

## ARTICLE 16: 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 Council 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 Lennox, 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 Lennox.

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 Lennox.

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.

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

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