

ORDINANCE NO. 20

Adopted November 5, 1998, Revised February 9 & July 10, 2001
April 2, 2003; May 19, 2003 Emergency Ord.; June 4, 2004; May 3, 2005;
August 3, 2005, January 4, 2006
June 6, 2007, July 2, 2008
November 3, 2009, July 11, 2012

AN ORDINANCE OF MEADE COUNTY, SOUTH DAKOTA PROVIDING REGULATIONS FOR THE SUBDIVISION OF LAND, DEVELOPMENT AND IMPROVEMENTS

THIS REVISION REPLACES ORDINANCE NO. 6, AND AMENDING ORDINANCE NO.20.
THE GOVERNING BODY OF MEADE COUNTY DOES ORDAIN AS FOLLOWS:

Article I. AUTHORITY AND JURISDICTION

Section 1.01 Authority

Pursuant to the authority granted by 1967 SDCL 11-2 as amended; the following regulations are hereby adopted by the County Commissioners of Meade County, South Dakota.

Section 1.02 Purpose

It is the purpose of this Ordinance to promote the safety, health, convenience and general welfare; to encourage the use of lands and natural resources in the County in accordance with their character, adaptability, and suitability for particular purposes; to conserve economic stability and property values; to facilitate adequate provision for street and roadways, sewerage and drainage, water supply and distribution, educational and other public resources, by establishing herein standards for community development in accordance with these objectives and by providing for the enforcement of such standards.

These regulations are adopted to help provide for the harmonious development of the County and its environments; for the coordination of streets within subdivisions with other existing or planned streets; for adequate open spaces for traffic, recreation, light and air; and for distribution of population and traffic which will tend to create conditions favorable to health, safety, and convenience through the provisions for an adequate scale of streets or roads, sanitation, water, utility and other improvements as land is subdivided.

Section 1.03 Jurisdiction

These regulations shall govern all subdivisions of land under the jurisdiction of the County of Meade. Subdivisions governed are hereinafter defined under Article II.

Article II. DEFINITIONS

ABANDONED DWELLINGS: Any abandoned dwelling or building that is determined to be uninhabitable or structurally unsound based on the International Building Code must be demolished or removed within 90 days of a Notice of Violation from the Department of Equalization & Planning. (This does not apply to Registered Historical Buildings or Agricultural properties of 73 acres or more).

AGRICULTURAL PROPERTY: An agricultural property of (160) acres or more under one property owner may have more than (1) one residential dwelling for family or ranch hand purposes up to a maximum of four (4) residential dwellings without platting. Residential Dwellings must be spaced at a minimum of 100' linear feet apart and must each have its own approved on-site wastewater system. One (1) additional residential dwelling may be added per (320) acres of contiguous property of the same owner. The Meade County Commissioners may waive this requirement.

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

ACCESSORY APARTMENT: One apartment or dwelling unit, which is secondary to the principal single-family residential dwelling, provided it is located on the same property as the principal single-family residential dwelling, either within the home or attached to the principal dwelling, that meets the building/residential code and all applicable ordinances adopted by the County; permitted only by an approved variance.

APARTMENT COMPLEX: A set of buildings containing many apartments and ancillary functions, (as a development).

AUDITOR: The duly elected auditor of Meade County, South Dakota.

BOND (Performance): A guarantee for the completion of construction of any and all infrastructure necessary to meet the requirements set forth in this subdivision ordinance. Such guarantee may be in the form of a surety bond, certificate of deposit, irrevocable letter of credit, or cash to be held by the Meade County Treasurer.

BUILDING CODE: Meade County has adopted the International Building Code, 2006 edition, including Appendix C and Appendix I and the 2006 International Residential Code, as published by the International Code Council Inc., and amendments and additions thereto as described in Ordinance No. 34.

BUILDING PERMIT: Refer to Ordinance No. 34.

BUILDING INSPECTIONS: Refer to Ordinance No. 34.

BUILDING ENVELOPE: The area inside a platted lot showing all required setbacks designated for a building.

BUSINESS CORE AREA: An area within a *High-Density Commercial* subdivision that provides the public with convenient centralized business services to close proximity to ample parking. These services may include but are not limited to the following; retail stores, municipal or utility offices, restaurants – both walk in and drive up, medical services, office and professional, banks or credit unions, financial services, accounting, real estate, department stores, strip malls.

CAPACITY PLAN: The plans for both the community water system and wastewater disposal systems. The plans must show the technical, managerial, and the financial capacity of the systems. Technical capacity shall show the functionality of design. Managerial shows staff needed and operation requirements. Financial capacity shows the ability to acquire and manage sufficient financial resources to allow the system to achieve and maintain DENR compliance.

CARETAKER RESIDENCE: A single family residential unit or dwelling, placed on a commercial lot larger than (3) acres, for the sole purpose of overseeing and/or caring for a licensed campground or mobile home park.

CENTRAL SEWER: Refer to Ordinance No. 33

CENTRALIZED WATER SYSTEM: (CWS) shall be defined as a system serving potable water for (2) to (14) separately platted lots and less than (25) individuals; Refer to Ordinance No. 33.

CMP: Corrugated Metal Pipe (used mainly for culverts)

CRP: Concrete Reinforced Pipe (used mainly for culverts)

COMMUNITY WATER SYSTEM: (CWS) is a system for the provision to the community/public of water for human consumption through pipes or other constructed conveyances. Such system must be designed for at least fifteen service connections or regularly serve an average of at least twenty-five individuals. It shall be considered a CWS and must meet the 1996 EPA Safe Drinking Water Act. (May also be referred to as central water system; refer to Ordinance No. 33)

COMMERCIAL LOT: For commercial use only of (1) or more acres. Must have (32) foot wide asphalt or concrete driveway approach at street or road access; curb and gutter is required if driveway approach is off of an asphalt street or road. Parking lot must be asphalt or concrete with a minimum of (3) parking spaces for a one person office and additional (2) parking spaces for each additional employee. Retail or service facilities must have adequate parking for the projected customer base. Four (4) foot wide concrete sidewalks are required in front of each facility. All infrastructures must be properly engineered. Commercial Subdivisions have additional requirements. Asphalt/concrete pavement requirements may be waived by the Planning Commission and/or the Commission for rural density areas if the proposed use is not conducive for the type of commercial business proposed, such as construction equipment.

COMMISSION: Elected Commissioners (or governing body), that govern Meade County, SD.

CONDOMINIUM: A multiple-family dwelling in which the individual dwelling units are owned separately, while the lot they occupy along with other common grounds is owned jointly.

CORE AREA MASTER PLAN: A plan showing all provisional platting and structure location and designated use. The master plan can only occur in areas where both central wastewater and community water systems are available and will be utilized. The Master Plan will demonstrate the coordination between all municipal type services and intra-structure, and is intended to be used as the prelude to the formation of an organized town site with taxing authority.

An approved Core Area Master Plan shall provide a detailed plan showing the following:

- a) Lot and building lay out, showing proposed zero lot line and free standing buildings.
- b) Parking and traffic lanes showing ample parking for density. A minimum of three (3) 10x20 hard surfaced parking spots per each platted lot will be required.
- c) Pedestrian walkways and sidewalk to allow access from parking area including handicapped.
- d) Any other amenities including lighting, signage, monuments, landscaping or greenways, courtyards, or special pedestrian features.

- e) Each subdivision type must be clearly labeled, (i.e., Commercial High Density, High Density Multi-residential).
- f) Location and utilization of municipal type centralized systems and other such utilities.

CORNER LOT: A lot of which at least two (2) adjoining sides abut for their full lengths on a street, providing that the interior angle at the intersection of the two such sides is less than one hundred thirty five degrees.

COVERAGE: The lot area covered or occupied by all buildings located therein, including the area covered by all roof overhangs.

DEFENSIBLE SPACE: Lots or tracts in Mountainous Subdivisions must have at least (100) feet of space surrounding any structure that is Lean, Clean and Green.

The objective of Defensible Space is to reduce the wildfire threat to any structure by changing the characteristics of the surrounding vegetation.

Lean – Cut back tree branches, within (15) feet of a chimney.

Clean – Remove all dead plant material from around the structure; this includes dead leaves, dry grass and even stacked firewood.

Green – Plant fire-resistant vegetation that is healthy and green throughout the year. Large, leafy, hardwood trees should be pruned so that the lowest branches are at least (8 to 10) feet high to prevent a fire on the ground from spreading up to the tree tops. Within the defensible space, remove and do not plant flammable plants that contain resins, oils and wax that burn readily: ornamental junipers, yaupon holly, red cedar, and young pine.

A basal density of (70) trees per acre must be maintained within a (200) foot radius of any structure.

DEDICATED PUBLIC RIGHT-OF-WAY: That easement provided as access to property within subdivision; streets and roads dedicated to public use. *Any subdivision of land will require recorded access to a dedicated right-of-way;* Refer to Ordinance No. 10

DENR: South Dakota Department of Environment and Natural Resources; 2050 West Main, Suite #1 Rapid City, SD (605) 394-2229.

DEVELOPMENTAL LOT: Two or more lots or portions of lots with continuous frontage in single ownership of record prior to March 21, 1980 where all or part of the lots do not meet the requirements established for lot width and area, which for the purposes of this Ordinance shall be considered to be an undivided lot.

DOUBLE FRONTAGE LOT: A lot which runs through a block from street to street excluding the side dimension of a corner lot.

DWELLING: A building or portion thereof used for residential purposes (may also be referred to as a residence).

DWELLING UNIT: One or more rooms and a single kitchen with a bathroom designed as a unit for occupancy by only one family for cooking, living and sleeping purposes; (may also be referred to as "single family residence").

EASEMENT: A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, utility company, or a particular person for specified uses.

ENGINEER: The duly designated engineer acting in behalf of the governing body.

EROSION CONTROL AND SEEDING: Refer to Ordinance No. 10.

FAMILY CARE UNIT: A temporary single family residence used exclusively for the housing of a family member in need of care.

FINAL PLAT: A plat of a tract of land which meets the requirements of these regulations, and is in form for recording in the office of the Register of Deeds.

FLOODPLAIN: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot; see Meade Co. Flood Damage Prevention Ordinance # 9.

FRONT LOT LINE: The line separating said lot from the street.

FRONTAGE: All the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended then all of the property abutting on one side between an intersecting street and the dead-end of the street.

FUEL BREAK: A strategically located strip or block of land varying in width, on which some vegetation has been modified to reduce the rate of fire spread to provide a safe place for fire fighters to work and where fires may be more readily controlled. A fuel break usually provides all wheel drive access and an advantageous area for quickly and safely constructing and manning a fire line.

GHOST PLAT: A subdivision or re-subdivision concept plan illustrating future lot layouts, street networks and utility systems for proposed lot splits, outlots, or undeveloped land in the form of a preliminary plat. Ghost Plats will need to be approved as a Final Plat only if and when the proposed concept plan or lot splits are initiated as permanent by a requirement of this ordinance or proposed as a Final Plat by the developer.

GOVERNING BODY: The duly elected officials of a corporate political entity to whom authority is given to make, adopt, and amend subdivision regulations.

HEALTH DEPARTMENT: South Dakota Department of Health

HEIGHT: The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

INDUSTRY: An industry that is considered dangerous or detrimental to public health or welfare will require a Public Hearing by the County Commissioners. The Meade County Commissioners may require a Public Hearing on any new industry.

INTERNATIONAL FIRE CODE: Meade County has adopted the 2009 International Fire Code to be the compliant standard along with the applicable South Dakota State Statutes and Administrative Rules which are applied throughout all the unincorporated boundary of Meade County.

LOT: A platted parcel of land that is or may be occupied by a single principal structure and accessory buildings, which may be intended for transfer of ownership or building development.

LOT AREA: The total horizontal area included within the lot lines.

LOT DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

LOT LINES: The lines bonding a lot as defined herein.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MAJOR STREET PLAN: Refer to Ordinance No. 10.

MATERIAL SAFETY DATA SHEET (MSDS) is a form containing data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill handling procedures.

MEADE COUNTY DEVELOPMENT PLAN: Any legal part or element of the Development Plan of the County of Meade. This may include but is not limited to Subdivision Ordinance, Flood Ordinance, Community Facilities Plan, Capital Improvements Program, Land Use Plan, Commercial District, and Industrial District.

MOBILE HOME/MANUFACTURED HOUSING: A moveable or portable unit, designed and constructed to be towed and temporarily or permanently based on its chassis (comprised of frame and wheels), and designed to be connected to utilities for year round occupancy. The term shall include: (a) units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity and (b) units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into components for repeated towing. The terms shall include units to be used for residential, commercial, educational or industrial purposes, excluding recreational vehicles. Such manufactured housing has a steel undercarriage as a necessary structural component.

MOBILE HOME PARK: Any parcel of land platted or designed whereupon two (2) or more mobile or manufactured homes as herein defined that are or intended to be placed, located or maintained including all accessory buildings used or intended to be used as part of the equipment thereof. In the mobile home park all land is intended to be held in common ownership, with individual mobile home spaces rented to residents.

MOBILE HOME SPACE: A plot of ground within a mobile home park which is designed as the location for one mobile home and any customary accessory use thereof.

MOBILE HOME SUBDIVISION: Any parcel of land, subdivided according to County Subdivision Ordinances, which has been permitted to locate mobile homes. The mobile home subdivision is intended to be an area where lots are sold to individual mobile home owners. Mobile home subdivisions are subject to all restrictions of the district in which they are located.

MODULAR HOUSING: A factory produced residential housing structure transported to the building site. Such homes must meet local building codes and may be transported on a steel undercarriage. The undercarriage is not a necessary structural component, and can be removed so the structure can be placed on a foundation.

MOUNTAINOUS SUBDIVISIONS: Subdivisions located within the unincorporated boundary of Meade County, South Dakota which have contours for any given cross section of the subdivisions which indicate an average cross slope greater than 15%.

MULTIPLE DWELLING: A structure designed or used for residential occupancy by two or more families living independently of each other.

OCCUPIED DWELLINGS: No dwelling can be occupied or lived in without an approved Water System or Well and an approved On-Site Wastewater System or connected to a DENR approved and functional Central Wastewater System, within the unincorporated boundary of Meade County in accordance with Ordinance No. 33.

ORDINANCE NO. 9: Regulation for Flood Damage Prevention ordinance.

ORDINANCE NO. 24: Signs and Billboards ordinance.

ORDINANCE NO. 33: Wastewater Treatment and Water Systems ordinance.

ORDINANCE NO. 34: Building Code and Construction Enforcement ordinance.

ORDINANCE NO. 10: Meade County Roads, Streets and Highway Systems ordinance.

OWNER'S ENGINEER: The registered Land Surveyor or the Civil Engineer registered and in good standing with the State Board of Registration of South Dakota who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

PARKING LOT: An off street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access and for entrance and exit, all laid out in a way to be usable for the parking of more than three automobiles. **There must be one space that is in compliance with the American Disability Act; 28 CFR; Part 36. See requirements in Appendix "A".**

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) SF nor less than ten (10) feet wide by twenty- (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or right-of-way, or **per the American Disability Act; 28 CFR; Part 26 referenced above.**

PLANNING BOARD: The Planning Commissioners appointed by the Commission (governing body) for Meade County, South Dakota,

PRELIMINARY PLAT: The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

PRELIMINARY PLAN: The plans, reports and/or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

PRIVATE ACCESS EASEMENT: A legal or equitable right acquired by the owner of one piece of land (the dominant estate) for private access over another's land (the servient estate); refer to Ordinance No. 10.

PORTABLE BUILDINGS WITHIN CAMPGROUNDS: Portable buildings that are placed and used in campgrounds or temporary campgrounds for cabins or sleeping quarters, or used to sell goods or services will be considered commercial buildings and will require a commercial building permit before they are placed on any lot or tract of property regardless the size of the property.

PUBLIC UTILITIES: Definition of "public utility". As used in §§ 49-34-11.1 to 49-34-11.4, inclusive, the term "public utility" means a corporation, its lessees, its trustees and receivers, operating, maintaining or controlling in this state after July 1, 1967, equipment or facilities for the production, generation, transmission or distribution at retail of gas or electric service for the public and in the transmission and distribution using, or having a right to use, public roads, streets, alleys, or other public ways for the purpose of constructing, using, operating or maintaining wires, pipes, conduits or other facilities, which corporation is organized under the provisions of chapter 49-33 or is qualified in accordance with the provisions of §§ 47-1A-1501 to 47-1A-1532, inclusive, as a foreign corporation authorized to transact business in this state.

PUBLIC WATER SYSTEM: (PWS) is a system for the provision to the public of water for human

consumption through pipes or other constructed conveyances. Such system must be designed for (15) or more service connections (1 per platted lot) or regularly serve an average of at least (25) individuals. It shall be considered a PWS and must meet the 1996 EPA Safe Drinking Water Act; refer to Ordinance No. 33.

REGISTER OF DEEDS: The duly elected or appointed Register of Deeds of Meade County, South Dakota.

RIGHT-OF-WAY: The right of passage over the land of another; refer to Ordinance No. 10.

SALVAGE YARD: Any tract of land, establishment or place which is used for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles, motor vehicle parts or junk upon which (3) or more such motor vehicles, which cannot be operated under their own power, which are not being restored to operable condition, and which are kept or stored for a period of thirty (30) days or more.

Junked motor vehicle: a motor vehicle that does not display a current license plate and either:

1. Is partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
3. Is more than five years old and appears to be worth less than \$500.00.
4. Exception for hobby re-builder/restorers or mechanics that have a variance for a home business or Agricultural property of (160) acres or greater.

SEPTIC TANK AND SEPTIC SYSTEMS: Refer to Ordinance No. 33.

SETBACK: The required distance between every structure and any lot line on the lot on which it is located.

SIDE LOT LINE: Any lot line which meets the end of a front lot line or any other lot line.

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

SPECIFICATIONS: The specifications that have been adopted by the governing body.

STREET: A tract of land dedicated to public use, which affords the primary means of access to the abutting property, but excluding private driveways serving only one (1) parcel of land, refer to Ordinance No. 10.

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

SUBDIVISION: The division of any tract or parcel of land by plat or other instrument of conveyance into two (2) or more lots, sites, or other divisions thereof. (The Commission may waive any or all subdivision regulations, should they conclude that such a division should be excluded from the above.)

A. A **high density** subdivision is created by any one of the following:

1. The division of land which creates a single tract of land of one and a half (1.5) acres but not less than (10,000) SF (SF).
2. The division of lands which creates a tract of land with less than (250) feet front footage on any public right-of-way. Exclusions may be those lots abutting a cul-de-sac, in which

case the overall plan may be taken into consideration provided they meet the requirements found in Section 4.17.

3. The development by one owner or family of more than three (3) houses with less than (600) feet between houses.
4. The development of more than five (5) residential units with less than (400) feet between houses.

B. A **modified high density** subdivision is created by

1. The division of land that creates a single tract of land no more than three (3) acres, but not less than one (1) acre.
2. This requirement is with the understanding the soils within the proposed subdivision are conducive to on-site wastewater systems.
3. The requirements will be the same as the high-density subdivisions excluding the need for a centralized wastewater system or modified on site wastewater systems.

C. A **medium density** subdivision is created by the division of land which results in a single tract of land of more than (3) acres, but less than (9) acres.

D. A **low-density** subdivision is created by the division of land, which results in a single tract of land of more than (9) acres or more, but less than (40) acres.

E. A **rural residential** subdivision is created by the division of land, which results in a single tract of land over (40) acres, but less than (160) acres.

F. A **commercial** subdivision, consisting of **more than one lot or tract, being** one (1) acre or more in size, is created for the sole purpose of constructing a commercial structure or use. The requirements for such subdivision are delineated in Article IV, section 4.01. No residential structures are permitted in any subdivision lot designed as commercial, except where the commercial lot is developed as a mobile home park, state licensed campgrounds, motel and/or hotel.

G. A **multi -residential** subdivision for the exclusive use of condominiums, duplexes, four-plexes (and similar), and apartment buildings.

1. Three (3) parking spots per unit (10 foot x 20 foot) asphalt or concrete.
2. Must provide reports to DENR proving the water and sewer systems are capable of handling the number of units being added.
3. Land ratio shall be (16,000) SF for the first dwelling unit and an additional (3,000) SF for each unit after that.

H. A **high density commercial** subdivision is created for commercial lots less than one (1) acre but not less than (10,000) SF to be used exclusively for commercial development within a core business area. The requirements for such subdivision are delineated in Article IV, section 4.01 subsection (H). No residential structures are permitted in any subdivision lot designed as commercial, except where the commercial lot is developed as a mobile home park, state licensed campground, motel and/or hotel.

I. A **high density multi-residential** subdivision is created for multi-residential development of

lots and housing density not to exceed an average of (14) units per acre. The requirements for such subdivision are delineated in Article IV, section 4.01 subsections (I). High density Multi-residential shall be for the exclusive use of town houses, and duplexes.

In the case of a multiple tract development, the classification shall be determined by the smallest tract in the subdivision or the tract with the least frontage.

MULTI-RESIDENTIAL STRUCTURES outside of High Density Subdivisions for the exclusive use of condominiums, duplexes, four-plexes (and similar) and apartment buildings may be constructed outside of High Density Subdivisions only if a modified wastewater system (see definitions) is installed and it meets DENR approval (and that a community water system is installed according to this Ordinance). Requirements of subsection (I) listed previously apply. Also the following requirements must be met:

- A. Driveways to the multi-residential structure from the road or street must be asphalt or concrete.
- B. Parking lot for the residents must be asphalt or concrete.
- C. Concrete sidewalks (4 feet width minimum) must be placed from the parking lot to each structure entryway.
- D. Local Fire Department approval is required and a signed letter from the Local Fire Department must be submitted to Meade County's Equalization & Planning Department.
- E. Septic Tanks and Absorption Beds without an Individual Wastewater Treatment System or Package Plant will NOT BE considered.

TOWNHOUSE: Single family, attached residences that may be referred to as duplexes, triplexes, or fourplexes. Units will not have units above or below them, will have individual exterior entrances, and will have no more than two walls that are common with adjacent units.

TWO-FAMILY DWELLING/DUPLEX: A structure designed or used for residential occupancy by two (2) families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

UTILITIES: Municipal and franchised utilities.

UTILITY LOT: Platted lot used exclusively for the placement of utilities, public works, wells, water storage, sewer systems, electrical substations, high pressure gas stations, and any other utility services approved by the Meade County Governing Board. Such lots are only intended to be improved with the utility and a small service shed not to exceed (600) SF.

YARD: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Ordinance that a building or structure may be located in a portion of a yard required for a principal structure. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the principal structure shall be used.

YARD, FRONT: An open unoccupied space on the same lot with a principal structure extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

YARD, REAR: A space on the same lot with the principal structure, between the rear line of the

structure and the rear line of the lot and extending the full width of the lot, which is unoccupied except for permitted accessory structures.

YARD, SIDE: An open unoccupied space on the same lot with the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot lines not a rear line or a front line is a sideline.

ZERO LOT LINE STRUCTURE: two (2) dwelling units located on a single lot line. The unit is constructed as one (1) unit but its intended to be sold as two (2) separate home sites and which otherwise meets all requirements of the ordinances and covenants in which it is located.

Article III: PROCEDURE

Section 3.01 Outline of Procedure

A. Sketch Plan (Outline)

At no time will any plat or plan be considered without the personal appearance of the owner, developer, and/or agent.

The sub-divider or owner's engineer must submit to the planning board a sketch plan.

The sketch plan shall include the following items:

1. A map showing the general location of the property proposed to be subdivided which clearly shows the property boundary and its relation to surrounding development including property lines, roads, utilities, if any are present in the vicinity, and water courses with tributary drainage areas.
2. Contours from available data.
3. A layout of lots, streets, parks and open spaces indicating general scaled dimensions. The layout shall be prepared at a scale of (400) feet to the inch to permit an accurate delineation of conditions.
4. In the case of mountain subdivision, a preliminary grading plan and definition of the amount and location of forest cover shall be required. Where applicable, the location of all fuel breaks shall be shown.

B. Preliminary Plat/Plan (Outline)

1. It shall be the responsibility of the subdivider/developer to notify by certified mail with return receipts requested, (14) calendar days before the planning board meeting, all adjacent landowners as to the scope of the development and the date the planning board will review the plat or master plans. Meade County may assist in producing such list, but the accuracy and cost shall be the responsibility of the developer/owner. A copy of such notification letter shall be reviewed and approved by the Planning Staff prior to mailing.
2. Upon receipt of a preliminary plat and detailed plans with substantial compliance with this ordinance, the planning board will review it. If satisfactory, the plat plans and recommendation will be forwarded for approval to the Commission. At the time of submission, application or plat fee shall be collected in the amount stated in the fee

schedule established by resolution of the Commission.

3. Following approval of the preliminary plat or the acceptance of guarantee or bonds (Sec. 3.02 D) by the Commission, the subdivider will proceed with grading and installation of improvements indicated.
4. After improvements are made, or bonding in place, the subdivider shall prepare a final plat reflecting ground conditions for submission to the planning board.
5. Upon finding that this plat is in substantial compliance with the approved preliminary plan, the planning board will recommend its approval to the Commission.
6. The final plat shall be filed with the Register of Deeds upon approval by the Commission. Any applicable fees shall be the responsibility of the developer.
7. In the case of multi-phased subdivision, each separate phase must adhere to this outlined procedure. Developers of a multi-phased subdivision must present a Master Plan to the planning board for their review and recommendation, which must be approved by the Commission.
8. In the case of a Ghost Plat, all proposed lot splits, utilities lots, or easements and right-of-ways for proposed streets or roads, must be shown with dotted lines on the plat; and the proposed Ghost Plat must adhere to this outlined procedure for a preliminary plat.

Section 3.02 Administrative Procedures

The planning board may formulate written administrative rules that govern the procedure for processing subdivisions. These procedures will outline the responsibility of parties concerned with subdivisions and processing, and they will contain other information necessary to systematize handling and processing.

Person or persons who have made application for a non-hardship variance who have been placed on the agenda and fail to show without notifying the Planning Secretary at least 48 hours in advance of the regularly scheduled Planning Meeting and/or fail to show without good cause, must re-apply including re-submittal of all pertinent and required information including re-notification of neighbors and re-payment of the application fee, before being placed on any future meeting agenda.

A. Procedure for preliminary review:

The Director of Equalization & Planning or the planning board may require a written Form of Intent concerning the tract of land to be subdivided in sufficient detail to clearly indicate the nature and purpose of the subdivision. The Form of Intent must be scheduled through the Planning Secretary and will be heard by the planning board. The Commission does not take action on a Form of Intent and therefore, notification requirements by the property owner are not required, however, the property owner must appear and present the Form of Intent to the planning board.

VICINITY SKETCH

One vicinity sketch shall be at a scale of one (1) inch equals eight hundred (800) feet. The sketch shall show the accurate boundary of the subdivision and the location of internal streets and their relation to nearby streets. The internal streets shall be drawn with "double lines". Curves, however, may be drawn in freehand. The Meade County Planning Board shall approve scope and size of vicinity shown in sketch.

PRELIMINARY PLAT/PLAN

At the request of the Planning Department, the subdivider must prepare a preliminary plan complying with the provisions of this ordinance which he shall submit to and discuss with the planning board in order to establish the requirements of the subdivision ordinance, drainage plans, major street plan and other features and requirements that will influence the design of the proposed subdivision. These reports are mandatory for a subdivision with lots (3) acres or less or when deemed necessary by the planning coordinator.

B. Preliminary Plat/Plans - Submission Requirements

The following information is required for preliminary plans of subdivisions:

1. Vicinity sketches, if not previously submitted to planning board;
2. **Names of:**
 - a) Subdivision
 - b) Subdivider
 - c) Owner's Engineer.
 - d) Adjacent landowners and addresses
 - e) Present usage of adjacent land
 - f) Specification on one or more maps showing:
 - Location
 - Property boundaries
 - On-site and adjacent man-made features
 - Lot and street layout
 - Acreage of entire tract (to 1/2 acre) and percent of entire tract to be devoted to streets and other types of use (e.g. open space)
 - Soil types and their boundaries
 - Access
 - Drainage plan
 - Open space and recreation
 - Character and density of structures
3. **Reports on:**
 - Proposed water system
 - Source, reliability and quality of water supply
 - Proposed sewage disposal system
 - On-site lakes and streams (if applicable)
 - On-site topography and vegetation
 - On-site geological characteristics
 - Description of proposed uses
 - Estimated demands on local services (if applicable)
 - Sequence of development
 - 100 year flood plain information and panel number (FEMA)

Detail of reports, if the planning board deems it appropriate, may be waived or lowered, for Medium, Low, and Rural Residential Subdivision. Technical information must be prepared by qualified personnel within the discipline they are reporting.

4. **Copy of:**
 - Covenants and Agreements
 - Homeowners Association & membership requirements
 - Water District Association agreement and membership requirements
 - Sewer District Association & membership requirements

- Paving District Association & membership requirements
- Township Organization or Improvement District organizational documents

If the property proposed for development involves areas where, in the view of the planning board, the soils characteristics, terrain, natural and man-made drainage, geology, ground cover or its location impose unusual requirements, the planning board may request supplementary data to demonstrate the feasibility of subdividing the land.

If the planning board requests additional data or information, the subdivider shall have a period of 30 days in which to comply. The requirements stated above may be waived for proposed Ghost Plats.

C. Procedure for preliminary plats:

Two (2) copies of the preliminary plat and two (2) copies of the supplemental material shall be submitted to the planning board or its agent who shall issue a receipt for same when it is ascertained that the submission includes all requirements set forth in this ordinance.

1. Certified mail receipts of all notified area landowners as outlined in Section 3.01 subsection (B).
2. Preliminary plats shall be submitted to the Planning Department at least (15) days before the next regular meeting of the Meade County Planning Board, at which the plats will be considered.
3. The date of the planning board meeting to review the plat shall be specified on the planning application.
4. When officially submitted and received, the planning board shall have a minimum of (30) days but not to exceed (60) days in which to review, prepare and submit its recommendation and the plats to the Commission, provided however that the owner may agree to an extension not to exceed an additional (30) days.
5. The planning board shall review the preliminary plat to determine if it is consistent with the standards set forth in this ordinance, and it shall only recommend approval for these preliminary plats which the planning board finds to be developed in accordance with the intent, standards and criteria specified in this ordinance.
6. If the planning board shall determine from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, the planning board may require the subdivider to provide soil erosion and sedimentation control plans and specifications. A registered professional engineer or the National Resource Conservation Service shall prepare such control plans and specifications.
7. Time limitations: approval of a preliminary plat shall be effective for one (1) year from the date of approval by the Commission. Extension beyond the one (1) year limitation for a period of not to exceed three (3) months may be provided upon agreement between the Commission and the subdivider.
8. To insure that the developer installs or constructs the improvements listed in this ordinance and/or set forth by the planning board or the Commission, the final plat will not be approved until such improvements are completed or provided for by surety.
9. The following information shall be required on the preliminary plat and plans:
 - a. Date, north point and scale. Scale shall be not less than (1) inch equals (100) feet.

- b. Easements: purpose, location, and width of all easements.
- c. Public land. Location and dimension of land to be dedicated or reserved for Public right-of-way, parks, open space or other public use.
- d. Lots and blocks. Lot numbers and block number clearly identifying each parcel of land and the dimensions of all lots. Platting of individual lots crossing county boundaries is prohibited. Block boundaries may cross a county boundary providing all individual lots are wholly within Meade County, or wholly outside. Numbering shall be subject to the approval of the Meade County Planning Director.
- e. Building line location shall be shown along each street.
- f. Building envelope shall be shown on each lot.
- g. Periodic inundation; any portion of the land in or adjacent to the subdivision subject to known or an official record of periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified on the plat.
- h. The street plan shall contain the following information:
 - 1) Location of all streets in subdivisions which are proposed. Location of existing or proposed streets adjacent to the subdivision.
 - 2) Widths of existing and proposed right-of-ways or easements.
 - 3) Street names which have been approved by the planning board.
 - 4) Topography at (20) foot contour intervals.
 - 5) Plan and profile of all streets.
 - 6) Location of all required sidewalks and crosswalks.
 - 7) Curve data for the centerline of each street.
- i. The storm drainage plan (*if the planning board deems it appropriate*) shall contain the following information:
 - 1) Location of proposed drainage ways, streams and ponds in the subdivision.
 - 2) Location, size and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of headwalls, etc.
 - 3) Area of land contributing runoff to each drainage structures.
 - 4) Location of easements and rights-of-way for drainage ways and
 - 5) Maintenance of access thereof.
 - 6) Typical cross section of each drainage way.
 - 7) Direction of water flow throughout subdivisions.
- j. The sanitary sewer plan shall contain the following information:
 - 1) Location and size of all existing and proposed sewers in the subdivision and tie points of the subdivisions. Location of sewer laterals.
 - 2) Direction of flow of each sewer line.
 - 3) Location of each manhole and other sewerage system appurtenances including lift stations and treatment plants.
 - 4) Profile of sewerage system.
 - 5) Capacity plan showing the technical, managerial, and financial capabilities for continued long term operation.
 - 6) Other requirements of Ordinance No. 33.
- k. The water distribution plan shall contain the location and size of the water distribution system including pipes, valves fittings, hydrants, high pressure pumping equipment, etc. in accordance with Ordinance No. 33.

- I. The location of wells shall meet the requirements of the DENR.

Note: The Director of the Equalization & Planning Department will not represent the subdivider at the planning board meetings. Presentation of all plats or supplemental information thereof must be presented by the subdivider or his/her representative.

D. Procedure for Final Plats:

1. All final plats shall be prepared meeting the requirements of the ordinance and submitted to the Equalization and Planning Department at least (15) days prior to the next regular meeting of the Meade County Planning Board, at which the plats will be considered.
2. The receipt as per Section 3.01 subsection (B) shall specify the date of planning board meeting for review of the plat. The planning board shall have (30) days in which to submit its recommendations to the Commission.
3. The Commission shall have a maximum of (45) days to approve or disapprove the final plat after receipt of the planning board recommendation.
4. Not more than six (6) business days after approval of the final plat by the Commission, the County Auditor shall submit the approved final plat to the Office of the Register of Deeds to be recorded. The recording fee shall be paid by the subdivider and shall be submitted at the time final application is made.
5. The original or reproducible final plat shall be drawn in waterproof black ink upon tracing Mylar, drafting linen, matte film (15) x (26) inches, (11) x (17) inches, or (8-1/2) x (14) inches. The scale shall be legible and each signature shall be made with permanent ink.
6. **The final plat shall show the following information:**
 - a. The boundary lines of the subdivision including distances and angles or bearings, and all section lines. The names of all adjoining subdivisions, their acreage and street layout, or a description of unplatted areas, to include acreage of unplatted areas.
 - b. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use, to include acreage contained in each.
 - c. All access roads, to include interior streets of subdivisions, shall be designated as "DEDICATED PUBLIC RIGHT-OF-WAY". In the case of access to a single platted lot, the planning board may lessen the requirement to "Private Access Easement." In doing so, the developer must supply documentation that no further development will occur which will require shared access. A Private Access Easement may be accepted as long as the easement serves fewer than four (4) building sites or dwellings or any combination thereof.
 - d. The length of all straight lines, angle of intersection, length of curves and radius. All dimensions of each lot shall also be shown thereon. All dimensions shall be shown in feet and decimals of a foot to one decimal place. The boundaries of the property locations, scales and true north shall be shown. The acreage of each lot to two decimal places.
 - e. Numbers to identify each lot and block.
 - f. Building envelope showing the minimum building or setback line on all lots and other sites is preferred; however a note containing the setback requirement is

acceptable. In the case of double frontage lots, the direction the house or building will front shall be clearly indicated. Easement lines for services or utilities.

- g. Subdivision name, scale, north point and date.
- h. A "Prepared By" statement, including the engineer's name, telephone number and address.
- i) Guarantee in Lieu of Completed Improvements

No final subdivision plat or deed shall be approved by the Commission or submitted to the Register of Deeds until the required improvements listed shall be constructed in a satisfactory manner and approved by the County Planning Department. In lieu of such prior construction, the planning board may accept a receipt for monies deposited in an escrow account with the Meade County Treasurer. Security bonds, certificates of deposit, *irrevocable letter of credit, (with copy of bank note)* may be substituted at the discretion of the Planning Department in an amount equal to 140% (one hundred forty percent) if the total estimated project cost is \$100,000.00 or less and 120% (one hundred twenty percent) if the total estimated project costs exceeds \$100,000.00 of the estimated cost of installation of the required improvements as evident by a contractor's reasonable bid price. Whereby improvements may be made and utilities installed without cost to the County in the event of default of the subdivider. Said security bond or account shall have a time limit imposed with the approval of the Commission. Building permits will not be issued until all the improvements are complete that were shown on the Final Plat or supporting documents at the time of approval.

Section 3.03 Subdivision Plat Fees

Fees for the submittal or application for a subdivision plat shall be based on the density level of the smallest lot. At no time shall a plat be brought before the Meade County Commission without proper fees being collected.

All plat fees shall be set by resolution of the Commission.

Article IV. DESIGN STANDARDS

Section 4.01 Conformity to Meade County Comprehensive Plan

All proposed subdivisions shall conform to the Meade County Comprehensive Plan when effective.

The subdivider and developer shall observe the densities established by the Subdivision Ordinance. All wastewater disposal systems, regardless of density levels, shall be installed by a DENR "Certified Wastewater Installer". All residential lots shall have no more than one (1) single family residential dwelling per each platted lot except as permitted within this ordinance. All provisions of ordinance shall be followed. The subdivider and/or developer shall provide on-site professional inspection of all critical junctures during the construction of a subdivision of (30) lots or more at the subdivider and/or developer's cost. For all subdivisions of (5) lots or more, the subdivider or developer must complete and sign a Subdivision Improvements Agreement; this agreement must be submitted to the planning board and finally approved by the Commission at or before the time that the Final Plat is approved.

Section 4.02 Accessory Apartment

An Accessory Apartment is permitted with an approved variance per platted lot of three (3) acres or

greater, and is considered secondary to the principal single-family residential dwelling, provided it is located on the same property as the principal single-family residential dwelling either within the dwelling or an attached addition to the dwelling.

Apartments over/within a detached garage or post frame structure that meet the building/residential codes and all applicable ordinances adopted by the County will be considered a Second Permanent Dwelling and must follow the requirements of Section 4.03 listed below.

Section 4.03 Second Permanent Dwelling

A second dwelling may be permitted on a parcel with a primary dwelling if the following conditions are met:

1. The parcel is greater than three (3) acres;
2. The parcel must be Ghost Platted and the Ghost Plat shall be presented to the planning board and must be approved by the Commission;
3. Ordinance No. 33 requirements must be met for sewer and water; (each living unit or dwelling structure must have an approved separate wastewater system);
4. There must be a shared approach for the driveway and in the event the proposed ghost plat becomes a Final Plat, (when and if the dwelling units are sold separately), additional approaches may be required;
5. The owner must complete a variance application and the application fee must be paid along with the ghost platting fee at the time of application;
6. The variance rules of this ordinance will apply; (the request must be approved by the Commission);
7. If the developer/owner at some time in the future wants to split the parcel so the two (2) dwellings are each on a separate lot of no less than (1.5) acres per platted lot, the developer/owner must present the approved Ghost Plat as a Final Plat in accordance with all the requirements for a Final Plat within this ordinance, plus pay the additional fee;
8. Living quarters for ranch hands on agricultural properties of (160) acres or more are exempt from the requirements of this section.

Section 4.04 Subdivision Density Types

A. High density subdivisions shall be required to have the following: **(10,000+ sq. ft.)**

- a. A central sewage system serving all of the lots to be platted which has been approved by the DENR, in accordance with Ordinance No. 33 and the Meade County Planning Board.
- b. A community water system serving all platted lots and approved by DENR and in accordance with Ordinance No. 33.
- c. Hard surface streets and roads, with a dedicated right of way of 66 feet and a driving surface of not less than 32 feet measured from curb back to curb back, per Ordinance No. 10.
- d. Street signs on all platted streets and roads.
- e. Sidewalks, as described under Section 4.10.

B. Modified High density subdivisions shall be required to have the following: (1 to 3 acres)

- a. Proof submitted that soils and lot size of each lot would support a private sewage system meeting the requirement set forth by Meade County Ordinance No. 33 and the DENR and Ordinance No. 33. A DENR certified individual shall perform the soil sampling.
- b. A public or community water system serving all platted lots and approved by DENR, in accordance with Ordinance No. 33 and the Commission.
- c. Hard surface streets and roads, with a dedicated public right of way of 66 feet and a driving surface of not less than (24) feet wide; (6") thickness of gravel with (2) foot shoulders per Ordinance No. 10.
- d. Street signs and regulation signs on all platted streets and roads must be ordered through the Meade County Highway Superintendent and paid for and installed by the developer.
- e. Standard absorption fields and septic tanks per Meade County Ordinance No. 33 may be installed on a (1) acre lot if the average percolation test is between (5) and (20) minutes per inch. If the percolation test is between (20) and (60) minutes per inch, a modified wastewater system must be installed on a one acre lot. Drainfield must be no less than (600) SF; requirements of Ordinance No. 33.
- f. Modified High density subdivisions will be permitted if all of the following conditions are met:
 - a. Average percolation tests are (60) minutes per inch or less.
 - b. Minimum (not less than) (10) platted lots per subdivision plat.
 - c. Master Plan (if applicable), submitted and approved for future development.
 - d. Must have fire protection – fire hydrants per this ordinance.
 - e. Must not be in "High Noise Areas" greater than (65) dba, per Ellsworth Air Force Base AICUZ (Air Installations Compatible Use Zones).
 - f. Subdivision Improvement Agreement must be completed, signed and approved.
 - g. Curb & Gutter is required unless the drainage study indicates that drainage can be managed by a shallow ditches less than two (2) foot in depth with CMP or CRP culverts.
 - h. Other applicable requirements of Ordinance No. 20 also must be met.
 - i. Streets, at a minimum, must be constructed (24) feet in width of gravel surface plus (2) foot gravel shoulders (28 feet total in width), per Meade County Ordinance No. 10 specifications.

C. Medium density subdivisions shall be required to have the following: (3 to 9 acres)

- a. At a minimum, documentation must be submitted that soils and lot size of each lot would support a private sewage system meeting the requirement set forth by the DENR and requirements of Ordinance No. 33;
- b. A community water system serving all platted lots in accordance with Ordinance No. 33;
- c. Gravel streets and roads, with a dedicated right of way of 66 feet and a driving surface of not less than 24 feet with a gravel thickness of (6) inches minimum and other requirements of Ordinance No. 10;

- d. Street signs on all platted streets and roads;
- e. Absorption fields or drainfields must be no less than six hundred (600) SF and must be conducive to the placement of a private on-site septic system. At no time shall a septic system be installed wherein these requirements and requirements of Ordinance No. 33 are not met.

D. Low density subdivisions shall be required to have the following: **(9 to 40 acres)**

- a. Gravel streets and roads with a dedicated right of way of 66 feet and a driving surface of not less than 24 feet with a gravel thickness of (6) inches minimum and other requirements of Ordinance No. 10.
- b. Street signs on all platted streets and roads.
- c. Absorption fields or drainfields must be no less than six hundred (600) SF and must be conducive to the placement of a private on-site septic system. At no time shall a septic system be installed wherein these requirements and requirements of Ordinance No. 33 are not met.

E. Rural residential subdivisions shall be required to have the following: **(40 + acres)**

- a. Gravel streets and roads having a dedicated right of way of 66 feet and a driving surface of not less than 24 feet with a gravel thickness of (6) inches minimum and other requirements of Ordinance No. 10.
- b. Street signs on all platted streets and roads.
- c. Contiguous properties of (40) acres or more need not be platted if they can be described by aliquot legal description. However, the legal description may not contain more than a quarter of a quarter section. (i.e. NW1/4SW1/4.) The property must abut an improved section line right of way or other legal access approved by this planning board.
- d. Absorption fields or drainfields must be no less than (600) SF and must be conducive to the placement of a private septic system. At no time shall a septic system be installed whereas these requirements and requirements of Ordinance No. 33 are not met.

F. Commercial subdivisions shall be required to have the following:

- a. A sewage system serving any lot(s) to be platted which has been approved by the DENR, in accordance with Ordinance No. 33 and the Meade County Planning Board.
- b. A water system serving all platted lots approved by DENR; However, if an existing Public or a Community Water System, (CWS), is within (300) feet of the proposed subdivision, the developer must make a reasonable attempt to join or become party to the existing CWS. Copies of such attempt or agreement will be made available to the planning board and must be in accordance with Ordinance No. 33;
- c. Hard surface streets and roads, with a dedicated right of way of 66 feet and a driving surface of not less than 32 feet.
- d. Street signs on all platted streets and roads.
- e. Sidewalks, as described under Section 4.10.

- f. Asphalt or concrete parking space at a ratio of 3 spaces per business. Each parking space shall have a minimum size of (10) feet by (20) feet In the event that such commercial uses create a demand or need for parking, additional parking can be required. The planning board may consider all things including number of employees and estimated number of customer demand.
- g. For the purpose of allowing commercial lots within agricultural areas, items 1-6 may be exempt.

G. Multi-residential subdivisions shall be required to have the following:

- a. A central sewage system serving all of the lots to be platted which has been approved by the DENR and must meet Ordinance No. 33. A community water system serving all platted lots and approved by DENR and the Meade County Planning Board;
- b. Street signs on all platted streets and roads.
- c. Sidewalks, as described under Section 4.10.
- d. Asphalt or concrete parking space at a ratio of three (3) spaces per dwelling unit. Each parking space shall have a minimum size of (10) feet by (20) feet.
- e. Lot size shall be based on (16,000) SF for the first two dwelling units and an additional (3,000) SF for each unit thereafter.

H. High Density Commercial subdivisions shall be required to have the following:
(10,000+ SF)

- a. A central sewage system serving all of the lots to be platted which has been approved by the DENR and the Meade County Planning Board. (See Ordinance No. 33)
- b. A public or community water system serving all platted lots and approved by DENR and must meet Ordinance No. 33.
- c. Hard surface streets and roads, with a dedicated right of way of (66) feet and a driving surface of not less than (32) feet measured from curb back to curb back.
- d. Street signs on all platted streets and roads.
- e. Sidewalks, as described under Section 4.10.
- f. An approved Core Area Master Plan which shall provide a detailed plan showing the following:
 - i. Lot and building lay out, showing proposed zero lot line and free standing buildings
 - ii. Parking and traffic lanes showing ample parking for density. A minimum of three (10) feet by (20) feet hard surfaced parking spots per each platted lot will be required.
 - iii. Pedestrian walkways and sidewalk to allow access from parking area, including handicapped.
 - iv. Any other amenities including lighting, signage, monuments, landscaping or greenways, courtyards, or special pedestrian features.

I. High Density Multi-Residential subdivisions shall be required to have the following:

- a. A central sewage system serving all of the lots to be platted which has been approved by the DENR and in accordance with Ordinance No. 33 along with the Meade County Commission.
- b. A public or a community water system serving all platted lots and approved by DENR and requirements of Ordinance No. 33 along with the Meade County Planning Board.
- c. Hard surface streets and roads, with a dedicated right of way of 50 feet and a driving surface of not less than 32 feet. (See Ordinance No. 10)
- d. Street signs on all platted streets and roads.
- e. Sidewalks as described under Section 4.10.
- f. Asphalt or concrete parking space at a minimum ratio of two (2) resident spaces per dwelling unit plus adequate guest parking. Each parking space shall have a minimum size of (10) feet by (20) feet. Garage and covered parking spaces shall be included in calculating the total requirement.
- g. Building coverage shall not exceed 40% of any lot. Minimum front yard setbacks shall be (25) feet, rear yard shall be (25) feet and side yard shall be (8) feet, excepting that zero lot lines shall be permitted in attached structures on interior lot lines. The average of number dwelling units shall not exceed (14) units per acre.
- h. Park/Play areas may be preserved at a minimum ratio of (75) SF per dwelling unit. At no time shall any lot be less than (1,600) SF. Lot size, shape, location, and figuration shall be subject to the recommendation of the Planning Board. Lots with highly irregular dimensions may be considered as "open spaces".
- i. A master plan shall be submitted containing: a complete site plan and plat drawing, parking and traffic flow, utility and private access corridors, fire hydrant locations, common wall locations, density and lot coverage calculations and designated park/play area(s).

J. Utility Lot shall be required to have the following:

- a. If improved with building, structure may not exceed (600) SF in size.
- b. Platted access not less than (16) feet in width. May be either dedicated public right-of-way or utility access easement.

K. Mountainous Subdivisions

Subdivisions located within the unincorporated boundary of Meade County, South Dakota which have contours for any given cross section of the subdivisions which indicate an average cross slope greater than 15%.

- a. Roads or streets within a Mountainous Subdivision may have a maximum road grade of 12% with the notification of the local Fire Department, review of the planning board, and the approval of the Commission. All roads and streets must be designed by a Professional Engineer and construction activities must be overseen by a Professional Engineer or representative thereof along with other requirements of Ordinance No. 10,

however alternative design proposals will be considered for Mountainous Subdivision Roads.

Section 4.05 Public Use & Recreation

All sites reserved for public use as recreation area shall be dedicated to the Homeowners Association, or a governmental and/or taxing entity, (including water boards), whose responsibility it shall be to maintain and determine its full use for recreation purpose. The area so designated must meet the approval of the Commission.

Section 4.06 Schools and Public Facilities

All sites for schools and other public facilities that are located within a proposed subdivision shall be dedicated to the governing body or the School District.

Section 4.07 Layout Plan

A layout plan shall be made of the entire area proposed for development before and after final grading is completed. Such a plan shall show the proposed street and drainage pattern.

Section 4.08 Off-Site Improvements, (Developer)

The improvements the owner proposed to make off premises, outside the boundaries of the proposed subdivision, pursuant to the development of the subdivision, shall be clearly noted on the preliminary plat. These improvements shall relate to drainage, utilities and other improvements necessary to permit development in the subdivision.

Section 4.09 Off-Site Improvements, (Governing Body)

The improvements the owner proposes to request the appropriate governing body to make, if any, relative to off-premise improvements necessary to the development of the subdivision shall also be clearly noted on the preliminary plat. These improvements shall relate to but not be limited to drainage improvements necessary to carry runoff, extension of water mains, sewers, roads, utilities, and other improvements.

Section 4.10 Minimum Street Standards

Minimum street construction standards shall be according to Ordinance No. 10.

Section 4.11 Street Plan

- A. The arrangement, character, extent, location and grade of all streets shall be in accordance with good land planning principles and shall be considered in their relation to existing and planned streets, to topographical conditions, orientation to vistas, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.
- B. The street pattern shall lead traffic toward local shopping and neighborhood centers and to main thoroughfares; however, the number of streets which would tend to promote congestion converging upon any one point shall be held to a minimum. Creation of a 'Five-Points' shall not be permitted.
- C. The street pattern shall be in conformity with a plan for the most advantageous development of the entire neighboring area. Sufficient proposed streets shall be extended as far as the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity. Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision.
- D. The street layout shall include residential collector and local residential streets when necessary. This should or will reduce the number of intersections of local residential streets

with through streets and crossings of railroad tracks. (Refer to Ordinance No. 10).

- E. Local residential streets in the subdivision shall be laid out in a way that their use by through traffic will be discouraged.
- F. Driveway Approach Permits must be obtained for all new driveways per Ordinance No. 10, permit cost is set by resolution of the Commission.
- G. Intersections of local residential streets with arterial streets shall be held to a minimum and should be at right angles whenever possible.
- H. Unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner, which omits part of the original tract to avoid drainage improvements.
- I. Where there is a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted. All Streets and roads must meet all requirements of Meade County Ordinance No. 10.
- J. Street and Road requirements refer to Ordinance No. 10.

Secondary Access

Subdivisions that have a Primary Access Road greater than (1200) feet in length or if there are a total of twenty (20) or more platted lots off of a dead end road, a second access must be constructed to Meade County Ordinance No. 10 standards.

Any subdivision that has planned (20) platted lots or more according to the Master Plan that has a Primary Access Road with a (24) foot gravel surface, must have a Second Access Road spaced (1,000) feet at a minimum from the center of the Primary Access Road or a Second Access Road that enters a different County Road separate from the Primary Access Road. The distance requirement can be waived by the County Commission if the shape of the lot/tract or topography makes it impractical to comply. In such instances, the road junctions shall be located as far apart as possible.

- K. High Density, residential, commercial, or multi-family subdivisions shall have street lighting at all intersections, as minimum per table below:

STREET CLASSIFICATION	LAMP INTENSITY	MOUNTING HEIGHT
RESIDENTIAL AREAS		
Local	100 Watt	13 Feet
Cul-de-sac	100 Watt	13 Feet
Collector	250 Watt	30 Feet
Minor Arterial	*1.0 IES	40 Feet
COMMERCIAL		
Local	*0.9 IES	30 Feet
Cul-de-sac	*0.9 IES	30 Feet
Collector	*1.2 IES	30 Feet
Minor Arterial	*2.0 IES	40 Feet

*EIS - (Illuminating Engineering Society)

Section 4.12 Intersections

- A. Submission of a grading plan showing existing conditions and a detailed design for intersections which are either unusual, or are located on difficult terrain, may be required by the County Highway Superintendent and must be in accordance with Ordinance No. 10.

- 1. Acute angles at street intersections are to be avoided insofar as possible but in no case

will an angle of less than eighty (80) degrees be permitted.

Minimum radii of intersections:

- a. Property lines at arterial street intersections shall be rounded with a radius of (25) feet. An increased radius shall be required when the angle of intersection involves an arterial street.
- b. Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than (25) feet.

2. ALLEYS

- a. Alleys shall have minimum of (20) feet of right-of-way and shall be dedicated to the public.
- b. Alleys are not permitted in Medium and Rural density residential subdivisions.

Section 4.13 Sidewalks and Crosswalks

- A. Concrete sidewalks, no less than (4) feet wide, shall be constructed on both sides of all streets within a High Density subdivision, and the sidewalk must be located (3) feet from the back of the curb to the nearest edge of the sidewalk. Sidewalks must conform to the American Disabilities Act.
- B. Pedestrian crosswalks, not less than (10) feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.

Section 4.14 Names

- A. All Subdivisions and streets shall be named. Street names must be approved through the Planning Department.
- B. Subdivision names and apartment complex project names shall not duplicate or be confused with existing names. Subdivision and apartment complex project names are subject to approval by the Planning Department.

Section 4.15 Blocks

- A. Block lengths shall not exceed (1,200) feet, except where streets loop or are intersected by other accesses, and shall normally be wide enough to allow two (2) tiers of lots of appropriate depth.

Section 4.16 Lots

- A. Lot dimensions shall conform to the requirements of this ordinance, and shall not be so irregular in nature to cause confusion or hardship in setback location, utility easements or property line maintenance.
- B. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.

- C. Each lot shall be provided with access to a street.

Section 4.17 Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than sixteen (16) feet wide total unless otherwise approved by the Commission.
- B. Where a subdivision is traversed by a water course, drainage way, or stream, there shall be provided a storm-water drainage easement or right-of-way conforming substantially to the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall conform substantially to the lines of such existing or planned drainage way and shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream. The owner will pay for calculations necessary to establishing the magnitude of the drainage way.
- C. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the use of easements for but not limited to, power distribution, telephone service, drainage, water, sewer services and other utilities.

Section 4.18 Drainage and Inundation

- A. The owner's Professional Engineer or Certified Hydrologist or Certified Hydro-geologist shall make a drainage plan (if the planning board deems it appropriate, requirement may be waived), for the subdivision. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision, taking into account the ultimate development of the tributary area. Drainage and flood control facilities shall be provided in conformity with the Flood Control Ordinance #9 of Meade County.
- B. The storm and sanitary sewer plan shall be made prior to other utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.
- C. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel.
- D. Low areas subject to known and/or documented periodic inundation shall not be developed or subdivided except in compliance with the flood prone terms of the Flood Ordinance #9 of Meade County.
- E. The nature of the land use should not in itself impede surface water runoff and would not be subject to appreciable damage by inundation; or that
- F. The area must be filled or improved in such a manner as to prevent such periodic inundation, provided that such fill does not retard the flow of surface waters or result in increasing the water level endangering life and property of others; or that
- G. Ordinance No. 9, Flood Prevention Ordinance, must be followed. Minimum floor elevations must be established above the 100 year flood plain to prevent damage to buildings and structures. If no Base Flood Elevations are available for proposed medium, modified high or high density subdivisions, the developer and/or property owner must hire a registered engineer or surveyor at their cost, to establish the Base Flood Elevations, which must be submitted to planning for review.
- H. The County Planning Department may require additional engineering information necessary to make a decision on subdivisions and other development which are in areas of questionable

drainage.

- I. Storm Sewers shall be designed in accordance with good, accepted engineering practice and are subject to approval by the Commission.

Section 4.19 Grading

- A. Grading design shall use natural drainage ways for drainage where possible and shall not cause or increase erosion conditions within or adjoining the site.
 1. Allow drainage of surface water away from buildings and off-site, and;
 2. Minimize earth settlement problems, and;
 3. Minimize erosion – (See Ordinance No. 10).
 - a. Adequate measures shall be taken to assure that excessive dust from construction activities is not allowed to create a nuisance or to otherwise adversely affect the area adjacent to the construction site.
 - b. Site rubbish and debris caused by clearing operations shall be removed from the site leaving the site in safe and cleared condition.
 - c. Building material debris and other rubbish shall not be allowed to blow on adjacent property and must be taken care of daily.
 - d. New or used materials must be anchored or otherwise contained at all times.
 - e. Before dirt work is started that covers one acre or more in size, a building permit is required by Meade County and a Storm Water Permit and a Storm Water Pollution Prevention Plan are required by the DENR and a copy must be submitted to Meade County at time the building permit is applied for. Building permits are also required for camp site improvements, including campsite pads and electrical hookups. (Also see Ordinance No. 34)

Section 4.20 Subdivision Restrictions

- A. All structures shall conform to Meade County Regulations for Flood Damage Prevention, Ordinance #9. All residential dwellings lowest floor level, including basements, must be at least one (1) foot above the base flood elevation. Any construction that is in a designated floodway, floodplain or floodway fringe must first have an approved Floodplain Development Permit before a building permit will be issued.
- B. Lot size shall be according to the minimum lot size requirements of the DENR, except in no case shall a lot be less than (10,000) SF.
- C. No lot of three (3) acres or less shall have a width of less than (85) feet at point (30) feet back from front lot line.
- D. The minimum distance between any structure and Right-of-Way line shall be (25) feet.
- E. The minimum distance between any structure and the rear property line shall be (25) feet.
- F. For life saving reasons in case of fire, no dwelling shall exceed (40) feet in height.
- G. There shall be a minimum of (3) feet between detached buildings on the same lot.

- H. The minimum distance between any structure and the side property line shall be (8) feet.
- I. All residential dwelling units shall be hooked up or serviced by both approved water and sewer facilities. Such approval shall come from Meade County or DENR.
- J. Building Permits will be issued in accordance with this ordinance and Ordinance No. 34.
- K. Platting will be a prerequisite for obtaining a building permit for all property under a (160) acres or less. Only those properties described as aliquot 40's or Government Lots are exempt from platting. All other requirements in this ordinance must be adhered to.
- L. Platting requirements may be waived in circumstances where there is currently an owner occupied single-family dwelling unit that was originally built or placed on the property prior to 1980. Such waiver of the platting as a prerequisite for obtaining a building permit shall only apply for one (1) additional accessory building. In no case shall it apply to property less than (20) acres.
- M. Meade County requires all newly developed lots in any density level subdivision, which abut or are common to any section line or public right-of-way, to be platted to the edge of such right-of-way. All setback regulations set forth in Section 4.17 shall be measured from the edge of such right-of-way and not the property line. At no time shall any building, manufactured housing, dwelling, or substantial structure encroach into such right-of-way.
- N. All new road construction within section line right-of-way shall have prior approval of the Commission. Ordinance No. 10 will specify the design and standards for new construction. It shall be the responsibility of the subdivider/developer to notify by certified mail all adjacent landowners of the effected section line, per Ordinance No. 10, as to the scope of the development and the date the Commission will review the plat/plans. Meade County may assist in producing such list, but the accuracy and cost shall be the responsibility of the developer/owner. A copy of such notification letter shall be reviewed and approved by the Planning Department prior to mailing.
- O. Blowing garbage, litter, debris, building materials or other such rubbish from any permitted or non-permitted construction site will not be allowed.
 - 1. New and used materials must be anchored or otherwise contained at all times.
 - 2. Any loose or blowing debris or rubbish shall be picked up immediately and not allowed to accumulate on other nearby lands, and placed in an appropriate waste container equipped with cover to prevent additional blowing.
 - 3. Failure to keep garbage, litter, debris, building materials, and other such rubbish maintained and cleaned up will result in the suspension of building permit(s) to owners of the property, contractors, and/or developers involved, as well as any other fines or penalties brought forth by Meade County.
- P. MOBILE HOMES (MANUFACTURED HOUSING)
 - 1. Building restriction for mobile homes, (manufactured housing), shall be the same as outlined above with the following additions:
 - 2. For safety, all mobile units will be securely anchored and fully skirted and will in general comply with sound engineering and safety regulations normally required by International Building and Residential Codes and Ordinance No. 34 adopted by the County.
 - 3. For health & safety reasons, all occupied manufactured housing shall be hooked up to

approved sewer and water facilities.

Q. COMMERCIAL

1. Building restriction for commercial buildings shall be the same as outlined above. Commercial lots may be considered for exceptions of front, side and rear setbacks. A developer may only invoke a zero foot setback if the following conditions are met.
 - a. The adjoining lots must all be commercial.
 - b. Utility easements are easily accessible to all lots.
 - c. No safety issues or visibility concerns are evident.

Section 4.21 Permit Fees

- A. Permit fees within this ordinance are set by resolution of the Commission.

Article V. REQUIRED IMPROVEMENTS

Section 5.01 General

The subdivider is required to install or construct the improvements hereinafter described before receiving approval of his/her final plat or prior to having released the bonds or other securities which guarantee such required improvements. All improvements required under these regulations shall be constructed in accordance with specifications and under the inspection of the County Planning Department. All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk, or other required pavement.

- A. Periodic Subdivision Construction Progress Inspections will be required to assure they are being constructed per Ordinance No. 20 and in accordance with any requirements or variances by the Meade County Planning Board or Meade County Commission. Any and all inspection costs are to be the responsibility of the developer. There will be a minimum of two (2) inspections per subdivision, paid for by the developer.
- B. Proposed subdivisions that have streets intersecting Meade County's road network must have the approach approved by the Highway Superintendent and the subdivision developer shall be responsible for all third party review costs, if deemed necessary by Meade County.
- C. A nine (9) acre tract is required by Meade County for placement of a private domestic water well, except for an existing lot less than nine (9) acres that cannot be connected to a public or community water system; documentation of such is required to be submitted to the Planning Department.

Section 5.02 Storm Sewers and Drainage

Storm sewers and drainage structures shall be designed and installed as required in accordance with good engineering practice.

Section 5.03 Property Markers

The corners of all lots and the beginning and endings of all curves on property lines shall be accurately marked on the ground with 5/8 to 1-1/4 inch diameter iron rods or pipes at least (18) inches long.

Section 5.04 Street Signs

The subdivider shall install durable street name signs at all intersections. All signs shall be a minimum of (9) inches tall with (6) inch lettering mounted on steel square poles. One street sign is required for each intersection. All design specifications must have prior approval of Meade County. The future maintenance of said sign shall be up to the discretion of the Commission.

Section 5.05 Traffic Signs

Traffic signs shall be posted in residential subdivisions and limits will be enforced. Signs must meet State and Local standards **and must meet Ordinance No. 10 requirements**, and are the responsibility of the subdivider and/or the homeowners for installation and maintenance. Speed limits shall be posted at the discretion of the Highway Superintendent, but in no case shall the limit exceed (25) miles per hour.

Section 5.06 Inspections

The Building Official shall inspect each structure constructed in the subdivision, per Ordinance No. 34.

Section 5.07 Fire Prevention

- A. Subdivisions that contain residential, commercial, industrial or other buildings will conform to all requirements of the National Life Safety Code (NFPA 101 -1976 and future changes) and the South Dakota Fire Codes.
- B. Buildings will be so situated to prevent any possible interference with fire equipment.
- C. In the case of multiple buildings in a single lot, fire lanes will be provided and will not be blocked.
- D. Access roads and interior street plans will be compatible with fire prevention requirements.
- E. Adequate escape routes will be provided and marked.
- F. Temporary buildings, decorative fences or other impediments will not block escape routes.
- G. In all subdivisions intended for multiple buildings, the water supply will conform to Ordinance No. 33.
- H. Buildings containing explosive or flammable materials will be marked with appropriate warning signs and/or warning devices.
- I. Fire prevention plans for such buildings will be printed and posted in a conspicuous place.
- J. Fire hydrants shall be placed at no more than (500) foot intervals in high-density subdivisions.
- K. All fire hydrants, if required, in all subdivisions shall be accessibly located. The fire district in which the proposed subdivision is to be located shall be notified by the developer as to the location and specifications of all hydrants within the subdivision. Such plans are subject to fire department review and subject to the approval of the Meade County Commission. In the event the proposed subdivision is not within the boundary of a fire district, approval must be obtained from the local fire department.
- L. Commercial, commercial agricultural or industrial operations that use or have Hazardous Materials/Waste or Radioactive/Explosive Materials referenced such by the EPA, DENR or USDOT stored at any facility in Meade County shall be required to place a standard mailbox

container labeled MSDS (Material Safety Data Sheet), on the outside of the property/perimeter with copies MSDS (Sheets) for all the materials being stored, for the Fire Department or First Responders. Copies of all MSDS (Sheets) as described above must also be sent to the local Fire Department and Meade County Emergency Management.

Section 5.08 Mobile Home Park

A. To handle the placement of mobile homes not on permanent foundations, a mobile home park may be established. Two or more manufactured or mobile homes on a single parcel of land shall constitute a Mobile Home Park. The Mobile Home Park shall contain not less than (7,500) SF of lot area for each space provided on the site. The space ratio is not to include hard surface access roads,

B. Auto parking and recreation area.

C. Area Regulations

There shall be a plot plan in detail showing the following:

1. There shall be a front yard setback of (10) feet from all access roads within the mobile home park.
 2. Minimum distance between units shall be (20) feet.
 3. Maximum lot coverage shall be (25) percent.
 4. There shall be at least two (2) paved or gravel off street parking spaces for each mobile home space.
 5. Where a side or rear yard abuts a street, the yard shall be not less than (25) feet
 6. Each mobile home park shall have a rear yard and a side yard on both sides of the parcel of not less than (10) feet.
- D. Common recreation space shall be provided at the rate of (400) SF of space for each trailer site, but in no case shall the common recreation space be less than (10,000) SF. This requirement may be waived.
- E. Utility Service connections, including any necessary easements, shall be indicated on the development plan. Water availability and quality must be approved by County and the DENR.
- F. Sewage facilities must be a central sewer or similar system approved by the DENR. The Meade County Planning Board and the DENR must approve systems.

Section 5.09 Mailboxes

A. Mail Boxes

1. To promote roadway safety, ease of maintenance, and traffic service consideration all mailboxes installation must meet the requirements of the U.S. Postal Services and those set forth in this ordinance.
2. No mailbox or newspaper delivery box will be allowed to exist within the County's right-of-way if it interferes with the traveling public or the function, maintenance, or operation of the

county roadway system. A mailbox installation, as determined by Meade County, which does not conform to the provisions of this regulation, is prohibited.

3. The road side face of the mailbox shall be offset the following distance:
 - a. Paved Road - the width of the shoulder plus (4) feet.
 - b. Gravel Road – (4) feet from the edge of the traveled portion of the roadway.
 - c. Curbed Street – (1) foot from the face of the curb.
4. The Meade County Planning Board, in conjunction with the U.S. Postal Service shall determine the location and density levels for multiple mailbox or cluster box locations. Mail stop locations shall be placed adjacent to approved roadways and be at least 8 feet in width and sufficient length for safe approach and departure. Mail stop turn outs may be used in conjunction with school bus stops.
5. Guidelines for mailbox and supporting structures shall be found within the publication of “A Guide for Erecting Mailboxes on Highways” by the American Association of State Highway and Transportation Officials. Unsafe or hazardous mailboxes in county rights-of-way will be removed at owner’s expense.
6. Subject to state laws and regulations, curbside or roadside mailboxes must be placed to allow safe and convenient delivery by carriers without leaving their vehicles.
7. The box must be on the right-hand side of the road in the direction of travel of the carriers on any new rural route or highway contract route, in all cases where traffic conditions are dangerous for the carriers to drive to the left to reach the box, or where their doing so would violate traffic laws and regulations.
8. Customers must keep the approach to their mailboxes clear of obstructions to allow safe access for delivery. If USPS employees are impeded in reaching a mail receptacle, the postmaster may withdraw delivery service.
9. Cluster-Type Mail Boxes for central point delivery service are required for all Subdivisions with eight (8) lots or more and where the Meade County Highway Superintendent or the U.S. Postal Service deems it necessary. All Cluster-Type mailbox structures must be located a minimum of (12) feet off of the edge of the surface of the street or road. The area in front of each mailbox must be paved with the same material as the street or road it adjoins, along the front area where the box is located up to the edge of the County road or street, extending minimum of (20) feet in each direction. It must be completed in a manner to allow the mail carrier vehicle to safely enter to place the mail and exit onto the county road or street. The Cluster-Type Unit will be placed as not to encroach in front of the adjoining properties and placed far enough away from an intersection not to cause a sight distance problem. Cluster-Type Mail Box Units may be placed in Bus Turn-Outs as described in Section 5.10, “B”.
10. Mailbox supporting structures that are made of masonry or stucco materials shall not be larger than feet (2) by feet (2) in cross section, including all bands, rowlocks and trim, nor taller than five feet (5') above the street or road surface. The bottom of the mailbox shall be located (42) inches above the street or road surface. No other structures, including planters or flower boxes, may be attached to the mailboxes.
11. Each mailbox is required to have the address number clearly posted on both sides of the box/structure or on the front if at the end of a cul-de-sac. Address numbers shall be in accordance with Meade County Ordinance No. 23.

12. Any County approval of any such mailbox structure shall be based solely upon a determination that such structure conforms to the criteria set forth herein, and shall not constitute a representation to any person, by implication or otherwise, that such structure poses no risk of injury to third persons. The County of Meade assumes no responsibility or liability for damage to the structure or for damage to property or injury to person.

Section 5.10 Bus Turn-Out (Bus Stop)

- A. A Bus Turn-Out is a specially constructed area out of the travel lane of a street or county road. Turn-Outs provide an area of safety for students loading and unloading that does not interfere with traffic flows on the street or county road. Bus Turn-Outs are utilized where on-street parking does not exist. Where on-street parking exists, the bus stop can be in a length of pavement outside the travel lane contiguous with on-street parking, where cars are prohibited from parking. (Ref. Meade County Bus Turn-Out Plan – Typical)
- B. Bus turn-outs are required on subdivisions of eight (8) lots or more. When bus turn-outs are located off of a gravel road, the bus turn-out should be constructed on a sub base compacted to 95% of the standard proctor and (6) inches of gravel base compacted to 95% of the standard proctor, for a driving surface. Bus turn-outs must be placed within all High Density and Modified High Density Subdivisions. Bus turn-outs must be constructed out of the same surface material as the streets within the subdivision designed for a standard school bus. Additional bus turn-outs are required for every sixty (60) lots platted or less depending on the subdivision layout, to be approved by Commission.
- C. When determining appropriate school bus stops, students should not be loaded or unloaded on a steep grade or on a curve. There should be a clear view of the road in each direction for at least (500) feet.

Section 5.11 Warning Siren Requirements

- A. Warning Siren Systems will be required for all subdivisions of forty-one (41) platted lots or more.
- B. Warning siren type shall be a rotating, oscillating directional or an omni-directional design with 360° coverage. The acoustic performance level shall be in the range of (108 to 130 dB) (C) @ 100 feet, with an estimated (70) dB(C) perimeter range of the subdivision or development, in accordance with FEMA guidelines of (-10) dB per distance doubled. The system must be designed to provide no less than full boundary coverage of a subdivision @ (70) dB(C) minimum.
- C. The Electronic Siren shall consist of the following components and features:
1. The siren will have one (1) stainless steel cabinet that will contain the both the siren electronics and batteries.
 2. The siren electronics shall contain the Class D-Amplifier(s), controller, temperature compensated battery charger, Motorola radio, and intrusion switch. The battery compartment shall hold the batteries and battery cables. In addition, the battery compartment shall be vented and the vents will be covered with a bug screen, or similar, (to be approved by the Meade County Commission).

3. All siren equipment must meet the requirements of FEMA, Meade County Sheriff's Department and the Meade County Commission.
4. Integrated controller that includes a Class D audio amplifier.
5. Temperature compensated switch mode battery charger.
6. Circuit breakers for the batteries.
7. CDM 750 Motorola Radio or similar for radio frequency (RF) communications on the frequency of 911 dispatcher, or similar, (to be approved by the Meade County Sheriff's Department and Meade County Commission).
8. Battery Backup using (12) volt, (100) amp batteries.
9. Provide at least (5) standard tones. The standard tones shall be Steady, Pulsed Steady, Alternate Steady, Wail and Pulsed Wail.
10. Perform "live" public address announcements and digital messaging services.
11. Capacity for several prerecorded messages.
12. Ability to automatically repeat prerecorded messages.
13. Complete set of self-diagnostics for the siren.
14. All radio communications shall be accomplished using Frequency Shift Key (FSK) encoded data with encrypted security code to prevent unauthorized messages or activation. The security code shall include a checksum and rotating security coding.
15. Siren units must be capable of being programmed remotely (RF) from a mobile or central control unit. Sirens that require local programming via a serial device will not be considered. (To be approved by the Meade County Sheriff's Department and Meade County Commission.)
16. Ability to relay local diagnostics information to mobile or central control unit(s).
17. In order to prevent damage to the drivers, the siren amplifiers must be Class-D pulse width modulated amplifiers. The amplified signal must use a sine wave, not a square wave signal. The amplifier's frequency response must be (250) Hz to (5,000) Hz.
18. The siren controller shall have the capability of reducing the local tones by (35) dB and a silent test signal to evaluate the amplifiers and drivers. A local remote CANCEL signal must be available to immediately halt an active alarm.
19. The siren controller must provide status message to the Control unit activation site. The siren controller will provide status change indications such as door open (intrusion), AC power, charger, amplifier, and battery voltage. These status messages will be reported immediately when the siren status condition occurs.
20. Each siren controller must have a backup battery system to operate the electronics and radio in case of AC power failure. A built-in charger system will keep the battery system at full charge during normal operation.
21. The siren assembly shall be able to sustain and operate in winds up to (140) mph.

22. Class II, (55) feet wooden or galvanized steel poles will be used for mounting each siren and control equipment.

D. Remote Access and Control

1. The Warning Siren System shall be able to be remotely accessed and controlled by the Meade County Sheriff's Department and must be compatible with the existing equipment of the Meade County Sheriff's Department.
2. The developer will provide a \$500.00 allowance toward upgrading the Meade County Central Control Unit for the newly installed warning siren, which controls the remote access to the Emergency Warning Siren System.
3. The developer will turn over the operation of the Emergency Warning Siren System to Meade County, and will provide instructions and training.
4. All maintenance complete with wiring diagrams and schematics, shall be turned over to the homeowner's association of the subdivision and the homeowner's association will be responsible for all maintenance to ensure the system is always operational.

E. Exceptions

1. An exception may be granted for the placement of a Warning Siren System, if one exists near the proposed subdivision as long as the "radius of influence" covers the entire subdivision where the siren can be heard, with the recommendation of the planning board and the approval of the Commission.

Article VI. VARIANCES

Section 6.01 Hardship

Where the Commission finds that extraordinary hardships, due to unusual topographic or other conditions, beyond the control of the subdivider, may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Ordinance, Flood Ordinance, and will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated or other elements of the Meade County Comprehensive Plan.

The Meade County Planning Board shall hear requests for variances from the terms of this ordinance. The board shall base its recommendation on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this ordinance.

- A. Conditions - In granting variances, modifications, and approvals for subdivisions, the Commission may require such conditions that will, in its judgment, secure substantially the objectives or the standards or requirements so varied, modified, or approved. In granting any variance, the Commission shall prescribe only conditions that it deems necessary to, or desirable for the public interest. These conditions may include, without being limited to, personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments. In making its findings, as required herein, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land.

Section 6.02 Application Required

- A. Applications for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed for consideration by the planning board, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the planning board in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions other legal provisions necessary to guarantee the full achievement of the plan.
- B. Applications for variance shall be considered with the preliminary plat, and the Commission will render its decision no later than (30) days after the meeting at which the preliminary plat and request for a variance was submitted.

Section 6.03 Second temporary dwelling for a medical hardship, and other type variances

The planning board will submit its recommendation for a variance to the Meade County Commission; the variances may be issued with the strong understanding of the following:

- A. Second Temporary Dwelling variance for a medical hardship requires that an application be completed and submitted and if approved by the Commission, is good for only one year, and must be updated annually.
- B. It shall be the property owner's responsibility to renew application on an annual basis for a Second Temporary Dwelling, and failure to do so shall constitute a violation of this Ordinance, and the Second Temporary Dwelling must be removed.
- C. Once the medical hardship ceases to exist, the temporary dwelling unit must be removed.
- D. The property owner must be able to submit written documentation to substantiate the necessity for the variance.
- E. All variances require the completion of a variance application. (Example set-back variance, Approach variance, Plat variance, Accessory Apartment variance, second (permanent) residence, etc.). The cost for a variance application is set by resolution by the Commission.
 - 1. The payment of the application fee does not guarantee approval.

Section 6.04 Requirements for granting Variance

The County Commission shall have the authority to give a Variance. The person claiming the Variance has the burden of showing:

- A. That the granting of the Variance will not be contrary to the public interest;
- B. That the literal enforcement of the Ordinance will result in unnecessary hardship;

- C. That by granting the Variance contrary to the provisions of the Ordinance the spirit of the ordinance will be observed; and
 - D. That by granting the Variance, justice will be done.
 - E. That proper Notification for variances has been given to all adjacent landowners. It shall be the responsibility of the applicant to notify by certified mail with return receipts requested, (14) calendar days before the planning board meeting, all adjacent landowners as to the scope of the variance and the date the planning board will review the variance application. Meade County may assist in producing the list of adjacent landowners, but the accuracy and cost shall be the responsibility of the applicant. A copy of such notification letter shall be reviewed and approved by one of the Planning Staff prior to mailing.
1. Sign Requirements: The applicant for non-hardship variances will be responsible to place a "Variance Requested Sign" (14) days prior to the regularly scheduled planning board meeting once they are placed on the Planning Meeting Agenda. The "Variance Requested Sign" must be placed facing the most traveled road or street where it can be easily read by those who drive past the applicant's property. The "Variance Requested Sign" must be installed by the property owner. The sign shall be returned to the Equalization and Planning Department on the date of their scheduled appearance at the scheduled planning meeting. Failure to return the sign may result in a denial of the variance being requested and/or a fine of \$100.00 to cover the cost of the sign. It will be the responsibility of the applicant to pay for the sign if it is damaged.

Section 6.05 Report to the County Board

For each application for a variance, the Meade County Planning Board shall report to the Commission its findings and recommendations. The Commission, in conjunction with their regularly scheduled monthly meetings, shall set aside time for a public hearing on all variances.

Section 6.06 Penalties for Transferring Lot in Unapproved Subdivisions

The owner or agent of the owner of any land located within Meade County being found in violation of any of the regulations of this ordinance shall be subject to an action for injunctive relief brought by Meade County. The Commission may recover the same penalty by civil action in any court of competent jurisdiction, according to SDCL (11-2-34).

A. Policy

1. If, at any time during the course of completion of subdivisions, construction, or any other development authorized under the provisions of this ordinance, the Commission becomes aware of impracticable procedures, unforeseen circumstances, or other cogent situations not compatible with the intent of this ordinance, a statement of Policy will be issued. This statement of Policy will govern the continuance of the problem area and/or any other projects requiring the application of the same.
2. A statement of Policy will govern any given situation or peculiar problem area for a given period of time, not to exceed (12) consecutive months.

Section 6.07 Penalties for violation of Subdivision Ordinance

- A. In addition to other remedies set forth in this ordinance, violation of this ordinance may be punishable by (30) days imprisonment in a county jail or a \$500.00 fine, or both; each day in violation may be deemed a separate offense.

- B. The provisions of this ordinance shall be administered and enforced by a County Ordinance Enforcement Officer appointed by the Commission, who shall have the power to make inspections of buildings or premises necessary to carry out duties in enforcement of the ordinance;
- C. The County Ordinance Enforcement Officer shall have the power to appoint deputies to assist in duties, such deputies to be approved by the Commission;
- D. The County Ordinance Enforcement Officer, and any deputies appointed, shall have authority to issue an ordinance violation notice which shall specify, in addition to other information at the discretion of such officer, the following:
 - 1. the date of violation;
 - 2. the nature of violation;
 - 3. the amount of fine associated with the violation;
 - 4. the date the individual is required to appear in court unless the designated fine is paid prior thereto; and
 - 5. the signature, or noted refusal to sign, of the violator.
- E. An ordinance violation notice issued under authority of this ordinance shall be enforced as a criminal proceeding before a magistrate court.

Article VII. SEVERABILITY AND SEPARABILITY

Section 7.01

Should any Article, Section, Sub-section or Provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Article VIII. EFFECTIVE DATE

Section 8.01

The revisions to the Subdivision Ordinance No. 20 shall take effect and be in force from and after (20) days from the date of completed publication. Subdivision regulations heretofore adopted are hereby repealed. Adopted this 11th day of July, 2012;

Dated at Sturgis, South Dakota, this 11th day of July, 2012

Chair Alan Aker _____
 Meade County Commissioner

Attested: _____

Lisa Schieffer, Meade County Auditor

APPENDIX A

ADA Handicap Accessible Parking Regulations:

When parking is provided for the public, designated accessible parking spaces must be provided, if doing so is readily achievable.

An accessible parking space must have space for the vehicle and an additional space located either to the right or to the left of the space that serves as an access aisle. This aisle is needed to permit a person using a wheelchair, electric scooter, or other mobility device to get out of their car or van.

* A sign with the international symbol of accessibility must be located in front of the parking space and mounted high enough so it is not hidden by a vehicle parked in the space. There are no ADA requirements or specifications for a painted handicap logo on the parking pavement.

* Accessible parking spaces should be the spaces closest to the accessible entrance and be located on level ground. If it is not readily achievable to locate accessible parking in the closest spaces due to sloped pavement or other existing conditions, then the closest level area should be selected.

* An accessible route must be provided between the access aisle and the accessible building entrance. This route must have no steps or steeply sloped surfaces and it must have a firm, stable, slip-resistant surface.

* Van Accessible Spaces must have an access aisle that is at least eight-feet wide and be designated by a sign with the international symbol and "van accessible." There should be a vertical clearance of at least (98) inches on the vehicular route to the space, at the parking space, and along the vehicular route to an exit. A Van Accessible Parking Space (1 of 8) of all accessible parking spaces, but at least one, must be van accessible. Although designated a van accessible space, cars may use the space too). Provide a parking space that is at least (8) feet wide. There should be at least a (98) inch high clearance at the parking space, the adjacent access aisle and along the vehicular route to the space and vehicular exit. Install a sign with the international symbol of accessibility and "van accessible" and mount it high enough so it is not hidden by the vehicle parked in the space. Locate parking space and access aisle so that they are relatively level (1:50 maximum slope in all directions is recommended if readily achievable) Provide an access aisle that is at least (8) feet wide next to the van parking space to permit a person using a wheelchair or scooter to exit or enter a van with a side-mounted lift.

* Provide an accessible route to the accessible entrance to the building - a marked crosswalk may be needed if route crosses vehicular traffic.

* Accessible parking spaces for cars must have an access aisle that is at least (5) feet wide. The other features are the same as for vans, except that the sign designating the parking space only has an international symbol of accessibility, and there is no requirement for a minimum vertical height.

* The number of accessible parking spaces that should be provided is based on the total number of parking spaces that you provide. (See chart below).

* If you provide only one accessible parking space, it must be a van accessible space. In facilities where more than one accessible parking space is required, one of (8) accessible parking spaces must be van accessible. Where parking is provided in several locations near building entrances, the accessible parking should also be dispersed, if doing so is readily achievable. Since van accessible parking spaces are provided in limited numbers, it is often not possible to disperse the van accessible parking spaces.

* Locate accessible parking spaces as close as possible to the accessible entrances and on an accessible route to the building. Locate parking space and access aisle on relatively level ground (1:50 maximum slope in all directions).

Location

Accessible handicapped parking must be located on the shortest accessible route to the accessible entrance. Provide a marked access aisle if person is required to cross vehicular traffic.

Minimum Number

One in every eight, but not less than one, parking space must be van accessible with a designated handicap sign and an access aisle (96) inches wide.

Total Spaces in Lot Accessible Spaces Required

1-25	1 van
26-50	1 std. + 1 van
51 - 75	2 std. + 1 van
76-100	3 std. + 1 van
101-150	4 std. + 1 van
151-200	5 std. + 1 van
201-300	6 std. + 1 van
301-400	7 std. + 1 van
401-500	7 std. + 2 van
501-1000	2% of total spaces*
1001 and over	20 + (1 per 100 over 1000)*

Standard Accessible (std.) parking space is (8) foot minimum + (5) foot access aisle.

* One in every (8) accessible parking spaces must be a van accessible space with an (8) foot wide access aisle.

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**SUBDIVISION IMPROVEMENTS AGREEMENT
FOR PRIVATE DEVELOPMENT**

(Project Name and File Number)

(Staff Planner or Engineer)

(Director of Equalization and Planning)

This Agreement is made as of this ____ day of _____, 20____, between _____, the developer whose address is _____ and the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MEADE ("County"), whose address is 1300 Sherman Street, Sturgis, South Dakota.

1. GENERAL

1.1 Purpose. The purpose of this Agreement is to provide for the completion of the Subdivision Improvements as hereinafter defined, for the Subdivision, as hereinafter defined.

1.2 Improvements Public or Private improvements are all plans of streets or highways for public or private use, and all plans, plats, plots, and re-plats of land laid out in subdivision or building lots and streets, highways, alleys, or other improvements required under Meade County Ordinance No. 10, Ordinance No. 20 and other applicable Meade County Ordinances or portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots.

1.3 Recitals

(a) The developer is the owner and subdivider of the Subdivision and has presented a final plat of the Subdivision to the County for approval.

(b) The subdivision statutes of the State of South Dakota, Subdivision Resolution of the County authorize the execution of a subdivision improvements agreement between the County and the developer whereby the developer agrees to construct any required improvements for the Subdivision per Ordinance No. 10, Ordinance No. 20 and other applicable Meade County Ordinances and to provide security for completion of the Subdivision Improvements.

(c) This Agreement will provide for the completion of the Subdivision Improvements within the Subdivision and will protect the County from the cost of completing the Subdivision Improvements.

(d) This Agreement is not executed for the benefit of third parties such as, but not limited to, material men, laborers or others providing work, services or material for the Subdivision Improvements or lot or home buyers in the Subdivision.

1.4 Subdivision. The "Subdivision" shall mean _____ Filing No _____, Meade County, South Dakota, the final plat for which has been presented to the County Planning Staff and Planning Board and was recommended for approval and is expected to be approved by the Board of County Commissioners at the time of, and in connection with, approval of this Agreement by the County.

1.5 Subdivision Improvements. The "Subdivision Improvements" shall mean the street, drainage and other improvements, including cost contributions and/or guarantees of payment, if any, set forth and described on the Plans, as hereinafter defined and/or Exhibits _____, attached hereto and are incorporated herein by the reference.

The Subdivision Improvements and phasing are listed, together with the estimated costs thereof and/or with the agreed upon financial contribution amounts, on Exhibits _____.

1.6 Plans. The "Plans" shall mean the construction drawings or reports dated _____, entitled _____ on file with the County Equalization and Planning Department of the County.

II. CONSTRUCTION OF SUBDIVISION IMPROVEMENTS.

2.1 Agreement to Construct. Subject to and in accordance with the terms and provisions of this Agreement, The developer agrees to cause the Subdivision Improvements to be constructed and completed at its expense, in accordance with Meade County Ordinance No. 10, Ordinance No. 20 and other applicable Meade County Ordinances including the Approved Plans.

2.2 Final Plat Approval as Condition. The obligation of the developer to construct and complete the Subdivision Improvements is conditioned upon and shall arise only upon approval and recordation of the final plat of the Subdivision by the County.

2.3 Commencement of Construction. The developer shall commence construction and installation of one or more Phases of the Subdivision Improvements within (60) days from the date of receipt by the County of security for the full amount of the construction improvements cost plus 40% if the estimated total project cost is \$100,000.00 or less and 20% twenty percent if the estimated total project costs exceed \$100,000.000, of said Phase(s) as identified in Exhibits _____ of this Agreement.

2.4 Completion Date. Said Phase(s) shall be completed within (12) months after the date of receipt of security for said Phase(s) ("Completion Date"). The Completion Date may be extended with the approval of the Commission, which approval shall not be unreasonably withheld.

2.5 Construction Standards. The Subdivision Improvements, including water and sanitary sewer or on-site wastewater systems, shall be constructed in accordance with Meade County Ordinance No. 20, Ordinance No. 33 and the Plans approved by the County Planning Staff and/or Engineer and, to the extent not otherwise provided in the Plans, in accordance with the County's ordinances, resolutions, and regulations.

2.6 Warranties of the developer. The developer warrants that the Subdivision Improvements will be installed in a good and workmanlike manner and in substantial compliance with the Plans and County's ordinances, resolutions, and regulations, and requirements of this Agreement and shall be substantially free of defects in materials and workmanship.

These warranties of the developer shall remain in force and effect as to any completed Phase of the Subdivision Improvements until the lapse of two years after Preliminary Approval of such Phase of the Subdivision Improvements as hereinafter provided in this Agreement. This warranty is for the sole benefit of the County under this agreement and neither the Homeowners Association, any member of the Homeowners Association or any other person shall have any rights under this paragraph.

2.7 Title to Subdivision Improvements. All Subdivision Improvements shall be constructed within streets/roads or easements dedicated to the Public. Public streets/road must be placed under a Homeowners Association, Road District, Water District or Sanitary District established by the developer. Subdivision Improvements for private roads shall be in accordance with the Meade County Roadway Design and Construction Standards found in Ordinance No. 10.

Title to the property shown on the final plat shall be vested at the time the final plat is presented to the County for approval the developer and any other parties executing the final plat and shall be certified by a

licensed surveyor or attorney's certificate shown on the final plat.

III. SECURITY FOR COMPLETION.

- 3.1 Deposit of Security for the developer Obligations. To secure the performance of the obligations of the
- 3.2 The developer under this Agreement to complete the Subdivision Improvements for the Subdivision, The developer shall deposit with the County a Performance Bond, irrevocable letter of credit or cashier's check (made out to Meade County), with provisions as hereinafter set forth. The letter of credit shall be delivered to the Planning Department before approval of the final plat for the Subdivision and shall be 140% (one hundred forty percent if the total estimated project cost is \$100,000.00 or less and 120% twenty percent if the total estimated project costs exceed \$100,000.00), to construct each Phase, which the developer desires to construct.

No conveyance or transfer of title to any lot, lots, tract or tracts of land within a Phase with uncompleted Subdivision Improvements shall be made, nor any building permit issued, unless an approved letter of credit has been deposited with the County or unless all public improvements have been completed and an irrevocable letter of credit in the amount of 15% of the estimated cost of said improvements has been deposited with the County as provided in Section 4.2 below.

The Performance Bond, irrevocable letter of credit or cashier's check shall be retained by the County until satisfaction of Developer's obligations under this Agreement or earlier release by the County.

3.2 Provisions for Letter of Credit. A letter of credit for a Phase shall be the cost of the project plus 40% (forty percent if the estimated total project cost is \$100,000.00 or less and 20% twenty percent if the estimated total project costs exceed \$100,000.000), to construct that Phase. The letter of credit shall be issued by the developer's bank, or such other insurance company as shall be approved by the County and shall have an expiration date no earlier than (2) years after its date of issue and shall provide that it may be drawn upon from time to time by the County in such amount or amounts as the County may designate as justified, such amounts not to exceed, in the aggregate, the amount of the letter of credit. Draws under any such letter of credit shall be by a certificate signed by the Chairman or Acting Chairman of the Board of Commission of Meade County stating that the County is entitled to draw the specified amount under the terms of this Agreement. The right of the County to draw on any letter of credit shall be as provided in, and subject to, the provisions of Sections 5.1 through 5.6 of this Agreement.

3.3 Recording of Agreement. After approval of the final plat of the Subdivision by the County, this Agreement shall, at the expense of the developer, be recorded in the office of the Register of Deeds, Meade County. Upon final acceptance of all of the Subdivision Improvements by the County, the County shall deliver to the developer a recordable executed document, which shall release all property within the Subdivision from any further effect of this Agreement.

IV. ACCEPTANCE OF IMPROVEMENTS.

4.1 Preliminary Approval. Upon the satisfactory completion of the Subdivision Improvements in a Phase of the Subdivision, the developer shall be entitled to obtain preliminary acceptance thereof by the County ("Preliminary Acceptance") in accordance with the following provisions.

Upon such completion, the developer shall provide the County Planning Staff, Engineer or Highway Superintendent with all geotechnical reports and testing results, as specified in Ordinance No. 10, Meade County Roads Streets and Highway Systems and which have been given notice to the County Planning Staff, Engineer or Highway Superintendent requesting an inspection of the completed Subdivision Improvements ("Preliminary Inspection Notice"). The County shall inspect the completed Subdivision Improvements within (14) days after receipt by the County Planning Staff or Engineer of the Preliminary Inspection Notice and, if County Planning Staff or Engineer and/or the Highway Superintendent finds that the specified improvements

have been completed substantially in accordance with the Plans and the other requirements of this Agreement, the County Planning Staff or Engineer shall issue an approval within (14) days after the inspection.

If, upon inspection of the completed Subdivision Improvements, the County Planning Staff or Engineer and/or Highway Superintendent finds that the specified improvements have not been completed substantially in accordance with the Plans, reports or Meade County Ordinances and the other requirements of this Agreement, the County Planning Staff or Engineer shall issue a written notice of noncompliance within (14) days after the inspection specifying the respects in which the completed Subdivision Improvements have not been completed substantially in accordance with the Plans, Reports or Meade County Ordinances and the other requirements of this Agreement.

The developer shall thereupon take such action as is necessary to cure any noncompliance and, upon curing the same, shall give a new Preliminary Inspection Notice to the County Planning Staff or Engineer. Upon the giving of such a new Preliminary Inspection Notice, the foregoing provisions of this Section 4.1 shall be applicable as if the new Preliminary Inspection Notice were a Preliminary Inspection Notice under the foregoing provisions of this Section 4.1.

4.2 Partial Release of Security. At the time of preliminary approval of the Subdivision Improvements, the County shall issue a partial written release or draws on the letter of credit and the plat restriction provided in Section 3.1. The amount to be released for the completed Subdivision Improvements shall be the total amount of each listed item on the breakdown on or attached to the performance bond, letter of credit or cashier's check for each completed phase of the improvements.

4.3 Maintenance Prior to Final Approval. Until final approval by the County of the Subdivision Improvements, the developer shall, at the developer's expense, make all needed repairs or replacements to the Subdivision Improvements required on account of defects in materials or workmanship. The developer may assign its obligations for ordinary repairs and maintenance, but the developer shall remain obligated to the County for the proper performance of such repairs and maintenance, including street sanding, snow removal and cleaning for example.

4.4 Final Approval. When all the improvements are completed and accepted by the County as satisfactory for any phase of the subdivision, the developer shall be entitled to obtain final approval for the construction of the improvements by the County.

The developer shall give written notice to the County Planning Staff or Engineer requesting a final inspection of such Phase of the Subdivision Improvements ("Final Inspection Notice"). The County shall inspect such Phase of the Subdivision Improvements within (14) days after receipt by the County Planning Staff or Engineer of the Final Inspection Notice and, if the County Planning Staff or Engineer and or Highway Superintendent finds that the Phase of the Subdivision Improvements is substantially free of defects in materials and workmanship and has been repaired and maintained as and to the extent required in this Agreement, the County Planning Staff or Engineer shall issue a letter evidencing final approval of the Phase of the Subdivision Improvements.

If, upon final inspection of a Phase of the Subdivision Improvements, the County Planning Staff, Engineer and/or Highway Superintendent finds that the Phase of the Subdivision Improvements is not substantially free of defects in materials and workmanship or has not been repaired and maintained as required under this Agreement, the County shall issue a written notice of noncompliance within (14) days after the final inspection specifying the respects in which the Subdivision Improvements are not substantially free of defects in materials and workmanship or have not been repaired and/or maintained as required under this Agreement. The developer shall thereupon take such action as is necessary to cure any noncompliance and, upon curing the same, shall give a new Final Inspection Notice to the County Planning Staff or Engineer. Upon the giving of such new Final Inspection Notice, the foregoing provisions of this Section 4.4 shall be applicable

as if the new Final Inspection Notice were a Final Inspection Notice under the foregoing provisions of this Section 4.4.

At the time of Final Approval of the Subdivision Improvements for a Phase in the Subdivision, the developer shall be entitled to a release of the Warranty Security for that Phase. The release shall be in writing, signed by the Director of Equalization and Planning.

Upon Final Approval of a Phase of the Subdivision Improvements, the established Homeowners Association, Road District, Water District (Board) or Sanitary District, the developer shall assume full responsibility for repairs and maintenance of the Subdivision Improvements.

Prior to Final Approval of all of the Subdivision Improvements, "as constructed" engineering drawings shall be submitted to the County Planning Staff.

V. DEFAULTS AND REMEDIES

5.1 Defaults by the developer. A default by the developer shall exist after notice and hearing and an opportunity to cure as hereinafter provided if;

- (a) The developer fails to construct the Subdivision Improvements in substantial compliance with the Plans and the other requirements of this Agreement;
- (b) The developer fails to complete construction of the Subdivision Improvements by the Completion Date provided herein as the same may be extended;
- (c) The developer fails to cure any noncompliance specified in any written notice of noncompliance within a reasonable time after receipt of the notice of noncompliance;
- (d) The developer otherwise breaches or fails to comply with any obligation of the developer under this Agreement;
- (e) The developer becomes insolvent, files a voluntary petition in bankruptcy, is adjudicated a bankrupt pursuant to an involuntary petition in bankruptcy, or a receiver is appointed for the developer;
- (f) The developer fails to maintain in full force and effect a letter of credit, performance bond or cashier's check in the amounts specified in this Agreement. Notice of default as to any Phase of the Subdivision Improvements must be given prior to expiration of the warranty period of the financial instruments for such Phase of the Subdivision Improvements as hereinafter provided.

5.2 Notice and Hearing. In the event a default by the developer is believed to exist, the County shall give written notice thereof to the developer, specifying the default and setting a date for hearing before the Commission to determine the existence of the default. The hearing shall be during a regular scheduled meeting of the Commission after the receipt by the developer of the notice of default from County. Within (45) days after such hearing, the Commission shall determine whether or not a default exists and, if so, shall specify a reasonable time within which the developer shall be required to cure the default.

5.3 Remedies of County. If the Commission, after notice and hearing as aforesaid, determines that a default by the developer exists, and if the developer fails to cure such default within the time specified by the Commission, the County shall be entitled to:

- (a) Make a draw on the letter of credit or performance bond; or cash the cashier's check for the amount reasonably determined by the County to be necessary to cure the default in a manner consistent with the approved Plans up to the face amount of the letter of credit and
- (b) Sue the developer for recovery of any amount necessary to cure the default over and above the amount available under the letter of credit, performance bond or cashier's check.

5.4 County Right to Complete Subdivision Improvements; The right of the County to complete or cause completion of the Subdivision Improvements as hereinabove provided shall include the following rights.

The County shall have the right to complete the Subdivision Improvements, in substantial accordance with the Plans, the estimated construction costs, and other requirements of this Agreement, either itself or by contract with a third party or by assignment of its rights to a successor developer who has acquired the Subdivision by purchase, foreclosure, or otherwise. The County, any contractor under the County, or any such successor developer, their agents, subcontractors and employees shall have the nonexclusive right to enter upon the streets and easements shown on the final plat of the Subdivision and upon any part of the Subdivision owned by the developer for the purpose of completing the Subdivision Improvements.

5.5 Use of Funds by County. Any funds obtained by County under a letter of credit, performance bond or cashier's check or recovered by the County from the developer by suit or otherwise, shall be used by the County to pay the costs of completion of the Subdivision Improvements substantially in accordance with the Plans and the other requirements of this Agreement and to pay the reasonable costs and expenses of the County in connection with the default by the developer, including reasonable attorneys' fees, with the surplus, if any, to be returned to the developer.

5.6 Protection of Innocent Purchasers. The letter of credit, performance bond or cashier's check furnished to the County under this Agreement is designed to assure completion of the Subdivision Improvements and to protect the County from bearing the cost of completing the Subdivision Improvements.

Accordingly, the County shall have recourse under the letter of credit, performance bond or cashier's check and against the developer and the successors and assigns of the developer in its capacity as the developer of the Subdivision and shall not have recourse against third parties who purchase lots or acquire interests in the Subdivision other than those who acquire lots or interests as a successor or assignee of the developer in its capacity as the developer of the Subdivision.

VI. MISCELLANEOUS.

6.1 Indemnification. The developer shall indemnify and save harmless the County from any and all suits, actions, claims, judgments, obligations, or liabilities of every nature and description which arise from an event or occurrence prior to the date of Final Acceptance and which are caused by, arise from, or on account of the construction and installation of the Subdivision Improvements; and any and all suits, actions, claims, or judgments which arise from an event or occurrence prior to the date of the Final Acceptance and which are asserted by or on behalf of contractors or subcontractors working in the Subdivision, lot owners in the Subdivision, or third parties claiming injuries resulting from defective improvements constructed by the developer.

This indemnification shall not apply to claims arising from the negligent acts or omissions of County. The developer shall pay any and all judgments rendered against the County on account of any such suit, action, or claim, together with all reasonable expenses and attorneys' fees incurred by the County defending such suit, action, or claim.

The County shall, within (15) days after being served with any such claim, suit, or action, notify the developer of its reliance upon this indemnification and provide the developer with a copy of all documents pertaining to the claim or cause of action. The developer may provide proper legal representation for the County in said action, in which case the developer shall not be responsible for any additional legal fees incurred by the County.

The County agrees that the developer may also, on its own behalf, become a party to any such action and the County agrees to execute any documents as may be necessary to allow the developer to be a party. The developer is not an agent or employee of the County.

6.2 Insurance. The developer shall require that all contractors engaged in the construction of the Subdivision

Improvements be licensed in Meade County.

The developer agrees that any contractors engaged by or for the developer to construct the Improvements shall maintain public liability coverage in limits not less than those described in Ordinance 34 and other Meade County Ordinances.

6.3 No Third Party Beneficiaries. Except as herein provided, no person or entity, other than a party to this Agreement, shall have any right of action under this Agreement including, but not limited to, lenders, lot or home buyers and material men, laborers or others providing work, services, or materials for the Subdivision Improvements.

6.4 Assignability. Subject to the provisions of Section 3.1 above, the developer may convey or transfer title or interests in the Subdivision without the consent of the County and a grantee or transferee of the developer shall not be obligated to fulfill any of the obligations of the developer under this Agreement unless such grantee or transferee is the successor or assignee of the developer in its capacity as developer of the Subdivision. The developer may assign its rights and obligations under this Agreement to a party who is the successor or assignee of the developer in its capacity as developer of the Subdivision without the consent of the County; provided, however that:

(a) The developer notifies the County of the assignment and of the name and address of the successor developer and;

(b) The successor developer assumes the obligations of the developer under this Agreement. Unless otherwise agreed by County, the developer shall remain liable for performance of the obligations of the developer under this Agreement. The County shall release a letter of credit furnished by the developer if the County accepts new security from any successor developer of the Subdivision;

6.5 No Automatic Further Approvals. Execution of this Agreement by the County shall not be construed as a representation or warranty that the developer is entitled to any other approvals required from the County, if any, before the developer is entitled to commence development of the Subdivision or to transfer ownership of property in the Subdivision.

6.6 Notices. All notices, consents or other instruments or communications provided for under this Agreement shall be in writing, signed by the party giving the same, and shall be deemed properly given and received

(a) when actually delivered and received personally, by messenger service, or by fax or telecopy delivery;

(b) on the next business day after deposit for delivery in an overnight courier service such as Federal Express; or

(b) (3) business days after deposit in the United States mail, by registered or certified mail with return receipt requested. All such notices or other instruments shall be transmitted with delivery or postage charges prepaid, addressed to the party at the address below for that party or to such other address as such party may designate by written notice to the other party:

If to the Developer: _____
(Name)

(Address)

If to County: Department of Equalization and Planning

6.7 Further Assurances. At any time, and from time to time, upon request of either party, the other party agrees to make, execute and deliver or cause to be made, executed and delivered to the requesting party any and all further instruments, certificates and documents consistent with the provisions of this Agreement as may, in the reasonable opinion of the requesting party, be necessary or desirable in order to effectuate, complete or perfect the right of the parties under this Agreement.

6.8 Binding Effect. Subject to Section 6.4 above, this Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

6.9 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this Agreement.

6.10 No Implied Waivers. The failure by a party to enforce any provision of this Agreement or the waiver of any specific requirement of this Agreement shall not be construed as a general waiver of this Agreement or any provision herein nor shall such action act to stop the party from subsequently enforcing this Agreement according to its terms.

6.11 Severability. If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this Agreement as a whole or any part thereof other than the part declared to be invalid and there shall be substituted for the affected provision, a valid and enforceable provision as similar as possible to the affected provision.

6.12 No Waiver of Sovereign Immunity. Nothing contained in this Agreement shall constitute a waiver of the sovereign immunity of the County under applicable state law.

6.13 Consent to Jurisdiction and Venue; Personal jurisdiction and venue for any civil action commenced by either party to this Agreement with respect to this Agreement or a letter of credit shall be proper only if such action is commenced in the District Court for Meade County, South Dakota. The developer expressly waives the right to bring such action in or to remove such action to any other court, whether state or federal.

6.14 Force Majeure. Neither party shall be liable for failure to perform hereunder if such failure is the result of Force Majeure and any time limit expressed in this Agreement shall be extended for the period of any delay resulting from any Force Majeure. "Force Majeure" shall mean causes beyond the reasonable control of a party such as, but not limited to, weather conditions, acts of God, strikes, work stoppages, unavailability of or delay in receiving labor or materials, faults by contractors, subcontractors, utility companies or third parties, fire or other casualty, or action of government authorities.

6.15 Entire Agreement. This Agreement, and any agreement or document referred to herein, constitutes the entire understanding between the parties with respect to the subject matter hereof and all other prior understandings or agreements shall be deemed merged in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Additional Requirements: _____

NAME OF THE DEVELOPER: _____
SIGNED: _____
TITLE: _____
DATE: _____

ATTEST: _____
Title: _____

STATE OF SOUTH DAKOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____

Witness my hand and official seal.
My commission expires: _____

Notary Public

COUNTY COMMISSIONERS, COUNTY OF MEADE, SD BY:

CHAIRMAN OF THE BOARD: _____ DATE: _____

ATTESTED BY: _____ DATE: _____