to the County Commission
- ___ County Commission holds a public hearing on the proposed change(s) with notice to be published in the County's official newspaper at least 10 days prior to the scheduled date of the public hearing
- ___ First reading of ordinance changing the regulations held
- ___ Second reading and adoption of the ordinance changing the regulations held
- ___ Notice of adoption published
- ___ Revised Subdivision Regulations become effective 20 days after publishing the notice of adoption, unless the referendum is invoked

ARTICLE 2: SUBDIVISION PLANS IN GENERAL

Section 201. Administration

The Planning Director is hereby authorized to enforce these regulations, to interpret them, and to adopt and enforce rules and supplemental regulations in order to administer and clarify their provisions. Any appropriate actions may be taken by law or in equity to prevent any violation thereof, to prevent unlawful construction, to recover damages, to correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below.

Section 202. Recording, Use and Selling

- A. No person shall transfer, sell, or negotiate to sell any parcel as part of a subdivision plan before a plat of such subdivision has been approved by the County and recorded.
- B. No person shall subdivide or lay-out such land in lots, unless by plat, in accordance with state law and the regulations contained herein. Subdivision of any parcel by metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading the terms of these regulations is prohibited.
- C. No plat shall be filed in the Office of the Register of Deeds and no lots therein sold unless and until approved as herein provided.
- D. No zoning permit or building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of these regulations. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or 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 interest in said real property.

Section 203. Penalties

The County Commission, pursuant to SDCL chapter 21-8, may seek injunctive relief against any person, firm, or corporation violating the provisions of this Ordinance.

In addition, any person, firm, or corporation violating the provisions of this Ordinance may be subject to a maximum penalty of a fine not to exceed the fine established by SDCL 22-6-2(2) for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment. Each day that a violation continues may constitute a separate offense.

Section 204. Plat Approval Process

All proposed subdivision plats must be approved through a three-phase development process. All final drawings, plans, specifications, reports, plats or other architectural, engineering or land surveying documents, papers, or diagrams involved in the practice of architecture, professional engineering, or land surveying prepared to be made a part of any public record within the County shall be dated and bear the signature, stamp, or seal of the architect, professional engineer, or land surveyor who was responsible for the preparation

thereof.

Step 1: Sketch Plan	Purpose	Prior to submission of a preliminary plan, the developer shall present a sketch of the proposed plan regarding requirements for the general layout of roads, reservations of land, street improvements, drainage, and similar matters as well as the availability of services.
	Review by	Planning Commission
	Approval by	None - only a process for developer to receive comments to help devise a preliminary plan

Step 2: Preliminary Plan	Purpose	Based on the sketch plan discussion with the Planning Commission, the applicant may submit a preliminary plan for approval. The preliminary plan shall provide all information indicated in Section 301 of these regulations.
	Review by	Planning Director, Highway Superintendent, County Floodplain Administrator and County Engineer
	Approval by	Planning Commission

Step 3: Final Plan and the Plat	Purpose	Consists of the plat, final drainage and grading plan, final erosion control plan, and covenants, executed for recording. The plat shall provide all information as indicated in Section 402. Either all or a portion of the preliminary plan may be platted.
	Review by	Planning Director, Highway Superintendent, County Floodplain Administrator, County Engineer and Planning Commission
	Approval by	County Commission

Section 205. Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plan and the plat, unless the resubdivision meets the requirements set forth in Section 501. The Planning Director may waive the requirements for a preliminary plan.

Section 206. Filing Fee

A schedule of fees, charges, and expenses for matters pertaining to these Subdivision Regulations shall be established by resolution of the County Commission. The current fee schedule shall be available from the Planning Director of Lincoln County. All fees shall be the property of the County and shall be paid over to the Planning Director of Lincoln County for credit to the General Fund of the County which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 3: PRELIMINARY PLAN

Section 301. Submission

Whenever a preliminary plan is proposed, the developer shall prepare such plan at a scale of 100 feet to an inch, or 200 feet to an inch, on sheets 15 by 26 inches or 22 by 34 inches in size. Three copies of the preliminary plan shall be filed with the Planning Department.

A. The preliminary plan shall contain the following information:

1.	The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate or be alike in pronunciation with any existing subdivision, unless it is an extension of or adjoining an existing subdivision. All subdivision names shall be approved by the Planning Director.
2.	The names of all adjacent subdivisions and their platting pattern. Adjoining unplatted land shall be labeled as such.
3.	The correct legal description. Notations stating acreage, scale, and north arrow.
4.	The owner, developer, and surveyor's names and telephone numbers.
5.	Vicinity map, showing locations of the preliminary plan and surrounding property for at least one mile in every direction.
6.	Exterior boundaries of the proposed subdivision referenced to a corner marker of the U.S. Public Land Survey, and the total acreage encompassed thereby.
7.	The location and width of all proposed road rights-of-way, existing structures, easements, railroad rights-of-way, streams and water courses, lakes, wetlands, rock outcroppings, wooded areas, and other similar significant features.
8.	The boundary lines of flood hazard areas.
9.	Existing contours at vertical intervals not greater than five feet. A lesser interval may be required in those cases where the character or topography of the land is difficult to determine.
10.	A systematic lot and block numbering pattern, lot lines, setbacks and road names.
11.	Approximate dimensions and acreage of all lots.
12.	Location of all existing roads abutting or serving the proposed subdivision, an estimate of the vehicular traffic to be created by full development of the subdivision, a statement regarding the effect thereof on such roads, and the nature of all improvements as may be required for such roads to properly serve the proposed subdivision.
13.	Certificate of approval for endorsement by the Planning Commission.

14.	Zoning on and adjacent to property, including across rights-of-way.
-----	---

B. The following plans, documents or instruments shall be submitted with the preliminary plan:

1.	<u>Preliminary Drainage and Grading</u> . The existing drainage pattern for the affected watershed area should be shown, including plans to detain, release or route storm water run off, along with any proposed cut and fill operations which would alter the existing drainage patterns.
2.	<u>Erosion Control</u> . 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.
3.	<u>Covenants</u> . Proposed covenants to run with the land providing restrictions or other limitations on land use or development within the subdivision, including road maintenance agreement for all private roads within the subdivision.
4.	<u>Agreements</u> . Proposed agreements between the developer and township outlining the assumed or agreed responsibility of the developer to undertake directly, or to pay or reimburse the township for cost of improvements to roads, bridges, culverts, drainage ways, etc.

Section 302. Approval of Preliminary Plan

The Planning Director shall transmit all preliminary plan information filed with the Planning Office to the Planning Commission Chairperson. Each filing shall be made at least ten (10) days before the meeting of the Planning Commission at which the preliminary plan is to be considered. Following review of the preliminary plan and supplementary material, the Planning Commission shall, within thirty (30) days, act thereon. If the preliminary plan is approved, the Planning Commission shall express its approval and, if any, state the conditions of such approval; if the preliminary plan is disapproved, the Planning Commission shall return the preliminary plan to the subdivider with the reasons in writing for disapproval attached. The approved plan shall be kept on file in the Planning Office. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no zoning permits or building permits shall be issued based on the approval of the preliminary plan.

Section 303. Effective Period of Preliminary Plan Approval

The approval of a preliminary plan shall be effective for a period of three 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 in that time shall be null and void and the developer shall be required to resubmit a preliminary plan for approval subject to any new subdivision regulations.

Section 304. Revisions to Preliminary Plan

Minor amendments to an approved preliminary plan may be made at the discretion of the Planning Director and Highway Superintendent. Any or all of these plans may be deleted at the County Engineer's discretion.

ARTICLE 4: FINAL PLANS AND THE PLAT

Section 401. Final Plans

Following the approval of the preliminary plan, if the developer wishes to proceed, three copies of final drainage, grading, and utility plans shall be submitted to the Planning Director for review and approval. Any or all of these plans may be deleted at the County Engineer's discretion. Final plans shall be in accordance with the Lincoln County Engineering Design Standards and shall contain the following information:

- A. Grading Plan. The grading plan shall show existing and proposed contours with intervals acceptable to the County Engineer. The site grading plan shall show drainage arrows for each lot and lot corner elevations. The plan shall also show the right-of-way width for all proposed roads. Construction documents indicating road grades and alignment using Lincoln County and industry accepted standards shall be prepared.
- B. Drainage Plan. When deemed necessary, the drainage plan shall show proposed drainageways and drainage facilities. The plan shall make a determination of approximate watershed boundaries and land use to be used in estimating runoff potentials. Drainage facilities shall be designed to handle the determined flow volumes. Pipe sizes, inlet sizes, and inlet locations based on industry accepted standards for accepted storm frequency and inundation levels shall be illustrated in the drainage plan. Detailed construction plans showing pipe size, slopes, inlet types and size, including the profile of the storm sewer with rim and invert elevations shall be prepared.
- C. Utility Plan. The utility plan shall include utility systems for the development. All utility plans shall conform to industry accepted standards. Detailed construction drawings with stationing, plan and profile section for all water and sanitary sewer layouts shall be prepared.

Section 402. The Plat

Two (2) copies and one reproducible mylar of the plat shall be submitted to the Planning Director for review and approval by the County. The plat should be drawn at a scale of 100 feet to an inch from an accurate survey and on one or more sheets whose dimensions are as required by State Law. If more than two sheets are required, an index sheet of the same dimension shall be attached and filed. The final plat shall conform substantially to the preliminary plan as approved by the Planning Commission, and it may constitute only a portion of the preliminary plan which the subdivider proposed to record and develop. No work shall be done on the subdivision including the making of any road improvements or installation of any utilities, and no lots sold before the final plat is approved and recorded. The plat shall contain the following information:

A.	The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision. Each plat shall be titled as follows: <u> (Name) </u> Addition in the quarter, Section <u> </u> , T <u> </u> N, R <u> </u> W of the 5th P.M., Lincoln County, South Dakota.
B.	Scale and north arrow.
C.	The names of all adjacent subdivisions, all lot and block lines, type of easements, and rights-of-

	way.
D.	A systematic lot and block numbering pattern, lot lines and road names, and the square footage or acreage of all lots.
E.	The location and width of all proposed and existing rights-of-way and easements.
F.	The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest section corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
G.	Location of all monuments and permanent control points, and all survey pins, set or located.
H.	Certification on the plat or title showing that the applicant is the owner, that the making of the plat receives his/her consent and is in accordance with his/her desires, and a statement by such owner indicating the location and description of any property to be dedicated or granted for public use.
I.	All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, roads, easements and type of easement, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
J.	The radii, chords, length of curve, points of tangency, and central angles for all curvilinear roads and radii for rounded corners.
K.	Any boundaries or areas of designated floodways or flood hazard areas.
L.	Acknowledgment of the owner(s) of the plat of any restrictions, including dedication to public use of all roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.
M.	All formal irrevocable offers of dedication for all roads and other uses as required.
N.	Protective covenants or deed restrictions shall be filed with the County Register of Deeds.
O.	Signature blocks and resolution of approval by the Planning Commission and County Commission including certification by any County officials concerned with recording of the plat.
P.	Assurances as specified in Article Ten.
Q.	Certificates as specified in Article Eleven, including acceptance of any dedicated roads.
R.	All easements for utilities shall be shown on the plat and there shall be a 10-foot utility easement for utilities along all right-of-way frontages. Whenever any stream or important surface drainage is located in an area which is being subdivided, the subdivider shall provide an adequate dedication along each side of the stream as required by the County Engineer. The property owners whose property is subject to such easement shall be responsible for its maintenance. The property owner shall keep the easement clear of any structure, debris, trees, shrubs or landscaping whatsoever except lawn grass which shall be regularly mowed and annual vegetation may be grown thereon.

Section 403. Approval of the Plat

Five (5) copies of the final plat and required supplementary material, including final construction plans and specifications for all required improvements, shall be submitted to the Planning Director who shall transmit the information to the Planning Commission Chairperson. Each filing shall be made at least ten (10) days before the Planning Commission meeting at which the plat is to be considered.

Following submission of the final plat and supplementary material, the Planning Commission shall forward its recommendations to the County Commission. The County Commission shall only consider the plat for approval after the County Commission receives assurances from the developer fixing responsibility for the required improvements. Once the assurances have been received and accepted, the County Commission shall approve or disapprove the final plat within sixty (60) days after receipt thereof. If the final decision is disapproved, the reasons therefore shall be stated in writing with a duplicate copy forwarded to the subdivider.

When the final plat has been approved by the County Commission, one (1) copy shall be returned to the subdivider with the certified approval of the County Commission thereon for filing with the County Register of Deeds as an official plat of record. Another certified copy shall be transmitted to the County Auditor. No work shall be done on the subdivision and no lots sold before the final plat is accepted and recorded.

Any final plat and supplementary material submitted for approval by the County Commission shall be certified by the County Director of Equalization and shall be endorsed with or have attached the certificate of the County Treasurer that all taxes which are liens upon any land included in such plat, as shown by the records of this office, have been fully paid.

The supplementary material accompanying the final plat shall include 1) a map of the entire proposed subdivision, showing the location of the area proposed to be platted and 2) an overall map showing the extent of required improvements for which the subdivider is responsible.

Section 404. As-Built Plans

A complete set of 'As-Built' improvement plans is required. This is not meant to require field surveying after completion of work, but the 'As-Built' plans shall show all revisions that the subdivider's engineer has made in the plans that were originally presented and approved.

ARTICLE 5: REPLATS AND PLAT VACATIONS

Section 501. Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a final plan of the subdivision, requiring the same review and approval procedures, including the fees, as the original preliminary and final plans. However, if the resubdivision 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 11-3.

ARTICLE 6: BLOCKS, LOTS, AND MONUMENTS

Section 601. Blocks

The length and shape of blocks shall be determined with regard to provision of adequate building sites suitable to the needs of the use contemplated; the need for convenient access, circulation, and safety of traffic; and topographic conditions.

Block lengths shall generally not exceed 1300 feet in length and shall be normally wide enough to provide for two tiers of lots of an appropriate depth.

Section 602. Lots

Lots shall be laid out so as to be buildable in compliance with the zoning regulations and county ordinances.

Section 603. Monuments

Permanent monuments shall be placed on block corners and all lot corners.

ARTICLE 7: MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Section 701. Road Arrangement and Design

	A.	Roads shall be related to topography and arranged so building sites are at or above road grade.
	B.	Roads shall be properly integrated with the existing system of roads, including connecting adjacent subdivisions where topographical and land use considerations permit.
	C.	Roads shall extend to subdivision boundary lines, unless prevented by topography or other physical conditions.
	D.	Roads shall be arranged to allow access to future subdivisions on abutting land.
	E.	Roads shall be permanently dedicated as public rights-of-way and accepted by the appropriate township government, or shown as private roadways.
	F.	Where a subdivision abuts or contains an existing or proposed arterial road, the following may be required: frontage roads, reverse frontage lots with screen planting along the rear property line, or other such treatment as may be necessary for adequate protection of residential properties.
	G.	Subdivisions platted along existing roads shall dedicate additional right-of-way if necessary to meet minimum road width requirements.
	H.	Road jogs with center line offsets of less than 125 feet shall not be made.
	I.	Dead end roads as permanent features shall be prohibited.
	J.	Roads subject to inundation or flooding shall not be approved unless essential for unusual circumstances which exist. Where flooding appears possible, road profiles and elevations shall be required in order to determine the advisability of approving the proposed subdivision.
	K.	The road layout of the proposed subdivision shall provide for the continuation or projection of roads already existing in areas adjacent to the area being subdivided. In addition, roads in the proposed subdivision shall correspond in name, direction and width to existing roads and shall be in conformance with the Major Street Plan and Comprehensive Plan as adopted.
	L.	Intersections:
	1.	Acute angles are to be avoided if possible, but no angle of less than 80 degrees shall be permitted.
	2.	Not more than two roads shall intersect at one point unless specifically approved.
	3.	Intersection offsets of less than 250 feet shall be avoided.

Section 702. Minimum Road Right-of-Way

A.	Roads shall have a minimum publicly dedicated right-of-way of 80 feet. An easement of 80 feet shall be reserved for private roadways. A maximum right-of-way of 100 feet may be required on any roads designated as arterial and collector.
B.	Cul-de-sacs shall be approved on a case by case basis 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 65 feet and the length of the road shall be generally limited to 500 feet. This shall also apply to private roadways.

Section 703. Road Construction

A.	Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances exist.
B.	Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.
C.	Minimum roadway width shall be 28 feet from shoulder to shoulder. There will be a minimum of 24 feet width pavement. Ditches and driveways shall have a maximum side slope of 6:1.
D.	All subdivision roads shall be hard surfaced.
E.	Asphalt and Portland cement concrete surfaces shall be constructed in accordance with specifications of the Highway Superintendent. At a minimum, there shall be a nine (9) inch granular base course with a three (3) inch asphalt surface for a residential development and a eight (8) inch granular base course with a four (4) inch thickness of asphalt for a commercial or industrial development. If Portland cement is used the granular base as a minimum should be six (6) inch with a seven (7) inch thickness of Portland cement.
F.	Culverts under roadways and driveways shall be R.C.P. Flared end sections are required on all culverts within the road right-of-way.
G.	The size of culverts shall be determined by a drainage study for the affected watershed area.
H.	A cross slope (crown) shall be provided on all roads at a rate of 0.2 feet per foot.
I.	The road ditch shall be at least 2 ½ feet below the road grade.
J.	Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.
K.	Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
L.	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.
M.	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 11.02 reserving the private road for permanent unobstructed access to abutting property and establishing private responsibility for maintenance of the roads.
N.	Road standards for commercial or industrial developments may be increased by the Planning Director and Highway Superintendent. An increase of these standards will be based on relevant information such as a municipality's comprehensive plan or subdivision regulations, driveway access widths, speed limit, number and types of vehicles using the road, parking availability, sound engineering judgment and any other pertinent information.
O.	It is the County's responsibility to install all of the road signage on both public and private roads. The owner or developer shall pay the county for all material and installation costs as determined by the Highway Superintendent.

Section 704. Road Names

- A. Roads in alignment with existing roads shall bear the names of those roads.
- B. No road names shall be used which duplicate or are like in pronunciation with any other existing roads. Road names shall not exceed 12 letters, including spaces. Except as may be otherwise required, road name suffixes shall be applied as follows:
1. *Street* - a road running east and west
 2. *Avenue* - a road running north and south
 3. *Road* - a road running east and west or north and south but which is not appropriate to name as a street or avenue
 4. *Lane* - a road running northeast to southwest
 5. *Drive* - a road running northwest to southeast
 6. *Trail* - a road which wanders in different directions
 7. *Circle* - all cul-de-sacs
 8. *Court* - a road with two openings which enters and exits on the same road
 9. *Place* - all private roads

ARTICLE 8: GRADING AND DRAINAGE

Section 801. Grading Plan

A grading plan for the subdivision shall be submitted to and approved by the County Engineer. The plan shall include the following information:

- A. *Final Site Grading Plan:* The site grading plan shall show contours with intervals acceptable to the Planning Director. The plan shall also show the drainage arrows for each lot.
- B. *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 802. Drainage Plan

All drainage facilities, including on-site detention, drainageways, detention ponds and drainage channels, shall be shown on the drainage plan and approved by the County Engineer and other appropriate county officials. 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.

Section 803. Approval Limitation

Approval of a drainage plan shall not be construed to confer upon any person any right or easement to divert or drain water from the development area over any other lands for which legal drainage rights have not been otherwise established.

ARTICLE 9: EROSION CONTROL PLAN

Section 901. Specifications

Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Lincoln County Conservation District and state/federal surface water discharge requirements. 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 Planning Director, 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 Planning Director and County Floodplain Administrator. 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 and be shown on the plan.

Section 902. Existing Features

Existing natural features which would add value to the development or to the county as a whole, such as trees, water courses, historical and/or scenic sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision.

ARTICLE 10: ASSURANCES FOR COMPLETION OF MINIMUM IMPROVEMENTS

Section 1001. Assurances for Subdivisions

No plats of any subdivision shall be approved unless the improvement(s) required by this ordinance have been installed prior to such approval or unless the developer shall have a surety bond or irrevocable letter of credit in form and manner acceptable to the County assuring completion of all required improvements.

ARTICLE 11: CERTIFICATES REQUIRED

Section 1101. Certificates for Preliminary Plans

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

COUNTY PLANNING COMMISSION APPROVAL

Approval of the preliminary plan of (Subdivision Name) Addition is hereby granted by the Lincoln County Planning Commission on this _____ day of _____, 20____.

Chair, County Planning Commission
Lincoln County, South Dakota

Section 1102. Certificates for Plats and Replats

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

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____.

Registered Land Surveyor

(SEAL)

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 roads, alleys, parks and public grounds, whether such improvements are shown or not. 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 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 Lincoln 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, drainage, and erosion and sediment control regulations.

We also certify that ownership and maintenance of streets, roads, and alleys, parks and other open space, drainage ways 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 or 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.

County Auditor
Lincoln County, South Dakota

DIRECTOR OF EQUALIZATION

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

Director of Equalization
Lincoln County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Lincoln 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
Lincoln 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
Lincoln County, South Dakota

ARTICLE 12: DEFINITIONS

Arterial. A principal traffic artery, more or less continuous across the County, which acts as a principal connecting road with state and federal highways and includes each road designated as an arterial street on the major street plan or as designated by the County Commission.

Building. Any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.

Collector. A road which carries traffic from local roads to arterial roads and highways, including the principal entrance roads of a residential development and roads for circulation in such development.

Comprehensive Plan. An official document of the County which guides land use for development.

County. Lincoln County, South Dakota.

County Commission. The elected governing body of the County.

Covenants. Those declarations prepared by the developer and intended to be recorded along with the Plat, which may provide for restrictions and controls of land uses and development within the subdivision, and which shall including a method whereby all private roadways within the subdivision shall be improved and maintained until such time as the obligation thereof may be accepted by the County or other governmental unit.

Cul-de-sac. A local road with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Dedicated. A grant of land to the public for their perpetual use.

Developer. Any person who converts undeveloped land into legally platted, buildable lots. The developer may or may not be the land owner or the builder of structures which occupy the lots.

Double Frontage. A lot which abuts a road on two opposite sides (not a corner lot).

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

Final Plan. The final plan shall be comprised of final drainage plans, grading plans and the erosion control plan, and the plat, in duly executed and recordable form.

Frontage Road. A road generally located adjacent to an arterial road, with limited access to the arterial, and used only for access to abutting property.

Highway Superintendent. The person appointed by the County Commission to direct the operations of the Highway Department.

Local Road. A road intended to provide access to arterial and collector roads from individual lots and to provide right-of-way for various utilities, but not intended to be used for through traffic.

Lot. A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Major Street Plan. The street plan adopted as part of the Comprehensive Plan.

May. Permissive.

Monument. A boundary marker of concrete, permanently planted and firmly fixed in the ground placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A steel rod, 5/8 inch x 12 inches, shall be placed at the center point on the monument.

Owner. The title holder of property, on file at the County Register of Deeds.

Person. Any individual, firm, partnership, association, corporation, organization, or other legally recognized entity.

Planning Commission. The Planning Commission as duly appointed by the County Commission.

Planning Director. The person appointed by the County Commission to direct the activities of the Planning Department and to administer and enforce the provisions of these regulations.

Plat. A map, or representation on paper (or, when required for recording and microfilming purposes, mylar or similar substances) of a piece of land subdivided into lots, parcels, tracts or blocks, including roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Preliminary Plan. The preliminary plan shall consist of the preliminary subdivision plan, and the preliminary drainage plan, grading plan, erosion control plan, and proposed covenants.

Preliminary Subdivision Plan. Drawing or drawings indicating the proposed layout of the lots, blocks, roadways, and public rights-of-way within a subdivision.

Private Roadway. A roadway that has not been dedicated, but rather reserved as public access to property. The private roadway shall be owned and maintained by the property owners which it serves, and shall be the full width of the easement including the driving surface and ditches.

Replat. A change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way. A strip of land occupied by a road, railroad, pedestrian walkway or other special use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels. Rights-of-way shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Shall. Mandatory.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something

having a fixed location on the ground, including but not limited to buildings, walls, fences and signs.

Subdivider. A person who prepares or causes to be prepared a subdivision plat.

Subdivision. The division of a parcel of land into two or more lots; or parcels ten (10) acres or less in size platted for the purpose of the transfer of ownership, or building development, whether future or immediate; or any division of land involving a new road regardless of parcel size or the number of parcels.