

CITY OF PARKSTON

SUBDIVISION REGULATIONS

(Adopted pursuant to SDCL Chapter 11-6)

ORDINANCE NO. 331

EFFECTIVE DATE:

September 11, 2013

Prepared by the Planning & Zoning Commission and City Council of Parkston, South Dakota

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ARTICLE 1: GENERAL PROVISIONS

Section 101. Title

These regulations shall be referred to as “The 2013 Revised Subdivision Ordinance for the City of Parkston, South Dakota”, to the same effect as if the full title were stated.

Section 102. Purpose

It is the purpose of these regulations to govern the subdivision of land to provide for coordination of streets in 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 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 located within the City and within the unincorporated area identified by the Major Street Plan in accordance with platting jurisdiction statute of 11-6-26 SDCL.

Section 104. 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 105. Amendments

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified or repealed by the City Council according to law; however, such amendments, supplements, changes or modifications shall not become effective until after study and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

___ Proposed change(s) in Subdivision Regulations drafted and sent to City Attorney for review

___ Letter received from City Attorney confirming legality of proposed change(s)

___ Planning & Zoning Commission holds a public hearing on the proposed change(s) with notice to be published in the City’s official newspaper at least 10 days prior to the scheduled date of the public hearing

___ Planning & Zoning Commission recommends adoption of the proposed change(s) to the City Council

___ City Council holds a public hearing on the proposed change(s) with notice to be published in the city’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

Section 106. Enforcement, Violations and Penalties

- A. The Planning & Zoning Administrator and City Engineer are hereby authorized and directed to enforce all the provisions of these regulations and establish rules for its administration. For such purposes, the Planning & Zoning Administrator shall have the powers of a law enforcement officer.
- B. No owner, or developer of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved in accordance with the provisions of the regulations and filed with the Hutchinson County Register of Deeds unless provisions of plat exemptions apply as within (Section 204) Subdivision Plan Exemptions - Minor Plat and (Section 205) Plat Exemptions.
- C. Any person violating any provisions of these regulations shall be punishable by a fine not to exceed the fine established by SDCL 22-6-2(2), by imprisonment not exceeding thirty days, or by both fine and imprisonment. Each day in which a violation of these regulations continues shall constitutes a separate offense.
- D. Whenever any work is done contrary to the provisions of these regulations, the Planning & Zoning Administrator may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such persons shall forthwith stop such work until authorized by the Planning & Zoning Administrator to proceed with work.
- E. The Planning & Zoning Administrator and City Engineer shall together have the authority to make interpretations of these regulations and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions.
- F. No permit shall be issued for the demolition or construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations.

SECTION 107. LEGAL STATUS PROVISIONS

- A. Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any

person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

B. Separability Clause

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part not declared to be unconstitutional or invalid.

C. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

D. Effective Date

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

E. Grandfather Clause

Any pre-existing subdivision's infrastructure that has not been officially adopted by the City Council must meet the standards set out in this ordinance. This does not pertain to infrastructure that has already been installed prior to the passing of this ordinance.

ARTICLE 2: SUBDIVISION PLANS APPROVAL PROCESS

Section 201. Applicability

Subdivision of land shall be required before the division of land (for any purpose) into two or more parcels.

Section 202. Overview of Approval Process

Proposed subdivision development plans must be approved by the City in accordance with the following procedures which include four principal steps.

Step 1:		Initial Development Plan <i>(with an annexation petition or in preparation for preliminary subdivision plan)</i> <i>See Sample Pre-Annexation Agreement (Section 1504)</i>
	Review by	Planning & Zoning Administrator, Utilities Superintendents, City Engineer, Planning & Zoning Commission, City Council
	Approval by	None

Step 2:		Preliminary Plan <i>(in coordination with rezoning)</i>
	Review by	Planning & Zoning Administrator, Utilities Superintendents and City Engineer, Planning & Zoning Commission
	Approval by	Planning & Zoning Commission, City Council

Step 3:		Development's Engineering Plans <i>(in preparation for engineering construction plans)</i> <i>See Sample Developers Agreement (Section 1503)</i>
	Review by	City Engineer, Planning & Zoning Commission

Step 4:		Plat (<i>before a building permit is approved</i>)
	Review by	Planning & Zoning Administrator, City Engineer/Registered Land Surveyor, City Council
	Approval by	Planning & Zoning Administrator, City Council

Section 203. Filing Fee

A filing fee shall be deposited with the City for all preliminary subdivision plans, development engineering plans, and plats. The amount of fees charged shall be set forth by resolution of the City Council. Fees established in accordance with this section shall be paid upon submission of a signed application.

Section 204. Subdivision Plan Exemptions - Minor Plat/Replat

The purpose of this section is to provide for the timely review of minor plats and replats (including plats for transfer of ownership) that do not discernibly impact surrounding properties, environmental resources, or public facilities. No initial development plan, preliminary plan, or development engineering plans are required. Minor plats and replats are administratively approved by the Planning & Zoning Administrator and City Engineer and must comply with all requirements of a plat in Section 502 (The Plat). Any request for new or additional public infrastructure or facility services after the land has platted may be required to comply with Article 5 Development Engineering Plans at the request of the City Engineer.

A. Minor Plats/Replats Requirements.

1. A minor plat is a plat containing not more than three proposed lots fronting on an existing street and meet ALL OF the following requirements: (Exception: When deemed appropriate, more than three (3) lots needs to be submitted for review by the Planning & Zoning Commission and City Council)
 - a. Does not require the dedication of right-of-way or construction of new streets, except that arterial roadways identified on the Major Street Plan will be required to dedicate the necessary right-of- way;
 - b. Does not require the creation of easements or has existing services that do not require additional easement size.
 - c. Does not create a lot or tract eligible for any public or private improvements other than sidewalks;
 - d. Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;

- e. Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;
 - f. Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;
 - g. Does not adversely affect the remainder of the parcel or adjoining property; and
 - h. Does not conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or these regulations.
2. Replat. A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat. Twin home plats are based off existing foundation property walls.

Section 205. Plat Exemptions

The purpose of this section is to exempt the City of Parkston platting rules and regulations from the following situations. However, the exemption of the City of Parkston platting rules and regulations does not exempt the platting requirements of the register of deeds, title company, and state law.

- A. Cemetery gravesite plats.
 - 1. Cemetery gravesite plats or plots do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections, blocks, lots, individual grave spaces, avenues, walks, and streets, thereby platting or making a map which shall be filed and maintained as a permanent cemetery record. However, all platting requirements of the county register of deeds and state law are still applicable.
- B. Government-owned parcels. In order to facilitate the transfer of ownership from one owner to a government entity for the use of a public land or facility (e.g., school, park, drainageway), plats may be exempted by the Planning & Zoning Administrator and City Engineer.

ARTICLE 3: INITIAL DEVELOPMENT PLAN

Section 301. Submission

The initial development plan is a process designed to help a developer save time and expense in preparing a preliminary plan and a plat. The advantage of an initial development plan is that City staff will provide important information upfront that may significantly affect lot and block layout and utility plans. It is recommended that at least some preliminary drainage engineering be completed during the initial development plan stage. The process works best when guided by a landscape architect or physical planner, collaborating with a civil engineer. The City encourages conservation subdivision planning as designated on the future land use plan and master park plan. All initial development plans for review shall be submitted to the City Finance Officer and given to the Planning & Zoning Administrator.

- A. Prior to the submission of the preliminary subdivision plan and, if needed, rezoning to the Planning & Zoning Commission, the developer shall submit an initial development plan to the Finance Officer who will give it to the Planning & Zoning Administrator and the City Engineer. City staff comments on the initial development plan shall be sent to the developer within 45 working days. The requirement for an initial development plan may be waived by the Planning & Zoning Administrator and City Engineer if access permits have been approved and it is a residential subdivision with less than two acres or a nonresidential subdivision with less than two acres. A developer may choose to submit an initial development plan for comments that has all elements of a preliminary subdivision plan.
- B. The initial development plan shall contain the following information:

1.	The general layout of streets and access points to adjacent street systems; location of major drainageways, approximate flow paths and detention ponds; water line locations; nearest existing sanitary sewer line locations; natural features and amenities and preservation public land, proposed zoning districts; pedestrian connectivity; and agreement with the City’s comprehensive plan goals and policies.
2.	The owner and developer addresses and telephone numbers.
3.	Context map to scale, showing locations of the initial development plan, aerial photographs, U.S. Geological Survey Topographic sheets, FEMA floodplain, U.S. Fish and Wildlife Service wetland maps, and Natural Resources Conservation Service soil maps and other property for at least one-half mile in every direction. Scale 1” = 400 feet.

- C. Additional requirements for a planned development district:

1.	The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed nonresidential buildings and their square footage.
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2.	The proposed maximum density of the development.
3.	The proposed minimum setbacks.
4.	The proposed maximum height.
5.	Proposed design features illustrating compatibility to the surrounding environment and neighborhood.
6.	Anticipated subarea development sequence.

- D. Comments from City staff in regard to the initial development plan should include future land use amendments, zoning transitions, street right-of-way width and type of street (minor or major collector), pedestrian circulation, lot and block layout, street access points, water and sanitary sewer locations. Staff shall track consistency of comments between initial development plan and preliminary subdivision plan.

ARTICLE 4: PRELIMINARY SUBDIVISION PLAN

Section 401. Submission

A preliminary subdivision plan is a process designed to assist the developer and the City with the efficient and timely development of utilities to and throughout a development. Plans will be evaluated for compliance with the City's comprehensive plan goals and policy framework, adopted master plans, and the capital improvement program.

Based on the initial development plan, the developer shall submit the preliminary subdivision plan to the City Finance Officer. The application may be submitted five working days before the Planning & Zoning Commission submittal deadline.

1. Within five working days of receipt of a subdivision application and fee, the Planning & Zoning Administrator will review the application to determine whether it contains all elements required by Section 401(A).
2. If the Planning & Zoning Administrator determines that the application does not contain all elements as required by Section 401(A), then the applicant shall be notified in writing of the specific deficiencies; and that the application shall not be scheduled for a public hearing until all elements of the application are submitted. The applicant has until the submittal deadline to submit all elements.
3. When the Planning & Zoning Administrator determines that the application does contain all elements as required by Section 401(A), the application shall be scheduled for a Planning & Zoning Commission public hearing by the Planning & Zoning Administrator on a day when the Planning & Zoning Commission is regularly scheduled to meet as determined by the rules, policies, and regulations as adopted or which may hereafter be adopted by the Planning & Zoning Commission for holding public hearings on such requests.
4. The Planning & Zoning Administrator will review within 30 days to determine compliance with all approval criteria of Section 401(A).
5. If the Planning & Zoning Administrator determines that the preliminary subdivision plans do not meet the criteria, a one-month or next meeting deferral of the plan may occur and the Planning & Zoning Administrator shall identify specific required information in its notification to the applicant at the end of the thirty-day review period. After the one-month deferral and a resubmitted preliminary subdivision plan, the Planning & Zoning Administrator may schedule the preliminary plan for a Planning & Zoning Commission public hearing.
6. If the Planning & Zoning Administrator determines that the preliminary subdivision application is in sufficient compliance with Section 401(A), but there are specific design, improvement, or other compliance deficiencies, the Planning & Zoning Administrator may list conditions to the approval of the subdivision application to the Planning & Zoning Commission.

The City Council, in taking action on a preliminary plan, shall consider the recommendations of the Planning & Zoning Commission and shall hold a public hearing. It shall then approve, disapprove, or approve with conditions based upon the criteria within Section 401(A). Approval of the preliminary plan shall indicate council's approval of the general location of the lots, blocks, and streets including the interrelationship to proposed zoning districts or land uses; all which shall be so noted on the preliminary subdivision plan's certificate of approval. The approved plan shall be kept on file in the office of the Finance Officer and City Engineer. Any conditions included by the City Council shall be resolved on a revised preliminary plan which would be submitted to the Planning & Zoning Administrator for administrative approval before any development engineering plans and plats are submitted.

A. Element and Approval Criteria for Preliminary Subdivision Plans:

Elements	Approval Criteria
Submitted by a licensed civil engineer. The City also encourages use of a landscape architect or land use planner.	The earmark that distinguishes a licensed/registered professional engineer is the authority to sign and seal or "stamp" engineering documents for a design or analysis, thus taking legal responsibility for it.
Initial development plan.	Consistency with initial development plan.
Proposed name of subdivision.	The name 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 adjoining to an existing subdivision.
The names of all adjoining subdivisions with adjoining unplatted property shall be labeled as such.	Showing connectivity with lot and block lines, easements, and rights-of-way.
Lot and block layout.	Consistent with Article 6 (Preliminary Plan Criteria).
Vicinity map to scale showing location of preliminary subdivision plan.	Includes other property between 660-1,320 feet in every direction.
The owner, developer landscape architect or land use planner and engineer's names, addresses, and telephone numbers.	Use as contact for the project for comments and notifications.
Proposed zoning districts.	Sufficient to allow for staff review of residential densities and nonresidential structure size.
Area, legal description, and notations stating acreage, scale, and north arrow.	Determine if plan boundaries meet stated ownership; adjacent property notification, if required; measurement and review of plans.
Elements	Approval Criteria
The location and size of all public facilities, schools, libraries, fire stations, parks, tree masses, and other significant natural features.	Consistent with the parks/open space needs identified within the growth management plan and Article 11 of the Subdivision Ordinance

	(Preservation of Natural Features and Amenities).
Existing contours referenced to North American Vertical Datum (NAVD 88) with intervals sufficient to determine the character and topography of the land to be subdivided.	Utility coordination and consistency with water, sewer, grading/drainage plans.
Phasing and timelines.	Per annexation resolution and for purposes of identifying final utility plan parcels (based on watershed boundaries); construction planning for private and public entities.
Proposed City reimbursements.	Coordination with CIP and City disbursements.
Other data consistent with or required within the developers/pre-annexation agreement.	Only data as required within an annexation, preannexation.
Certificates of approval for endorsement by the Planning & Zoning Commission, Planning & Zoning Administrator, City Engineer, Finance Officer, and the City Council.	Signed and executed.
Preliminary street plan	Consistent with Engineering Design Standards (Chapters 6 and 8)
Preliminary sanitary sewer plan	Consistent with Engineering Design Standards (Chapter 9)
Preliminary water plan	Consistent with Engineering Design Standards (Chapter 10)
Preliminary drainage plan	Consistent with Engineering Design Standards (Chapter 11)

Section 402. Effective Period of Preliminary Subdivision Plan Approval

Any preliminary subdivision plan which has not received Development Engineering Plan approval for all or a portion of the Preliminary Subdivision Plan area within a period of three years would require resubmittal of a new plan for approval subject to any new subdivision regulations unless a waiver from the Planning & Zoning Administrator is approved.

Upon written request to the Planning & Zoning Administrator and prior to the Preliminary Plan expiration date, a one-year time extension for the Preliminary Plan may be granted by the Planning & Zoning Administrator, subject to the following condition:

The land uses for land within the preliminary subdivision plan area have not significantly been altered since the original approval date for the preliminary subdivision plan.

Section 403. Revisions to Preliminary Plan

Amendments to an approved preliminary subdivision plan may be requested by the developer. The

Planning & Zoning Administrator may request an updated preliminary subdivision plan for review and approval when changes to the plan are proposed.

- A. Amendments to a preliminary plan shall consist of external impacts, including changes in major (collectors) street pattern, change of zones, drainage facility location, other public open space location, or perimeter boundaries.
 - 1. Amendments to an approved preliminary subdivision plan shall follow the procedures for approval of a preliminary subdivision plan as required in this section.
 - 2. The approved plan [and any amendments] shall be kept on file with the Planning & Zoning Administrator.
 - 3. Preliminary plan approvals shall be approved based on the current subdivision ordinance.

ARTICLE 5: DEVELOPMENT ENGINEERING PLANS AND THE PLAT

Section 501. Development Engineering Plans

The development engineering plan is a process designed to assist the developer and the City with the efficient and timely development of utilities and final lot and block layout to and throughout a development. Plans will be evaluated for compliance with the Engineering Design Standards and the capital improvement program. The Development Engineering Plan approval will be based upon the engineering feasibility of the development including the determination of more precise locations of all lots, blocks, and streets.

Following the approval of the preliminary subdivision plan, if the developer wishes to proceed, development engineering plans shall be submitted at the City Office for review and acceptance by the City Engineer. The development engineering plans shall encompass all land on the preliminary subdivision plan, be in compliance with conditions and approval requirements of the preliminary subdivision plan, and existing and proposed easements shown and dimensioned from property lines and utilities.

The development engineering plans shall comply with the respective chapters within the adopted Engineering Design Standards. The final grading and drainage plan, the final utility plan, and the groundwater control plan shall be approved or disapproved within 45 working days after submittal to the City. In addition, a final lot and block layout shall be approved by the City Engineer and Planning & Zoning Administrator as required by Table 1. If these plans are approved, the developer may then submit the plat(s) for approval.

Table 1

Development Engineering Plan Lot and Block Layout

Elements	Criteria
Lots and blocks including a systematic lot and block numbering pattern, lot lines.	Ability to reference areas and review plans; consistent with Article 6 (Preliminary Plan Criteria) and Article 7 (Development Engineering Plan Criteria) and applicable Zoning Districts.
Location and widths of all existing and proposed easements.	Utility coordination; consistent with Article 6 (Preliminary Plan Criteria) and Article 7 (Development Engineering Plan Criteria)
Location of all street right-of-way including width and street names.	Consistency with Major Street Plan and Article 6 (Preliminary Plan Criteria) and Article 7 (Development Engineering Plan Criteria)

The location and size of all public facilities, schools, libraries, fire stations, parks, tree masses, and other significant natural features.	Consistent with the needs identified within the Comprehensive Plan and Article 11 of the Subdivision Ordinance (Preservation of Natural Features and Amenities)
Boundary lines of floodways and 100-year flood zones delineated on the Flood Insurance Rate Maps (FIRM).	To ensure buildable lots

Amendments to Development Engineering Plan Lot and Block Layout:

The City Engineer and Planning & Zoning Administrator may request an updated development engineering plan for review and approval when changes to the plan are proposed or when a proposed plat is not consistent with the development engineering plan. The proposed amendment may include the submission of an updated preliminary subdivision plan to the Planning & Zoning Administrator.

Amendments shall be done administratively with signed approval by Planning & Zoning Administrator and City Engineer and coincide with the development engineering plans.

Section 502. The Plat

Platting is a process designed to assist the developer and the City to approve the appropriate features of a proposed subdivision and place them on file with the county register of deeds. Platting is required when land is divided into tracts for purpose of sale, transfer of ownership or in creating a new building site prior to issuance of a building permit, or connecting to City utilities.

One signed mylar plat, two paper copies, one reduced 8.5 x 11 copy, and an electronic PDF and DWG shall be submitted to the City Office for review and approval. All copies shall be signed, sealed, and notarized.

The plat should be drawn at a range of 1:20 to 1:400 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 plat shall show the following information:

A.	The proposed name of the subdivision. The name 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.	Scale and north arrow. All lot and block lines, type of easements, and rights-of-way such as drainage facilities, pedestrian, and utilities should be consistent with the development engineer plan. Adjoining unplatted property shall be labeled as such.
C.	A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
D.	The location and width of all proposed and existing rights-of-way, alleys, and easements.

E.	The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or other recognized permanent monuments which shall be accurately described on the plat as required by SDCL 43-18, 43-20 and 43-21.
F.	Location of all monuments and permanent control points, and all survey pins, either set or located as required by SDCL 43-18, 43-20 and 43-21.
G.	The identification and delineations of any portions of the property intended to be dedicated or granted for public use such as drainage facilities, schools or park land.
H.	All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
I.	The radii, chords, length of curve, point of tangency, and central angles for all curvilinear streets/roads and radii for rounded corners.
J.	The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the Flood Insurance Rate Maps (FIRM).
K.	Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required; as well as the use of any required common areas.
L.	All formal irrevocable offers of dedication for all streets/roads, alleys, parks, drainage facilities, pedestrian paths and other uses as required.
M.	Approved assurance agreement(s).
N.	The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown as required by SDCL 43-18, 43-20 and 43-21.
O.	Certificates of approval for endorsement by the Planning & Zoning Administrator.
P.	Existing building outlines to verify setbacks and lot area requirements and ensure current and proposed easements are clear of obstructions.

Section 503. Approval of the Plat

The plat shall provide the information indicated in Section 502 [The Plat] and shall require the review and approval of the Planning & Zoning Administrator. The plat shall be in conformance with an approved final lot and block layout of the development engineering plan. Either all or a portion of the final lot and block layout of the development engineering plan may be platted.

The plat shall be considered for approval only after the City Engineer has approved assurances as required by Article 13 from the developer fixing responsibility for the required improvements, or any revision thereof. If the plat is not approved by the Planning & Zoning Administrator within thirty (30) days of submittal, the plat shall be presented to the City Council for action. A plat shall be considered submitted when it has been filed with the Planning & Zoning Administrator. Approval of any plat shall be contingent upon the plat being recorded within 120 days after the certificate of approval is signed by the Finance Officer.

ARTICLE 6: PRELIMINARY PLAN CRITERIA

Section 601. Intent

When applications are submitted for a preliminary plan, developers shall comply with the following criteria:

Section 602. Blocks

The lengths, widths, and shapes of blocks shall be determined with regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; the need for convenient access, circulation, control, and safety of traffic and utilities; and limitations and opportunities of topography .

Blocks shall normally be wide enough to allow two tiers of residential lots of an appropriate depth. However, if conservation subdivision design is utilized, homes and lots are laid out to maximize visual and physical access to the open space by the residents. Homes are clustered together on smaller lots, usually in a few areas or blocks. Length Block lengths shall not exceed twelve hundred (1,200) feet or be less than three hundred (300) feet, except as the City Council considers necessary to secure efficient use of land or desired features of street layout.

Section 603. Lots

- A. Lots should be in compliance with the zoning ordinance.
- B. Corner lots for residential use shall have extra width to permit appropriate building setbacks.
- C. Each lot shall abut a dedicated right-of-way.

Section 604. Street System

- A. Arrangement and extension. The arrangement of streets in new subdivisions 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.
 - 1. The arrangement of all streets and alleys shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- B. Circulation plan. In general, streets within subdivisions shall be designed to incorporate and tie into existing or proposed pedestrian pathways and roadways, and to take into account design restrictions on abutting parcels caused by the surrounding topography, parcel lines or other features. Other criteria in the street circulation plan shall include the following:
 - 1. Provisions should be made for a collector street every half mile, and there should be a street connecting adjacent subdivisions at intervals not less than a quarter mile where

environmental constraints and land use considerations permit.

2. Streets should be designed to convey residents conveniently throughout the neighborhood, and to the parks, schools, and shopping areas of the neighborhood and to adjacent neighborhoods. When a subdivision is designed or constructed in conjunction with another use (such as retail, office, apartments, park or school) of a neighborhood scale, the local and/or collector road system should be designed to provide roadway connections between the various uses.
- C. Arterial streets. In order to maintain the traffic carrying capacity of the arterial streets by limiting access to it from individual lots, and in order to protect the residents of property adjacent to arterial streets from the high traffic volumes associated with the street, property along such arterials shall be subdivided in the manner set forth below:
1. Double frontage lots. Where double frontage lots are used for residential development, additional lot depth or width consistent with the zoning ordinance for rear yard setback shall be required to provide for an extra setback to offset the impact of high traffic volume. When double frontage lots are proposed, the developer shall be required to sign an assurance agreement prior to plat approval.
 2. Tracts onto arterial streets. In order to avoid private access from individual lots onto arterial streets, lots should be arranged on blocks so that their side or rear yards are adjacent to the arterial street.
 3. Access roads. Access roads may be used as the City grows into the areas in the county where they have been required. Under some circumstances they would also be appropriate for commercial and industrial development. Access roads shall be constructed to City standards with a right-of-way width of 29 - 50 feet.
 4. Rear access roads. Rear access roads are recommended for commercial developments. In this way the access can serve two tiers of lots and alleviate the dangerous turning movements onto and off of arterial streets.
 5. Non-residential land uses, and higher density residential land uses including multiple family units and townhouses are particularly suitable for the intersection of two arterial streets. Any development of this type should have limited access to the arterial street.
 6. Lots adjacent to railroad right-of-way. Lots for residential development adjacent to functioning railroad rights-of-way shall provide extra lot depth or width consistent with the zoning ordinance for rear yard setback to provide for an extra setback to offset the impact of the railroad traffic.
- D. Collector streets.
1. Collectors shall be used to collect traffic from other local roads and collectors to arterial roadways. They should generally run two miles in length.
 2. Based upon increased speeds and volumes lot sizes and land uses may be increased along collectors to be consistent with the proposed zoning and transitions.

3. Collectors shall be developed along or between property lines, so that both land owners can share in the cost as well as having access to the collector.
4. In agricultural and transitional areas, collector streets shall be identified and located through the Engineering Design Standards.

SECTION 605. Suitability of the Land for Subdivision Development

If the City Council find 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 the 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 City Council, 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.

The Council, may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, property drainage, good roads, and transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services such as undue maintenance costs for adequate roads.

ARTICLE 7: DEVELOPMENT ENGINEERING PLAN CRITERIA

Before a plat is submitted, developers shall have an approved Development Engineering Plan which shall comply with the following criteria and all Engineering Design Standards.

Consisting of a:

1. Lot and block layout – approved by Planning & Zoning Administrator and City Engineer.
2. Drainage, water and sanitary sewer developer’s engineering plans – approved by City Engineer.

Section 701. General Requirements

The plat shall conform to the criteria of the preliminary subdivision plan plus the additional criteria for Development Engineering Plans.

Section 702. Blocks

- A. Block lengths shall not exceed 1,200 feet.

Section 703. Lots

- A. Lot dimensions shall be appropriate for the location of the subdivision and conform to the Parkston Zoning Ordinance.
- B. Each lot shall abut a dedicated right-of-way, mutual access, or common area.
- C. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.
- D. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.
- E. Side lot lines shall be at right angles to streets except on curves where they shall be radial except when otherwise approved.
- F. Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
- G. In undeveloped or vacant areas, streets shall be identified and classified through the transportation planning process. The location of major streets shall conform to the official Major Street Plan.
- H. Number of units shall not exceed 30 with only one access.

Section 704. Streets System

- A. Street design standards. All public street improvements, including pavement width, street grades, alignment and visibility, and intersections shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City Engineer. All public street facilities shall be designed in compliance with the Engineering Design Standards.
 - 1. Half streets. Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision. A preliminary plan of a subdivision may show half a street along adjoining property which has not been subdivided, but only a lot(s) abutting the dedicated half street side shall have a building permit issued for it.

- B. Traffic calming. Improving traffic flow into and through subdivisions also needs to take into consideration traffic volumes and speeds. Traffic calming is the process by which vehicular speeds and volumes on local streets are reduced to acceptable levels. This is achieved through the installation of approved devices such as traffic circles, flares, and center islands. Traffic calming serves the purpose of reducing cut-through traffic, truck traffic, excessive speeding, noise, vibration, air pollution, and accidents in an attempt to provide a safer environment for motorists and pedestrians.
 - 1. Approved devices shall be spaced within the right-of-way along major collectors through residential subdivisions, based upon Engineering Design Standards or based upon nationally recognized calming measures.
 - 2. Traffic calming devices may be required by the City Engineer, based upon the review of a traffic impact study.

- C. Arterial and collector street development. In order to maintain the traffic carrying capacity of the arterial and collector streets by limiting access from individual lots, and in order to protect the residents of property adjacent to arterial and collector streets for the high traffic volumes associated with the street, property along such arterials and collectors shall be subdivided in the manner set forth below:
 - 1. Double Frontage lots. Where double frontage lots are permitted, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of high traffic volume. When double frontage lots are proposed, the developer shall be required to escrow a sufficient amount of money to pay for the assessments on the arterial street or shall finance and complete construction of the arterial street to city specifications prior to plat approval.
 - 2. Whenever an arterial or collector street has been constructed for which the cost has not been apportioned against the property located outside the city which abuts an arterial street constructed by special assessment and which benefits the property located outside the city limits, the property shall pay its proportionate share of the cost of such construction, without interest, according to the benefits to accrue to such property before it may be served by the street. Access to an arterial shall be as described in the Engineering Design Standards.

Collector and Arterial Streets will be constructed through special assessments based on the criteria above. The City of Parkston may enter into agreement with an adjacent landowner for private construction of a collector street.

- F. There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the city under conditions approved by the City Council, as authorized by this ordinance.
- G. Mutual access easements. When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
 - 1. Any mutual access easement accepted by the City must 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 mutual access easement by the public or any governmental agency.
 - 2. Mutual access easements shall be indicated on the plat or by recorded easement.
 - 3. Any plat presented for City approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate [see Article 14] reserving the mutual access easement as a perpetual unobstructed access easement.
 - 4. Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer.
 - 5. An easement area maintenance agreement among property owners who will depend on the mutual access easement for access shall be filed with the plat. It shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs (see 6. below).
 - 6. The developer may be required to place traffic control signs on mutual access easements or to pay the City to place traffic control signs for mutual access easements at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs shall be approved by the City Engineer.
- H. Alleys.
 - 1. Alleys are permitted in commercial and industrial districts, except where provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirement set forth in the Parkston Zoning Ordinance.
 - 2. Alleys are permitted in residential districts when design standards and conditions warrant an alternative means of access.
- I. Continuation of street names. Streets obviously in alignment with existing streets shall bear the names of those streets. When, due to topography, offsets caused by rectangular

surveys or other physical features, streets become interrupted, quarter line and section line streets shall retain the same name on either side of the irregularities.

- J. Street naming criteria. No street names shall be used which will duplicate, be the same in spelling, or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 36 inches. All street names shall indicate directions either north, south, east, or west.
- K. Prohibition on certain street name suffixes. No Development Engineering Plan shall be approved which use the names of square, ridge, pass, way, or terrace as a suffix for a street name.

Section 705. Flood Hazards

- A. Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use, which may increase the danger to health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to public welfare.

To insure that lots will be located only where they will provide flood-free house sites, the City Council may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be completely free from the danger of flooding.

- B. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for an easement or right-of-way along the stream for a floodway. For smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be well above the extraordinary flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased.

Section 706. Walkways

- A. Concrete or asphalt pedestrian walks of an appropriate width (as determined by the City Engineer) shall be required through blocks where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities. They may also be required to provide access through greenways and common areas. The walks shall be maintained by the adjacent property owners.

Section 707. Minimum Subdivision Improvements

Where development engineering plans are approved and plats within the development engineering plan are platted, utilities will be required to be extended to the edge of adjacent platted land.

Section 708. Maintenance Agreements

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, storm

drainage systems, road systems, or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of the agreement shall be attached to each and every plat having a facility or service covered by such an agreement.

Section 709. Easements

Easements shall be provided and dedicated where necessary for wires, cables conduits, fixtures, and equipment for distribution of electric power, wastewater collectors, storm drains, overland storm water flow routes, sidewalks, pedestrian ways, bikeways, private roadways, and water mains at such locations and widths as determined by the City. The width of easements required for public wastewater collectors, storm drains, and/or water mains shall be as specified in the Engineering Design Standards for the particular improvement adopted by the City. It is the policy of the City to locate all necessary utilities in the right-of-way or in easements abutting rear or side lot lines, except on double frontage lots. Deviations from this policy may be made when it is demonstrated that the utility is necessary and no practical alternative locations exist. In any dedication of an easement, the City may prohibit or restrict building, fences, driveways, and other improvements; may enter for construction, reconstruction, replacement, repair, operation, and maintenance purposes; and will be held harmless for the cost of replacement or damage to any improvement or vegetation within the easement and may make any other appropriate or necessary requirements.

- A. All easements for municipal utilities shall be shown on the plat.
- B. There shall be a 12-foot utility easement for municipal utilities along all right-of-way frontages; except when the setback is equal to or less than 20 feet, then the utility easement shall be equal to half the distance of the required setback per the zoning district.
- C. Easements centered on rear lot lines shall be provided for utilities and drainage where necessary and shall be a minimum of 20 feet in total width unless otherwise required by the City Engineer. Utility easement shall be located outside the drainage easement.
- D. Where topographical or other conditions warrant side yard easements and easements across lots, easements at least 10 feet in total width shall be provided.
- E. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.
- F. 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.
- G. The City reserves the right to widen any easement based on utility depth and access potential.

ARTICLE 8: UTILITIES AND PUBLIC SPACE

Section 801. Water Facilities

A. General Requirements

1. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.
2. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the City utilities department as shown on the final utility plan required in Section 501.
3. Water main extensions shall be approved by the Utilities Superintendent. If the water main is extended adjacent to property that will not participate in the initial construction cost of the water main, the developer shall submit to the Utilities Superintendent a cost recovery study based upon the actual construction costs showing the amount due from each property when a connection is made to the extended water main.
4. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts shall be shown on the preliminary water and sewer plan.

B. Public Water Supply

Land which is located over or adjacent to a water bearing stratum or water supply reservoir and which is designated as an area providing or supplementing a municipal water supply shall not be developed or subdivided for residential, recreational, commercial or industrial purposes except when public water and sewer systems are provided.

C. Design Standards

All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be designed in accordance with Chapter 10 of the Engineering Design Standards and are subject to the approval of the City Engineer.

Section 802. Sanitary Sewers

A. Provided for each lot.

Each lot within a subdivision area shall be provided with a connection to an approved public sanitary sewer.

B. Exceptions.

In areas where a public sanitary sewer is not reasonably accessible, but where plans, including the comprehensive plan, a facilities plan or any other approved plan for the

installation of sanitary sewers in the vicinity of the subdivision has been prepared, the subdivider shall install sewers in conformity to plans approved by the City Engineer. In cases where a connection to an existing public sanitary sewer may not be immediately practical, a connection may be made to the gravity sewer system by the use of a lift station, constructed in accordance with the regulations and requirement set forth by the City Engineer.

C. Design Standards.

All sanitary sewer facilities including gravity sewers, manholes, lift stations and force mains shall be designed in accordance with the Engineering Design Standards and are subject to the approval of the City Engineer.

Section 803. Public Open Space

Where increased demands on parks or recreation areas will occur as a result of the applicant's proposed residential subdivision or development, the City may require a public open space fee applicable to residential development and dwelling units and shall be computed on the basis of three hundred dollars (\$300.00) per dwelling unit. In lieu of the public open space fee, the applicant may dedicate one (1) acre for each 75 proposed dwelling units within the proposed development for open space for park, multi-purpose trails or recreation purposes. The land that is proposed by the applicant for dedication must be suitable and acceptable to the City for the use or activity that is identified. The City Council declares that development of an area smaller than two (2) acres for public park purposes is impractical. Therefore, if fewer than 150 units are proposed by a plat filed for approval, the developer shall be required to pay the applicable public open space fee. The public open space fee requirement shall not apply to developments of five (5) dwelling units or less, unless such development is a phase, section or part of a development plan that will include more than five (5) lots when completed.

Public open space fee payment shall occur at the time of platting or as agreed upon in the development agreement. Public open space fee payments shall be deposited in the City's park development fund and used solely for the purchase of park land and development of same. The open space land dedication in lieu of the public open space fee required by this Section shall be made by filing of the final plat unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the public open space fee of land amount or by conveyance of an appropriate amount of land to the City.

Where a proposed park, recreation or other public area which is shown on the Comprehensive Plan is located in whole or in part in a residential development, the City Council may require the dedication or reservation of such area within the proposed development for public purposes.

Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas shall not be used for credit towards the requirement of dedication for park and recreation purposes, unless the City Council finds it is in the public interest to do so.

The City, upon consideration of the particular type of development, may require that a lesser parcel of land be dedicated due to particular features of the development. In such cases, a public open space fee contribution shall be required above the land dedication to insure that compensation is received for the full amount of the impact on the City's park and trail system.

Property being replatted with the same number of lots and same number of dwellings units shall be

exempt from all public open space fee requirements. If the number of lots or the number of dwelling units is increased, or if land outside the previously recorded plat is added, then the public open space fee and/or public open space land dedication shall be based on the additional lots and on the additional land being added to the plat.

Wetlands, ponding areas, and drainageways, accepted by the City, may not be considered in the public open space fee and/or land dedication to the City. The applicant shall confer with City Staff at the time the Initial Development Plan is under consideration, to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The public open space fee may be adjusted by resolution of the Parkston City Council.

ARTICLE 9: GRADING AND DRAINAGE

Section 901. Grading Plan

The final grading plan for the subdivision shall be submitted to and approved by the City Engineer. The grading plan shall, as much as possible, be laid out to conform to the natural contour of the land. At his or her option, the City Engineer will inspect the grading project and charge the grading contractor an inspection fee equivalent to the hourly rate for the personnel involved. The City Engineer shall conduct additional inspections during the course of the grading operation as deemed necessary.

For individual lots, a visual inspection shall be completed prior to the occupancy verifying that the lot grading has been accomplished to the approved site plan and Subdivision Engineered Plans. The City may require an as-built survey in areas with minimal grade or where a problem exists.

The developer shall do all site grading including the front fifteen (15) feet of the lots, common greenway and open spaces, stormwater storage ponds and surface drainageways, including sodding of boulevards and drainageways.

Boulevards shall be graded at an incline of 2% behind the curb. The sidewalk construction shall be in accordance with the city-approved streetscape and shall reflect a consistent grade that follows the back of the curb.

Section 902. Drainage Plan

The final drainage plan for the subdivision shall conform to the city-approved master drainage plan. If a master drainage plan is not available for a proposed subdivision location and if the City deems it necessary, one will be conducted by the City on the drainage basin of which the proposed subdivision is part. No subdivision plans will be approved prior to completion and acceptance of the master drainage plan.

All drainage facilities, including on-site detention, drainage ways, detention ponds and drainage channels, shall be shown on a drainage plan and approved by the Authorized Official and other appropriate City officials. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the City determines 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. Drainage ways and detention ponds shall be designed for a 100-year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated. Major drainage ways which are a designated part of the major drainage system may have sufficient land area dedicated to the City. The area to be dedicated may include the entire area which would be inundated by the 100-year design storm. The City may require an additional 30 feet on each side of said drainage way for maintenance and access.
- B. Detention pond sites which are designated parts of the major drainage system shall have sufficient land area dedicated to the City. The area to be dedicated shall include the entire area which would be inundated by the 100-year design storm. The City may also require an

additional 30 feet on the perimeter of the pond site in order to provide for maintenance and access. The boundaries of all drainage easements and detention ponds shall also be indicated on the plat. The maintenance agreement for the upkeep of the detention ponds, in form and manner acceptable to the City, 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. Lot corner elevations shall be shown for each lot which shall conform to the general lot drainage plan.
- D. The City of Parkston requires that detention be implemented to reduce the potential of increasing runoff. Post-development peak runoff rates shall be limited to Pre-development peak flow rates for a 5-year and 100-year event as calculated based on guidance in the City of Parkston Engineering Design Standards or generally accepted procedures in this area. The City of Parkston Engineer has final approval on drainage design techniques and the use of coefficients if they differ from the design standards. The City of Parkston's completed Storm Water Master Plan provides general guidance of existing flows and potential developed flows for the purposes of reviewing regional detention.

Drainage Channels (open channel drainage ways utilized within a subdivision) with longitudinal slopes of 0.1% to 0.5% shall line the channel with concrete to a depth and width applicable for the flow it needs to convey. Drainage channel with longitudinal slopes of 0.51% to 0.75% shall line the channel with sod to the width applicable for the flow it needs to convey. Channel slopes greater than 0.76% shall utilize sod or conventional seeding to provide permanent soil stabilization. All proposed overland flow routes will be evaluated on a case by case basis for maintenance, access and potential flow obstructions. Proposed overland flow routes may be required to be concrete based on these evaluations. These evaluations will be complete for all longitudinal slopes.

Section 903. Design Standards

All drainage facilities including storm sewers, on-site detention, drainageways, detention ponds, and drainage channels shall be designed in compliance with Chapter 11 of the currently approved Engineering Design Standards and are subject to approval of the City Engineer.

ARTICLE 10: EROSION CONTROL PLAN

Section 1001. Specifications

Measures used to control erosion on a development site shall meet the requirements of the Engineering Design Standards. 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 City Engineer shall require any further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on public streets 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 City Engineer.

Section 1002. Subdivisions and Individual Lots

A. General

1. Land disturbing activities of one acre or more shall comply with the Erosion and Sediment Control Guidelines of the City's Engineering Design Standards and all SD Department of Environment and Natural Resources.
2. Throughout build-out, a subdivision owner and developer is responsible for and shall implement and maintain best management practices (BMP) and conditions of the approved erosion and sediment control plan to control erosion and sediment problems on all property within the subdivision until the notice of termination is granted. It shall be the responsibility of the subdivision owner and developer to inform owners and contractors of lots within the development about the erosion control standards. The responsibility may be transferred to new owners of lots within the subdivision by completing the transfer of permit coverage form as stated in the general permit.

ARTICLE 11: PRESERVATION OF NATURAL FEATURES AND AMENITIES

Section 1101. Existing Features

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

ARTICLE 12: RURAL SUBDIVISIONS

Section 1201. In General

- A. Premature subdivision of land is to be discouraged, due to unavailability of urban services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of basic government services.
- B. Where rural subdivisions are allowed in the Major Street Plan area, their design standard and minimum improvements are the same as those required within the City limits except for the following exceptions listed below.

Section 1202. Roads

- A. Specifications for roads shall be in accordance with the Engineering Design Standards approved by the City Engineer.
- B. Roads shall be designated on the plat as dedicated right-of-way. The responsibility for maintenance of all subdivision roads shall be certified on the plat or spelled out in a maintenance agreement to be filed with the plat.
- C. All roads shall comply with other right-of-way and street naming requirements outlined in this ordinance.

Section 1203. Lots and Blocks

- A. Lots fronting along an arterial road or a federal, state or county highway shall be discouraged. Where they are allowed, shared drives may be required, or dedication of a frontage road between the arterial or highway and the lot shall be provided. Said road shall provide direct access to the adjoining property while limiting curb cuts along the major road. Approval shall be certified by the appropriate public entity for access onto all dedicated roads.

Section 1204. Grading and Drainage

Driveways and drainage culverts shall be installed by the lot owner in accordance with the Engineering Design Standards and approved by an applicable township, county or state agency. Storm water collection and disposal systems may be required by the City Engineer.

Section 1205. Water Supply

If a City public water system is not available, a central water system shall be provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. All subdivisions shall require proof of an adequate water supply prior to issuance of any building permits.

Section 1206. Sanitary Sewers

In areas where public sanitary sewers are not accessible and no plans for public sewers have been prepared, or where the connection to public sanitary sewer is impractical, individual sewer systems will be permitted provided they comply with the regulations set forth for holding tanks by the appropriate state agency and any additional county requirements.

ARTICLE 13: VARIANCES

Section 1301. Exceptional Conditions

The City Council may grant a variance to this Ordinance where, by reason of the unusual shape of a specific piece of property, or where, by reason of exceptional topographic conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting such variances or modifications, the City Council may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of this Ordinance.

Section 1302. Planned Development Projects

A comprehensive group housing, commercial or industrial development, including the large-scale construction of housing commercial or industrial units, together with necessary drives and ways of access may be approved by the City Council although the design of the project does not include standard street, lot , and subdivision arrangements, provided that departure from the standards of these requirements can be made without destroying their intent and is in accordance with the provisions of the zoning ordinance concerning Planned Development Projects.

ARTICLE 14: ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS

Section 1401. Developer Assurances Required

- A. Developer Assurances for Subdivisions Within the City Limits. No plats of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have signed an assurance agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the City Engineer; such period not to exceed three years. An extension to that three-year period may be granted at the discretion of the City Engineer. This developer assurance agreement shall be recorded with the register of deeds at the time of filing the plat. The City may require the developer to file with the City a surety bond in which the applicant enters into a contract agreeing to install all required improvements. This contract and bond shall be subject to the approval of the City Attorney and may be in the form of a surety bond, certificate of deposit, certified check, or other security equal in amount to the amount to the estimated cost of improvements.
- B. Assurances for Rural Subdivisions. No plat of any rural subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit or acceptable cash deposit assuring completion of all required improvements.

No building permits shall be issued until assurances have been filed or all required road improvements have been completed.

ARTICLE 15: CERTIFICATES REQUIRED

Section 1501. Certificates for Preliminary Plans

CITY COUNCIL APPROVAL

Be it resolved by the City Council of the City of Parkston, that the preliminary plan of (Subdivision Name) to the City of Parkston is hereby approved and that the Finance Officer of the City of Parkston is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Adopted this _____ day of _____, 20____.

Mayor, City of Parkston

ATTEST: _____
City Finance Officer

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF HUTCHINSON)

I, (Name), the duly appointed, qualified and acting City Finance Officer of the City of Parkston, South Dakota, hereby certify that the above resolution is a true and correct copy of the resolution adopted by the City Council of the City of Parkston, at a meeting held on the _____ day of _____, 20____.

Witness my hand as City Finance Officer and the official seal of the City of Parkston, South Dakota.

City Finance Officer
City of Parkston, South Dakota

CITY ENGINEER APPROVAL

We, (Name), City Engineer of the City of Parkston, do hereby certify that we did duly review and recommend approval of this preliminary plan on this _____ day of _____, 20____.

City Engineer
City of Parkston, South Dakota

CITY PLANNING & ZONING ADMINISTRATOR APPROVAL

I, (Name), City Planning & Zoning Administrator of the City of Parkston, do hereby certify that I did duly review and recommend approval of this preliminary plan on this _____ day of _____, 20____.

City Planning & Zoning Administrator
City of Parkston, South Dakota

CITY PLANNING & ZONING COMMISSION APPROVAL

The City Planning & Zoning Commission of the City of Parkston approves the preliminary plan of (Subdivision Name) to the City of Parkston and the same is recommended to the City Council of the City of Parkston for approval.

City Planning & Zoning Commission
(Chair)

Section 1502. Certificates for Plats and Replats

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) containing (Size) [and it is in all respects correct].

Registered Land Surveyor

OWNER'S CERTIFICATE OF COMPLIANCE

I, (Name), do hereby certify that I am the owner of all land included in the above plat and that said plat has been made at my request and in accordance with my 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.

DEDICATION OF LAND FOR PUBLIC USE

I hereby dedicate to the public for public use forever the streets, roads and alleys, 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, alleys, parks and public grounds whether such improvements are shown or not. I 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.

I hereby waive any rights of protest to any special assessment program which may be initiated for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Parkston.

OWNER'S CERTIFICATE FOR PRIVATE MAINTENANCE OF FACILITIES

I, (Name), also certify that ownership and maintenance of streets, roads and alleys, parks and other open

space, private drainage easements, drainageways and detention areas, if any, as shown on said plat, and any improvements thereto, shall be provided by the _____ Homeowner's 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. I 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 mutual access easements are shown, include:

I further grant and certify that the roadway is a mutual access easement which 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 over the roadway 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 mutual access easement. This covenant shall run with the land.

If the plat is a condominium or includes common ownership include:

We hereby set aside Tract x_ as a common area for the purpose of access to a public way and for parking and loading for Tracts a_through z . We further certify that the common areas shall be owned by the owners of Tracts a through z inclusive as tenants in common; and that Tracts a through z shall not be sold, transferred, or otherwise conveyed unless the instrument of conveyance for the Tract being transferred and conveyed also transfers and conveys all of that Tract owner' interest in Tract x.

If the plat is a replat include:

I, (Name) , do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

I 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.

Dated this _____ day of _____, 20_____.

Name

STATE OF SOUTH DAKOTA)

: SS

COUNTY OF HUTCHINSON)

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, _____ County, South Dakota

CITY PLANNING & ZONING ADMINISTRATOR CERTIFICATE

I, (Name), City Planning & Zoning Administrator of the City of Parkston, do hereby certify that this plat has been approved by me or my authorized agent and that the City Finance Officer is hereby directed to certify the same thereon.

Approved this _____ day of _____, 20____.

City Planning & Zoning Administrator
City of Parkston, South Dakota

FINANCE OFFICER’S CERTIFICATE

I, (Name), the duly appointed, qualified and acting Finance Officer of the City of Parkston, South Dakota, hereby certify that the certificate of approval is true and correct including the signature thereon, and that any special assessments which are liens upon the land shown in the above plat, as shown by the records in my office, on this _____ day of _____, 20____, have been paid in full.

City Finance Officer
Parkston, South Dakota

COUNTY TREASURER’S CERTIFICATE

I, Treasurer of Hutchinson County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

Dated this _____ day of _____, 20____.

Treasurer of Hutchinson County, South Dakota

DIRECTOR OF EQUALIZATION

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

Director of Equalization,
Hutchinson 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, Hutchinson County, South Dakota

Section 1503. Sample Assurance Agreement For

This Agreement, made and entered into on _____, by and between the City of Parkston, a municipal corporation, in the State of South Dakota (*the "City"*) by and through its Mayor and Members of the City Common Council (*the "Governing Body"*) and

_____, of

_____ [Address]

(*"Owner"*) and _____

of _____ [Address], (*the "Developer"*).

For and in consideration of the mutual covenants contained herein, it is agreed as follows:

1. **Definitions.** The following words shall have the meaning set forth hereafter, unless the context clearly indicates otherwise:
 - a. **Act** means South Dakota Codified Laws Title 9 and Chapter 11-5.
 - b. **City** means the City of Parkston;
 - c. **Developer** means the person listed above;
 - d. **Owner** means the person or persons listed above;
 - e. **Person** means an individual, partnership, corporation or other legal entity;
 - f. **Development** means the property listed on Exhibit A attached hereto which the Owner and Developer wish to plat and develop.
 - g. **Homeowner Association** means the agreement attached hereto that is responsible for the maintenance of streets, water, sewer and property.
2. **Contract Restrictions on Use of Land.** This Agreement is made pursuant to and in accordance with the provisions of SDCL §§11-5-1 and 11-5-2. Pursuant to Act provisions, the Owner contractually regulates and restricts the construction or use of the land as provided herein.
3. **Purpose of this Agreement.** That a purpose of this Agreement is to provide assurances and conditions upon which the Developer can develop the land and public improvements in accordance with the subdivision ordinances of the City. A copy of the Zoning and Subdivision Ordinances are on file in the Planning and Zoning Office or can be found online at www.cityofparkston.org.

4. The Developer and Owner have or intend to file with the City a Plat. A Plat application and checklist can be found on the City website. **The Hutchinson County Treasurer and Director of Equalization must sign the plat prior to City approval.**

5. It is agreed and understood by the Developer as follows:
 - a. That the Developer will follow all design standards of the City. A hard copy is on file in the Planning and Zoning Office or the City website;
 - b. That the Developer will cooperate and communicate with the City engineer;
 - c. The Developer agrees to provide for the maintenance of all public streets, public common open space, public recreational facilities, storm water and drainage system, including retention ponds and detention areas, sanitary sewer and water main in the development until such time as the City accepts the public improvement by resolution or ordinance;
 - d. The Developer agrees to provide for the maintenance of all private streets, private common open space, private recreational facilities, storm water and drainage system, including retention ponds and detention areas, sanitary sewer and water main, and private rights-of-way in the development. The Developer also agrees to provide a sample Home Owners Association Agreement and is recorded with the plat;
 - e. That the Developer will pay all expenses with respect to the Development;
 - f. The Developer agrees to maintain streets, lots, detention and public open spaces free of debris and weeds throughout the development until a building permit is issued on that lot or the City accepts the public improvement; and
 - g. The Developer agrees to provide a Letter of Credit or escrow for the final lift of asphalt.
 1. The final lift shall not exceed 18 months or 50% of the residential lots developed, whichever comes first, from the time the first lift of asphalt is completed. A two year warranty on the street is effective from the time of acceptance by the City. No additional phases or plats will be approved until all development construction requirements are met.
 2. No final lift of asphalt will be installed within the first year without City Council approval.

Improvements Required and Method of Payment (Owner/Developer--D, Special Assessment--SA, Not Required--NR):
 TABLE INSET:

Improvements Required	Responsibility of Payment	Comments
<i>STREETS</i>		
Grading and Graveling		
Curb and Gutter		
Paving		

Other		
UTILITIES		
Street Lighting		
Water System		
Sanitary Sewer System		
DRAINAGE		
Storm Sewer		
Drainageways		
Lot Grading		
Other		
Park Grading		

6. It is agreed and understood that if there is a failure to follow the City's Design Standards, Ordinances or subdivision regulations, that the City can deny building permits for the Development until such failures or violations are cured.

7. Any portion of the development which might be considered a public type improvement, if the property had been subdivided and the streets dedicated to the City, shall conform to minimum specifications as called for in the Subdivision Ordinance of the Municipal Code of the City of Parkston, as to size, quality of materials, height, and strength of improvements. For the purpose of the foregoing, the following shall be considered a "public type" improvement: roadways, sidewalks, curbs and gutters, storm sewer systems, water lines, fire hydrants, and sanitary sewers. Roadways, sidewalks and curb and gutters shall be located in Development. In the event private streets, sidewalks, or other private utilities are employed in developing the Development, in addition to such improvements conforming to the City Ordinances as provided in the preceding sentence, the Developer shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof until such private improvements are fully completed to serve the developed area; provided, however, that the City may waive this provision in its entirety or as to portions of the improvements upon the Developer delivering to the City in a form and content agreeable to the City one of the following placing the City in an assured position to complete the

improvements: a cash escrow, an irrevocable letter of credit issued by a financial institution, or a performance bond with an acceptable licensed insurance company as surety.

8. This Agreement shall be binding upon the parties to it, their respective grantees, successors, assigns or lessees for a full term of years commencing, as of the date of this Agreement, provided by statute and to the extent permitted thereby and for such further term as may subsequently be authorized by law. It is here agreed that if the Premises is annexed to the City of and if any of the terms of this Agreement are challenged in any court proceeding, then the period of time during which such litigation is pending shall not be included in the calculation of said year term.
9. Upon a breach of this Agreement, any of the parties in any court of competent jurisdiction, by action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance of both, or may obtain rescission, disconnection, and damages for repudiation or material failure of performance. Before any failure of any party to this Agreement to perform its obligations under this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the satisfaction of the complaining party within 5 days of the receipt of such notice.
10. The parties agree that this Agreement and any exhibits attached to it may be amended only by the mutual consent of the parties in writing.
11. List any other agreed items specific to each development.

ATTEST:

Finance Officer

CITY OF PARKSTON

Mayor

OWNER

Name

Name

Name

DEVELOPER

Name & Title

STATE OF SOUTH DAKOTA,
COUNTY OF HUTCHINSON, ss.:

On this _____ day of _____, 20__ personally appeared before me

_____,
to me known to be the person(s) described in and who executed the within and foregoing instrument, and
acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes
therein mentioned.

Witness my hand and official seal hereto affixed this _____ day of _____, _____.

Notary Public in and for the State of South Dakota.

My commission expires _____.

ATTACHMENTS:

1. Home Owners Association Agreement
2. Letter of Credit
3. Weed & Debris Ordinances

Section 1504. Sample Pre-Annexation Agreement

THIS AGREEMENT is made pursuant to South Dakota Codified Law 9-4-1.1 and entered into
this _____ day of _____, 20__, between the City of Parkston, South Dakota Municipal
Corporation (“City”), and _____ (“Owner/Developer”).

WHEREAS, the Owner/Developer has requested that the City of Parkston annex the property
subject to this agreement, legal title to which is vested in the Owner, legally described on the attached
Exhibit A, shown on the map attached as Exhibit B for illustrative purposes, and Owner/Developer has
plans and intentions of developing the annexed property hereafter referred to as the “Subject Property”;
and

WHEREAS, the Subject Property is located in the unincorporated portion of Hutchinson County,
South Dakota and is contiguous with the City of Parkston on its _____ and

_____ boundaries. Subject Property contains approximately _____ acres; and

WHEREAS, City has by execution of this Agreement manifested its intention to annex the Subject Property pursuant to the terms and conditions of this Agreement and SDCL 9-4-1.1 and by resolution of the City, the City shall after execution of this Agreement have the Subject Property annexed to the City; and

WHEREAS, the parties intend to fully comply with all relevant statutes of the State of South Dakota and ordinances of the City of Parkston with respect to the annexation, zoning and subdivision regulations. The City of Parkston has or will give proper notice and conduct all hearings necessary to effectuate the annexation, rezoning or any other necessary issues including hearing by the Planning & Zoning Commission, and the Council of the City of Parkston, to effectuate this agreement in the annexation of the Subject Property; and

In consideration of this agreement, the City and Owner/Developer further mutually covenant and agree to the following terms and conditions:

- 1. Completion of the Annexation Process.** Owner/Developer will file with the City all documents necessary to complete the annexation process.
- 2. Zoning.** The Subject Property, upon annexation, application and proper consideration shall complete the process for change of zoning district to reflect residential and commercial zoning classification or planned development district as defined and permitted by the zoning ordinances of the City of Parkston as well as the Official Zoning Map. The Subject Property shall be developed in accordance with the plan marked Exhibit C which attached here and made a part of this Agreement.
- 3. Comprehensive Plan.** The Owner/Developer shall make all efforts necessary to comply with the current Comprehensive Plan for Community Development for the City of Parkston and the execution of this Agreement as well as completion of the annexation process will serve as acknowledgement of compliance with the comprehensive plan.
- 4. Subdivision Regulations.** The Owner/Developer will follow and adhere to the requirements of the Subdivision Regulations which in turn requires compliance with the Comprehensive Plan, Zoning Regulations, Official Zoning Map, Engineering Design Standards and other applicable plans or regulations, such as nuisance ordinances. Subdivision Regulations are attached and made a part of this Agreement as Exhibit C.
- 5. Park Development.** Owner/Developer agrees to comply with Section 803, Public Open Space.
- 6. Conveyance or Dedication.** Owner/Developer shall convey or dedicate all necessary easements to the City for the extension of water, sewer or other utilities or for other public improvements which may serve not only the Subject Property but other properties. These easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of the Subject Property Owner/Developer shall provide access to each street for the construction of streets. Any street right-of-way not dedicated at the time of annexation

shall be dedicated in the final plats and the City shall accept the dedication of any such right-of-way.

- 7. Development Plans.** Before Final Development Plans on Subject Property are approved by the City of Parkston, Owner/Developer agrees to sign a Developer Assurance agreement as required by the Parkston Subdivision Ordinance.
- 8. Agreement Binding on Successors.** This Agreement shall be a covenant running with the land, the Subject Property, and shall be binding upon and inure to the benefit of the parties, successor owners of record of the Subject Property, assignees, and lessees.
- 9. Recordation.** This Agreement shall be recorded in the Hutchinson County Register of Deeds Office to give notice to the public and all interested parties of the obligations herein.

CITY OF PARKSTON, SOUTH DAKOTA

Mayor

ATTEST:

Finance Officer

[CITY SEAL]

(NAME OF OWNER/DEVELOPER)

By _____

Its: _____

EXHIBIT A

(legal description)

EXHIBIT B

(map of annexed area)

EXHIBIT C

(Parkston Subdivision Regulations)

ARTICLE 16: DEFINITIONS

Alley. A public or private right-of-way which affords only a secondary means of access to abutting property.

Arterial. A main traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the Major Street Plan.

Assurance Agreement. A contract entered into by the developer and the City by which the developer promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.

Basement. Any story located below the main floor.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

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

City. The City of Parkston, South Dakota.

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

Common Areas. Common areas, as used in this ordinance, unless the context otherwise requires and unless otherwise provided in the master deed or lease, includes:

- a. The land whether fee simple or leased on which the building or buildings stand;
- b. The land which is used to access the building or buildings;
- c. The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exits and communication ways;
- d. The basements, flat roofs, yards, gardens, recreation facilities, and parking areas, unless otherwise provided or stipulated;
- e. The premises for the lodging of janitors or persons in charge of the building or buildings, except as otherwise provided or stipulated;
- f. The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks, pumps, and the like;
- g. The elevators, garbage incinerators, and in general all devices or installations existing for common use; and

- h. All other elements of the property rationally of common use or necessary to its existence, upkeep, and safety. [SDCL 43-15A-5]

Comprehensive Development Plan. Any legally adopted part or element of the comprehensive plan of the City of Parkston.

Condominium. A condominium includes separate interest in common areas and other portions of real property.

Contractor. The person who contracts with an individual or the developer to construct a building or structure on a parcel of land.

Cul-de-Sac. A local street 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. The owner of land proposed to be subdivided or its authorized agent who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

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. An easement is also a means to acquire a legal right for a specific use of land owned by others.

Engineering Design Standards. The Engineering Design Standards for public improvements of the City of Parkston.

Expressway. A principal traffic artery, serving the major centers of activity, the highest traffic volume corridors and the longest trip desired, with partially or fully controlled access.

Development Engineering Plan. The development engineering plan shall address the engineering aspects of topography and infrastructure.

Frontage Road. A street used only for access to abutting property where there will be constructed an expressway or arterial street.

Homeowners Association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions through which each owner or a portion of a subdivision—be it a lot, parcel site, unit plot, condominium, or any other interest—is automatically a member or assessment for a prorated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest or member.

Initial Development Plan. An initial development plan is a basic plan that is preparatory to the preliminary plan.

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it 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.

Lot of Record. A plat that has been recorded in the office of the Register of Deeds prior to the effective date of this ordinance.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement), but not including an unfinished crawl space used for access.

Main Floor. The lowest story in which more than six feet lies above grade for more than 50 percent of the perimeter or in which any point is more than 12 feet above grade.

Major Drainageway. The main corridor for storm water flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the City Engineer.

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

Minor Plat. Any plat containing not more than three (3) lots fronting on an existing street that meets all standards of Section 204.

Mutual Access Easement. An easement granting the perpetual right of abutting property owners to use a designated portion of property for common ingress and/or egress purposes. The easement area shall be maintained by the abutting property owners. The easement is not to be considered required frontage.

Owner. The record owners of real property in fee simple including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided.

Parcel. Any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant, person, or company.

Plat. A map, or representation on paper or transferable to paper (e.g., electronic) of a piece of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Preliminary Subdivision Plan. The preliminary subdivision plan shall address the preliminary subdivision plan's internal street network and associated lot and block layout and the relationship of proposed zoning and land use.

Private Street/Road. A roadway that has not been dedicated for public use, but rather reserved by platting of a lot or by a private easement. The private street or road shall be owned and maintained by the property owners which it serves. The plat shall have the owner's certificate regarding the lot's "Private Maintenance of Facilities."

Replats. The adjustment and/or vacation of property lines which reallocates or consolidates land area of contiguous lots or parcels, provided that the adjustment or vacation of property lines, sites, or other divisions of land under stated conditions of this subdivision ordinance.

Right-of-Way. A strip of land occupied by a street, railroad, pedestrian walkways 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 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.

Setback. That line that is the required minimum distance from any lot line that establishes the area within which the principal structure must be created or placed.

Structures. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

Subdivision. The division or redivision of land into two or more lots, tracts, parcels, sites, condominiums, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in Section 204 - Subdivision Plan Exemptions - Minor Plat and Section 205 - Plat Exemptions

Substantial Build-Out. A subdivision in which at least 90 percent of the individual lots or 90 percent of the real property within the approved subdivision has been developed by the completion of planned vertical and horizontal construction and the remaining property has been permanently stabilized.