

# **CITY OF CANTON**

## **SUBDIVISION REGULATIONS**

**(Adopted pursuant to SDCL Chapter 11-6)**

**ORDINANCE NO. 1008**

**EFFECTIVE DATE: AUGUST 22, 2012**

*Prepared by the South Eastern Council of Governments at the direction of  
the Planning Commission and City Commission of Canton, South Dakota*

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# ARTICLE 1: GENERAL PROVISIONS

## Section 101. Title

These regulations shall be referred to as the 2012 Revised Subdivision Ordinance for the City of Canton.

## Section 102. Purpose

It is the purpose of these regulations to govern the subdivision of land to provide for coordination of streets in other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sewer facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to protect and provide for the public health, safety, and general welfare; and to conform with other plans and regulations.

## Section 103. Jurisdiction

These subdivision regulations shall apply to all subdivisions of land located within the City and within the unincorporated area identified by the Major Street Plan in accordance with platting jurisdiction statute of SDCL 11-6-26.

## Section 104. Interpretation

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

## Section 105. Amendments

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified or repealed by the City Commission according to law; however, such amendments, supplements, changes or modifications shall not become effective until after study and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

- \_\_\_ Proposed change(s) in Subdivision Regulations drafted and sent to City Attorney for review;
- \_\_\_ Letter received from City Attorney confirming legality of proposed change(s);
- \_\_\_ Planning Commission holds a public hearing on the proposed change(s) with notice to be published in the City's official newspaper at least ten days prior to the scheduled date of the public hearing;
- \_\_\_ Planning Commission recommends adoption of the proposed change(s) to the City Commission;
- \_\_\_ City Commission holds a public hearing on the proposed change(s) with notice to be published in the City's official newspaper at least ten days prior to the scheduled date of the public hearing;

- \_\_\_ First reading of ordinance changing the regulations held;
- \_\_\_ Second reading and adoption of the ordinance changing the regulations held;
- \_\_\_ Notice of adoption published; and
- \_\_\_ Revised Subdivision Regulations become effective twenty days after publishing the notice of adoption, unless the referendum is invoked.

## **Section 106. Enforcement, Violations and Penalties**

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

# ARTICLE 2: SUBDIVISION PLANS APPROVAL PROCESS

## Section 201. Applicability

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

## Section 202. Overview of Approval Process

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

<b>Step 1:</b>		Concept Plan <i>(with an annexation petition or in preparation for preliminary subdivision plan)</i>
	Review by	Authorized Official, City Engineer
	Approval by	None

<b>Step 2:</b>		Preliminary Plan <i>(in coordination with rezoning)</i>
	Review by	Authorized Official, Utilities Superintendents, City Engineer, Planning Commission
	Approval by	City Commission

<b>Step 3:</b>		Development's Engineering Plans <i>(in preparation for engineering construction plans)</i>
	Review by	City Engineer
	Approval by	City Engineer

<b>Step 4:</b>		Plat ( <i>before a building permit is approved</i> )
	Review by	Authorized Official, City Engineer
	Approval by	Authorized Official

**Section 203. Filing Fee**

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

**Section 204. Subdivision Plan Exemptions - Minor Plats**

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

A. Minor Plats.

1. A minor plat is a plat containing not more than three lots fronting on an existing street and meets ALL OF the following requirements:
  - a. Does not require the dedication of right-of-way or construction of new streets;
  - b. Does not require the creation of easements or has existing services that do not require additional easement size;
  - c. Does not create a lot or tract eligible for any public or private improvements other than sidewalks;
  - d. Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;
  - e. Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;
  - f. Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;

- g. Does not adversely affect the remainder of the parcel or adjoining property; and
  - h. Does not conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or these regulations.
2. Replat. A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision and the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat.

## **Section 205. Plat Exemptions**

The following situations are exempt from the City subdivision regulations rules:

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

However, the exemption of the City of Canton platting rules and regulations does not exempt the platting requirements of the county register of deeds, title company and state law.

# ARTICLE 3: CONCEPT PLAN

## Section 301. Submission

A concept plan is a process designed to help a developer save time and expense in preparing a preliminary plan and a plat. A concept plan does not have a requirement for engineering information; however, the more engineering design work that is done, the developer will be more likely to avoid rezonings or major amendments because of lot and block reconfigurations due to drainage and other utility requirements. The advantage of a concept plan is that City staff will provide important information upfront that may significantly affect lot and block layout and utility plans. It is recommended that at least some preliminary drainage engineering be completed during the concept plan stage. All concept plans for review shall be submitted to the Authorized Official.

A. Prior to the submission of the preliminary subdivision plan and, if needed, rezoning to the planning commission, the developer shall submit a concept plan to the Authorized Official, which will also be routed to the City Engineer. City staff comments on the concept plan shall be sent to the developer within 15 working days. The requirement for a concept plan may be waived by the Authorized Official and City Engineer if access permits have been approved and it is a residential subdivision with less than ten acres or a nonresidential subdivision with less than five acres. A developer may choose to submit a concept plan for comments that has all elements of a preliminary subdivision plan.

B. The concept plan shall contain the following information:

1.	The general layout of streets and access points to adjacent street systems; location of major drainageways, approximate flow paths and detention ponds; water line locations; nearest existing sanitary sewer line locations; natural features and amenities and preservation public land, proposed zoning districts; pedestrian connectivity; and agreement with the City's comprehensive plan goals and policies.
2.	The owner and developer addresses and telephone numbers.
3.	Vicinity map to scale, showing locations of the concept plan and other property for at least 660 feet in every direction.

C. Comments from City staff in regard to the concept plan should include future land use amendments, zoning transitions, street right-of-way width and type of street (minor or major collector), pedestrian circulation, lot and block layout, street access points, water and sanitary sewer locations, assessments cost per acre including sanitary sewer, water main, regional detention cost, and storm sewer. Staff shall track consistency of comments between concept plan and preliminary subdivision plan.

# **ARTICLE 4: PRELIMINARY SUBDIVISION PLAN**

## **Section 401. Submission**

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

Based on the comments from the concept plan, the developer shall submit the preliminary subdivision plan to the Authorized Official. The application may be submitted five working days before the planning commission submittal deadline.

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

The City Commission, in taking action on a preliminary plan, shall consider the recommendations of the planning commission and shall hold a public hearing. It shall then approve, disapprove, or approve with conditions based upon the criteria within Section 401(A). Approval of the preliminary plan shall indicate City Commission's approval of the general location of the lots, blocks, and streets including the interrelationship to

proposed zoning districts or land uses; all which shall be so noted on the preliminary subdivision plan's certificate of approval. The approved plan shall be kept on file in the office of the Authorized Official and City Engineer. Any conditions included by the City Commission shall be resolved on a revised preliminary plan which would be submitted to the Authorized Official for administrative approval before any development engineering plans and plats are submitted.

A. Element and Approval Criteria for Preliminary Subdivision Plans:

Elements	Approval Criteria
Submitted by licensed engineer.	The earmark that distinguishes a licensed/registered professional engineer is the authority to sign and seal or "stamp" engineering documents for a design or analysis, thus taking legal responsibility for it.
Concept plan comments.	Consistency with concept plan comments.
Proposed name of subdivision.	The name shall not duplicate, be the same in spelling, or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjoining to an existing subdivision.
The names of all adjoining subdivisions with adjoining unplatted property shall be labeled as such.	Showing connectivity with lot and block lines, easements, and rights-of-way.
Lot and block layout.	Consistent with Article 6 (Preliminary Plan Criteria).
Vicinity map to scale showing location of preliminary subdivision plan.	Includes other property between 660-1,320 feet in every direction.
The owner, developer, and engineer's names, addresses, and telephone numbers.	Use as contact for the project for comments and notifications.
Proposed zoning districts.	Sufficient to allow for staff review of residential densities and nonresidential structure size.
Area, legal description, and notations stating acreage, scale, and north arrow.	Determine if plan boundaries meet stated ownership; adjacent property notification, if required; measurement and review of plans.

Elements	Approval Criteria
The location and size of all public facilities, schools, libraries, fire stations, parks, tree masses, and other significant natural features.	Consistent with the parks/open space needs identified within the Canton Comprehensive Plan and Article 11 of the Subdivision Ordinance (Preservation of Natural Features and Amenities).
Existing contours referenced to North American Vertical Datum (NAVD 88) with intervals sufficient to determine the character and topography of the land to be subdivided.	Utility coordination and consistency with water, sewer, grading/drainage plans.
Phasing and timelines.	Per annexation resolution and for purposes of identifying final utility plan parcels (based on watershed boundaries); construction planning for private and public entities.
Proposed City reimbursements.	Coordination with CIP and City disbursements.
Other data consistent with or required within the developers/pre-annexation agreement.	Only data as required within an annexation, preannexation.
Certificates of approval for endorsement by the Planning Commission, Authorized Official, City Engineer, Finance Officer, and the City Commission.	Signed and executed.
Preliminary street plan.	Consistent with Engineering Design Standards.
Preliminary sanitary sewer plan.	Consistent with Engineering Design Standards.
Preliminary water plan.	Consistent with Engineering Design Standards.
Preliminary drainage plan.	Consistent with Engineering Design Standards.
Preliminary street lighting plan.	Consistent with Engineering Design Standards.

## **Section 402. Effective Period of Preliminary Subdivision Plan Approval**

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

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

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

## **Section 403. Revisions to Preliminary Plan**

Amendments to an approved preliminary subdivision plan may be requested by the developer. The Authorized Official may request an updated preliminary subdivision plan for review and approval when changes to the plan are proposed.

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

# **ARTICLE 5: DEVELOPMENT ENGINEERING PLANS AND THE PLAT**

## **Section 501. Development Engineering Plans**

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

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

The development engineering plans shall comply with the respective chapters within the adopted Engineering Design Standards. The final grading and drainage plan, the final utility plan, and the groundwater control plan shall be approved or disapproved within fifteen working days after submittal to the City. In addition, a final lot and block layout shall be approved by the City Engineer and Authorized Official as required by Table 1.

Table 1

Development Engineering Plan Lot and Block Layout

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

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

Amendments to Development Engineering Plan Lot and Block Layout:

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

Amendments shall be done administratively with signed approval by Authorized Official and City Engineer and coincide with the development engineering plans.

## Section 502. The Plat

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

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

The plat should be drawn at a scale of 100 feet to the inch from an accurate survey and on one or more sheets whose dimensions are as required by state law. If more than two sheets are required, an index sheet of the same dimension shall be attached and filed. The plat shall show the following information:

A.	The proposed name of the subdivision. The name shall not duplicate, be the same in spelling, or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
B.	Scale and north arrow. All lot and block lines, type of easements, and rights-of-way such as drainage facilities, pedestrian, and utilities should be consistent with the development engineer plan. Adjoining unplatted property shall be labeled as such.
C.	A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
D.	The location and width of all proposed and existing rights-of-way, alleys, and easements.

E.	The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or other recognized permanent monuments which shall be accurately described on the plat as required by SDCL 43-18, 43-20 and 43-21.
F.	Location of all monuments and permanent control points, and all survey pins, either set or located as required by SDCL 43-18, 43-20 and 43-21.
G.	The identification and delineations of any portions of the property intended to be dedicated or granted for public use such as drainage facilities, schools or park land.
H.	All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
I.	The radii, chords, length of curve, point of tangency, and central angles for all curvilinear streets/roads and radii for rounded corners.
J.	The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the Flood Insurance Rate Maps (FIRM).
K.	Acknowledgment of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required; as well as the use of any required common areas
L.	All formal irrevocable offers of dedication for all streets/roads, alleys, parks, drainage facilities, pedestrian paths and other uses as required.
M.	Approved assurance agreement(s) under Section 1301.
N.	The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown as required by SDCL 43-18, 43-20 and 43-21.
O.	Certificates of approval for endorsement by the Authorized Official.
P.	Existing building outlines to verify setbacks and lot area requirements and ensure current and proposed easements are clear of obstructions.

### **Section 503. Approval of the Plat**

If these plans are approved, the developer may then submit the plat(s) for approval. The plat shall provide the information indicated in Section 502 [The Plat] and shall require the review and approval of the Authorized Official. The plat shall be in conformance with an approved final lot and block layout of the development engineering plan. Either all or a portion of the final lot and block layout of the development engineering plan may be platted.

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

# **ARTICLE 6: PRELIMINARY PLAN CRITERIA**

## **Section 601. Intent**

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

## **Section 602. Blocks**

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

Blocks shall normally be wide enough to allow two tiers of residential lots of an appropriate depth.

## **Section 603. Lots**

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

## **Section 604. Street System**

- A. Arrangement and extension. The arrangement of streets in new subdivisions shall conform to the major street plan and shall make provisions for the continuation of existing streets in adjoining areas or their proper projection where adjoining land is not subdivided.
  - 1. The arrangement of all streets and alleys shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- B. Circulation plan. In general, streets within subdivisions shall be designed to incorporate and tie into existing or proposed pedestrian pathways and roadways, and to take into account design restrictions on abutting parcels caused by the surrounding topography, parcel lines or other features. Other criteria in the street circulation plan shall include the following:
  - 1. Provisions should be made for a collector street every half mile, and there should be a street connecting adjacent subdivisions at intervals not less than a quarter mile where environmental constraints and land use considerations permit.
  - 2. Streets should be designed to convey residents conveniently throughout the neighborhood, and to the parks, schools, and shopping areas of the neighborhood and to adjacent neighborhoods. When a subdivision is designed or constructed in conjunction with another use (such as retail, office, apartments, park or school) of a neighborhood scale, the local and/or collector road system should be designed to provide roadway connections between the various uses.

C. Arterial streets. In order to maintain the traffic carrying capacity of the arterial streets by limiting access to it from individual lots, and in order to protect the residents of property adjacent to arterial streets from the high traffic volumes associated with the street, property along such arterials shall be subdivided in the manner set forth below:

1. Double frontage lots. Where double frontage lots are used for residential development, additional lot depth or width consistent with the zoning ordinance for rear yard setback shall be required to provide for an extra setback to offset the impact of high traffic volume. When double frontage lots are proposed, the developer shall be required to sign an assurance agreement prior to plat approval.
2. Tracts onto arterial streets. In order to avoid private access from individual lots onto arterial streets, lots should be arranged on blocks so that their side or rear yards are adjacent to the arterial street. Lots adjacent to an arterial street shall have an additional width to provide for an extra setback to offset the impact of high traffic volume. This design will be accepted only for a limited distance due to the number of streets which would intersect with the arterial.
3. Access roads. Access roads may be used as the City grows into the areas in the county where they have been required. Under some circumstances they would also be appropriate for commercial and industrial development. Access roads shall be constructed to City standards with a right-of-way width of 50 feet.
4. Rear access roads. Rear access roads are recommended for commercial developments. In this way the access can serve two tiers of lots and alleviate the dangerous turning movements onto and off of arterial streets.
5. Non-residential land uses, and higher density residential land uses including multiple family units and townhouses are particularly suitable for the intersection of two arterial streets. Any development of this type should have limited access to the arterial street.
6. Lots adjacent to railroad right-of-way. Lots for residential development adjacent to functioning railroad rights-of-way shall provide extra lot depth or width consistent with the zoning ordinance for rear yard setback to provide for an extra setback to offset the impact of the railroad traffic.

D. Collector street development

1. Collectors shall be used to collect traffic from other local roads and collectors to arterial roadways.
2. Based upon increased speeds and volumes lot sizes and land uses may be increased along collectors to be consistent with the proposed zoning and transitions.
3. Collectors shall be developed along or between property lines, so that both land owners can share in the cost as well as having access to the collector.
4. In agricultural and transitional areas, collector streets shall be identified and located through the Engineering Design Standards.

# **ARTICLE 7: DEVELOPMENT ENGINEERING PLAN CRITERIA**

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

Consisting of a:

1. Lot and block layout - approved by Authorized Official and City Engineer.
2. Drainage, water and sanitary sewer developer's engineering plans - approved by City Engineer.

## **Section 701. General Requirements**

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

## **Section 702. Blocks**

- A. Block lengths shall not exceed 1,320 feet.

## **Section 703. Lots**

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

## Section 704. Streets System

- A. Street design standards. All public street improvements, including pavement width, street grades, alignment and visibility, and intersections shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City Engineer. All public street facilities shall be designed in compliance with the Engineering Design Standards.
1. Half streets. Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision. A preliminary plan of a subdivision may show half a street along adjoining property which has not been subdivided, but no lot abutting on such half street shall have a building permit issued for it until such time as the other half street is dedicated.
- B. Traffic calming. Improving traffic flow into and through subdivisions also needs to take into consideration traffic volumes and speeds. Traffic calming is the process by which vehicular speeds and volumes on local streets are reduced to acceptable levels. This is achieved through the installation of approved devices such as traffic circles, flares, and center islands. Traffic calming serves the purpose of reducing cut-through traffic, truck traffic, excessive speeding, noise, vibration, air pollution, and accidents in an attempt to provide a safer environment for motorists and pedestrians.
1. Approved devices shall be spaced within the right-of-way along major collectors through residential subdivisions, based upon Engineering Design Standards.
  2. Traffic calming devices may be required by the City Engineer, based upon the review of a traffic impact study.
- C. Arterial Street System Development - Whenever an arterial street has been constructed for which the cost has not been apportioned against the property located outside the City which abuts an arterial street constructed by special assessment and which benefits the property located outside the City limits, the property shall pay its proportionate share of the cost of such construction, without interest, according to the benefits to accrue to such property before such property may be served by the street. Access to an arterial shall be as described in the Engineering Design Standards. The costs shall be established by resolution by the Canton City Commission. Recovered costs required by this subsection shall be paid prior to platting or replatting for development. The recovered cost shall be deposited in the assessment revolving fund and shall be used only for new street construction.
- D. Right-of-way widths. The developer shall be required to dedicate street right-of-way widths according to the major street plan and not less than as follows:

STREET TYPE	RIGHT-OF-WAY IN FEET
Expressway/principals	100-200
Arterials	100-120
Collectors	66-80
Locals	66
Access roads	60-66
Cul-de-sacs (55 radius for turnarounds and eyebrows)	60-66

Alleys	20
Rural Subdivisions	66

- E. Cul-de-sacs. Cul-de-sacs will be allowed where they are necessary for the reasonable development of a subdivision.
1. The maximum length of a cul-de-sac shall be 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision.
  2. Temporary turnarounds may also be required by the City Engineer on dead-end streets that will eventually be continued.
  3. Emergency access may be required by the fire chief on cul-de-sac streets to allow for emergency service response.
- F. Private streets or roads; places. Private roads may be allowed when serving a limited number of parcels, if right-of-way constraints exist, and when all maintenance responsibilities are detailed within the easement.
- G. Access easements. When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of access easements, the following requirements shall be observed:
1. Any access easement accepted by the City must provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the access easement by the public or any governmental agency.
  2. Access easements shall be indicated on the plat.
  3. Any plat presented for City approval which shows an access easement as a means of access shall provide language in the owner's certificate [see Article 14] reserving the access easement as a perpetual unobstructed access easement.
  4. Access easement areas shall be paved by the developer and maintained in passable condition. Designs for access easements must be approved by the City Engineer.
  5. An easement area maintenance agreement among property owners who will depend on the access easement for access shall be filed with the plat. It shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs (see 6. below).
  6. The developer may be required to place traffic control signs on access easements or to pay the City to place traffic control signs for access easements at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs shall be approved by the City Engineer.

- H. Alleys.
1. Alleys are permitted in commercial and industrial districts, except where provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirement set forth in the Canton Zoning Ordinance.
  2. Alleys are permitted in residential districts when design standards and conditions warrant an alternative means of access.
- I. Continuation of street names. Streets obviously in alignment with existing streets shall bear the names of those streets. When, due to topography, offsets caused by rectangular surveys or other physical features, streets become interrupted, quarter line and section line streets shall retain the same name on either side of the irregularities.
- J. Street naming criteria. No street names shall be used which will duplicate, be the same in spelling, or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 36 inches. All street names shall indicate directions either north, south, east, or west. Street name suffixes shall be applied as follows:
- Street:* A road generally running east and west.
- Avenue:* A road generally running north and south.
- Road:* A road running both east and west or north and south for significant lengths; such names may only be assigned to major rights-of-way.
- Lane:* A road running northeast to southwest.
- Drive:* A road running northwest to southeast.
- Trail:* A road which wanders in different directions.
- Circle:* All cul-de-sacs.
- Court:* A road with two openings which enters and exits on the same street.
- Place:* All private roads.
- Parkway:* Limited access roads such as major streets which are divided by a median.
- Boulevard:* A minor street divided by a median.
- K. Prohibition on certain street name suffixes. No Development Engineering Plan shall be approved which use the names of square, ridge, pass, way, or terrace as a suffix for a street name.

## **Section 705. Walkways**

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

## **Section 706. Minimum Subdivision Improvements**

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

## **Section 707. Maintenance Agreements**

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

## **Section 708. Easements**

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

- A. All easements for municipal utilities shall be shown on the plat.
- B. There shall be a ten foot utility easement for municipal utilities along all right-of-way frontages; except when the setback is equal to or less than twenty feet, then the utility easement shall be equal to half the distance of the required setback per the zoning district.
- C. Easements centered on rear lot lines shall be provided for utilities and drainage where necessary and shall be a minimum of twenty feet in total width unless otherwise required by the City Engineer.
- D. Where topographical or other conditions warrant side yard easements and easements across lots,

easements at least ten feet in total width shall be provided.

- E. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.
- F. The property owner whose property is subject to such easements shall be responsible for its maintenance. The property owners shall keep the easement clear of any structure, debris, trees, shrubs, or landscaping whatsoever except that lawn grass, which shall be regularly mowed, and vegetation may be grown thereon.

# **ARTICLE 8: UTILITIES AND PUBLIC SPACE**

## **Section 801. Water Facilities**

### **A. General Requirements**

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

### **B. Public Water Supply**

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

### **C. Design Standards**

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

## **Section 802. Sanitary Sewers**

### **A. Provided for each lot.**

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

### **B. Exceptions.**

In areas where a public sanitary sewer is not reasonably accessible, but where plans, including

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

C. Design Standards.

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

### **Section 803. Public Open Space**

In all new subdivisions to be developed for residential or as a planned development, the City may require a minimum reservation of 5% of the land within the proposed subdivision for public use as parks, playgrounds, public open space or trails. The area to be dedicated shall be delineated on the preliminary plan and final plat. Such portion to be dedicated may be adjusted by resolution of the City Commission from time to time.

In lieu of the minimum reservation of land in this Section, the City may require the subdivider to contribute an equivalent amount in cash for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land. Cash contributions shall be paid by the subdivider prior to the approval of the final plat. Cash contributions shall be placed by the City in a special fund and used only for the acquisition of land for parks, playgrounds, public open space, development of existing park and playground sites, public open space and debt retirement in connection with land previously acquired for public purposes.

Where a proposed park, playground, public open space, school site or other public site which is shown on the Comprehensive Plan is located in whole or in part in a proposed subdivision to be developed for residential, commercial, industrial or as a planned development, and such public sites are not dedicated, such public ground shall be reserved and no action taken towards approval of a preliminary plan or final plat for a period not to exceed ninety days to allow the opportunity to consider and take action towards acquisition of such public ground or park by purchase or other causes.

# **ARTICLE 9: GRADING AND DRAINAGE**

## **Section 901. Grading Plan**

The final grading plan for the subdivision shall be submitted to and approved by the City Engineer. The grading plan shall, as much as possible, be laid out to conform to the natural contour of the land in compliance with the Engineering Design Standards.

## **Section 902. Drainage Plan**

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

## **Section 903. Design Standards**

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

# **ARTICLE 10: EROSION CONTROL PLAN**

## **Section 1001. Specifications**

Measures used to control erosion on a development site shall meet the requirements of the Engineering Design Standards. Stripping of vegetation, regrading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible, natural vegetation shall be retained, protected and supplemented. The City Engineer shall require any further measures as necessary to prevent erosion on building sites and developments from depositing wastes or sediments on public streets or other property. Every effort shall be made to retain the natural vegetation on all ditches and drainageways. Ditches and drainageways will not be disturbed without the approval of the City Engineer.

## **Section 1002. Subdivisions and Individual Lots**

### **A. General**

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

# **ARTICLE 11: PRESERVATION OF NATURAL FEATURES AND AMENITIES**

## **Section 1101. Existing Features**

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

## **Section 1102. Sensitive Natural Areas**

Sensitive natural areas as shown on the comprehensive plan shall be reviewed with regard to the special character of the area taking into consideration harmonious design, environmental protection, and topographical restraints.

# **ARTICLE 12: RURAL SUBDIVISIONS**

## **Section 1201. In General**

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

## **Section 1202. Roads**

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

## **Section 1203. Lots and Blocks**

- A. Whenever a plat or preliminary plat is proposed having lots which are one acre or larger in size, the planning commission may require that said plat or plan shall show how such lots can be re-subdivided into urban sized lots in the event the area is ever annexed into the City.
- B. Lots fronting along an arterial road or a federal, state or county highway shall be discouraged. Where they are allowed, shared drives may be required, or dedication of a frontage road between the arterial or highway and the lot shall be provided. Said road shall provide direct access to the adjoining property while limiting curb cuts along the major road. Approval shall be certified by the appropriate public entity for access onto all dedicated roads.

## **Section 1204. Grading and Drainage**

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

## **Section 1205. Water Supply**

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

require proof of an adequate water supply prior to issuance of any building permits.

### **Section 1206. Sanitary Sewers**

In areas where public sanitary sewers are not accessible and no plans for public sewers have been prepared, or where the connection to public sanitary sewer is impractical, individual sewer systems will be permitted provided they comply with the regulations set forth for septic systems by the appropriate state agency and any additional county requirements. Connection to the City sewer system shall be required when the public sewer system is within two hundred feet of an individual property line.

# **ARTICLE 13: ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS**

## **Section 1301. Assurances Required**

- A. Assurances for Subdivisions Within the City Limits. No plats of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have signed an assurance agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the City Engineer; such period not to exceed three years. An extension to that three-year period may be granted at the discretion of the City Engineer. This assurance agreement shall be recorded with the register of deeds at the time of filing the plat.
  
- B. Assurances for Rural Subdivisions. No plat of any rural subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit or acceptable cash deposit assuring completion of all required improvements.

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



\_\_\_\_\_  
Authorized Official  
City of Canton, South Dakota

CITY PLANNING COMMISSION APPROVAL

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

\_\_\_\_\_  
City Planning Commission  
(Chair)

**Section 1402. Certificates for Plats and Replats**

SURVEYOR'S CERTIFICATE

I, (Name), a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before (Date) , survey that parcel of land described as (Legal description) containing (Size) [and it is in all respects correct].

\_\_\_\_\_  
Registered Land Surveyor

OWNER'S CERTIFICATE OF COMPLIANCE

I, (Name), do hereby certify that I am the owner of all land included in the above plat and that said plat has been made at my request and in accordance with my instructions for the purposes (Indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

DEDICATION OF LAND FOR PUBLIC USE

I hereby dedicate to the public for public use forever the streets, roads and alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, alleys, parks and public grounds whether such improvements are shown or not. I also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

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

OWNER'S CERTIFICATE FOR PRIVATE MAINTENANCE OF FACILITIES

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

*If private streets are shown, include:*

I further grant and certify that the roadway shown as (Name of private road) is a private roadway easement which is hereby reserved as a permanent unobstructed access. Said street or road is for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the owner, their lessees and assignees have the responsibility with respect to maintaining said private street or road. Said grant is to run with the land and shall remain in effect until such street or road is accepted for public declaration. The owners, their lessees and assignees, of the property platted as (Name of subdivision), shall at their own cost and expense keep and preserve said private street or road at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private street or road which might interfere in any way with the property maintenance, use, repair, reconstruction and patrolling of said private street or road.

*If access easements are shown, include:*

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

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

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

*If the plat is a replat include:*

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

I further certify that this platting of said described (New Subdivision Name) does hereby vacate the following platting:

(Legal description of old plat) on file at the Register of Deeds office in Book \_\_\_\_\_, page \_\_, said plat, hereby vacated, being situated within described (New Subdivision Name) as surveyed.

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

\_\_\_\_\_  
Name

STATE OF SOUTH DAKOTA )

: SS

COUNTY OF LINCOLN )

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

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, South Dakota

AUTHORIZED OFFICIAL CERTIFICATE

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Authorized Official  
City of Canton, South Dakota

FINANCE OFFICER'S CERTIFICATE

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

\_\_\_\_\_  
City Finance Officer  
Canton, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Lincoln County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Treasurer  
Lincoln County, South Dakota

DIRECTOR OF EQUALIZATION

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

\_\_\_\_\_  
Director of Equalization  
Lincoln County, South Dakota

REGISTER OF DEEDS

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Lincoln County, South Dakota

**Section 1403. Assurance Agreement For**

\_\_\_\_\_  
(Legal Description)

THIS IS AN AGREEMENT made as of \_\_\_\_\_ (DATE), between the City of Canton, South Dakota (CITY), \_\_\_\_\_ (OWNER), and \_\_\_\_\_ (DEVELOPER). OWNER and DEVELOPER intend to make public and private improvements in order to develop \_\_\_\_\_ (DEVELOPMENT NAME).

OWNER, DEVELOPER, AND CITY, in consideration of their mutual covenants herein, agree in respect to the construction and acceptance of the improvements for the DEVELOPMENT as set forth below.

OWNER and DEVELOPER shall:

1. Construct and/or pay for the improvements required for the DEVELOPMENT in the Subdivision Ordinance, the Engineering Design Standards Manual for Public Improvements, and the Design Standard Plates of the City of Canton in accordance with the plans and specifications as filed with the

City Engineer.

2. Complete all required improvements no later than two years after acquiring a construction permit, but no later than three years after filing of the plat. Time extensions may be granted by the City Engineer.
3. Pay all costs attributed to this land when and if the City makes a final determination as to the appropriate costs for any detention ponds benefiting this land.
4. File this Assurance Agreement with the plat in the office of the County Register of Deeds.

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

Improvements Required	Method of Payment	Comments
<b>STREETS</b>		
Grading and Graveling	_____	_____
Curb and Gutter	_____	_____
Paving	_____	_____
Other	_____	_____
<b>UTILITIES</b>		
Street Lighting	_____	_____
Water System	_____	_____
Sanitary Sewer System	_____	_____
<b>DRAINAGE</b>		
Storm Sewer	_____	_____
Drainageways	_____	_____
<b>OTHER</b>		
Lot Grading	_____	_____

CITY shall, upon satisfactory completion of DEVELOPMENT, including any and all warranty periods, accept and maintain all public improvements. Final acceptance of all improvements will be made upon final inspection and acceptance by the CITY.

Upon written notice, the City Engineer and the Authorized Official may suspend or revoke any active City permits and/or deny issuance of further City permits or City inspections within any phase of subdivision development if utility infrastructure improvements within that phase of subdivision development have not been extended to the adjacent property, and development of that adjacent property is restricted.

Should the OWNER and/or DEVELOPER fail to fully complete the required improvements within the time or extensions there of, of this Assurance Agreement, the CITY may complete any unfinished required improvements. All costs to the CITY related to the completion of any unfinished required improvements will be billed to the OWNER and/or DEVELOPER. Should the OWNER and/or DEVELOPER fail to pay for these improvements, the responsibility for payment shall fall to the abutting property which will be assessed for such improvements.

This Assurance Agreement is given for the benefit of the CITY and the purchasers of lots in the DEVELOPMENT.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Owner

ATTEST:

\_\_\_\_\_  
City Finance Officer

STATE OF SOUTH DAKOTA )

: SS

COUNTY OF \_\_\_\_\_ )

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

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public/South Dakota

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Developer

STATE OF SOUTH DAKOTA )

: SS

COUNTY OF \_\_\_\_\_ )

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

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public/South Dakota

My Commission expires: \_\_\_\_\_

## ARTICLE 15: DEFINITIONS

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

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

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

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

Authorized Official. The person, officer, or official and his authorized representative, whom the City Commission has designated as its agent for the administration of these regulations.

Basement. Any story located below the main floor.

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

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

City. The City of Canton, South Dakota.

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

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

- a. The land whether fee simple or leased on which the building or buildings stand;
- b. The land which is used to access the building or buildings;
- c. The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exits and communication ways;
- d. The basements, flat roofs, yards, gardens, recreation facilities, and parking areas, unless otherwise provided or stipulated;
- e. The premises for the lodging of janitors or persons in charge of the building or buildings, except as otherwise provided or stipulated;

- f. The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks, pumps, and the like;
- g. The elevators, garbage incinerators, and in general all devices or installations existing for common use; and
- h. All other elements of the property rationally of common use or necessary to its existence, upkeep, and safety. [SDCL 43-15A-5]

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

Concept Plan. A concept plan is a basic plan that is preparatory to the preliminary plan.

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

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

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

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

Developer. The owner of land proposed to be subdivided or its authorized agent who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

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

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property. An easement is also a means to acquire a legal right for a specific use of land owned by others.

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

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

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

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

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

or assessment for a prorated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest or member.

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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