

City of Sioux Falls Subdivision Ordinance Changes Summary

15A.01 General Provisions

15A.01.010 Title

Changed 1998 to 2008

15A.01.020 Purpose

Added information to be consistent with State Law and changed extra-territorial to joint jurisdictional

15A.01.030 Authority

Changed extra-territorial jurisdiction to joint jurisdictional

15A.01.040 Jurisdiction

Changed extra-territorial jurisdiction to joint jurisdictional

Deleted C and D because these situations will not always apply and will be more specifically spelled out in the ordinance at other points.

15A.01.050 Conformity with other plans

Deleted section because situations will differ based upon the type of subdivision plan and blanket statements to what is required is not appropriate.

15A.01.070 Amendments

Added "South Dakota Codified Law 11-6" to be more specific.

15A.01.080 Definitions

2. Arterial – changed "principal" to "main" and capitalized "Major Street Plan"

2A. Assurance Agreement – added definition

4. Block – added definition

8. Common Areas – added definition

10. Concept Plan – added definition

11. Condominium – added definition

15 Developer – Changed definition to added more criteria that it may be the owner or an authorized agent.

17. Easement – added to definition

20. Development Engineering Plan – changed from Final Plan

22. Homeowners Association – added definition

17A. Lateral Drainageway – deleted definition

25. Lot of Record – added definition

30. Minor Plat – added definition

Definitions changed (continued)

- 31. Monument – deleted definition and instead added various state law reference in plat submittal requirements section
- 33. Owner – added definition
- 34. Parcel – added definition
- 35. Plat – added to definition to include electronic options
- 36. Preliminary subdivision plan – changed definition to reflect new process
- 37. Private street/road – changed to reflect public use and easement and owner’s certificate language
- 38. Replats – added definition
- 40. Setback – changed to reflect zoning ordinance definition
- 41. Street naming committee – delete definition
- 43. Subdivision – changed definition to clarify and not so specific that it does not cover all situations.

Chapter 15A.02 Subdivision Plan Approval Process

15A.02.010 Applicability

Added section to indicate general criteria for a subdivision

15A.02.020 Overview of Approval Process

Changed section to indicate only general new process and deleted specifics (specifics included in each section later)

15A.02.030 Filing Fee

Changed to reflect filing fee deposited at planning or engineering. Changed applicant to developers to reflect changes to definition which include owners or authorized agent.

15A.02.040 Subdivision plan and plat exemptions

Section added to describe in general the exemption situations

Chapter 15A.03 Concept Plan

15A.03.010 Information Required

The Preliminary Plan section was deleted here only because concept plan section added in place. The Preliminary Plan section then becomes next section.

Included in concept plan section information on the

- intent of concept plan,
- concept plan submitted to Planning Office (routed to Engineering),
- standards for waiver - less than 5 acres residential and less than 10 acres commercial with approved access permit.
- What to include – general layout of streets, vicinity map, developer address, proposed land use map amendments.
- Comments from staff will include land use amendments, zoning transitions, ROW width, type of streets required, pedestrian circulation, lot and block layout, access to streets, water/sewer locations, assessments costs per acre. Comments within 15 days.

- A plan with all elements of preliminary subdivision plan may be submitted as a concept plan.
- Staff shall track consistency of comments between concept plan and preliminary subdivision plan.

Chapter 15A.04 Preliminary Subdivision Plan

The Final Plan section was deleted here and will become Development Engineering Plans which is in the next section

Intent was added to section

15A.04.010 Submittal and Process

Submittal Process generally will occur as follows

- May submit 5 working days before Planning Commission deadline for Planning Staff to review if all **elements** are included
- If all elements are not included applicant shall be notified in writing that the preliminary plan shall not be scheduled for public hearing until all **elements** are included.
- When the Planning Office determines that all **elements** are included, the Preliminary Plan shall be scheduled on the next available public hearing.
- The Planning Director shall review the Preliminary Plan for **compliance** criteria.
- If the Planning Director determines that the Preliminary Plan does not meet all compliance criteria, then a one-month deferral may occur. Upon resubmittal, the Planning Director may schedule for a public hearing
- If the Planning Office determines the application is in compliance with criteria, but there are specific design, improvement, deficiencies, the Planning Director may list **conditions** to the Planning Commission.
- City Council shall hold a public hearing after recommendation of the Planning Commission and may **approve, disapprove, or approve with conditions** based upon the criteria
- Approval of the plan shall indicate council's approval of the general location of the lots, blocks, and streets including the interrelationship to proposed zoning districts or land uses.

15.04.020 Preliminary Subdivision Plan Submittal Requirements

Added Table 1 to identify elements and approval criteria. Elements are required for complete submittal and approval criteria are used to review if the Preliminary Plan is in compliance with EDS. The Preliminary Subdivision Plan shall expire within 3-years unless an extension is approved by the planning director.

15A.04.040 Revisions to preliminary subdivision plan

Amendments may be requested by developer. The city engineer and planning director may request an updated plan when external impacts are found to occur with the amendments. The amendment shall follow same procedures as original plan. Minor amendments are no longer required.

Chapter 15A.05 Development Engineering Plans

Added intent section

15A.05.010 Development engineering plans

City Engineering reviews and approves plans. Development engineering plans shall encompass all land included as a phase in a preliminary plan. Development engineering plans shall be in compliance with all conditions of approval of preliminary plan. Development engineering plans shall be in compliance with all respective chapters of Engineering Design Standards. Final Utility Plans shall be approved or disapproved within 15 working days of submittal.

A final lot and block layout shall be approved by the city engineer and planning director as required by Table 2. Once all plans are approved, the developer may submit plats. Table 2 includes all elements and criteria necessary for approval.

Amendments to the Development Engineering Plan lot and block layout may be requested when a plat is not consistent with the final lot and block layout. All amendments shall be done administratively.

15A.05.020 The Plat

Intent section added

15A.05.030 Plat Submission

Now Plat are submitted to City Engineering

One signed mylar plat, two copies, with an electronic .pdf and .dwg files (in joint jurisdictional areas any county submittals shall be submitted according to each county standard)

Changes to Plat Submittals

- All lot and block lines, types of easements and ROW (drainage, pedestrian) and should be consistent with development engineering plan.
- Acknowledgement of owners of dedication of common areas
- Added drainage areas and pedestrian paths to L. for irrevocable offers of dedication
- Approved assurance agreements
- Existing building outlines to verify setbacks and lot area requirements and ensure current and proposed easements are clear of obstructions.

15A.05.040 Plat approval

Shall be in conformance with final lot and block layout rather than preliminary plan.

Chapter 15A.06 Subdivision Process Exemptions

15A.06.010 Subdivision Plan Exemptions – Minor Plat

Proposed ordinance to allow now for minor plat where up to 3 lots are being platted. Includes more criteria for minor plats and replats.

- Minor plats essentially only are allowed where no new infrastructure or ROW is needed. Transfer of ownership plats would be categorized under minor plats. Changed section (e.) to say “grading plan” rather than “drainage plan”
- Replats are a type of minor plat, but only in cases where a reconfiguration of an existing recorded plat is required and therefore a vacation of plat is required.

15A.06.020 Plat Exemptions

Added a purpose statement and added following options for plat exemptions:

- Cemetery grave site plats are not required to meet any of city platting requirements, but still meet state plat requirements.
- Government-owned plats are exempted from city platting requirements.
- Boundary line adjustments is to provide procedures and criteria for review and approval of minor adjustments to boundary lines of legal lots to rectify defects and to allow minor enlargements or reductions of lots. When application for building permit is made and the description does not meet the platted lot lines a boundary line adjustment survey is an option (with title report) or a replat is an option.
- Add-on Agreement for zoning parcels -Purpose is to allow existing contiguous legal lots to be combined for building code and zoning regulations. Add-on agreement should be filed with register of deeds as a miscellaneous document and with County Treasurer for combining into a tax parcel before it is recognized by the city planning and building services office.

Chapter 15A.07 Preliminary Plan Criteria

This is a new chapter that organizes all standards and criteria for a preliminary plan under one chapter. In the current ordinance, there is not distinction for at what point and when standards need to be obtained (preliminary plan or final plan or plat). This new chapter is more specific and in many cases just moves current standards under Preliminary Plan criteria if it will be a required standard for approval. There are a few new standards and all of those standards are underlined.

15A.07.010 Intent

Section added

15A.07.040 Street System

- Added section that requires streets and alleys shall not be arranged to cause hardship to adjacent owners.
- Added section on a circulation plan requiring subdivisions to tie into existing roadways and pedestrian pathways. This would also include streets designed to convey residents conveniently throughout neighborhoods. Roadways should then be designed to provide connections between various uses including commercial, office and residential uses.
- Changed #1 (Double frontage lots) to delete escrow requirement and instead require a signed assurance agreement.

E. Added a section on collector street development that should run 3 miles in length, allow land use and lot sizes to be increased; be developed along or between property lines; and in agricultural areas and transition areas should be identified through engineering design standards.

Chapter 15A.08 Development Engineering Plan Criteria

Section is new to help distinguish when certain criteria is needed to be reached for the approval of Development Engineering Plans

Added that 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

1. Lot and block layout – approved by city planning and engineering
2. Drainage, water, sanitary sewer development engineering plans – approved by city engineering

15A.08.010 General Requirements

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

15A.08.030 Lots

Added section that details that each lot shall abut right-of-way, mutual access, common areas, or private street. Private streets shall be indicated on Development Engineering Plan as a private street and easement shall be included as any required lot area or setback.

15A.08.040 Street System

- A. Street design standards. – requires all streets to be consistent with engineering design standards
- B. Traffic calming – added section to allow for certain accepted traffic calming devices as required by the city engineer and engineering design standards
- C. Arterial Street System Development - Updated reference from ordinance reference to engineering design standards that is outdated and now incorrect
- 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.

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15A.08.090 – Easements

This easement language has been patterned after Lincoln Nebraska's subdivision ordinance and is designed to be more flexible and more inclusive of situations needed for easements and references as required by engineering design standards.

Chapter 15A.09 Water Facilities

Changed chapter and section numbers only

Chapter 15A.10 Sanitary Sewers

Changed chapter and section numbers only

Chapter 15A.11 Grading and Drainage

Changed chapter and section numbers

Deleted section on Drainageway design criteria – included in Engineering Design Standards now

Chapter 15A.12 Erosion

Changed chapter and section numbers

Chapter 15A.13 Preservation of Natural Features and Amenities

Changed chapter and section numbers

15A.13.020 – changed environment to natural to reflect with title of chapter

Chapter 15A.14 Rural Subdivisions

Minor changes – replaced extraterritorial with joint jurisdiction and specified Sioux

Fall engineering design standards

Chapter 15A.15 Assurances

Changed chapter numbering only

Chapter 15A.15 (previous) Enforcement

Deleted chapter and moved contents to the front of the ordinance

Appendix 1 – Preliminary Plan certificates

Added Planning Director certificate for approval of Preliminary Plan

Appendix 2 – Certificates for Plats and Replats

Added certificate for condominiums