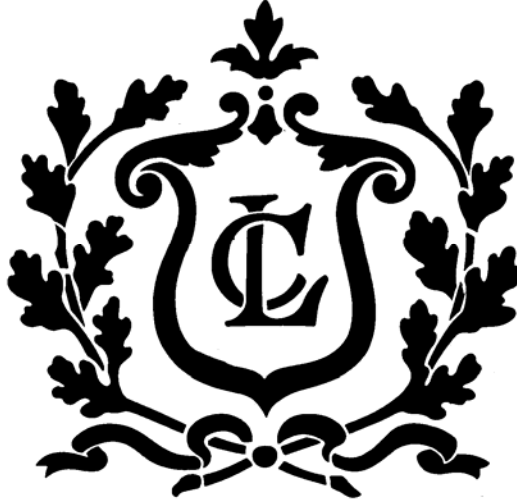


Lawrence County



Subdivision Ordinance

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Amended:ORD 09-01, March 26, 2009

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CHAPTER 1 - General Provisions

- ◆ **Article 1 - Purpose**
- ◆ **Article 2 – Jurisdiction**
- ◆ **Article 3 – Amendments**
- ◆ **Article 4 - Interpretation, Conflict, and Severability**
- ◆ **Article 5 – Effective Date**

ARTICLE 1 – Purpose

It is the purpose of this Ordinance to regulate the subdivision of land so as to provide coordination of roads with other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sanitation facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to prevent premature land subdivision which may in the future, make the reassembly of land for development more difficult; to protect and provide for the public health, safety, and general welfare of the county; and to conform with the Comprehensive Plan.

ARTICLE 2 – Jurisdiction

This ordinance is established under the authority of SDCL Ch. 11-2 (authority of a county planning commission to adopt regulations for the purpose of promoting health, safety, and the general welfare of the county) and SDCL Ch. 11-3 (requirements for platting of town sites, additions, and subdivisions) and shall govern all subdivision of land, as defined herein, located within Lawrence County, and not under planning jurisdiction of any incorporated municipality as provided in SDCL 11-3-6 (conformity to existing plats and regulations) and SDCL 11-6-26 (extraterritorial jurisdiction of municipality). Proposed parcels which contain 40 acres or more, inclusive of public roadways and which are subject to SDCL Ch. 43-21 (when any parcel is divided and cannot be described except by metes and bounds, the parcel shall be platted) shall meet the minimum requirements in this ordinance.

No plat shall be recorded in the office of the Register of Deeds and no lots shall be sold from such plat unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of un-platted property except in accordance with this ordinance.

ARTICLE 3 – Amendments

Any provisions of the Ordinance may be amended, supplemented, changed, modified or repealed by the County Commission according to law.

ARTICLE 4 - Interpretation, Conflict, and Severability

Section 1.1 Interpretation

In its interpretation and application, this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the County.

Section 1.2 Conflict

Whenever any provision of this Ordinance conflicts with other legally adopted regulations, the more restrictive Ordinance or regulation shall apply.

Section 1.3 Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the Ordinance as a whole, but only that portion so adjudged.

ARTICLE 5 - Effective Date

This ordinance shall take effect after its passage and publication according to law. The effective date is August 1, 2008.

CHAPTER 2 - Definitions

◆ Article 1 - Words and Terms Defined

ARTICLE 1 - Words and Terms Defined

American Association of State Highway and Transportation Officials (AASHTO): Design standards defined as a Policy on Geometric Design of Highways and Streets Current Edition.

Applicant: The owner of land proposed to be subdivided or a representative as evidenced by written consent from the legal owner of the premises.

Base Flood: The flood having a one (1%) chance of being equaled or exceeded in any given year, also known as the one hundred (100) year or one percent chance flood. (The base flood is a statistical concept used to ensure that all properties are protected to the same degree against flooding).

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board: The Planning and Zoning Board of Lawrence County, South Dakota.

Boundary Plat: The map or plan or record of a subdivision providing the outermost limits of the entire tract to be subdivided and including all adjacent un-platted or un-subdivided property and contiguous platted lands held to any extent in common ownership.

Commission: See County Commission

Community Sign: A sign erected and maintained by or on behalf of a governmental entity for the purpose of proclaiming the boundary of such entity. Such sign shall not contain advertisement of any private business.

Comprehensive Plan: A document which describes in words, and may illustrate by maps, plats, charts, and other descriptive matter, the policy, goals and objectives of the board to inter-relate all functional and natural systems and activities relating to the orderly development of the territory under its jurisdiction.

Correction/Corrective Plat: A rerecording of a previously approved plat which is intended to correct any technical error, other than any typographical error or omission of data as provided for in SDCL 43-18-11, on a recorded plat.

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County Commission: The governing body of Lawrence County.

Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Dead End Road: A road or travelway where there is only one way in and out.

Design Standards: The specifications to land owners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Developer: Any person, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Driveway: A paved or unpaved access providing a vehicular connector between the public right-of-way and the private property and is not dedicated as a public road.

Dry Hydrant: An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of a fire department pump.

Dwelling Unit: Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

Easement: Authorization, filed/recorded with Register of Deeds, by a property owner for the use by another, and for specified purpose, of any designated part of his property.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Fire Plan: A fire protection plan is a means to assist in the mitigation of fire hazards in the Urban Wildland Interface.

Forested Land: Land with at least ten percent (10%) crown cover by forest trees of any size, or formerly having such cover and not currently developed for non-forest use.

Government Lot: A subdivision of a section which is not described as an aliquot part of the section, but which is designated by a Lot number. A Government Lot may be

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regular or irregular in shape and its acreage varies from that of regular section subdivisions.

Grade: The slope of a road, street, or any other public way, measured at the centerline specified in percentage (%) terms.

I.C.C.: International Code Council

Intersection, Street: The point of crossing or meeting of two or more streets.

Invasive Species Plan: A document stating the immediate and future plan to eradicate and control Invasive Species.

Landscape Treatment: Thinning the trees in the conifer canopy to create the appropriate spacing between the crowns of the trees which reduces the risk of a wildfire spreading from treetop to treetop through the forest canopy.

Layout Plan: A sketch prior to the preparation of the Preliminary Plat to enable the subdivider to save time and expense in reaching general agreement with the Board of County Commission as to the form of the plat and the objectives of these regulations.

Lot: A tract, plot, parcel or portion of a subdivision or other parcel of land intended as a unit for building development or transfer in ownership.

Lot of Record: Any lot that is part of a recorded subdivision or parcel of land that has been recorded at the County Register of Deeds office.

Master Plan: A long-range, land-use plan for development that identifies site access, general improvements, and any plan for future development/subdivision of the property.

Metes and Bounds Description: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference, such as a monument or other marker, a tree or other permanent feature.

Mobile Home: A transportable structure, in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities.

Mobile Home Park: A parcel of land, owned by an individual, firm, trust, partnership, public or private association or corporation, that has been planned and improved for the placement of two or more mobile homes.

National Geodetic Survey Datum: Refers to elevation datum NAVD88 or elevation

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datum NGVD29.

NFPA: National Fire Protection Agency

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parcel: A tract or plot of land of any size that may or may not be subdivided or improved.

Parks and Playgrounds: Public lands and open spaces in the County dedicated or reserved for recreational purposes.

Percentage of Grade: The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street shall be used to determine the street rise of grade.

Potable Water Facilities: Facilities that deliver water which meets acceptable standards for drinking purposes.

Pedestrian Way: Is a public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.

Planning and Zoning Board: The Planning Board of Lawrence County.

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning and Zoning Board for approval.

Protective Covenants: Contracts made between private parties as to the manner in which land may be used, with the view to protect and preserve the physical and economic integrity of any given area.

Reverse Frontage Lot: A lot with frontage on two generally parallel streets or highways having access only from the lesser order roadway.

Right(s)-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other utilities or for another special use. The usage of the term “right(s)-of-way “ for land platting purposes shall mean that every right-

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of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right(s)-of-way and not included within the dimensions or areas of such lots or parcels.

Roads:

Private Road: Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public. All private roads must be approved by the County Commission. For purposes of density calculations, a private road shall constitute the areas of its surface or private right-of-way if designated on the recorded plat.

Public Road: A road located within dedicated public right-of-way, can be used in all subdivisions and to provide right-of-way beneath it for sewer, water, and storm drainage pipes. For purposes of density calculations, a public road shall constitute all of the area within the public right-of-way.

Alley: A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a different street and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Collector Roads: A road intended to move traffic from local roads to minor arterials. A collector road serves a neighborhood or large subdivision and provides right-of-way beneath it for sewer, water, and storm drainage pipes.

Local Road: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Major Arterial: A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas. Also, to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Minor Arterial: A road intended to collect and distribute traffic in a manner similar to major arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, recreational areas, churches, and offices. A road designed to carry traffic from collector streets to the system of major arterials to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

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Re-plat: A plat showing the reconfiguration of lots on a previously recognized plat.

Sanitary Sewerage Facilities: A system of components that transports wastewater from the place it is generated to and including the means with which it is treated in accordance with the “Recommended Design Criteria for Wastewater Collection and Treatment Facilities” as prepared by the South Dakota Department of Environment and National Resources dated March 1991.

Small Onsite Wastewater System: An onsite wastewater system serving at least two (2) or more service connections, but thirty (30) or fewer individuals, and producing seven thousand five hundred (7,500) gallons or less of wastewater per day.

Street: Is a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.

Street, Marginal Access Streets: Are minor streets which are parallel and adjacent to thoroughfares and highways and which provide access to abutting properties and protection from through traffic.

Street, Thoroughfares: Are arterial streets which are used primarily for heavy traffic and serve as an arterial traffic way between the various districts of the County.

Street, Width: The shortest distance between lines of lots delineating the street right-of-way.

Subdivider: See Developer

Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into one (1) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the re-subdivision of land.

Surety: Any form of security including a cash deposit, surety bond, or instrument of credit from a federally insured financial institution in an amount and form satisfactory to the County Commission. All sureties required by these regulations shall be approved by the County Commission.

Survivable Space- The area between wildland fuels and structure, (typically a width of 30-200 feet), that allows firefighters to protect the structure from wildfire. In the absence of firefighters, this safety zone increases the likelihood that the structure will survive on its own.

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Tangent: Is a straight line departing from a curve which is perpendicular to the radius of that curve.

Tract: A parcel of land intended for division or development of a subdivision.

Variance: A departure from any provision of the zoning requirements for a specific parcel accepted use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district.

Vertical Curve: Is the surface curvature on a street center line located between lines of different percentage of grade.

Wastewater System, Onsite: A system designed to contain, distribute, or treat wastewater on or near the location where the wastewater is generated including sewers, septic tanks, absorption fields, No dak systems, seepage pits, vault privies, holding tanks, subsurface sand filters, gray water systems, pumping stations, dosing chambers, and related equipment.

Wastewater System, Public: A facility for the treatment of wastewater owned by the state or any of its political subdivisions.

Wastewater System, Small Onsite: A system or device for the collection, storage, treatment, neutralization, stabilization, and dispersal of wastewater from dwellings or other facilities which serves thirty (30) or fewer individuals, or produce seven thousand five hundred (7,500) gallons or less of wastewater per day.

Water System, Central: A water supply providing water for human consumption to three (3) or more but, less than fifteen (15) service connections and serving an average of less than twenty-five (25) individuals per year.

Water Supply System, Public: A water supply system that provides water for human consumption to fifteen (15) or more service connection, or that serves an average of twenty-five (25) or more individuals for sixty (60) or more days per year.

Water Supply System, Private: A water supply system that provides water for human consumption to fewer than fifteen (15) service connections, that regularly serves fewer that twenty-five (25) individuals, or that serves twenty-five (25) or more individuals for no more than sixty (60) days per year.

Wildfire Mitigation Contractor: A person who possesses the following minimum certifications: NWCG certifications S-130 Introduction to firefighting, S-190 Basic Fire Behavior, S-290 Intermediate Fire Behavior, S-215 Fire Operations in the Wildland Urban Interface, a certification from www.firewise.org for "Assessing

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Wildfire Hazards in the Home Ignition Zone”. A contractor must also provide proof of at least two (2) years of Wildland fire fighting experience with a certified fire department located in a Wildland Urban Interface setting.

Wildfire Mitigation Plan: The development and/or implementation of a plan to reduce the risk to people, animals, communities, individual structures, or other improvements from a wildland fire. The plan allows for the implementation of various measures, allowing for flexibility of treatment options and is designed to minimize the destructive effects a wildfire has on property. Some measures are designed to modify the forest environment surrounding a structure that puts the structure at risk from destruction by a wildfire. Others focus on modifying the construction of a structure itself or changing its location to improve its ability to withstand a wildfire without being dependent upon fire suppression resources.

CHAPTER 3 –Correction Plats and Re-plats

- ◆ **Article 1 – Correction Plats**
- ◆ **Article 2 – Re-Plats**
- ◆ **Article 3 – Vacation of Plats**

ARTICLE 1 - Correction Plats

The County Commission may approve a correction plat if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat when the correction plat is consistent with the approved final plat.

The Correction Plat shall comply with all requirements contained within Chapter 5- Plat Application Procedure and Approval Process and Chapter 6- Specifications for Documents to be Submitted, and shall bear an explanation of the relationship between the correction plat and the plat corrected, including a full description of all matters corrected.

ARTICLE 2 - Re-plats

- A. Changes other than approved technical corrections (see Article 1 (above)) to any plat shall be considered a subdivision and must comply with the standards and conditions for subdivided land approval included in this Ordinance, unless the Planning and Zoning Director determines that they fall within the Exemption Plat provisions of Chapter 4-Subdivision Exemptions and Exemption Plats of this Ordinance.
- B. If the land proposed for platting is a re-subdivision, it shall require a preliminary plat and a final plat of the subdivision, requiring the same review and approval procedures, including fees, as the original preliminary plat and final plats. However, if the re-subdivision meets the following requirements, then it may be submitted as a plat.
 - 1. The perimeter of the tract being re-platted shall not be altered by the re-plat.
 - 2. The previous platting lines shall be shown on the plat.
 - 3. The grades shall not be changed from the drainage plan which was submitted and approved with the original plat, or if the grades are to be changed, or if no drainage plan was submitted with the original plat, then a drainage and grading plan shall be submitted and approved for the re-subdivision.

ARTICLE 3 - Vacation of Plats

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

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CHAPTER 4 - Subdivision Exemptions and Exemption Plats

- ◆ **Article 1 – Subdivision Exemptions**
- ◆ **Article 2 – Types of Subdivision Exemptions**
- ◆ **Article 3 – General Exemption Criteria**

ARTICLE 1 - Subdivision Exemptions

The County Commission may grant exemptions from the application of the Subdivision Regulations for any subdivision of un-subdivided land which the Commission determines, pursuant to this Chapter, is not within the purposes of the Subdivision Regulations, as evidenced in SDCL Ch. 11-3.

Subdivision exemptions, may be granted only on the basis of the exemption criteria enumerated in Article 3, below.

ARTICLE 2 - Types of Subdivision Exemptions

- A. Boundary Line Adjustment
- B. Community Facility Lot Split for land not owned by County
- C. Townsite Lot
- D. Other subdivisions of un-subdivided land which the Commission in its discretion, based on the applicable criteria of this Chapter 4, determines do not fall within the purposes of the Subdivision Regulations.

ARTICLE 3 - General Exemption Criteria

Section 1.1 Criteria for all Exemptions:

1. Any new parcel created shall not increase the degree of nonconformity of an existing structure.
2. All proposals for the development of parcels created shall conform to the provisions of Chapter 7- Requirements for Improvements, Reservations and Design, including but not limited to access.
3. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.

Section 1.2 Additional criteria for Boundary Line Adjustments:

1. Division which create any number of parcels equal to or less than the number of original un-subdivided parcels are subject to the following conditions:
 - a. Where the original building lot is in conformance with the lot requirements of the zoning district in which the parcel is located, any parcels created shall also conform to those requirements.
 - b. Where original building lots are nonconforming with respect to the lot requirements of the zoning district in which located, any parcels created should not increase the degree of nonconformity.
 - c. A boundary line adjustment shall not be approved solely for convenience of construction.

Section 1.3 Additional Criteria for Community Facility Lot Splits:

1. Divisions which create parcels for use as community facilities, including utility land acquisition, are subject to the following conditions:
 - a. An exemption may be approved for the placement of a community facility where the size and location of the lot and available services are reasonable, appropriate, and customary for the proposed use.
 - b. Community facilities are public parking areas, public or private educational facilities, public parks and open spaces purchased by a public entity, and utility substations without any dwelling units.
 - c. The County Commission may exempt from the definition of the term “subdivision” other divisions of land if the Board determines that such division is not within the purposes of these Subdivision Regulations.

Section 1.4 Exemption Plats:

- A. The County Commission may grant exemptions for the application of the Subdivision Regulations, pursuant to the exemption plat requirements of this Chapter, in cases where the proposed subdivision involves subdivided land.
- B. Land which is not subdivided land may not go through an exemption plat process. The sole exception to this prohibition shall be where un-subdivided land is proposed to be added to the subdivided land.
- C. This exemption plat process shall be the same as that for approving Final Plats found in Chapter 5-Plat Application Procedure and Approval Process of this

Ordinance.

Section 1.5 Density:

- A. The exemption plat process shall not require a reduction in the number of subdivided lots as delineated in the original plat. While an exemption plat may increase the number of subdivided lots as delineated in the original plat, no exemption plat shall permit an increase in the number of subdivided lots for construction of residential dwelling units.

Section 1.6 Exemption Plat Standards:

- A. Standards for Exemption Plats
 - 1. Any structure on a subdivided lot approved through the exemption plat process, should also conform to the building and structure requirements in the Lawrence County Zoning Ordinance.
 - 2. Subdivided lots approved through the exemption plat process must be greater than one (1) acre in size, unless served by a public sanitary sewage facility.

Section 1.7 Expiration of Subdivision Exemption and Exemption Plat Approvals:

- A. The County Commission decision to approve or conditionally approve an exemption plat or subdivision exemption shall be effective for period of one hundred and twenty (120) days from the date of approval to the date of recordation of all exemption documents.
- B. The County Commission may grant extensions of deadlines of no more than one (1) year for those dates specified in this Section, if it finds that there has been no change in this Ordinance, the Comprehensive Plan, or the surrounding neighborhood which would substantially affect the approved exemption.
 - 1. The new application shall be reviewed using criteria in effect at the time of the reapplication for extension of deadline.
- C. On an annual basis, the Director of Planning and Zoning may present to the County Commission all those applications that will expire in the coming year and may need extensions of processing time.

CHAPTER 5 – Plat Application Procedure and Approval Process

- ◆ **Article 1 - General Procedure**
- ◆ **Article 2 - Layout Plan**
- ◆ **Article 3 - Preliminary Plat**
- ◆ **Article 4 – Boundary Plat**
- ◆ **Article 5 - Final Plat**
- ◆ **Article 6 - Plat Filing Schedule**

ARTICLE 1 - General Procedure

All proposed subdivisions must be approved through a four-phase development process.

1. Presentation of a Layout Plan;
2. Preparation and submission of a Preliminary Plat of the proposed subdivision;
3. Preparation and submission of a Boundary plat of the proposed boundary of the subdivision (if required);
4. Preparation and submission of a Final Plat of the proposed subdivision.

The Developer, or authorized agent should meet with the Planning and Zoning Office prior to submittal of the Layout Plan or Preliminary Plat. The purpose of the meeting(s) is to discuss the Application Procedure and Approval Process and criteria; to familiarize the Developer with the goals and objectives of the County; and to discuss the proposed subdivision in relation to concerns.

ARTICLE 2 - Layout Plan

Section 1.1 General:

The Developer shall provide a Layout Plan of the proposed subdivision to the Planning and Zoning Department for review and discussion. The Layout Plan will enable the Developer and the Planner to render an informal preliminary review of the proposed subdivision for general scope and conditions which might affect the plat.

Approval of a Layout Plan does not constitute or indicate that staff, the Planning and Zoning Board or County Commission will support the conditions of the Layout Plan. It merely indicates a list of items that must be completed or met in order for the property to be subdivided.

Section 1.2 Procedure:

- a. A minimum of six (6) copies of a Layout Plan with any required supplementary material as specified in Chapter 6-Specifications for Documents to be Submitted, and one (1) 11" x 17" reduction to the Planning and Zoning Department prior to submission of a Preliminary Plat. The Layout Plan shall be submitted to the Planning and Zoning Department at least twenty-two (22) calendar days prior to the meeting of the Planning and Zoning Board at which it is to be discussed.
- b. The Planning and Zoning Department shall transmit copies of the Layout Plan to the County Highway Authority, State Wildland Fire Coordinator or designee, Lawrence County Invasive Species Department, Emergency Service Communication Center (911) and any other agency deemed appropriate by the Planning Department for their review and comment. Each department or agency shall have up to fourteen (14) days to review the information submitted.

Section 1.3 Layout Plan Review Fee:

A fee shall be charged at the time of the Layout Plan submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the Layout Plan submittal. A schedule of fees for the plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution. (See Article 6 of this Chapter)

ARTICLE 3 - Preliminary Plat

Section 1.1 General:

The Developer shall submit a Preliminary Plat of the proposed subdivision to the Planning and Zoning Board for review and recommendation. The Plat must conform to the requirements of this Ordinance.

Section 1.2 Procedure:

- a. A minimum of six (6) copies of a Preliminary Plat with any required supplementary material as specified in Chapter 6-Specifications for Documents to be Submitted, and one (1) 11" x 17" reduction, a written application, a checklist, and the required fee, shall be submitted to the Planning and Zoning Department at least twenty-two (22) calendar days prior to the meeting of the Planning and Zoning Board at which it is to be considered.
- b. The Planning and Zoning Department shall transmit copies of the Preliminary Plat to the County Highway Authority, State Wildland Fire Coordinator or designee, Lawrence County Invasive Species Department, Emergency Service Communication Center (911) and any other agency deemed appropriate by the Planning Department for their review and comment. Each department or agency shall have up to fourteen (14) days to review the information submitted.
- c. The Planning and Zoning Board shall review the Preliminary Plat to ensure it is

consistent with the standards set forth in this Ordinance, the County Zoning Ordinance, and any other applicable regulations. The Planning and Zoning Board shall recommend to the County Commission approval, conditional approval, or disapproval of the Preliminary Plat, giving the reasons thereof, and, when necessary shall recommend those variances to this Ordinance deemed necessary and appropriate for approval of the Preliminary Plat.

- d. After receiving the recommendation of the Planning and Zoning Board, the County Commission shall review the Preliminary Plat and shall approve, disapprove, or request modification to the Preliminary Plat within ninety (90) days from the date of submittal of the Preliminary Plat to the County Commission unless such date is extended by agreement with the developer/applicant.
- e. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. The approval shall lapse unless a Final Plat, based thereon, is submitted within *two (2) years from the date of approval* of the preliminary plat. An extension of this two (2) year deadline may be requested in writing by the developer/applicant. The developer shall submit the request at least thirty (30) days prior to the expiration of the approved Preliminary Plat. If an extension is not granted, then the developer shall be required to resubmit a new plan for preliminary approval subject to any new subdivision regulations. For phased developments, phase one shall be submitted within two (2) years from the date of approval of the Preliminary Plat, and each subsequent phase shall similarly be submitted within two (2) years from approval of the preceding phase.

Section 1.3 Preliminary Plat Review Fee:

A fee shall be charged at the time of the Preliminary Plat submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the Preliminary Plat submittal. A schedule of fees for plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution. (See Article 6 of this Chapter)

ARTICLE 4 - Boundary Plat

Section 1.1 General:

The Developer shall submit a Boundary Plat of the proposed subdivision to the Planning and Zoning Board for review and recommendation. The Boundary Plat is required to further implement the purpose of this ordinance as described in Chapter 1, Article 1. The plat must conform to the requirements of this Ordinance.

A Boundary Plat shall be required for all Subdivisions unless specifically waived by the Administrative Official. Factors used by the Administrative Official in

determining whether or not to waive the Boundary Plat shall be based in part on the following conditions:

1. Number of lots;
2. Total acreage of Subdivision;
3. Underlying conditions; (Mineral Surveys, floodplain, previously existing lots, etc.)
4. Geographic location; and
5. Access existing and proposed.

The Boundary Plat may be submitted at the same time as the Preliminary Plat unless other arrangements are approved by the Administrative Official and/or the Planning and Zoning Board.

Section 1.2 Procedure:

- a. A minimum of six (6) copies of the Boundary Plat with any required supplementary material as specified in Chapter 6-Specifications for Documents to be Submitted, and one (1) 11" x 17" reduction, a written application, a checklist, and the required fee, shall be submitted to the Planning and Zoning Department at least twenty-two (22) calendar days prior to the meeting of the Planning and Zoning Board meeting at which it is to be considered.
- b. The Planning and Zoning Board shall review the Boundary Plat to ensure it is consistent with the standards set forth in this Ordinance, the County Zoning Ordinance, and any other applicable regulations. The Planning and Zoning Board shall recommend to the County Commission approval, conditional approval, or disapproval of the Boundary Plat, giving the reasons thereof.
- c. After receiving the recommendation of the Planning and Zoning Board, the County Commission shall review the Boundary Plat and shall approve or disapprove, the Boundary Plat within ninety (90) days from the date of submittal of the Boundary Plat to the County Commission unless such date is extended by agreement with the developer/applicant.
- d. Approval of the Boundary plat shall be contingent upon the plat being recorded within one-hundred and twenty (120) days after the certificate of approval is signed by the Planning Director or the County Commission. Any approved Boundary Plat not recorded within one-hundred and twenty (120) days is null and void.

Section 1.3 Boundary Plat Review Fee:

A fee shall be charged at the time of the Boundary Plat submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the Boundary Plat submittal. A schedule of fees for plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution. (See Article 6 of this Chapter)

ARTICLE 5 - Final Plat

Section 1.1 General:

A Developer shall submit a final plat, after approval of a Preliminary Plat and a Boundary Plat (if required), of the proposed subdivision to the Planning and Zoning Board for review and recommendation. The Plat must conform to the requirements of this Ordinance.

The Final Plat shall substantially conform to the approved Preliminary Plat. However, the Final Plat may constitute only a portion of the approved Preliminary Plat. The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the County Commission and shall incorporate all required modifications from its review. As part of the Final Plat process the Planning and Zoning Department, the Planning and Zoning Board and the County Commission shall review the final engineering plans, the development agreement, letters of credit, conservation easements, homeowner's covenants, perpetual maintenance agreements, the plat, and any other documents, reports, or studies as necessary.

Any phasing of the development shall not create conflicts in access to any proposed or previously platted lots.

Section 1.2 Procedure:

- a. A minimum of six (6) copies of the Final Plat with any required supplementary material as specified in Chapter 6-Specifications for Documents to be Submitted, and one (1) 11" x 17" reduction, a written application, a checklist, and the required fee, shall be submitted to the Planning and Zoning Department at least twenty-two (22) calendar days prior to the meeting of the Planning and Zoning Board at which it is to be considered.
- b. The Planning and Zoning Department shall transmit copies of the Final Plat to the County Highway Authority, State Wildland Fire Coordinator or designee, Lawrence County Invasive Species Department, Emergency Service Communication Center (911) and any other agency deemed appropriate by the Planning Department for their review and comment. Each department or agency shall have up to fourteen (14) days to review the information submitted.
- c. The Planning and Zoning Department shall review the Final Plat and verify conformance to the approved Preliminary Plat. The County Commission shall review the Final Plat and consider the recommendations of the Planning and Zoning Board and the conformance of the Final Plat with the approved Preliminary Plat.
- d. After receiving the recommendation of the Planning and Zoning Board, the County Commission shall approve or disapprove the Final Plat within ninety (90) days of the official filing of a complete submittal, unless such date is extended by agreement with the Developer or his agent. Upon approval of the Final Plat by the

County Commission, as certified thereon, one copy of the Plat shall be returned to the Developer, one copy shall be returned to the Planning Department, one copy shall be transmitted to the County Director of Equalization, and the original copy shall be presented to the County Register of Deeds for filing/recording.

- e. Approval of the Final plat shall be contingent upon the plat being recorded within one-hundred and twenty (120) days after the certificate of approval is signed by the Planning Director or the County Commission. Any approved Final Plat not recorded within one-hundred and twenty (120) days is null and void
- f. Under the authority of SDCL 11-3-8 the County Commission may by resolution designate the Administrative Official to approve plats in lieu of approval of the County Commission.

Section 1.3 Final Plat Review Fee

A fee shall be charged at the time of the Final Plat submittal to cover the cost of review. The fee is due and payable at the Planning and Zoning Department at the time of the Final Plat submittal. A schedule of fees for plats shall be established by the Planning and Zoning Board and approved by the County Commission by resolution. (See Article 6 of this Chapter)

ARTICLE 6 - Plat Filing Schedule

Plat	Submittal Deadlines	Max. Time for County Comm. Reviews	Copies (Min.)	Fees
LAYOUT	Twenty-two (22) calendar days prior to The Planning and Zoning Board meeting at which it is to be discussed	Ninety (90) days from submittal	Six (6)	\$100.00 for review
PRELIMINARY	Twenty-two (22) calendar days prior to The Planning and Zoning Board meeting at which it is to be discussed	Ninety (90) days from submittal	Six (6)	\$350.00 for review plus \$25.00 per lot
BOUNDARY	Twenty-two (22) calendar days prior to The Planning and Zoning Board meeting at which it is to be discussed	Ninety (90) days from submittal	Six (6)	No cost if submitted with Preliminary plat/\$100.00 if submitted separately
FINAL	Thirty (30) calendar days prior to expiration of Preliminary Plat approval and/or twenty-two (22) calendar days prior to The Planning and Zoning Board meeting at which it is to be discussed.	Ninety (90) days from submittal	Six (6)	\$100.00

CHAPTER 6 - Specifications for Documents to be Submitted

- ◆ Article 1 – Layout Plan
- ◆ Article 2 – Preliminary Plat
- ◆ Article 3 – Boundary and Final Plat
- ◆ Article 4 – Certificates Required
- ◆ Article 5 – Construction Plans

ARTICLE 1 - Layout Plan

Section 1.1 General:

The Developer shall prepare and submit six (6) copies of a Layout Plan on the scheduled due date, together with any necessary supplementary information and all required data set forth in this section.

Layout Plans shall be legibly presented, be drawn to a legible scale and the size shall be fifteen by twenty-six (15'x26') inches, eleven by seventeen (11'x17') inches, or eight and one-half by fourteen (8 ½' x 14') inches, and shall show the following information:

Section 1.2 Name:

- a. Name of subdivision, if property is within an existing subdivision;
- b. Proposed name, if not within a previously recorded subdivision and name shall not duplicate the name of any plat recorded in the County; and
- c. Name of property, if no subdivision name has been chosen.

Section 1.3 Ownership/Prepared By:

- a. Names and addresses of the owner and/or developer having control of the lands included in said plat, the designer, surveyor, engineer and all such other persons contributing to the creation of the plat as part of a Technical Profession as defined in SDCL 36-18A;

Section 1.4 Description:

- a. Location of the property by section, township and range, or by other appropriate legal descriptions;
- b. Graphic scale;
- c. North arrow; and
- d. Citation of last instrument conveying title to each parcel, including book and

page number of the instrument or document number;

- e. Preparation date.

Section 1.5 Features:

- a. Property lines, easements, rights-of-way, general boundaries of existing forested areas, general location of one hundred (100) year floodplain limits, general location of water bodies, wetlands and drainage ways, platted or proposed streets, names and location of streets within one hundred (100) feet from the affected property;
- b. Approximate location and size of existing and proposed sewers, water mains, drainage, roads, wells, utilities, easements and other structures within the tract, and immediately adjacent;
- c. Preliminary proposals for extension of public utilities, location of discharge of surface water drainage and general information describing the water system, including storage capacity;
- d. Location, dimensions and areas of all proposed and/or existing lots;
- e. A vicinity map showing the proposed subdivision in relation to the surrounding area;
- f. The location of existing structures within the proposed subdivision; and
- g. Present use of adjoining lands.

Section 1.6 Supplementary Requirements:

- a. Proposed improvements to be installed or constructed; and
- b. As required, a Master Plan shall be provided at a scale of not less than 1"=200' and shall include the following information: proposed street and lot configurations, proposed water and sewer service, and the proposed residential, commercial or other uses of the property. The purpose of the Master Plan is to identify potential development issues and to provide for cohesive development which complies with County and/or State regulations in regard to items such as access and water distribution system requirements.

ARTICLE 2 - Preliminary Plat

Section 1.1 General:

The owner or developer shall prepare and submit six (6) copies of a preliminary plat on the scheduled due date, together with any necessary supplementary information and all required data set forth in this section. A lack of specified information or improper information supplied by the applicant shall be cause for disapproval of the Preliminary Plat.

The Preliminary Plat shall be prepared by a South Dakota Registered Land Surveyor, a Professional Registered Engineer or a Landscape Architect at a legible scale. Plan sheets shall be sequentially numbered, and the size shall be fifteen by twenty-six (15'x26') inches, eleven by seventeen (11'x17') inches, or eight and one-half by fourteen (8 ½' x 14') inches.

Section 1.2 Ownership/Prepared By:

- a. Names and addresses of the owner and/or developer having control of the lands included in said plat, the designer, surveyor, engineer and all such other persons contributing to the creation of the plat as part of a Technical Profession as defined in SDCL 36-18A.

Section 1.3 Description:

- a. Location of the property by section, township and range, or by other appropriate legal descriptions;
- b. Graphic scale;
- c. North arrow;
- d. Preparation date;
- e. Total acreage in said preliminary plat computed to one tenth (1/10) of an acre;
- f. Current zoning (A-1, A-2, PF, RR, SRD, etc...) and proposed use of all lots (single-family, multi-family, townhouse, non-residential etc.), current school districts and postal areas; and
- g. If the proposed subdivision is a rearrangement or a re-plat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.

Section 1.4 Features:

- a. The location of the parcel with respect to surrounding property and streets, and the names of adjoining streets within one hundred (100) feet of the subdivision;
- b. Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure meeting all standards of the profession;
- c. The location of existing and proposed streets, alleys, easements and other public rights-of way, and railroad rights-of-way; buildings, bridges, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract; also such data as grades, invert elevations and location of catch-basins, manholes and hydrants;

- d. The location and size of existing and proposed sewer systems and water systems if any; the location, size, and material type of proposed sewer and water lines; the source of water supply; storage capacity of any above ground or below ground tanks; appropriate elevation of above ground tanks and below ground tanks existing wells or pumps; proposed location of fire hydrants; all drainage courses, water bodies; and the location of existing catch basins and manholes, if any;
- e. The dimensions and areas of proposed or existing lots;
- f. The location and dimensions of all property proposed to be dedicated for public or private use;
- g. Boundary lines and name and address of property owners of adjoining platted or un-platted land within one hundred (100) feet of the tract;
- h. Blocks shall be consecutively numbered, or lettered in alphabetical order;
- i. Complete topographic map with contour intervals, water courses, marshes, rock outcrops and other significant features; all superimposed on the preliminary plat;
- j. A vicinity map to include current and proposed access roads;
- k. Special flood hazard areas as delineated on current effective FEMA FIRM Map;
- l. Location and size of proposed and existing parks, playgrounds, cemeteries, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation; and
- m. Building setback lines shall be shown on the preliminary plat and no building or portion thereof shall be built between this line and the street line.

Section 1.5 Supplemental Requirements:

- a. Construction Plans in accordance with this Chapter, Article 5;
- b. Center line grades of all existing and new streets and alleys, and a complete set of profiles prepared by a registered professional engineer for all new streets and alleys, showing both existing and proposed grade lines with drainage and typical cross-sections, shall be submitted to and reviewed by the County Highway Superintendent;
- c. Other pertinent information, as required, to include (e.g. wetland information, streams, geotechnical information, on-site wastewater disposal systems,

percolation tests, and soil profiles, etc); (*amended ORD 10-05, September 15, 2010*);

- d. The exiting drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns;
- e. In any proposed subdivision in which an area greater than one (1) acre will be disturbed, or in areas where topographic features are such that erosion siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved;
- f. Engineering design data conforming in all respects to the requirements of Chapter 7- Requirements for Improvements, Reservations, and Design of these regulations;
- g. Other pertinent information as requested by the Lawrence County Planning Department;
- h. Digital copy of a preliminary plat; and
- i. As required, a Master Plan shall be provided at a scale of not less than 1"=200' and shall include the following information: proposed street and lot configurations, proposed water and sewer service, proposed and existing water resources within ½ mile of the proposed development, and the proposed residential, commercial or other uses of the property. The purpose of the Master Plan is to identify potential development issues and to provide for cohesive development which complies with County and/or State regulations in regard to items such as access and water distribution system requirements.

Section 1.6 Mitigation Requirements (*amended ORD 09-01, 3/26/2009*), (*amended ORD 10-05, September 15, 2010*):

A Wildfire Mitigation Plan shall be submitted to the Planning and Zoning Department at time of Preliminary plat submittal. The Plan must include the following information:

- a. A written analysis prepared by a Wildfire Mitigation Contractor incorporating the standards set out in the Lawrence County Community Wildfire Protection Plan (CWPP)¹. The analysis shall include a report addressing the following items:
 - 1. Existing structures

¹ The Community Wildfire Protection Plan (CWPP) is a living document. Efforts to pursue implementation of a Wildfire Mitigation Plan will be beneficial to promote safer, more responsible planning and development in Lawrence County. By giving more consideration to developing better roads, more survivable space, more open areas, better water sources and using more fire resistive building materials and firewise building practices, there may be a significant reduction in loss of values from wildfire. Providing a safer environment for firefighters and the general public will help provide a higher degree of protection for values at risk. The CWPP is available on the Lawrence County website at www.lawrence.sd.us.

2. Proposed structures
 3. Description of fire resistant building materials consistent with International Building Code as then in effect.
 4. Water Sources/Fire Flow
 5. Ingress/Egress
 6. Fire Protection Systems and Equipment
 7. Survivable Space
 8. Vegetation Management and Maintenance
 9. Topography, Setback, Slope, Aspect, etc.
 10. Climate Conditions and Fire History
 11. Phasing Schedule for implementation of treatments. (Landscape, Surface Fuels, Ladder Fuels, and Survivable Space Treatments)
- b. The date of consultation and date of proposed completion.
 - c. The property owner name, address and legal description.

Section 1.7 Preparation *(amended ORD 09-01, 3/26/2009):*

The Preliminary Plat shall be prepared by a South Dakota Registered Land Surveyor, a Professional Registered Engineer or a Landscaping Architect. However, each profession shall restrict work performed for the Preliminary Plat to what is defined as the practice for his or her registered profession in SDCL Ch. 36-18A.

ARTICLE 3 – Boundary and Final Plat
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Section 1.1 General:

The owner or developer shall prepare and submit six (6) copies of a boundary or final plat on or before the scheduled due date, together with any necessary supplementary information and all required data set forth in this section.

The Boundary or Final Plat shall be presented in waterproof black ink on drafting linen, matte film, or mylar, and the size shall be fifteen by twenty-six (15'x26') inches, eleven by seventeen (11'x17') inches, or eight and one-half by fourteen (8 ½' x 14') inches and all signatures must be made with permanent ink.

The boundary or final plat prepared for recording purposes shall be prepared in accordance with provisions of South Dakota State Statutes and applicable County regulations.

Section 1.2 Ownership/Prepared By:

- a. Names and addresses of the owner and/or developer having control of the lands included in said plat and the surveyor.

Section 1.3 Description:

- a. Appropriate legal descriptions; name shall not duplicate the name of any plat

recorded in the County;

- b. Location by section, township, range, County and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close;
- b. Graphic scale;
- c. North arrow;
- d. Preparation date; and
- e. If the proposed subdivision is a rearrangement or a re-plat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.

Section 1.4 Features:

- a. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. All property corner markers shall be in accordance with South Dakota Codified Law and South Dakota Administrative Rules. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings, and distances;
- b. Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot line;
- c. All easements and rights-of-way which are established by this plat shall be indicated by general note, or geometrically related to the subject lot lines. Easements that traverse across more than one lot shall be geometrically related or tied to the lot lines crossed;
- d. All block numbers or letters, lot numbers and lot lines with accurate dimensions in feet and hundredths, and bearings and angles to street and alley lines. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block;
- e. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;

- f. Dedication of all streets, alleys and other public areas not previously dedicated shall be shown on the plat;
- g. Proposed access to the nearest public road shall be platted; and
- h. Whenever a platted lot(s) overlies an existing Mineral Survey(s), the amount of acreage being removed from the mineral survey(s) shall be listed as a notation on the plat.

Section 1.5 Notes:

The following notes shall be added to all plats, where appropriate:

1. We hereby indicate to the public for public use forever, the streets, roads, 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, roads, alleys, parks, and public grounds, whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those portions of land designated hereon as easements.

2. If a Homeowner's Association is required, include:

We also certify that ownership and maintenance of streets, roads, alleys, parks, other open space, drainageways, detention areas, Invasive Species Plan, and Fire Plan, if any, as shown on said plat, and any improvements thereto, shall be provided by the (Name) Homeowners Association except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

3. If private roadways are shown, include:

I further grant and certify that the roadway(s) shown as __ (Names of private roads) __ are private roadways which are hereby reserved as permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purposes of access to the abutting property. It is understood the Owner, their lessees and assignees have the responsibility with respect to maintaining said private roadway. Said grant is to run with the land. As no dedication to the public is being made of said private roadways, the Owners, their lessees, and assignees, of the property platted as __ (Subdivision Name) __, shall at their own cost and expense keep and preserve said private roadways at all times in

a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private roadways which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of said private roadways. This shall remain in effect until a public entity accepts the roadways as a public dedication.

4. If access easements are shown, include:

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

5. If the plat is a re-plat, include:

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

Section 1.6 Supplemental Requirements*(amended ORD 09-01, 3/26/2009; repealed ORD 10-05, September 15, 2010):*

- a. Certification furnished to the Planning Office that the Developer has complied with one of the following:
 1. All required public or private improvements shall have certification of completion from a South Dakota Registered Professional Engineer or the Developer/Owner that the improvements were completed in accordance with the approved plans and these regulations.
 2. A surety has been posted with the County Auditor in sufficient amount to cover the costs of all required improvements.
- b. Perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the proposes for which it was installed, constructed, or required (i.e. weed plan,

fire plan, water system, fire hydrants, etc.) The County is not a party to any of the above and takes no responsibility in their enforcement;

- c. The owner/developer shall present all such documents in recordable form to be recorded in the Office of the Lawrence County Register of Deeds at or before the time of recording the final plat, adequately demonstrating compliance with Chapter 6 Article 3 Section 1.6 b. (*amended ORD 09-01, 3/26/2009*)
- d. Information relevant to on-site wastewater disposal systems, percolation test and soil profiles;
- e. All affidavits, notes and like information required by South Dakota Codified Law; and
- f. Other pertinent information as requested by the Lawrence County Planning Department.
- g. Prior to approval of a final plat the provision of Chapter 8- Assurance for Completion and Maintenance of Improvements must be met.

Section 1.7 Wildfire Mitigation Requirements (*amended ORD 10-05, September 15, 2010*):

A Wildfire Mitigation Plan was approved as part of the Preliminary Plat approval process. This plan was comprised of, in part, Landscape, Surface Fuels, Ladder Fuels, and Survivable Space Treatments.

A verification of Landscape Treatment is required prior to any final plats being approved. The Landscape Treatment included in the Wildfire Mitigation Plan shall be implemented and completed by the property owner and inspected by the Wildfire Mitigation Contractor. The Wildfire Mitigation Contractor shall submit a written report verifying that the Landscape Treatment has been completed.

The final step of the Building Permit Process is the issuance of a Certificate of Ordinance Compliance. The Surface Fuels, Ladder Fuels, and Survivable Space Treatments shall be completed prior to the issuance of a Certificate of Ordinance Compliance. This step is applicable only to lots created on plats approved on or after the effective date of this Ordinance (*amended ORD 10-05, September 15, 2010*).

Section 1.8 Preparation:

The Final Plat shall be prepared by a South Dakota Registered Land Surveyor.

ARTICLE 4 - Certificates Required

Section 1.1 Certificates for Preliminary Plat:

Certificates shall be on the preliminary plat in the following form:

1. Planning and Zoning Approval

Approval of the preliminary plat is hereby granted by the Lawrence County Planning and Zoning Board on this ____ day of _____, 20__.

Planning and Zoning, Chair

Planning and Zoning, Secretary

2. County Commission Approval

Approval of the preliminary plat is hereby granted by the Lawrence County Commission on this ____ day of _____, 20__.

Chairman, Lawrence County Commission

Lawrence County, Auditor

3. Approval of this Preliminary plat shall expire within two (2) years after the certificate of approval is signed by the Planning Director or the County Commission. This plat will expire on the ____ day of _____, 20__ at 5:00 p.m.

Section 1.2 Certificates for Plats, Re-plats, and Correction Plats:

1. Ownership Certificate:

Notarized certification by owner, or his duly authorized agent, that the plat was made at his request and under his direction for the purposes indicated therein, that he is the owner of all lands included therein, and that development of the land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

2. Certificate of Surveyor:

Certification by a Registered Land Surveyor to the effect that the plat represents a survey made on the ground by them or under their supervision and a statement as to the correctness or standard of care.

3. Certificate of County Auditor:

BE IT RESOLVED that the Lawrence County Board of Commissioners having examined the within plat, do hereby approve the same for recording in the office of the Register of Deeds, Lawrence County, South Dakota.

Dated this _____ day of _____, 20__.

Signed:

Attest:

Chairman, Lawrence County Commission Lawrence County Auditor

4. Approval of this Final plat shall expire within one-hundred and twenty (120) days after the certificate of approval is signed by the Planning Director or the County Commission. Any approved Final Plat not recorded within one-hundred and twenty (120) days is null and void. This plat will expire on the ____ day of _____, 20__ at 5:00 p.m.
5. Certificate of the Planning and Zoning Board:

Approval of the final plat is hereby granted by the Lawrence County Planning and Zoning Board on this ____ day of _____, 20__.

Planning and Zoning, Chair Planning and Zoning, Secretary

6. Certificate of Director of Equalization:
Certification by the County Director of Equalization that he/she has received a copy of the plat.

7. Certificate of County Treasurer:
Certification by the County Treasurer that all taxes, which are liens upon any land included in such plat, as shown by the records of her office have been fully paid.

8. Certificate of Register of Deeds:
Certification of Register of Deeds State of South Dakota County of Lawrence
Filed for record this _____ day of _____, 20____.
at _____ o'clock _____ M., and recorded as document

Register of Deeds: _____ Fee: \$ _____

9. Certificate of Street Authority:
Certification by the appropriate street or highway authority, approving the proposed access to an abutting street or highway.

10. Water Protection Statement:
Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area

from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

ARTICLE 5 - Construction Plans

Section 1.1 General:

Construction plans and specifications for all required improvements shall be prepared and sealed by a Registered Professional Engineer. Such documents shall be clear, neat, legible, detailed and in a form acceptable to local, county, state, federal or other review agencies.

CHAPTER 7 - Requirements for Improvements, Reservations, and Design

- ◆ **Article 1 – General Improvements**
- ◆ **Article 2 – Non-Residential Subdivisions**
- ◆ **Article 3 – Mobile Home Parks**
- ◆ **Article 4 – Lot Improvements**
- ◆ **Article 5 – Grading, Drainage, and Erosion Control Plans**
- ◆ **Article 6 – Roads and Streets**
- ◆ **Article 7 – Private Roads**
- ◆ **Article 8 - Driveways**
- ◆ **Article 9 – Drainage Easements**
- ◆ **Article 10 – Water Supply Systems**
- ◆ **Article 11 – Wastewater Systems**
- ◆ **Article 12 – On-Site Wastewater Disposal Systems**
- ◆ **Article 13 – Sidewalks**
- ◆ **Article 14 - Utilities**
- ◆ **Article 15 – Public Uses**
- ◆ **Article 16 – Fire Protection**

ARTICLE 1 - General Improvements

Section 1.1 Conformance to Applicable Rules and Regulations:

In addition to the requirements established herein, all submittals in the platting process shall comply with the following laws, rules, ordinances, and regulations:

- a. All applicable statutory provisions including, but not limited to SDCL, Title 11-Planning, Zoning and Housing Programs.
- b. The Lawrence County Zoning Ordinance, and all other applicable laws of the appropriate jurisdictions.
- c. All improvements shown on the Official Zoning Map.
- d. The special requirements of these regulations and any rules of appropriate State agencies.
- e. The rules of the South Dakota Department of Transportation and/or Lawrence County Highway Department if the subdivision or any lot contained therein abuts a state highway, county road or connecting street.
- f. The standards and regulations heretofore adopted by Lawrence County.
- g. Plat approval may be withheld if a subdivision is not in conformance with the above guides or policy and purpose of these regulations.

Section 1.2 Self Imposed Restrictions:

Perpetual maintenance agreements, covenants, and/or deed restrictions required in Chapter 6 shall be recorded prior to the first final plat or at the time of the Boundary Plat at the County Register of Deeds. The County is not a party to any of the above and takes no responsibility in their enforcement.

Section 1.3 Monuments:

A South Dakota Registered Land Surveyor shall place permanent reference monuments in the subdivision, as required by South Dakota Codified Law and South Dakota Administrative Rules.

Section 1.4 Subdivision Name:

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Commissioners shall have final authority to designate the name of the subdivision.

ARTICLE 2 - Non-Residential Subdivisions

Section 1.1 General:

Property proposed to be subdivided for commercial or industrial purposes shall be subject to the principals and standards of these regulations, which are appropriate to the planning of all subdivisions and all such other reasonable requirements as the County Commission may deem necessary.

Section 1.2 Standards:

The applicant shall demonstrate that the street, parcel, and block pattern is specifically adapted to the uses proposed, and takes into account other uses in the vicinity. The following principles and standards shall be observed at a minimum:

- a. Proposed commercial and industrial parcels shall be suitable in area and dimension to the type of development anticipated.
- b. Specific design and construction requirements may be imposed by the County Commission with respect to the construction of streets, water, sewer and drainage. Street rights-of-way and surfacing shall be adequate to accommodate the type and volume of traffic anticipated.
- c. Every effort shall be made to protect adjacent residential areas, including the provision of extra-depth parcels and permanently landscaped buffer strips. Screening may be required of the applicant.

ARTICLE 3 - Mobile Home Parks

Mobile home parks proposed on land within the jurisdiction of Lawrence County shall comply in all respects to the requirements of these regulations and the Zoning Ordinance of Lawrence County. A Planned Unit Development is required.

ARTICLE 4 - Lot Improvements

Section 1.1 Lot Arrangements:

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on such lots from an approved street.

Section 1.2 Lot Dimensions:

Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the County Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will provide a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

Section 1.3 Access to Lots:

Lots shall not, in general, derive access from a major arterial. Where driveway access from a major or minor arterial, state highway or county road may be necessary for several adjoining lots, the County Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such arterial. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on major or minor arterials. All driveway access points must be approved by the appropriate road authority.

Section 1.4 Debris and Waste:

Construction debris or construction waste materials must be disposed of properly and promptly.

Section 1.5 Fencing and Screening:

The developer may be required to furnish and install fences and/or screening when it is determined that a hazard or a nuisance may exist. The County Commission shall approve the location and material for fencing and/or screening and no sureties shall

be released until the fence and/or screening improvements have been duly installed and approved.

Section 1.6 Easements:

An eight (8) foot wide utility and drainage easement for the benefit of the subdivision shall be provided on the interior side of all lot lines with the exception of common wall lot lines, unless sufficient alternative easements are provided. The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required.

ARTICLE 5- Grading, Drainage and Erosion Control Plans

Section 1.1 Grading Plan:

The final grading plan for the subdivision shall be submitted to and approved by the Planning and Zoning Board, the Planning Director, Highway Department and the County Commission.

A. Final Site Grading Plan

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

B. Final Grading Plan

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

Section 1.2 Drainage Plan:

All drainage facilities including on-site detention, drainageways, detention ponds and drainage channels shall be shown on the drainage plan and is subject to the approval of the Planning and Zoning Board, Planning Director, Highway Department and County Commission. The developer may be required to expand the drainage plan to include other properties within the drainage basin when the County determines that the potential exists for impact beyond the development area, both upstream and downstream. The plan shall provide the following information:

1. Existing and proposed contour lines and the surface water drainage system, including any major alteration of the exiting drainage pattern. Drainageways and detention ponds shall be designed for a twenty-five (25) year storm occurrence. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.

2. The boundaries of all drainage easements and detention ponds. A maintenance agreement for upkeep of the detention ponds shall be filed with the plat.
3. Individual lot drainage shall be coordinated with the general surface water 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.
4. Surface water shall not be carried across or around any intersection.
5. Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain culvert under the driveway when construction commences, if needed.

Section 1.3 Erosion Control Plan:

Stripping of vegetation, 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. Every effort shall be made to retain the natural vegetation on all ditches and drainageways. Ditches and drainageways will not be disturbed without the approval of the County Commission. Erosion control plans shall show:

1. All proposed land disturbance including areas of excavation, grading, filling, removal, or destruction of topsoil and spreading of earth material.
2. Provisions for erosion control during construction will include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion will be designed to withstand two (2) year rain and be shown on the plan.
3. 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 6 - Roads and Streets

Section 1.1 General Requirements:

- a. **Access** No subdivision shall be approved unless the area to be subdivided has access to one of the following:
 1. An existing federal, state, county, city, road district highway or township highway; or
 2. Rights-of-way shown upon a plat as a platted private drive or

dedicated public Rights-of-Way approved by Lawrence County and recorded in the County Register of Deeds office. Such rights-of-way, private drives or highways must be improved as required under these subdivision regulations.

b. Access Easements The county shall not approve the use of an existing or proposed easement to provide access to a proposed subdivision unless the following requirements are met:

1. The width of the access easement is a minimum of forty (40) feet in width and shall serve a maximum of two lots. Minimum driving surface width is not specified.
2. Roadways within easements that serve greater than two (2) lots shall be improved to the standards defined for a Local/Collector Road and said easements shall comply with the minimum right-of-way widths for Local/Collector Roads as specified in, Article 6, Table 1 of this chapter.
3. Proposed easements shall be shown on the Final plat and/or copies of the existing easements documents or previously platted easements shall be provided and recording information shall be referenced on the Final Plat.
4. If existing platted or miscellaneous easements specifically restrict or limit the use and terms of any easement intended for use to the proposed subdivision, the written consent of the underlying property owner(s) shall be provided.
5. The number of lots served by a Dead End Road shall comply with Article 6-Roads and Streets, Section 1.2 of this chapter.

c. Road Improvements Roads shall be improved per construction plans as approved by the Highway Superintendent. Acceptance of the Final Plat and approval of Street Design does not guarantee that the completed street will be maintained by the Lawrence County Highway Department or recognized as a part of the County Highway System.

d. Topography and Arrangement:

1. A combination of steep grades and curves should be avoided. Specific standards are contained in the design standards of these regulations. (See Table 1-Design Standards for Roads, this Chapter).
2. All streets should be properly integrated with the existing and proposed systems of roads and dedicated rights-of-way as required by county ordinance.

3. All roads shall be properly classified for the pattern of existing and proposed land uses.
 4. The use of curvilinear streets, cul-de-sacs, or U-shaped streets are encouraged where such use will result in a more desirable layout.
 5. Roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography, other physical conditions, or unless such extension is not necessary or desirable to/for future development of adjoining/adjacent properties.
 6. Maximum length and number of lots served by a Dead End Road shall comply with Article 6-Roads and Streets, Section 1.2 of this chapter.
- e. Access to Major Arterials** Where a subdivision borders on or contains an existing or proposed major arterial, access to such streets shall be limited by one of the following means:
1. The configuration of lots, so as to establish rear lot lines adjoining major arterials and front lot lines adjoining parallel local streets. No access shall be provided from the major arterial, and screening may be required in a strip of land along the rear property line of such lots.
 2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.
 3. A marginal access or service road (separated from the major arterial by a planting or grass strip and having access thereto at suitable points).
- f. Road Names** The Preliminary Plat as submitted shall indicate names of proposed streets. Names shall be sufficiently different in sound and in spelling from other road names in the Lawrence County jurisdiction so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name. The Planning and Zoning Office shall review proposed street names with the appropriate agencies and/or departments and provide a recommendation to the County Commission.
- g. Road Regulatory Signs** The applicant shall install, in accordance with the standards of the Lawrence County Highway Department, all road and street name signs, the type and location of which shall be approved by the County Commission, prior to the release of surety.
- h. Street Lights** The applicant may be required to furnish and install street lights.

Section 1.2 Construction of Roads, Dead-End Roads and Cul-De-Sacs:

- a. Construction of Roads** The arrangement of roads shall provide for the continuation of principal roads between adjoining properties when such

continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient extension of utilities.

- b. Temporary Dead-End Roads** Any road with only one means of vehicular ingress/egress. A dead end road may be permitted provided that it does not provide access to no more than two (2) lots and does not exceed five-hundred (500) feet in length (as measured along the centerline from intersection of the adjoining roadway to the center of the terminus) unless a longer length is deemed appropriate.

If a dead end road abuts adjoining undeveloped property, such dead end road may only be allowed temporarily and the developer may be required to dedicate the Right-of-Way on the plat and show it as extending to the adjoining property line. All temporary dead-end-roads shall be designed per the standards set out in Article 6-Roads and Streets, Table 1 Design Standards, and Figure 1-Turnaround Dimensions of this chapter.

- c. Cul-De-Sac** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Unless indicated otherwise for reasons of grade, vegetation and/or topography the following apply:

The maximum length for a cul-de-sac serving lot(s) with the an acreage of 2 acres or less shall be no more than five hundred (500) feet.

The maximum length for a cul-de-sac serving lot(s) with the an acreage of more than three (3) acres and less than ten (10) acres shall be no more than eight hundred (800) feet.

The maximum length for a cul-de-sac serving lot(s) with the an acreage of more than eleven (11) acres and less than forty (40) acres shall be no more than one thousand (1000) feet.

Section 1.3 Design Standards:

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads in a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required.

- a. Road Surfacing and Improvements** When sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters, where required, and shall surface roadways to the widths prescribed in these regulations. Types and thickness of surfacing shall be at a minimum of four inch (4") for asphalt and six inch (6") for concrete or in each case greater as

determined to be necessary by a South Dakota Registered Professional Engineer. Adequate provision shall be made for culverts, drains, and bridges. All road surfacing, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all design and construction standards and specifications of these ordinances.

- b. Additional Rights-of-Way** Additional Rights-of-way or construction and maintenance easements shall be provided to maintain adequate slopes.
- c. Railroads and Limited Access Highways** In residential districts a buffer strip at least twenty-five (25) feet in depth, in addition to required setbacks, shall be provided adjoining the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

d. Intersections:

1. Streets shall be laid out to intersect as nearly as possible at right angles. Intersections shall not be less than a seventy-five (75) degree angle. A one hundred (100) foot tangent shall be provided from the intersection to the first horizontal curve. Not more than two (2) streets shall intersect at any one point.
2. New intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred fifty (150) feet shall not be permitted unless specifically approved by the County Commission. Intersections with arterial roads shall have a minimum eight hundred (800) foot separation. Intersections separation of all other road classifications shall be at least equal to AASHTO stopping sight distance.
3. Minimum driving surface radius at any intersection will be twenty-five (25) feet. Adequate right-of-way or easement shall be provided at intersections to accommodate the twenty-five (25) foot radius.
4. Wherever practical, intersections shall be designed with minimum grades of one percent (1%) and a maximum grade of three percent (3%). A leveling or landing area shall be provided at the approach to the intersection. The grade at the landing area shall not be greater than five percent (5%) for a distance of fifty (50) feet, as measured from the nearest right-of-way line of the intersection.
5. Adequate sight distances shall be provided and maintained at all intersections.
6. The cross-slopes on all streets, including intersections, shall be two percent (2%) or more.

- e. **Bridges** of primary benefit to the applicant, as determined by the Planning and Zoning Board, shall be constructed at the full expense of the applicant. The sharing of expense for the construction of bridges not of primary benefit to the applicant, as determined by the County Commission, will be fixed by special agreement. Bridges shall be constructed to the same width as the road way, at a standard appropriate to traffic and loading requirements. Plans for such bridges shall be designed and sealed by a Registered Professional Engineer. All bridges shall be posted with the weight limit if less than State Standards.
- f. **Culverts** under roadways and driveways shall be C.M.P. Flared end sections or slopes Portland cement concrete headwalls are required on all culverts within the right-of-way. The size of culverts shall be determined by a drainage study for the entire subdivision. The minimum culvert diameter shall be fifteen (15) inches.
- g. **Driveway** spacing and sight distance requirements shall be in accordance with SDDOT standards.

Section 1.4 Road Dedications and Reservations:

- a. **Section Line Right-of-Way** Where an existing Section Line right-of-way or portion of a Section Line right-of-way is located within a new subdivision or adjoining any portion of a new subdivision, the entire sixty-six (66) feet of Section Line right-of-way shall be dedicated and improved by the developer, except in such instances where an adjoining landowner may decline to participate in the right-of-way dedication, or if it is not practical or not desirable to construct the street within the existing Section Line right-of-way, the County Commission may authorize a new right-of-way where the developer will improve and dedicate the entire required street right-of-way within the boundaries of the developing property.
- b. **Widening and Realignment of Existing Roads** Where a subdivision borders an existing narrow road or when the Comprehensive Plan, Major Street Plan or Capital Improvements Program, if any, indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by the subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated in fee simple or an easement is granted to the public.
- c. **Design Standards** The standards required in Article 6- Roads and Streets, Table 1-Design Standards for Roads may not fully comply with the minimum standards established by the Lawrence County Highway Department for roads

to be accepted on the Lawrence County Highway system for maintenance and snow removal.

TABLE 1 - DESIGN STANDARDS FOR ROADS & DEVELOPMENT DENSITY

Min. Lot Size: District:	40 ac A-1	8 ac A-2	2 ac PF RR SRD no improvements	7500 sf SRD with improvements	Non- Residential GC RC HSC C/LI I-1
Minimum Width Right-of-Way (in Feet)					
Local/Collector Road	*	66	66	66	66
Minor Arterial		66	80	80	80
Major Arterial		100	100	100	100
Minimum Width Travel Route (In Feet) and Surface					
Minimum surface requirement shall be designed by a South Dakota Registered Professional Engineer.					
Local /Collector Road	*	24 (1)	24 (1)	24 (3,4,6,7)	32 (3)
Local/Collector Road with parking		24 (1)	24 (1)	32 (3,4,5,7)	32 (3)
Minor Arterial		32 (2)	32 (2)	32 (3,4,6,7)	42 (3)
Major Arterial		48 (3)	48 (3)	48 (3,4,6,7)	48 (3)
1. 4" Gravel Surface					
2. 6" Gravel Surface					
3. Paved Surface: Asphalt – minimum of 4" Concrete- minimum of 6"					
4. With Curbs South Dakota DOT Type B-66 and/or Type D					
5. On-Street, Parallel Parking Permitted					
6. On-Street, Parallel Parking Prohibited					
7. Sidewalks (5' Wide Lot Line)					

Maximum Grade (Percent)					
Local		10 **	10 **	9	8
Collector		10	10	8	6
Minor Arterial		7	7	6	5
Major Arterial		7	7	6	5
Minimum Grade		1	1	0.5	0.5
<p>*A forty (40) foot easement for access is allowed for a maximum of two lots. Minimum driving surface width is not specified.</p> <p>**In areas of steep topography for grades greater than ten percent (10%) and less than fourteen percent (14%) in straight lengths of two hundred (200) feet or less and subject to straight lengths before curves or intersections that have grades less than seven percent (7%) or as deemed reasonable may be allowed.</p>					

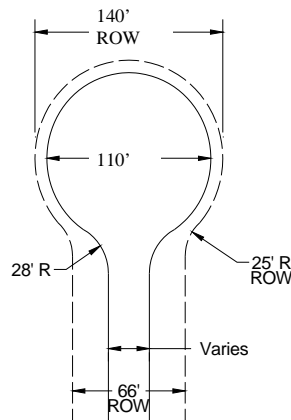
	A-1/A-2	PF RR SRD unless improvements	SRD with improvements	Non- Residential GC RC HSC C/LI I-1
Minimum Centerline Radius of Curve (In Feet)				
Local	100	100	100	200
Collector	100	100	100	200
Minor Arterial	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards
Major Arterial	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards
Minimum Length of Vertical Curve				
Local Collector	One hundred (100) feet, but not less than twenty (20) feet for each one percent change in algebraic difference in grade			
Minor Arterial	Per AASHTO Standards			

Major Arterial	Per AASHTO Standards			
Minimum Length of Tangents Between Reverse Curves (In Feet)				
Local	100	100	150	200
Collector	100	100	150	200
Minor Arterial	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards
Major Arterial	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards	Per AASHTO Standards
Side Slope and Ditch Depth				
Inslopes shall be 4:1 or flatter				
Backslopes shall be 3:1 or flatter **				
Road ditches shall have a minimum depth of two (2) feet.				
** Special consideration may be given in areas of steep topography or in areas of stable material that can not support vegetation. Under no condition shall backslopes be steeper than 1:1.				
Minimum Stopping Sight Distance (In Feet) Per AASHTO Standards				

	A-1/A-2	PF RR SRD unless improvements	SRD with improvements	Non-Residential GC RC HSC C/LI I-1
Design Speed (Miles Per Hour)				
Local Road	25	25	25	25
Collector	30	35	35	35
Minor Arterial	40	40	40	40
Major Arterial	40	40	40	50
Minimum Diameter Turnaround (In Feet) for Cul-De-Sac and Intermediate Turnaround				
Right-of Way	140	140	140	160

Diameter				
Surfacing	110	110	110	140

Figure 1
Turnaround Dimension



ARTICLE 7- Private Roads

1. Private roads shall be indicated on the plat and shall not be included as part of any required lot area or setback.
2. Any private roads approved by the County shall provide permanent unobstructed access to the area it serves.
3. The erecting of any structures within a private road easement will not be permitted.
4. All road standards specified in this Chapter shall also apply to private roads.

ARTICLE 8- Driveways

1. Driveways shall not be included as part of any required lot area or setback.
2. Any driveway approved by the County shall provide permanent unobstructed access to the area it serves and be less than fourteen percent (14%) grade and five hundred (500) feet in length.

ARTICLE 9 - Drainage Easements

Section 1.1 Dedication of Drainage Easements:

- a. General Requirements:** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a major drainage easement shall be provided.
- b. Drainage Easements:**
 1. Drainage facilities not located within road rights-of-way, shall be located in perpetual unobstructed easements of appropriate width. Easements shall be indicated on the plat.
 2. When a new drainage system proposes to alter or modify existing drainage patterns, such that flows will cross adjoining lands outside of existing drainage patterns, appropriate permanent drainage easements shall be secured from the adjoining landowners.
 3. The applicant shall dedicate by drainage or conservation easement land on both sides of any existing watercourses.

ARTICLE 10 - Water Supply Systems

Section 1.1 General:

In all zoning districts, subdivisions containing ten (10) or more lots shall install a central (public) water system.

The applicant shall install a public water system in a manner prescribed by the South Dakota Department of Environment and Natural Resources construction standards and specifications. All plans shall be designed by a South Dakota Registered Professional Engineer in accordance with the Recommended Standards For Water Works (Ten States Standards) and the Criteria for Design of Public Water Supply Systems in South Dakota, or as amended. Plans and specifications shall be submitted and approved by the appropriate agencies and conform to SDCL Ch. 34.

All other water systems shall have a letter from the South Dakota Department of Environment and Natural Resources Drinking Water Program stating the proposed system does not fall under the requirements of South Dakota's New Water System Planning Manual.

Section 1.2 Domestic Use:

The following information shall be required for a public water system:

- a. Written authorization from a local water supplier that adequate water is available to serve the proposed subdivision, if any.

- b. New public water supply systems must demonstrate technical, managerial, and financial viability by providing documentation to the South Dakota Department of Environment and Natural Resources for review and approval. Documentation must be in accordance with South Dakota’s New Water System Planning Manual.
- c. All water supply improvements must be shown on the construction plans. All water supply systems shall be designed by a South Dakota Registered Professional Engineer.
- d. Design calculation reports shall be submitted with construction plans.
- e. Under Layout Plan, Preliminary Plat, and Final Plat: A Master Plan is required for un-platted balances to prevent piecemeal water system development.
- f. A water system serving ten (10) or fewer lots may also be subject to State and/or Federal regulations if the proposed subdivision’s population is projected to have twenty-five (25) people or more.

Section 1.3 Locations:

Water systems shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided. End lines shall be extended to provide access from street or alley rights-of-way where possible. Imposed loadings shall be considered in all locations. Not less than six (6) feet of cover shall be provided over top of pipe in street and alley rights-of-way.

ARTICLE 11 – Wastewater Systems

Section 1.1 General:

In all zoning districts, subdivisions with lot sizes under two (2) acres shall be served by a central or public wastewater system.

The applicant shall install a wastewater system in a manner prescribed by the South Dakota Department of Environment and Natural Resources construction standards and specifications. All plans shall be designed by a South Dakota Registered Professional Engineer in accordance with the rules, regulations, and standards of the South Dakota Recommended Design Criteria Manual. Plans shall be approved by the appropriate agencies. All systems must be installed by a State certified installer.

No person may construct, install or operate an on-site wastewater system where a public wastewater system is available. In the event a public wastewater system becomes available in an area previously served by individual on-site wastewater systems, an amortization schedule should be determined to bring all effected properties into compliance, and the property owner shall be required to remove or reclaim the old system and hook into the public wastewater system per ARSD

74:53:01:07, SDCL 9-54-10 and SDCL 9-48.

Section 1.2 Residential and Nonresidential Districts:

Public wastewater systems shall be required in subdivisions where lots are less than twenty thousand (20,000) square feet in area with individual water systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system shall be permitted. Public wastewater systems (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the South Dakota Department of Environment and Natural Resources.

ARTICLE 12 – On-site Wastewater Disposal Systems

Section 1.1 General:

On-site Wastewater Disposal Systems shall conform to State standards. All On-site Wastewater Disposal Systems shall be designed by a South Dakota Registered Professional Engineer and installed by a State Certified Installer.

No person may construct, install or operate an on-site wastewater system where a public wastewater system is available. In the event a public wastewater system becomes available in an area previously served by individual on-site wastewater systems, an amortization schedule should be determined to bring all effected properties into compliance, and the property owner shall be required to remove or reclaim the old system and hook into the public wastewater system per ARSD 74:53:01:07, SDCL 9-54-10 and SDCL 9-48.

All onsite wastewater systems must follow Lawrence County Zoning Regulations.

Section 1.2 Design Factors:

On-site wastewater systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste.

Clustered on-site wastewater systems using a common drain field system should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow.

Section 1.3 Location:

On-site wastewater systems are to be located on the property with the home or business that is generating the wastewater, unless there is an easement to be located it on some adjacent property.

ARTICLE 13 - Sidewalks

Section 1.1 Required Improvements:

Sidewalks shall be in accordance with Table 1-Design Standards, of this chapter. Any additional hiking or biking trails shall be a minimum of eight (8) feet.

Section 1.2 Pedestrian Accesses:

The County Commission may require perpetual unobstructed easements at least ten (10) feet in width in order to facilitate pedestrian access to schools, parks, play grounds or like amenities. Easements shall be indicated on the Final Plat.

ARTICLE 14 - Utilities

Section 1.1 Location:

All utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, shall be located throughout the subdivision at the extreme edge of the right-of-way, exclusive of areas dedicated to sidewalks. All utility facilities existing and proposed throughout the subdivision within the Rights-of -Way and along property boundary easements shall be shown on the Construction Plans. Underground service connections are the developer's responsibility.

Section 1.2 Easements:

- a. Eight (8) foot wide utility and minor drainage easements shall be provided on the interior side of all lot lines with the exception of common wall lot lines.
- b. The reservation of additional easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required.

ARTICLE 15 - Public Uses

Section 1.1 General:

Whenever a tract to be subdivided includes a school, recreation uses or other public use, such space shall be suitably incorporated by the applicant into the Layout Plan. After proper determination of its necessity by the County Commission and the appropriate local government official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the Preliminary and Final Plats.

ARTICLE 16- Fire Protection

Section 1.1 General:

It is the intent of Lawrence County to work with the Fire Protection Districts and Fire Departments in the County to assure reasonable fire protection service.

Section 1.2 Central Water System:

To work towards a reasonable level of fire protection the following requirements apply:

1. Where a central water system is required, or unless otherwise approved pursuant to Section 1.3, the developer shall install a system with a minimum capacity of thirty thousand (30,000) gallons which will flow a minimum of one thousand (1,000) gallons per minute; and
 - a. Fire hydrants shall be provided. The fire hydrants shall provide sufficient water for structural and wildfire fighting. The hydrants shall comply with the following items:
 1. All fire hydrants shall be marked with reflective markings or signage and must be visible from the road. All signage must be approved by the County Commission.
 2. Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles without obstructing fire hydrant operation.
 3. Fire hydrants shall be located within the public right of way.
 4. Threads on fire hydrant outlets shall be American National Fire Hose Connection Screw Threads and shall be equipped with thread adapters where local fire department thread is different.
 5. The area around fire hydrants shall remain clear of obstructions, including vegetation, signs, fences, light posts, snow accumulation and so forth.
 6. In areas with Municipal Type-Water Systems, the following requirements for fire hydrants shall be met:
 - a. For a required fire flow exceeding 1500 gpm, the water supply system shall be capable of delivering that fire flow for at least 2 hours at 20 psi residual pressure.
 - b. For all required fire flows other than those described above, the water supply system shall be capable of delivering the required fire flow for at least 1 hour at 20 psi residual pressure.
 - c. Fire hydrants in partially built-out or built-out areas shall be installed at a spacing not to exceed 500 ft of vehicle travel distance from a building unless the fire department having jurisdiction determines that closer fire hydrant spacing is required.

- d. In un-built areas, fire hydrants shall be installed at no more than 1550 feet spacing with provisions in place to install fire hydrants to meet the spacing in the above mentioned.
 - e. The appropriate fire department shall approve the location of all fire hydrants.
 - f. In residential areas, fire hydrants shall be supplied by not less than 6 inch diameter main installed on a looped system, or by not less than an 8 inch diameter main if the system is not looped or the fire hydrant is installed on a dead-end main exceeding 300 feet in length.
 - g. In nonresidential areas, detailed fire flow calculations shall be provided and used to determine necessary pipe sizing.
 - h. Future development in the area shall be considered when fire flow requirements are calculated.
 - i. Dead-end mains shall not exceed 600 feet in length for main sizes less than 10 inch in diameter.
7. Perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the purposes for which it was installed, constructed, or required (i.e. weed plan, fire plan, water system, fire hydrants, etc.) The County is not a party to any of the above and takes no responsibility in their enforcement.

Section 1.2 No Central Water System:

1. In subdivisions which do not have a central water system, or unless otherwise approved pursuant to Section 1.3, provision for a water storage system shall be made with the capacity of such system equivalent to a minimum of 2,000 gallons per residential lot in the proposed subdivision and will flow a minimum of one thousand (1,000) gallons per minute.

Section 1.3 Dry Hydrants:

1. As allowed Section 1.1 and 1.2 above, a dry hydrant system may be used as a water source where a local water source such as a lake or pond is available and the developer proposes to use this source with a dry hydrant. The dry hydrant shall be designed and located as follows:
 - a. The County Commission shall approve all aspects of the dry hydrant design and construction, including materials, pipe size, and system

fittings used.

- b. As a minimum, Schedule 40 pipe and component fittings shall be used.
 - c. The system shall be designed and constructed to provide a minimum flow of 1,000 gallons per minute at draft.
 - d. The water supply source for the dry hydrant shall provide, on a year-round basis, the required quantity of water.
 - e. The system shall be designed and constructed so that the slope and piping configurations do not impede capability.
 - f. All exposed surfaces and underground metal surfaces shall be protected to prevent deterioration.
 - g. A minimum number of elbows shall be used in the piping system.
 - h. Suction hose connection(s) shall be compatible with the fire department's hard suction and include a protective cap. The cap and adapter shall be of materials that minimize rust and galvanic corrosion.
 - i. The system piping shall be supported and/or stabilized using approved engineering design practices.
 - j. Stabilization or equivalent protection shall be employed at elbows and other system stress points.
 - k. Design shall specify strength of materials, structural support data, and appropriate aggregates and soil materials used to backfill piping during installation.
 - l. All connections shall be clean, and the appropriate sealing material shall be used according to manufactures specifications so as to ensure that all joints are airtight.
 - m. System strainers shall be constructed to permit required fire flow.
 - n. Adequate working space shall be provided around the dry hydrant to provide for a safe working environment and shall be accessible under all weather conditions.
2. Written recommendation from the applicable fire agency is required if on-site storage is to be waived, and any such waiver is subject to County Commission approval.
 3. Perpetual Maintenance Agreements, covenants, or deed restrictions that provide for the preservation and care of structures and improvements.

Section 1.5 Wildfire Mitigation Plan

A developer shall prepare and implement a Wildfire Mitigation Plan to reduce the risks from wildfire, including provisions for continuous proper hazardous fuels management.

A Wildfire Mitigation Plan shall be prepared by a Wildfire Mitigation Contractor. The Contractor shall incorporate the standards set out in the Lawrence County Community Wildfire Protection Plan (CWPP).²

A Wildfire Mitigation Plan consists of four (4) Phases. Each phase coincides with a specific step in the Subdivision Process.

Wildfire Mitigation Plan Phase:	Subdivision Process:
Phase 1: Analysis	Preliminary Plat Submittal
Phase 2: Landscape Treatment	Final Plat Approval
Phase 3: Surface Fuels/Ladder Fuels and Survivable Space Treatment	Issuance of a Building Permit/Certificate of Zoning Compliance (This phase is applicable only to lots created on plats approved on or after the effective date of this Ordinance)
Phase 4: Maintenance/ Enforcement	Covenants and Homeowners Association

Phase 1:

A Wildfire Mitigation Plan shall be submitted to the Planning and Zoning Department at time of Preliminary plat submittal. The Plan must include the following information:

- a. A written analysis prepared by a Wildfire Mitigation Contractor incorporating the standards set out in the Lawrence County Community Wildfire Protection Plan (CWPP). The analysis shall include a report addressing the following items:
 1. Existing Structures
 2. Proposed structures and
 3. Description of fire resistant building materials consistent with International Building Code as then in effect.
 4. Water Sources/Fire Flow
 5. Ingress/Egress
 6. Fire Protection Systems and Equipment
 7. Survivable Space
 8. Vegetation Management and Maintenance

² The Community Wildfire Protection Plan (CWPP) is a living document. Efforts to pursue implementation of a Wildfire Mitigation Plan will be beneficial to promote safer, more responsible planning and development in Lawrence County. By giving more consideration to developing better roads, more survivable space, more open areas, better water sources and using more fire resistive building materials and firewise building practices, there may be a significant reduction in loss of values from wildfire. Providing a safer environment for firefighters and the general public will help provide a higher degree of protection for values at risk. The CWPP is available on the Lawrence County website at www.lawrence.sd.us.

9. Topography, Setback, Slope, Aspect, etc.
 10. Climate Conditions and Fire History
 11. Planned phasing for implementation of treatments.
(Landscape, Surface Fuels, Ladder Fuels, and Survivable Space Treatments)
- b. The date of consultation and date of proposed completion.
 - c. The property owner name, address and legal description.

Phase 2:

A Wildfire Mitigation Plan was approved as part of the Preliminary Plat approval process. This plan was comprised of, in part, Landscape, Surface Fuels, Ladder Fuels, and Survivable Space Treatments.

A verification of Landscape Treatment is required prior to any final plats being approved. The Landscape Treatment included in the Wildfire Mitigation Plan shall be implemented and completed by the property owner and inspected by the Wildfire Mitigation Contractor. The Wildfire Mitigation Contractor shall submit a written report verifying that the Landscape Treatment has been completed.

Phase 3:

The final step of the Building Permit Process is the issuance of a Certificate of Ordinance Compliance. The Surface Fuels, Ladder Fuels, and Survivable Space Treatments shall be completed prior to the issuance of a Certificate of Ordinance Compliance. This step is applicable only to lots created on plats approved on or after the effective date of this Ordinance (*amended ORD 10-05, September 15, 2010*).

Phase 4:

A Wildfire Mitigation Plan shall include provisions to reduce the risks from wildfire, including provisions for continuous proper hazardous fuels management. Perpetual maintenance agreements, covenants, and/or deed restrictions that provide for the preservation and care for structures, improvements, conditions, or areas so that they remain attractive, safe, and presentable and carries out the proposes for which it was installed, constructed, or required (i.e. weed plan, fire plan, water system, fire hydrants, etc.) The County is not a party to any of the above and takes no responsibility in their enforcement.

CHAPTER 8 – Assurance for Completion and Maintenance of Improvements

◆ Article 1 - Improvements and Surety

ARTICLE 1 - Improvements and Surety

Section 1.1 General:

No plat 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 posted a surety bond or irrevocable letter of credit assuring completion of all required improvements. Such improvements may include but not be limited to, soil preservation, final grading, lot drainage, erosion control, forest thinning, removal of debris and waste, fencing and screening, invasive species and all other lot improvements required by the County Commission.

Section 1.2 Completion of Improvements:

The County Commission shall require, of the applicant, completion of all required improvements.

Section 1.3 Surety:

- a. Surety for all required improvements not completed shall be provided at the date of Final Plat submittal. An itemized list of uncompleted improvements and associated costs shall be submitted for review and approval.
- b. Surety (as specified in Chapter 2 - Definitions) shall be acceptable to the State's Attorney in form, sufficiency and manner of execution. The County Commission, in its resolution approving the Final Plat, shall set forth the period within which improvements shall be completed, but in no event shall such time period exceed two (2) years from the date of final approval.
- c. A surety or any portion thereof shall not be released without certification of completion from a South Dakota Registered Professional Engineer or the Developer/Owner that improvements were completed in accordance with the approved plans and these regulations.

Section 1.4 Failure to Complete Improvements:

Where a surety has been posted and required improvements have not been completed within the terms specified by the surety, the surety shall be declared in default and the required improvements be installed, regardless of the extent of development at the time of declared default, as directed by the County Commissioners.

Section 1.5 Inspection of Improvements:

The Developer shall provide for the inspection of required improvements during and upon completion of their construction. The applicant/developer shall furnish to the County Commission, certification from a South Dakota Registered Professional Engineer, or the Developer/Owner that improvements were completed in accordance with the approved plans and these regulations.

CHAPTER 9 – Subdivision Regulation Variance and Appeals Procedure

- ◆ Article 1 – Subdivision Regulation Variance
- ◆ Article 2 - Appeals

ARTICLE 1 - Subdivision Regulation Variance

Section 1.1 General:

The County Commission may grant variances from this Ordinance when strict compliance would result in undue hardship to the developer/applicant and if it would not adversely affect the public. The granting of this variance shall not have the effect of nullifying the intent and purpose of this Ordinance. The County Commission may not, by variance, permit subdivision for building purposes in areas situated within the floodway of a flood of one hundred (100) year frequency as defined by FEMA.

The County Commission shall review the following criteria when considering a Subdivision Regulation Variance request:

- a. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
- b. Because of the particular physical surroundings, shape, or topographic conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of this Ordinance were enforced.
- c. The variance will not cause a substantial increase in public costs, and
- d. The variance will not in any manner place the subdivision in nonconformance with Lawrence County Zoning regulations or Lawrence County Comprehensive Plan.

Section 1.2 Procedure:

- a. The applicant shall provide a written statement describing the requested variance and the facts of hardship upon which the request is based.
- b. In granting variances, the County Commission may impose such conditions, as will, in its judgment, secure substantially the objectives of this Ordinance including the preparation and filing of a recordable document describing the variance and conditions in full.

ARTICLE 2 – Appeals

Section 1.1 General:

- a. Decision of the County Commission approving or rejecting a proposed subdivision plat may be reviewed as provided by South Dakota Statute.

CHAPTER 10 – Violations, Penalties, and Enforcement

- ◆ **Article 1 – Applicability**
- ◆ **Article 2 – Violations, Penalties, and Enforcement**

ARTICLE 1 – Applicability

This Subdivision Ordinance shall apply to all of the unincorporated land located within Lawrence County, South Dakota. Other Subdivision requirements may exist within the platting jurisdiction of municipalities.

ARTICLE 2 – Violations, Penalties and Enforcement

1. No Final Plat of a subdivision shall be approved unless it conforms to the provisions of this Subdivision Ordinance.
2. No building permit, or permit of any kind from any County office or official, will be issued for the construction of any structure or other improvement upon land for which a plat is required by this ordinance unless and until all the requirements of this Ordinance have been met.
3. The County Commission shall withhold all public road improvements and public maintenance from all right-of-ways which have not been accepted for such purposes by the County Commission.
4. No changes, erasures, modifications or revisions shall be made in a Final Plat after approval of the plat.
5. All plats submitted after the effective date of this Ordinance shall comply with the provisions set forth herein.
6. The construction of roads or other improvements shall not be commenced until the Preliminary Plat has been approved by the County Commission.
7. It shall be unlawful to sell, trade, or convey or offer to sell a lot or parcel of land part of any plan, plat or re-plat of any subdivision under the jurisdiction of this Ordinance unless the plan, plat or re-plat has been recorded in the Register of Deeds Office of Lawrence County.
8. It shall be unlawful for any person, firm or corporation owning any subdivision of land within the County to represent that any improvements upon any of the streets, alleys or avenues, or sewer of said subdivision has been constructed according to the plans and specifications approved by the County Commission, or has been supervised or inspected by the County, when such improvements have not been constructed, supervised or inspected

by the County.

9. Violation of these Subdivision Ordinances is punishable by a fine and imprisonment as provided below:
 - a. In addition to all other remedies available to the County to prevent, correct or abate Ordinance violations, a violation of these Zoning Ordinances is also punishable by a fine and/or imprisonment pursuant to SDCL 7-18A-2 as provided below:
 1. A fine not to exceed five hundred dollars (\$500.00) for each violation or by imprisonment for a period not to exceed thirty (30) days for each violation, or by both the fine and imprisonment. Each day the violation continues shall constitute a separate violation. The date of the first violation shall be the date upon which the property owner first received notice of the violation.
10. The County Commission of Lawrence County may seek to enjoin, in any court of competent jurisdiction, the violation or attempted violation of any provision of this Ordinance.