

APPENDIX A

SUBDIVISION ORDINANCE*

* **Editors Note:** Appendix A was originally derived from the 1972 City Code and revised by Ord. No. 103-80, adopted November 3, 1980 and amended in accordance with information listed in the Code Comparative Table. Ord. No. 26-93, adopted April 5, 1993, amended the Subdivision Ordinance creating a new Appendix A. Amendments to Ord. No. 26-93 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from Ord. No. 26-93. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets. Language has been added as instructed by the city without notation. Subsequently, Ord. No. 18-98, § 1, adopted Feb. 2, 1998, amended App. A, in its entirety, to read as herein set out. See the Code Comparative Table.

Cross References: Building, ch. 11; fire protection and prevention, ch. 16; health and sanitation, ch. 19; housing, ch. 21; mobile homes, ch. 24; parks and recreation, ch. 27; planning, ch. 32; subdivision plats to be approved after major street plan adopted, § 32-35; adoption of subdivision regulations, § 32-37 et seq.; plumbing, ch. 33; signs and outdoor advertising, ch. 37; streets and sidewalks, ch. 38; utilities, ch. 41; storm drainage fee, § 41-80; zoning ordinance, app. B; extraterritorial zoning regulations, app. C; flood damage prevention ordinance, app. D; flood damage prevention in subdivision proposals, app. D, § 3.05.

State Law References: Platting of subdivisions, SDCL ch. 11-3; subdivision regulations, SDCL 11-6-27 et seq.

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CHAPTER 15A.01

GENERAL PROVISIONS

15A.01.010 Title.

These regulations may be referred to as the "1998 Revised Subdivision Ordinance for the City of Sioux Falls" and the area of extraterritorial jurisdiction.

(Ord. No. 18-98, § 1, 2-2-98)

15A.01.020 Purpose.

It is the purpose of this ordinance to regulate the subdivision of land so as to coordinate streets/roads with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the comprehensive plan for the city and its area of extraterritorial jurisdiction.

(Ord. No. 18-98, § 1, 2-2-98)

15A.01.030 Authority.

In accordance with SDCL 11-6 and any other authority provided by law or as such statutes may be amended, the city does hereby exercise the power and authority to review and approve or disapprove plats for the subdivision of land within the city and for land in the area of extraterritorial jurisdiction.

(Ord. No. 18-98, § 1, 2-2-98)

15A.01.040 Jurisdiction.

A. These regulations shall apply to all subdivisions of land, as defined herein, located within the city and its area of extraterritorial jurisdiction.

B. It shall be unlawful for any person having control of any land within the city and its area of extraterritorial jurisdiction to subdivide or lay-out such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein. Any parcel of land of 40 acres or less which is located within the extraterritorial jurisdiction of the city shall be platted prior to the sale or transfer of such land.

C. No land shall be subdivided until the subdivider has submitted the preliminary plan, if required, to the planning commission for its approval.

D. No plat shall be recorded in the office of the register of deeds and no lots shall be sold from such plat unless and until approved as herein provided. No document of any sale or transfer of unplatted property shall be recorded except in accordance with this ordinance.

(Ord. No. 18-98, § 1, 2-2-98)

15A.01.050 Conformity with other plans.

In addition to the requirements established herein, all subdivision plans and plats shall comply with the following laws, rules and regulations:

- A. The comprehensive plan of the city and the policies set forth therein.
- B. The zoning ordinance of the city.
- C. The major street plan, showing the location, arrangement and character of existing and planned streets/roads.
- D. Other plans which may be or have been adopted that would affect the subdivision and use of the land.

E. The Engineering Design Standards Manual for Public Improvements in the city.
(Ord. No. 18-98, § 1, 2-2-98)

15A.01.060 Interpretation, abrogation and severability.

In interpreting and applying the provisions of this ordinance, these regulations are the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance 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.

(Ord. No. 18-98, § 1, 2-2-98)

15A.01.070 Amendments.

For the purpose of providing for the health, safety and general welfare of the community, the city council may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the planning commission and the city council in the manner prescribed by law.

(Ord. No. 18-98, § 1, 2-2-98)

15A.01.080 Definitions.

The following words and phrases shall be as defined below:

1. *Alley*: A public or private right-of-way which affords only a secondary means of access to abutting property.
2. *Arterial*: A principal 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.
3. *Basement*: Any story located below the main floor.

4. *Building*: Any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.
5. *City*: The City of Sioux Falls, South Dakota.
6. *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.
7. *Comprehensive development plan*: Any legally adopted part or element of the comprehensive plan of the City of Sioux Falls.
8. *Contractor*: The person who contracts with an individual or the developer to construct a building or structure on a parcel of land.
9. *Cul-de-sac*: A local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.
10. *Dedicated*: A grant of land to the public for their perpetual use.
11. *Developer*: The person who converts raw land into legally platted, buildable lots. The developer may or may not be the owner of the parcel or the builder of the structures which occupy the lots.
12. *Double frontage*: A lot which abuts a street on two opposite sides (not a corner lot).
13. *Easement*: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.
14. *Engineering design standards*: The engineering design standards for public improvements of the City of Sioux Falls.
15. *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.
16. *Final plan*: The final plan shall be comprised of the drainage plan, the grading plan, the utility plan, and the groundwater control plan.
17. *Frontage road*: A street used only for access to abutting property where there will be constructed an expressway or arterial street.
- 17A. *Lateral drainageway*: Open channels or storm sewers which carry storm runoff from streets, street crossings, culverts and/or storm sewers to major drainageways.
18. *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.

19. *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.
- 19A. *Lowest floor*: The lowest floor of the lowest enclosed area (including basement), but not including an unfinished crawl space used for access.
20. *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.
- 20A. *Major drainageway*: The main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the city engineer.
21. *Major street plan*: The major street plan adopted through the transportation planning process as approved by the city council.
22. *Monument*: A boundary marker of concrete, permanently planted and firmly fixed in the ground placed so that the top of the monument is flush with natural ground. The monument shall be six inches in diameter or six inches square and 24 inches in depth. A steel rod, 5/8" × 12", shall be placed at the center point on the monument.
23. *Mutual access easement*: An easement granting the perpetual right of abutting property owners to use a designated portion of property for common ingress and/or egress purposes. The easement area shall be maintained by the abutting property owners. The easement is not to be considered required frontage.
24. *Plat*: A map, or representation on paper, 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.
25. *Preliminary plan*: The preliminary plan shall consist of the preliminary subdivision plan, the preliminary drainage and grading plan, and the preliminary utility plan.
26. *Preliminary subdivision plan*: Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.
27. *Private street/road*: One that has not been dedicated, but rather reserved as public access to property. The private street or road shall be owned and maintained by the property owners which it serves.
28. *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.

29. *Street naming committee:* A committee comprised of a member of the fire, traffic engineering, city engineering and planning departments to check and approve street names and street addresses.
30. *Reserved.*
31. *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.
32. *Subdivision:* The division of any tract or parcel of land into two or more lots; or parcels ten acres or less in size platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.
33. *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.

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 48-05, § 1, 5-9-05)

CHAPTER 15A.02

SUBDIVISION PLANS IN GENERAL

15A.02.010 Plat required.

Whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth below.

(Ord. No. 18-98, § 1, 2-2-98)

15A.02.020 Recording, use and selling.

A. No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.

B. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this title, if it is found that such real property is contrary to the public health, safety or welfare. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of an interest in said real

property.
(Ord. No. 18-98, § 1, 2-2-98)

15A.02.030 Plat approval process.

A. [*Generally.*] All proposed subdivision plats must be approved by the city through a three-phase development process. When there are only a small number of lots being platted, the requirements for a sketch plan and preliminary plan may be waived by the city engineer and the planning director.

1. *Sketch plan:* Prior to the submission of the preliminary plan to the planning commission, the developer shall present a sketch of the proposed plan to the planning director and city engineer for discussion and comments regarding the requirements for the general layout of streets/roads, reservations of land, street improvements, drainage, sewerage, fire protection and similar matters as well as the availability of services.
2. *Preliminary plan:* Based on the discussion of the sketch plan, the applicant may submit the preliminary plan for approval. The preliminary plan shall provide all of the information indicated in 15A.03.010 below. This plan will be subject to the review and approval by the city engineer and the planning commission prior to approval by the city council.
3. *Final plans:* The final plan shall consist of the plat, the final drainage and grading plan, a final utility plan, and the groundwater control plan.
 - a. The final grading and drainage plan, the final utility plan, and the groundwater control plan shall be approved or disapproved within 15 days after submittal to the city engineer. If these plans are approved by the city engineer, the developer may then submit the plat for approval.
 - b. The plat shall provide the information indicated in 15A.04.020 and shall require the review of the planning commission, and approval of the city engineer and the planning director. The plat shall be in conformance with an approved preliminary plan, if required. Either all or a portion of the preliminary plan may be platted.

B. *Replats.* If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plan and the plat, unless the resubdivision meets the requirements set forth in 15A.05 below. The city engineer may waive the requirements for a preliminary plan.

C. *Filing fee.* A filing fee shall be deposited at the planning department for all preliminary plans, final plats and for all replats. Reasonable fees sufficient to cover the costs of administration, publication of notice, and similar matters shall be charged to applicants for preliminary plan and plat approval. The amount of fees charged shall be set forth by ordinance of the city council. Fees established in accordance with this section shall be paid upon submission of a signed application.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.03

PRELIMINARY PLAN

15A.03.010 Information required.

Whenever a preliminary plan is proposed, the developers shall submit three copies at a scale of 100 feet to an inch generally, or 200 feet to an inch when the size of the plans requires it. The plans shall be submitted on sheets 11 × 17 inches or 22 × 34 inches in size. The preliminary plan shall be submitted to the planning department and shall contain the following:

A. *Preliminary subdivision plan.*

1. 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 adjoining to an existing subdivision.
2. The names of all adjoining subdivisions and all lot and block lines, easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
3. Vicinity map to scale, showing locations of the preliminary plan and other property for at least 660 feet in every direction.
4. The owner, developer and surveyor's names, addresses, and telephone numbers.
5. The correct legal description: Notations stating acreage, scale and north arrow.
6. A systematic lot and block numbering pattern, lot lines and street/road names.
7. The location and width of all proposed and existing streets/roads, alleys, easements, parks, water courses, tree masses, railroad rights-of-way and other significant features.
8. Boundary lines of floodways and 100-year flood zones delineated on the Flood Insurance Rate Maps (FIRM).
9. Existing contours referenced to city datum with intervals sufficient to determine the character and topography of the land to be subdivided.
10. Phases for purposes of identifying final plan parcels based on watershed boundaries.
11. Certificates of approval for endorsement by the city planning commission, city engineer, city clerk and the city council.

B. *Other preliminary plans.* The following plans shall be submitted in conjunction with the preliminary plan:

1. *Preliminary drainage and grading plan:* The existing drainage pattern for the area should

be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns.

The drainage plan shall also illustrate the drainage flow facility from the subject subdivision to a major drainageway (as designated in the comprehensive development plan). Any improvements to this drainage facility required because of the full plan development at the subject subdivision shall be noted.

2. *Preliminary utility plan.* The plan shall show the location of the nearest existing sanitary sewer and water. A sanitary sewer plan shall show the approximate manhole locations, manhole identification numbers, the direction of flow, connections to existing system, extensions of service to upstream properties, and the necessity for any lift stations. A water plan shall show the approximate fire hydrant locations, connections to the existing system, and extensions of service to adjacent properties.

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 60-02, § 1, 8-12-02)

15A.03.020 Approval of preliminary plan.

After the preliminary plan has been recommended for approval or disapproval by the planning commission and the city engineer, it shall be submitted to the city council for its approval or disapproval. The approved plan shall be kept on file in the office of the city engineer. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no building permits shall be issued based on the approval of the preliminary plan.

(Ord. No. 18-98, § 1, 2-2-98)

15A.03.030 Effective period of preliminary approval.

The approval of a preliminary plan shall be effective for a period of three years, at the end of which time approval on the subdivision plat or a portion thereof must have been obtained from the city council. Any plan which has not received approval for all or a portion of it within the period of time set forth herein, would require resubmittal of a new plan for preliminary approval subject to any new subdivision regulations.

(Ord. No. 18-98, § 1, 2-2-98)

15A.03.040 Revisions to preliminary plan.

Amendments to an approved preliminary plan may be made at the discretion of the city engineer and planning director. The city engineer and planning director may request an updated preliminary plan for review and approval when minor changes to the plan are proposed. Minor changes shall include a change in local street pattern, street name, lot lines, development phases, subdivision name, right-of-way width, easements, or lot and block numbers. Major changes to an approved preliminary plan shall follow the procedures for approval of a preliminary plan as required in this section. Major changes shall include a change in major street pattern, drainageway/detention pond location, other public open space location, or perimeter boundaries.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.04

THE FINAL PLANS AND THE PLAT

15A.04.010 The final plans.

Following the approval of the preliminary plan, if the developer wishes to proceed, final plans shall be submitted to the city engineer for review and acceptance. The final plan shall include the lot and block layout, public and private streets, and easements. The final plan shall be prepared by an engineer licensed to work in the state, and encompass all land included in a phase as shown on the preliminary plan.

Three copies of the final plans shall be submitted to the city engineer's office for review. The plans shall contain the grading, drainage, and utility plans. Any or all of these plans may be deleted at the city engineer's discretion. Final plans shall include the following:

- A. *Grading plan.* The grading plans shall show the existing and proposed contours with intervals acceptable to the city engineer's office. The minimum recommended ground elevation shall be shown for buildings. The site grading plan shall also show drainage arrows for each lot and lot corner elevations. The plan shall also show the right-of-way width for all proposed streets.
- B. *Drainage plan.* A drainage plan shall show proposed drainageways and storm sewer systems. For drainageways, the plans shall include calculations of the rainfall duration and intensity, the acreage, the calculated volume of flow for the tributary drainage basin, the velocity of flow in the drainageway, and the 100-year flood elevations along the drainageway. For internal drainage in the development, the plan shall include the flow into the development, the flow out of the development, and the approximate layout of the storm drainage system and sump pump collection system. If a sump pump collection system is not proposed, the exception shall be noted. The drainage plan shall provide information for major drainageway and detention pond requirements as indicated in Sections 15A.10.060 and 15A.10.070 of this code. All plans for drainage shall be based on and comply with the master drainage plan for the area on file in the city engineer's office. The drainageway and storm sewer system shall show the size, approximate inlet locations, connections to existing system, and extensions of service to upstream properties.
- C. *Utility plan.* The utility plans shall include sanitary sewer and water systems for the development. The sanitary sewer layout shall show the size, direction of flow, approximate manhole locations, approximate manhole depth and invert elevations, manhole identification numbers, connections to existing system, extensions of service to upstream properties, and lift stations if necessary.

The water main layout shall show the size of mains, approximate hydrant locations, approximate valve locations, and connections to existing system.

- D. *Groundwater.* Based on extreme groundwater conditions, the city engineer may limit building styles to split foyer or slab on grade.-

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 60-02, §§ 2, 3, 8-12-02; Ord. No. 13-05, § 1, 2-14-05)

15A.04.020 The plat.

Two copies and two reproducible mylars of the plat with one mylar signed shall be submitted to the planning department for review and approval.

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. The names of all adjacent subdivisions, all lot and block lines, type of easements and rights-of-way. 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, as well as the location of any parks and dedicated drainageways.
- 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.
- F. Location of all monuments and permanent control points, and all survey pins, either set or located.
- G. The identification of any portions of the property intended to be dedicated or granted for public use such as school 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. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
- L. 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.

M. All formal irrevocable offers of dedication for all streets/roads, alleys, parks and other uses as required.

N. Certificates of approval for endorsement by the city engineer, planning director, mayor, city clerk, and the city planning commission.

(Ord. No. 18-98, § 1, 2-2-98)

15A.04.030 Plat approval.

The plat shall be considered for approval only after the city engineer has assurances from the developer fixing responsibility for the required improvements, or any revision thereof. Once the assurance has been approved, the plat shall be approved or disapproved within 30 days after submission. A plat shall be considered submitted when it has been filed with the planning department. If no action is taken within 30 days of submittal, said plat shall be deemed to have been approved and a certificate to that effect shall be issued by the city clerk on demand. The applicant for the approval may waive this requirement and consent to the extension of such period. Approval of any plat shall be contingent upon the plat being recorded within 120 days after the certificate of approval is signed by the city clerk.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.05

REPLAT APPROVAL

15A.05.010 Replat requirements.

A. A replat will be permitted where:

1. The perimeter of the tract being replatted shall not be altered by the replat.

2. Either the grades shall not be changed from the drainage plan which was submitted and approved with the original plat or if the grades are going to be changed, then a drainage plan shall be submitted and approved for the replat.

3. The replat shall not significantly change any plans that have been prepared for the placement of utilities in the subdivision. If the resubdivision meets these stipulations, the replat may be submitted as a plat, provided the previous platting lines are shown.

B. Any replat of existing single-family attached dwellings into separate lots shall include existing building outlines to verify setback requirements. Any other replat of existing structures shall certify that the replat meets all requirements including adequate setbacks and lot area.

C. When application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines, a replat will be required for those lots.

D. Approval of replats. If the replat meets the requirements set forth in this chapter, it may be filed with the city planning department and approved in the same manner as a plat.
(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.06

MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

15A.06.010 Relation to the adjoining street system.

A. *Arrangement.* 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.

B. *Design criteria.* In general, 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 topographical and land use considerations permit. 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.06.020 Street names.

- A. Streets obviously in alignment with existing streets shall bear the names of those streets.
- B. Provisions.
 - 1. 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 running east and west.

Avenue: A road running north and south.

Road: A road running east and west or north and south, 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.

2. No plats shall be approved which use the names of square, ridge, pass, way or terrace as a suffix for a street name. Street names and addresses are subject to the approval of the street naming committee.

C. When, due to topography, off-sets 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.

D. Subdivision names shall not duplicate, be the same in spelling or alike in pronunciation with any existing subdivision names, and shall be subject to the approval of the city engineer.
(Ord. No. 18-98, § 1, 2-2-98)

15A.06.030 Minimum street standards.

A. *Undeveloped or vacant areas.* 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 current official major street plan.

B. *Right-of-way widths.* The developer shall be responsible for dedication of street right-of-way widths according to the major street plan and not less than as follows:

Street type	Right-of-way in feet
Arterials	100
Collectors	66--80
Locals	60*
Frontage roads	50
Cul-de-sacs (55 radius for turnarounds and eyebrows)	50
Alleys	20
Rural subdivisions	66

* 66 feet in multi-family, commercial and industrial zoned areas.

C. *Cul-de-sacs and eyebrows.* Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. 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. Temporary turnarounds may also be required by the city engineer on dead-end streets that will eventually be continued.

D. *Private streets or roads; places.* In cases where a private street or road is allowed, it shall meet the following requirements:

1. Private streets shall be paved by the developer to a width of no less than 28 feet, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14 feet six inches and are subject to the same grade requirements as public streets.
2. The property owner(s) or agent shall place street signs on all private streets or pay the city to place street signs for private streets at the locations the city traffic engineer deems necessary for the safety and convenience of the public. Street signs shall be of such a style and material to render them easily readable at night as well as day, and are subject to the approval of the city traffic engineer.
3. Buildings located adjacent to a private street or road, in accordance with Chapter 38, Article VI, Numbering of Buildings, shall be addressed on the private place. Any variance from this requirement is subject to the approval of the street naming committee.
4. Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.
5. Any private street or road approved by the city shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.
6. Any plat presented for city approval which shows a private street or road as a means of access shall include language in the owner's certificate [see appendix 2. of this appendix] providing for private maintenance and reserving the private street or road as a permanent unobstructed access.
7. The city will not subsequently accept a private street or road for dedication unless and until it is brought to the city standards, providing adequate rights-of-way without requiring variances for setbacks.

E. *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 Appendix B, the zoning ordinance.
2. Alleys are permitted in residential districts when conditions warrant an alternative means of access.

F. *Mutual access easements.* When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:

1. Any mutual access easement accepted by the city must provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
2. Mutual access easements shall be indicated on the plat.
3. Any plat presented for city approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate [see appendix 2] reserving the mutual access easement as a perpetual unobstructed access easement.
4. Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the city engineer.
5. An easement area maintenance agreement among property owners who will depend on the mutual access easement for access shall be filed with the plat. It shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs (see 6. below).
6. The developer/owner may be required to place traffic control signs on mutual access easements or to pay the city to place traffic control signs for mutual access easements at the locations the city traffic engineer deems necessary for the safety and convenience of the public. Traffic control signs shall be approved by the city traffic engineer.

(Ord. No. 18-98, § 1, 2-2-98)

15A.06.040 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 manual.

(Ord. No. 18-98, § 1, 2-2-98)

15A.06.050 Half-streets.

A. Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.

B. 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.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.07
LOTS AND BLOCKS

15A.07.010 Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2. The need for convenient access, circulation, control and safety of traffic and utilities.
 - 3. Limitations and opportunities of topography.

B. Block lengths shall not exceed 1,000 feet and shall normally be wide enough to allow two tiers of lots of an appropriate depth.

(Ord. No. 18-98, § 1, 2-2-98)

15A.07.020 Lots.

- A. Lot dimensions shall be appropriate for the location of the subdivision and conform to the requirements of Appendix B, the zoning ordinance.
- B. 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.
- C. Where possible, lots shall be oriented in such a way as to provide for active and passive solar systems.
- D. Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
- E. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.
- F. Side lot lines shall be at right angles to streets except on curves where they shall be radial except when otherwise approved.
- G. Each lot shall abut a dedicated right-of-way or shall include an approved private street except as in H. below.
- H. A lot that will be joined with another existing lot having street frontage shall adhere to Section 15A.05.010.

(Ord. No. 18-98, § 1, 2-2-98)

15A.07.030 Arterial street development.

A. 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, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of high traffic volume. When double frontage lots are proposed, the developer shall be required to escrow a sufficient amount of money to pay for the assessments on the arterial street or shall finance and complete construction of the arterial street to city specifications prior to plat approval.
2. *Blocks on to arterial streets.* In order to avoid private access from individual lots on to 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. *Plats for residential development.* Plats for residential development adjacent to functioning railroad rights-of-way shall provide extra lot depth or width to provide for an extra setback to offset the impact of the railroad traffic.
7. *Minimum building setback.* Lots adjacent to the major drainageways and detention ponds as shown on the drainage plan adopted as a part of the comprehensive development plan, shall be designed with an increased depth to allow for building setback requirements. Greater backyard depth will increase the functional separation between the developed subdivision and the drainage facilities.

B. 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 Section 38-32(d)(2). Costs shall be apportioned and administered pursuant to the following:

1. If the owner of the property has donated all right-of-way and easements required by the city for construction of the arterial, and receives no direct access to the arterial, no costs will be due.
2. If the owner of the property has donated all right-of-way and all easements required by the city for construction of the arterial, but will benefit through access to the street, the owner shall pay its proportionate cost of construction of the street as determined by the city engineer. The cost shall be a minimum of \$20,688.00 for the first 300 feet of property abutting the arterial and \$69.00 for each additional foot.
3. If the property owner has neither donated the necessary land for right-of-way and easement purposes nor waived access rights, the owner shall pay a minimum of \$69,846.00 for the first 300 feet of property abutting the arterial and \$233.00 for each additional foot.
4. Recovered costs required by this subsection shall be paid prior to platting or replatting for development.
5. The recovered costs shall be deposited in the assessment revolving fund and shall be used only for new street construction.
6. The arterial cost recovery shall be reviewed annually and adjusted as necessary to reflect the actual costs of arterial street construction.

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 107-00, § 1, 12-11-00)

15A.07.040 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.07.050 Maintenance agreements.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, road systems or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of the agreement shall be attached to each and every plat having a facility or service covered by such an agreement.
(Ord. No. 18-98, § 1, 2-2-98)

15A.07.060 Easements.

- 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.
- C. Easements centered on rear lot lines shall be provided for utilities and drainage where necessary and shall be a minimum of 20 feet in total width unless otherwise required by the city engineer.
- 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 off-sets and to facilitate the use of easements for power distribution, telephone service, drainage, water and sewer services.
- F. The property owner whose property is subject to such easements shall be responsible for its maintenance. The property owners shall keep the easement clear of any structure, debris, trees, shrubs or landscaping whatsoever except that lawn grass, which shall be regularly mowed, and annual vegetation may be grown thereon.
(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.08

WATER FACILITIES

15A.08.010 General requirements.

- A. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.
- B. 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 15A.04.030 D.
- C. Water main extensions shall be approved by the city utilities department. 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 city water department 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.
- D. 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.08.020 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.

(Ord. No. 18-98, § 1, 2-2-98)

15A.08.030 Design standards.

All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the city engineer. All water facilities shall be designed in compliance with the engineering design standards.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.09

SANITARY SEWERS

15A.09.010 Provided for each lot.

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

(Ord. No. 18-98, § 1, 2-2-98)

15A.09.020 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.

(Ord. No. 18-98, § 1, 2-2-98)

15A.09.030 Design standards.

All sanitary sewer facilities including gravity sewers, manholes, lift stations and force mains shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the city engineer. All sewer facilities shall be designed in compliance with the engineering design standards.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.10

GRADING AND DRAINAGE

15A.10.010 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.10.020 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.10.030 Reserved.

Editors Note: Ord. No. 5-02, § 2, adopted Jan. 14, 2002, repealed §§ 15A.10.030, 15A.10.040, which pertained to drainageway and detention pond dedication and additional information. See the Code Comparative Table.

15A.10.040 Reserved.

Note: See the editor's note at § 15A.10.030.

15A.10.050 Design standards.

A. 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.10.060 Drainageway design criteria.

A. Drainageways shall be properly designed to carry stormwater to prevent flooding during the 100-year rainfall event as determined by the master and/or site drainage plan.

A minimum of 20 feet is required for a drainage easement on drainageways which drain public stormwater. No drainage easement will be accepted by the city for drainageways or storm sewer pipe which drains run-off exclusively from private properties. Private drainage easements shall be shown on the plat and a reference shall be included in the owner's certificate for maintenance responsibilities.

B. Major drainageways are intermittent streams and it is the city's preference that these drainageways remain in their undisturbed natural state. Any changes to the major drainageways must be made in compliance with the city's design standards.

C. The cost for construction and revegetation of the major drainageway in a subdivision is to be the responsibility of the developer. When changes or improvements to the major drainageway are required by the city, those costs associated with the changes or improvements will be included in the drainage system cost recovery.

D.T he developer shall be responsible for the cost of storm sewer pipe up to and including 24 inches in diameter within a development. Payment and credits under the drainage system cost recovery will be

administered according to requirements in Chapter 41, Division 6.

Any nonsingle-family residential development of five acres or more shall restrict stormwater discharge to that which would be generated from normal single-family residential development on the property plus any upstream property. The developer shall have the option to provide a storm drainage system which discharges directly to a major drainage system which the city engineer determines has sufficient capacity to handle the excess flow. The storm sewer system shall be sized to accommodate runoff generated by the development of all upstream properties.

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 5-02, § 3, 1-14-02)

15A.10.070 Detention pond development.

A. Detention ponds shall be designed to be aesthetically pleasing and compatible with the environmental characteristics and appearance of the adjacent drainageways. Detention ponds may also be designed to accommodate park or recreational or other compatible uses.

B. Detention ponds and similar areas, not required as a necessary part of the major drainage system as outlined in the master stormwater drainage plan, may be accepted by the city for maintenance only if such land provides another useful public service such as a public park or conservation area.

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 5-02, § 3, 1-14-02)

CHAPTER 15A.11

EROSION

15A.11.010 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's office.

(Ord. No. 18-98, § 1, 2-2-98)

15A.11.020 Subdivisions and individual lots.

A. *General.*

1. Land disturbing activities of one acre or more shall comply with chapter 12 of the city's engineering design standards.

2. Individual lots within an approved subdivision or larger common plan of development or sale

that have land disturbing activities of less than one acre shall comply with chapter 12 of the engineering design standards until they are classified as a minor impact construction site by this chapter.

B. *Minor impact construction site.*

1. Individual lots involving less than one acre of disturbed area in an approved subdivision or larger common plan of development or sale shall not be considered a separate construction project, but rather as a part of the subdivision development as a whole. Such lots will be classified as minor impact construction sites if all the following conditions are met:
 - a. The subdivision or larger common plan of development or sale has been approved pursuant to the city's subdivision ordinance.
 - b. A notice of intent has been submitted and the subdivision has coverage under a SD general permit for storm water discharges associated with construction activity.
 - c. A SD storm water permit for the approved subdivision is maintained for the subdivision until all of the following are met:
 - (1) Substantial build-out of the property has been completed. The subdivision owner and developer shall determine whether to build-out the property by phase or entire subdivision. The subdivision owner and developer shall determine whether to meet the 90 percent build-out standard by lot or acreage. The subdivision owner and developer shall maintain documentation verifying how this build-out standard has been met prior to submitting a notice of termination of the general permit for storm water discharges associated with construction activity to the SD department of environment and natural resources.
 - (2) Areas not build-out have been permanently stabilized.
 - d. The subdivision owner and developer has received approval of an erosion sediment control plan from the city.
 - e. The individual lot has been sold or transferred to a new owner.
 - f. The property owner has executed the city's notice of stabilization form or an approved alternate.
2. A minor impact construction site shall comply with Sections 12.1.3.3, 12.1.3.3.1., and 12.1.3.3.2 of the city's engineering design standards for public improvements. Any minor impact construction site in compliance with these three sections is exempt from all other provisions of chapter 12 of the engineering design standards for public improvements.

C. *Erosion and sediment control responsibilities.*

1. Throughout build-out, a subdivision owner and developer 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 that has not been sold to another party or does not meet the specific conditions listed in this section.
2. Throughout build-out, a minor impact construction site owner and contractor shall implement and maintain the subdivision and individual lot BMP and conditions of the approved erosion and sediment control plan to control erosion and sediment problems on the individual lot that they own or upon which they build.

(Ord. No. 48-05, § 2, 5-9-05)

CHAPTER 15A.12

PRESERVATION OF NATURAL FEATURES AND AMENITIES

15A.12.010 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.

(Ord. No. 18-98, § 1, 2-2-98)

15A.12.020 Sensitive environmental areas.

Sensitive environmental 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.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.13 RURAL SUBDIVISIONS

15A.13.010 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 extraterritorial jurisdiction, their design standard and minimum improvements are the same as those required within the city limits except for the following [exceptions listed below.]

(Ord. No. 18-98, § 1, 2-2-98)

15A.13.020 Roads.

- A. Specifications for roads shall be in accordance with the Engineering Design Standards Manual.

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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.13.030 Lots and blocks.

A. Whenever a plat or preliminary plan 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 resubdivided 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.13.040 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.13.050 Water supply.

If a public water system is not available, individual wells may be used, or a central water system 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.
(Ord. No. 18-98, § 1, 2-2-98)

15A.13.060 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.
(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.14

ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS

15A.14.010 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.

(Ord. No. 18-98, § 1, 2-2-98)

CHAPTER 15A.15

ENFORCEMENT

15A.15.010 Powers and duties.

A. *General.*

1. Violations of this ordinance shall be punished under Section 1-4 of this Code.
2. The planning director and city engineer shall have the authority to make interpretations of this ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions.
3. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this ordinance.

(Ord. No. 18-98, § 1, 2-2-98; Ord. No. 48-05, § 3, 5-9-05)

APPENDIX 1.

TO APPENDIX A. CERTIFICATES FOR PRELIMINARY PLANS

CITY COUNCIL APPROVAL

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

Adopted this _____ day of _____, 19_____.

	____ Mayor, City of Sioux Falls
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ATTEST: ____ City Clerk	
-------------------------	--

STATE OF SOUTH DAKOTA)	
	: SS	
COUNTY OF _____)	

I, (Name), the duly appointed, qualified and acting City Clerk of the City of Sioux Falls, South Dakota, hereby certify that the above resolution is a true and correct copy of the resolution adopted by the City Council of the City of Sioux Falls, at a meeting held on the _____ day of _____, 19_____.

Witness my hand as City Clerk and the official seal of the City of Sioux Falls, South Dakota.

	____ City Clerk City of Sioux Falls, South Dakota
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CITY ENGINEER APPROVAL

I, (Name), City Engineer of the City of Sioux Falls, do hereby certify that I did duly review and recommend approval of this preliminary plan on this _____ day of _____, 19_____.

	____ City Engineer City of Sioux Falls, South Dakota
--	--

CITY PLANNING COMMISSION APPROVAL

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

	____ City Planning Commission (Chair)
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If the preliminary plan is within the extraterritorial platting jurisdiction, the following certificates shall also be included.

COUNTY PLANNING COMMISSION APPROVAL

The County Planning Commission of _____ County, approves the preliminary plan of (Subdivision Name) and that the same be certified to the County Commission of _____ County, with the recommendation that the preliminary plan of (Subdivision Name), _____ County, be approved.

	____ County Planning Commission (Chair)
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COUNTY COMMISSION APPROVAL

Be it resolved by the Board of Commissioners of _____ County, that the preliminary plan of (Subdivision name), _____ County, is hereby approved and that the County Auditor is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Adopted this _____ day of _____, 19_____.

	____ Auditor, _____ County
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APPENDIX 2. TO APPENDIX A. 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
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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 Sioux Falls.

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 mutual access easements are shown, include:

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

If the plat is a 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 _____, 19_____.

_____	_____ Name
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STATE OF SOUTH DAKOTA)	
	: SS	
COUNTY OF _____)	

On this _____ day of _____, 19_____, 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 _____, 19_____.

My commission expires: _____

Notary Public, _____ County, South Dakota

CITY ENGINEER'S CERTIFICATE

I, (Name), City Engineer of the City of Sioux Falls, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval by the City Commission. Signed on this _____ day of _____, 19_____.

_____	_____ City Engineer Sioux Falls, South Dakota
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CITY PLANNING COMMISSION CERTIFICATE

Approval of the (Subdivision Name), addition is hereby granted by the City Planning Commission on this _____ day of _____, 19_____.

_____	_____ Chair, City Planning Commission
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CITY PLANNING DIRECTOR'S CERTIFICATE

I, (Name), Planning Director of the City of Sioux Falls, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval.

	____ Planning Director Sioux Falls, South Dakota
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MAYOR'S CERTIFICATE

I, (Name), Mayor of the City of Sioux Falls, do hereby certify that this plat has been approved by me or my authorized agent and that the City Clerk is hereby directed to certify the same thereon.

Approved this _____ day of _____, 19_____.

	____ Mayor Sioux Falls, South Dakota
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CITY CLERK'S CERTIFICATE

I, (Name), the duly appointed, qualified and acting City Clerk of the City of Sioux Falls, South Dakota, hereby certify that the certificates of approval are 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 _____, 19_____, have been paid in full.

	____ City Clerk of Records Sioux Falls, South Dakota
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COUNTY TREASURER'S CERTIFICATE

I, Treasurer of _____ 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 _____, 19_____.

	____ Treasurer of _____ County, South Dakota
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DIRECTOR OF EQUALIZATION

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

	____ Director of Equalization, _____ County, South Dakota
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REGISTER OF DEEDS

Filed for record this _____ day of _____, 19_____, at _____ o'clock _____m., and recorded in Book _____ of Plats on page _____.

	____ Register of Deeds, _____ County, South Dakota
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COUNTY PLANNING COMMISSION

* If the final plat or replat is within the extraterritorial platting jurisdiction of Lincoln County, the following certificate shall also be included:

LINCOLN COUNTY PLANNING COMMISSION

Approved by the Lincoln County Planning Commission on this _____ day of _____ 20_____.

	____ Chair, Lincoln County Planning Commission Lincoln County, South Dakota
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* If the final plat or replat is within the extraterritorial platting jurisdiction of Minnehaha County, the following certificate shall also be included:

MINNEHAHA COUNTY PLANNING DIRECTOR'S CERTIFICATE

I, Planning Director of Minnehaha County, do hereby certify that this plat has been reviewed by me or my authorized agent and has been approved.

Approved this _____ day of _____ 20_____.

	____ Planning Director Minnehaha County, South Dakota
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I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ day of _____ 20_____.

	____ County Auditor Minnehaha County, South Dakota
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(Ord. No. 58-00, § 1, 7-3-00)

APPENDIX 3. TO APPENDIX A.

**ASSURENCE
AGREEMENT
FOR**

(Legal Description)

THIS IS AN AGREEMENT made as of _____(DATE), between the City of Sioux Falls, 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 Sioux Falls 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
STREETS		
Grading and Graveling	_____	_____
Curb and Gutter	_____	_____
Paving	_____	_____
Other	_____	_____
UTILITIES		
Street Lighting	_____	_____
Water System	_____	_____
Sanitary Sewer System	_____	_____
DRAINAGE		
Storm Sewer	_____	_____
Drainageways	_____	_____
OTHER		
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 Director of Public Works and the Director of Planning and Building Services 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
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ATTEST:	_____ City Clerk		
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: _____

(Ord. No. 60-02, § 4, 8-12-02)