

Notice of Hearing: \_\_\_\_\_  
Date of Hearing: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2008 SUBDIVISION REGULATIONS OF THE CITY OF SIOUX FALLS BY AMENDING CHAPTER 157: SUBDIVISIONS.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

*Section 1. That Section 157.001 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.001 TITLE.**

These regulations may be referred to as the “~~2008~~2018 Revised Subdivision Ordinance for the City of Sioux Falls” and the area of joint jurisdiction.

*Section 2. That Section 157.003 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.003 AUTHORITY.**

In accordance with SDCL [ch. 11-3 and ch. 11-6](#) and any other authority provided by law or as those 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(s) of joint jurisdiction. [As allowed by SDCL §11-3-6, the city council designates the director of planning and development services or designee and the city engineer or designee as the administrative officials of the municipality to approve plats in lieu of approval by the governing body.](#)

*Section 3. That Section 157.004 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.004 JURISDICTION.**

- (a) These regulations shall apply to all subdivisions of land, as defined herein, located within the city and its area(s) of joint jurisdiction as referenced by the map in the [Minnehaha and Lincoln County joint jurisdictional zoning ordinances](#) ~~joint jurisdictional zoning and subdivision ordinance~~.
- (b) It shall be unlawful for any person having control of any land within the city and its area of jurisdiction to subdivide or lay out the land in lots, unless in accordance with the laws of the state and the regulations contained herein. Any parcel of land of 40 acres or less which is located within the joint jurisdiction boundary shall be platted prior to the sale or transfer of the

land unless the requirement is waived by the city director of planning and ~~building~~ development services.

*Section 4. That Section 157.007 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to include the following definitions:*

**§ 157.007 ENFORCEMENT AND VIOLATIONS.**

- (a) The city director of planning and ~~building~~ development services and city engineer are hereby authorized and directed to enforce all the provisions of this chapter and establish rules for its administration. For those purposes, the director shall have the powers of a law enforcement officer.
- (b) No owner, or developer, of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved in accordance with the provisions of the regulations and filed with the county register of deeds unless provisions of plat exemptions apply as within §§ 157.080 and 157.081.
- (c) Whenever any work is being done contrary to the provisions of this chapter, the city director of planning and ~~building~~ development services may order the work stopped by notice in writing served on any persons engaged in the doing or causing the work to be done; and any persons shall forthwith stop the work until authorized by the city director of planning and ~~building~~ development services to proceed with the work.
- (d) The city director of planning and ~~building~~ development services and city engineer shall together have the authority to make interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions.
- (e) No permit shall be issued for the demolition or construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of this chapter.

*Section 5. That Section 157.008 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to include the following definitions:*

**§ 157.008 DEFINITIONS.**

**LOT, FLAG.** A flag lot has two distinct parts: the flag and the pole. The flag contains the buildable area and is located behind another lot; and the pole, which connects the flag to the street, and provides the only street frontage for the lot.

~~**LOT OF RECORD.** A plat that has been recorded in the office of the register of deeds prior to the effective date of this chapter.~~

**LOT OF RECORD.** A parcel established by the county or a lot that is platted as part of a subdivision that has been recorded in the office of the county register of deeds, or a parcel of land, the deed to which was recorded in the office of the register of deeds prior to the effective date of the subdivision ordinance. Any lot or parcel of land created through a violation of any applicable laws or ordinances of the state, county, or the city shall not, in this instance, be considered a **LOT OF RECORD**.

**MINOR PLAT.** Any plat containing not more than three lots fronting on an existing street that meets all standards of §§ [157.067](#), [157.068](#), and [157.080](#).

**PRIVATE STREET/ROAD.** A ~~roadway~~ [street](#) that has not been ~~dedicated for public use~~ [accepted by the city or other governmental entity](#), but rather reserved by platting ~~of a lot or by a~~ private easement. [Private streets shall be named based upon the standards of § 157.113 \(j\) Street naming criteria.](#) ~~The PRIVATE STREET OR ROAD shall be owned and maintained by the property owners which it serves. The plat shall have the owner's certificate regarding the lot's private maintenance of facilities.~~

**RIGHT-OF-WAY.** A strip of land, [defined as an easement](#), occupied by a [public or private](#) 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 the RIGHT-OF-WAY and not included within the dimensions or area of the lots or parcels.~~

**TRANSFER OF OWNERSHIP PLAT.** [A plat only for the purpose to subdivide into one additional lot a larger piece of land to transfer from one owner to another that must follow the requirements within § 157.080.](#)

*Section 6. That subsection (a) of Section 157.021 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

#### **§ 157.021 OVERVIEW OF APPROVAL PROCESS.**

- (a) *Generally.* Proposed subdivision development plans must be approved by the city in accordance with the following procedures which include four principal steps:
- (1) Concept plan [is not required, but advisory](#); ~~(with annexation they can submit a concept plan or preliminary subdivision plan~~ [submit for comments to prepare for next steps](#));
  - (2) Preliminary plan (in coordination with rezoning);
  - (3) Development's engineering plans (in preparation for engineering construction plans); and
  - (4) Plat (before a building permit is approved [or issued](#)).

*Section 7. That Section 157.022 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

#### **§ 157.022 FILING FEES.**

A ~~filing~~ fee shall be deposited with the city for all preliminary subdivision plans, development engineering plans, and plats. ~~Reasonable~~ [The fees for these applications sufficient are](#) to cover the costs of administration, publication of notice, and similar matters shall be charged to developers ~~for these applications~~. The amount of fees charged [are listed below](#) ~~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~~ [complete](#) application.

[Preliminary Subdivision Plan—\\$350.](#)

Development Engineering Plan—\$300 plus \$10 for each lot in the plan.

Plats—A charge of \$80 shall be made for the first two lots on final plats and \$110 for the first two lots on replats; plus a fee of \$10 for each additional lot within a plat and \$10 for each additional lot within a replat.

Construction Plan—\$100.

*Section 8. That Section 157.035 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.035 INFORMATION REQUIRED.**

- (a) A concept plan is not required to be submitted, but instead is a process designed to help a developer save time and expense in preparing a preliminary plan and a plat. A concept plan does not have a requirement for engineering information; however, the more engineering design work that is done, the developer will be more likely to avoid rezonings ~~or major amendments~~ because of lot and block reconfigurations due to drainage and other utility requirements. The advantage of a concept plan is that city staff will provide important information upfront that may significantly affect ~~your~~ the lot and block layout and utility plans. It is recommended that at least some preliminary drainage engineering be completed during the concept plan stage. All concept plans for review shall be submitted to the planning office.
- (b) ~~Prior to the submission of the preliminary subdivision plan and, if needed, rezoning to the planning commission, the~~ The developer ~~shall~~ may submit a concept plan to the ~~planning office~~ online plan review of the city of Sioux Falls website prior to the submission of the preliminary subdivision plan. ~~The concept plan~~ which online review will ~~also be routed to include comments from all applicable city engineering departments.~~ City staff comments on the concept plan shall be sent to the developer within 15 working days unless city staff notifies the developer that more time is required in which case an additional 15 days will be allowed. ~~The requirement for a concept plan may be waived by the city director of planning and building services and city engineer if access permits have been approved and it is a residential subdivision with less than ten acres or a nonresidential subdivision with less than five acres. A developer may choose to submit a concept plan for comments that has all elements of a preliminary subdivision plan.~~
- (c) The concept plan will include the following:
  - (1) The general layout of streets and access points to adjacent street systems; location of major drainageways, approximate flow paths, and detention ponds; water line locations; nearest existing sanitary sewer line locations; wetland, natural features and amenities and preservation of public land, proposed zoning districts; pedestrian connectivity; and agreement with the city's comprehensive plan goals and policies;
  - (2) Vicinity map to scale, showing locations of the concept plan and other property for at least 660' ~~feet~~ in every direction;
  - (3) The owner, consultant, ~~and or~~ developer addresses and telephone numbers; and

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

*Section 9. That Section 157.051 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.051 SUBMITTAL AND PROCESS.**

- (a) ~~Based on the comments from the concept plan,~~ The developer shall submit an electronic copy of the preliminary subdivision plan to the ~~planning office~~ online plan review at the city of Sioux Falls' website. The ~~application applicant may shall be submitted five working all elements as required by § 157.052 days~~ before the planning commission submittal deadline. in order to stay on a standard public hearing schedule.
- ~~(1) Within five working days of receipt of a subdivision application and fee,~~ The planning office will review the application to determine whether it contains all elements required by § 157.052.
- ~~(2) If the~~ The planning office shall determines ~~if that~~ the application and preliminary subdivision plan ~~does not~~ contains all elements as required by § 157.052.;
- A. If it is determined that not all elements are completed, then the applicant shall be notified in writing of the specific deficiencies; and that the application shall not be ~~scheduled for a public hearing~~ distributed for review until all elements of the application are submitted. The applicant has until the submittal deadline to submit all elements.
- ~~(3) B. If~~ When the planning office determines that the application does contain all elements as required by § 157.052, ~~the application shall be scheduled for a planning commission public hearing by the planning office on a day when the planning commission is regularly scheduled to meet as determined by the rules, policies and regulations as adopted or which may hereafter be adopted by the planning commission for holding public hearings on those requests~~ the application will be distributed to applicable departments for review.
- ~~(4) The city planning and building services director~~ Applicable city departments will review within ten working days of submittal to determine compliance with all approval criteria of § 157.052.
- ~~(5A.)~~ If the planning and building development services director determines that the preliminary subdivision plans do not meet the criteria, ~~a one month deferral of the plan may~~ not be placed on the planning commission agenda ~~occur~~ and the planning

office shall identify specific required information in its written notification to the applicant at the end of the ten- working day review period. ~~After the one-month deferral and a resubmitted preliminary subdivision plan,~~ The planning and building development services director may schedule the preliminary plan for a planning commission public hearing only after all criteria has been met.

~~(6B.)~~ If the planning office determines that the preliminary subdivision application is in sufficient compliance with § 157.052, but there are specific design, improvement, or other compliance deficiencies, the planning and building-development services director and city engineer may list conditions to the approval of the subdivision application to the planning commission.

(b) The preliminary subdivision plan application shall be scheduled for a planning commission public hearing by the planning office on a day when the planning commission is regularly scheduled to meet as determined by the rules, policies, and regulations as adopted or which may hereafter be adopted by the planning commission for holding public hearings on those requests. The planning commission shall then make a recommendation to city council on the preliminary plan application or shall defer the application for more information.

~~(c)~~ The city council, in taking action on a preliminary plan, shall consider the recommendations of the planning commission and shall hold a public hearing. The city council ~~It~~ shall then approve, disapprove, or approve with conditions by means of a resolution based upon the criteria within § 157.052. Approval of the preliminary 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; all which shall be so noted on the preliminary subdivision plan's certificate of approval. The approved plan shall be ~~kept on file in the office of the city engineer and~~ available by contacting the city ~~director of office of~~ planning and building development services. Any conditions included by the city council shall be resolved on a revised preliminary plan which would be submitted to the planning office for administrative approval before any development engineering plans and plats are submitted.

*Section 10. That Section 157.052 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.052 PRELIMINARY SUBDIVISION PLAN ELEMENTS SUBMITTAL-AND APPROVAL ~~REQUIREMENTS~~ CRITERIA.**

Preliminary subdivision plans must have all elements within Table 1 included in the application before a staff review is completed. The planning commission in its recommendation and the city council in its approval shall take into consideration all elements and approval criteria in Table 1.

**Table 1 Element and Approval Criteria for Preliminary Plans**

Elements	Approval Criteria
<u>The owner, developer, and engineer's names, addresses, and telephone numbers</u>	<u>Use as contact for the project for comments and notifications.</u>

Elements	Approval Criteria
Submitted by licensed engineer	The earmark that distinguishes a licensed/registered professional engineer is the authority to sign and seal or “stamp” engineering documents for a design or analysis, thus taking legal responsibility for it.
<del>Concept plan comments</del>	<del>Consistency with concept plan comments</del>
Proposed name of subdivision	The name shall not duplicate, be the same in spelling, or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjoining to an existing subdivision.
The names of all adjoining subdivisions with adjoining unplatted property shall be labeled as such	Showing connectivity with lot and block lines, easements, and rights-of-way.
Lot and block layout	<del>Consistent</del> <u>Comply</u> with §§ <a href="#">157.095</a> through <a href="#">157.098</a> .
Vicinity map to scale showing location of preliminary subdivision plan	Includes other property between 660–1,320' <del>feet</del> in every direction.
<del>The owner, developer, and engineer's names, addresses, and telephone numbers</del>	<del>Use as contact for the project for comments and notifications</del>
Proposed zoning districts	Sufficient to allow for staff review of residential densities and nonresidential structure size.
Area, legal description, and notations stating acreage, scale, and north arrow	Determine if plan boundaries meet stated ownership; adjacent property notification, if required; measurement and review of plans.
<del>The location and size of all public facilities, schools, libraries, fire stations, parks, tree masses and other significant natural features</del> <u>The location of existing blocks, lots, building lines, water courses, drainageways, bridges, culverts, wells, cell towers, septic systems, on-site wastewater systems, present structures, any fixtures, and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property, immediately adjacent on all sides.</u>	<u>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 and <del>Consistent</del> <u>comply</u> with the parks/open space needs identified within the growth management plan and §§ <a href="#">157.190</a> and <a href="#">157.191</a>.</u>
Existing contours referenced to city datum with intervals sufficient to determine the	Utility coordination and <del>consistency</del> <u>comply</u> with water, sewer, grading/drainage plans.

Elements	Approval Criteria
character and topography of the land to be subdivided	
<a href="#">Boundary lines of floodways and 100-year flood zones delineated on the Flood Insurance Rate Maps (FIRM)</a>	<a href="#">To ensure buildable lots.</a>
Phasing and timelines	Per annexation resolution and for purposes of identifying final utility plan parcels (based on watershed boundaries); construction planning for private and public entities.
Proposed city reimbursements	Coordination with CIP and city disbursements.
Other data consistent with or required within the developers/pre-annexation agreement	Only data as required within an annexation, preannexation.
<del>Certificates of approval for endorsement by the city planning commission, city engineer, city clerk, and the city council</del>	<del>Signed and executed</del>

Elements	Approval Criteria
Preliminary drainage plan	<del>Consistent</del> <a href="#">Comply</a> with EDS <del>Ch. 13.2.2-5 and EDS Ch. 11</del>
Preliminary sanitary sewer plan	<del>Consistent</del> <a href="#">Comply</a> with EDS <del>Ch. 13.2.2-3</del>
Preliminary street lighting plan	<del>Consistent</del> <a href="#">Comply</a> with EDS <del>Ch. 13.2.2-6</del>
Preliminary street plan	<del>Consistent</del> <a href="#">Comply</a> with EDS <del>Ch. 13.2.2-2</del>
Preliminary water plan	<del>Consistent</del> <a href="#">Comply</a> with EDS <del>Ch. 13.2.2-4</del>

Section 10. That Section 157.053 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.053 EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.**

- (a) Any preliminary subdivision plan which has not received development engineering plan approval for all or a portion of the preliminary subdivision plan area within a period of three years would require resubmittal of a new plan for approval subject to any new subdivision regulations unless a waiver from the city director of planning and ~~building~~ [development](#) services is approved.
- (b) Upon written request to the city director of planning and ~~building~~ [development](#) services and prior to the preliminary plan expiration date, a one-year time extension for the preliminary plan may be granted by the city’s director of planning and ~~building~~ [development](#) services, subject to the following condition that the land uses for land within the preliminary



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

*Section 11. That subsection (a)(2) of Section 157.054 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.054 REVISIONS TO PRELIMINARY SUBDIVISION PLAN.**

- (a) (1) Amendments to an approved preliminary subdivision plan may be requested by the developer.
- (2) The city engineer and city director of planning and ~~building~~ development services may request an updated preliminary subdivision plan for review and approval when changes to the plan are proposed.

*Section 12. That Section 157.065 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.065 THE DEVELOPMENT ENGINEERING PLANS.**

- (a) The development engineering plan is a process designed to assist the developer and the city with the efficient and timely development of utilities and final lot and block layout to and throughout a development. Plans will be evaluated for compliance with the ~~e~~Engineering ~~d~~Design ~~s~~Standards and the capital improvement program. The development engineering plan approval will be based upon the engineering feasibility of the development including the determination of more precise locations of all lots, blocks, and streets.
- (b) Following the approval of the preliminary subdivision plan, if the developer wishes to proceed, an electronic copy of the development engineering plans shall be submitted to the online plan review at the city of Sioux Falls website ~~city engineering office~~ for review and acceptance by the city engineering office. The development engineering plans shall encompass all land included in a phase as shown on the preliminary subdivision plan, be in compliance with conditions and approval ~~requirements~~ criteria of the preliminary subdivision plan, and existing and proposed easements shown and dimensioned from property lines and utilities.
- (c) The development engineering plans shall comply with the respective chapters within the adopted ~~e~~Engineering ~~d~~Design ~~s~~Standards and with criteria within this ordinance. ~~The final grading and drainage plan, the~~ All final development utility plans ~~and the groundwater control plan~~ shall be approved or disapproved within 15 working days after submittal to the city engineer. In addition, a final development lot and block layout shall be approved by the city engineer ~~and city director of planning and building services~~. All development engineering plans are required to have all elements and approval criteria as required by listed in Table 2. If these plans are approved, the developer may then submit the plat(s) and subdivision construction agreement(s) for approval.

<b>Table 2 Development Engineering Plan <del>Lot and Block Layout</del> <u>Element and Approval Criteria</u></b>	
<b>Elements</b>	<b>Criteria</b>
Lots and blocks including a systematic lot and block numbering pattern, lot lines, and zoning districts	Ability to reference areas and review plans; consistent with §§ <u>157.095</u> through <u>157.098</u> and §§ <del>157.110</del> <u>157.112</u> through <u>157.117</u>
Location and widths of all existing and proposed easements	Utility coordination; <del>consistent with §§ 157.095 through 157.098 and §§ 157.110 through 157.117</del> consistent with <u>157.117</u> and <u>EDS</u>
Location of all street right-of-way including width and street names	Consistency with major street plan and §§ <u>157.095</u> through <u>157.098</u> and §§ <del>157.110</del> <u>157.112</u> through <u>157.117</u>
<u>The location of existing blocks, lots, building lines, water courses, drainageways, bridges, culverts, wells, septic systems or other on-site wastewater systems, cell towers, septic systems or other present structures, and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property, immediately adjacent on all sides.</u> <del>The location and size of all public facilities, schools, libraries, fire stations, parks, tree masses and other significant natural features</del>	<u>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 and c</u> Consistent with the needs identified within Chapter VII and IX of the growth management plan and §§ <u>157.190</u> and <u>157.191</u>
Boundary lines of floodways and 100-year flood zones delineated on the Flood Insurance Rate Maps (FIRM)	To ensure buildable lots
<u>Drainage Development Utility Plans</u>	<u>157.160 et al and EDS 13.2.3</u>
<u>Grading Development Utility Plans</u>	<u>EDS Chapter 7</u>
<u>Water Development Utility Plans</u>	<u>157.130 et al and EDS 13.2.3</u>
<u>Sanitary Sewer Development Utility Plans</u>	<u>157.145 et al and EDS 13.2.3</u>
<u>Erosion and Sediment Control Development Utility Plans</u>	<u>157.175 et al and EDS 13.2.3</u>

(d) Amendments to development engineering plan lot and block layout.

- (1) The city engineer and city director of planning and ~~building-development~~ services may request an updated development engineering plan for review and approval when changes to the plan are proposed or when a proposed plat is not consistent with the development

engineering plan. The proposed amendment may include the submission of an updated preliminary subdivision plan to the planning office.

- (2) Amendments shall be done administratively with signed approval by the city director of planning and building development services and city engineer and coincide with the development engineering plans.

*Section 13. That Chapter 157 of the Code of Ordinances of Sioux Falls, SD, is hereby amended by adding a new subchapter title following Section 157.065, which subchapter will encompass Sections 157.066, 157.067, and 157.068 to read:*

### THE PLAT

*Section 14. That subsections (c)(14) and (c)(16) of Section 157.067 of the Code of Ordinances of Sioux Falls, SD, are hereby amended to read:*

#### **§ 157.067 PLAT SUBMISSION.**

- (c) The plat shall show the following information:
  - (14) Certificates of approval for endorsement by the city engineer, city director of planning and building development services, ~~mayor, and~~ city clerk finance officer and the planning commission;
  - (16) On separate exhibit, to be retained by the city, a drawing or survey of the ~~Existing~~ building structure outlines [as shown on the original real property surveyed, as indicated in the Surveyor's Certificate] to verify setbacks and lot area requirements and ensure that current and proposed easements are clear of obstructions; and

*Section 15. That Section 157.068 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

#### **§ 157.068 PLAT APPROVAL.**

- (a) Once the developer submits an electronic copy of the plat to the online plan review at the city of Sioux Falls website and pays all applicable plat fees, the engineering office shall determine if the plat contains all elements as required by § 157.067. Comments shall be provided by the engineering office to the developer. Once all comments are incorporated into the plat, the developer shall submit assurances for the plat. The plat shall provide the information indicated in § 157.067 and shall require the review and approval of the city engineer and the planning director. The plat and subdivision construction agreement shall be in conformance with ~~an approved final lot and block layout of~~ the development engineering plan. Either all or a portion of ~~the final lot and block layout of~~ the development engineering plan may be platted.
- (b) The plat shall be considered for approval only after the ~~city engineer mayor~~ has approved ~~assurances subdivision construction agreement~~ as required by § 157.225 from the developer ~~fixing accepting~~ responsibility for the required improvements, or any revision thereof and all platting fees, assessments, and cost recoveries have been paid. Once the ~~assurance subdivision construction agreement~~ has been ~~approved~~ signed by the mayor and all platting fees,

assessments, and cost recoveries have been paid, the plat shall be approved or disapproved within 15 days ~~after submission. A plat shall be considered submitted when it has been filed with the engineering division.~~

- (c) Within the joint jurisdiction area, the Minnehaha County and Lincoln County board of county commissioners have designated the county planning director to review and approve plats in lieu of the review and approval by the county planning commission as allowed by SDCL 11-6-26.1. The county planning director shall review and approve the plat within 45 days of the plat submitted to the county. The plat may not be filed or recorded until the plats have been signed by the county planning director. If the county planning director denies any such plat, a two-thirds vote of the entire membership of the city council is required to override the county planning director and approve the plat.
- (d) If it appears that the system of streets set forth therein conforms to the system of streets of the existing plats of the municipality, that all provisions of any subdivision regulations have been complied with, that all taxes, platting fees, cost recoveries, and special assessments upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have been executed according to law, the city engineer and director of planning and development services shall approve the plat (SDCL 11-3-6). ~~If no action is taken within 30 days of submittal, the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the city clerk on demand. The developer for the approval may waive this requirement and consent to the extension of that 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~~ finance officer. Developers' failure to adhere to the approved plat and subdivision construction agreement when developing property constitutes a violation of city ordinance.
- (e) If the city engineer or director of planning and development services denies the plat, the person requesting the plat may appeal to the city council by scheduling a hearing with the city council within 15 days of receiving a written denial notice.

*Section 16. That Section 157.080 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.080 SUBDIVISION PLAN EXEMPTIONS; MINOR PLAT, TRANSFER OF OWNERSHIP PLAT AND REPLAT.**

- (a) *Purpose.* The purpose of this section is to provide for the timely review of minor plats, transfer of ownership plat, and replats ~~(including plats for transfer of ownership)~~ that do not discernibly impact surrounding properties, environmental resources or public facilities. No concept plan, preliminary plan, or development engineering plans are required. Minor plats, transfer of ownership plats, and replats are administratively approved by the city engineer and city director of planning and ~~building~~ development services and must comply with all requirements of a plat in § 157.067. Any request for new or additional public infrastructure or facility services after the land has platted may be required to comply with §§ 157.065 through 157.068 at the request of the city engineer.

(b) *Minor plats requirements.*

(1) *Not more than three lots.* A minor plat is a plat containing not more than three lots fronting on an existing street and meet all of the following requirements:

A. Does not require the dedication of right-of-way or construction of new streets, except that arterial roadways identified on the major street plan will be required to dedicate the necessary right-of-way;

~~B. Does not require the creation of public utility easements;~~

~~B.~~ Does not create any public improvements other than sidewalks;

~~D.~~ Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;

~~E.~~ Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;

~~E.~~ Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;

~~F.~~ Does not adversely affect the remainder of the parcel or adjoining property; and

~~H.~~ Does not conflict with any provision or portion of the growth management plan, official map, zoning ordinance, or these [subdivision](#) regulations.

[H. Platting fees may need to be paid on a replat when required by any applicable city platting fee ordinance.](#)

(2) [Transfer of Ownership Plat. A transfer of ownership plat is only for the purpose to subdivide one larger piece of land to transfer from one owner to another. The transfer is not at a point in which it is ready for building permit and the entire development process \(zoning, preliminary plan, development engineering plans\) is still required before a building permit will be allowed. The transfer of ownership plat shall meet all the requirements of a minor plat and the following:](#)

[A. Does not require the creation of public easements.](#)

[B. The property being platted must be at least 20 acres in size unless the city engineer determines that a somewhat smaller plat meets the intent of a transfer of ownership.](#)

[C. An updated plat is required before any building permits are allowed.](#)

[D. Platting fees are deferred until an updated plat is approved.](#)

(23) *Replat.* A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing

recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. [Platting fees may need to be paid on a replat when required by any applicable city platting fee ordinance.](#) Also, a replat shall certify that the platting vacates the existing plat.

*Section 17. That Section 157.081 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

### **§ 157.081 PLAT EXEMPTIONS.**

The purpose of this section is to exempt the city platting rules and regulations from the following situations. However, the exemption of city platting rules and regulations does not exempt the platting requirements of the register of deeds, title company, and state law.

(a) *Cemetery gravesite plats.*

- (1) Cemetery gravesite plats or plots do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed and subdivided into sections, blocks, lots, individual grave spaces, avenues, walks, and streets, thereby platting or making a map which shall be filed and maintained as a permanent cemetery record.
- (2) However, all platting requirements of the county register of deeds and state law are still applicable.

(b) *Government-owned parcels.* In order to facilitate the transfer of ownership from one owner to a government entity for the use of a public land or facility (e.g., school, park, drainageway, H lots), ~~plats~~ [city platting rules](#) may be exempted by the city engineer and city director of planning and [building development](#) services.

~~(c) *Boundary line adjustments.*~~

- ~~(1) The purpose is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow minor enlargement or reduction of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, and to correct situations where an established use is located across a lot line, or for other similar purposes.~~
- ~~(2) When an 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 boundary line adjustment or replat will be required for those lots. A boundary line adjustment shall include a surveyed site plan including all information required for a plat in § 157.067. The survey shall be submitted to the building services office with a title report of the entire parcel. An add-on agreement may also be required to officially join parcels to comply with zoning requirements. If the legal description given does not meet the requirements listed below for a boundary line adjustment, other applicable subdivision ordinance provisions shall be followed.~~

~~(3) A boundary line adjustment application:~~

- ~~A. Shall not result in the creation of an additional lot, parcel or building site;~~
- ~~B. Shall not result in a lot that does not qualify as a building site pursuant to this chapter;~~
- ~~C. Shall not relocate an entire lot from one lot of record to another lot of record;~~
- ~~D. Shall not reduce the overall area in a plat or parcel devoted to open space;~~
- ~~E. Shall not be inconsistent with any restrictions or conditions of approval for a recorded plat;~~
- ~~F. Shall not involve lots which do not have a common boundary;~~
- ~~G. Shall not result in the required minimum lot sizes that do not meet the zoning ordinance requirements;~~
- ~~H. Shall not result in the creation of a nonconforming setback for any existing building; and~~
- ~~I. Shall meet all transfer and recording requirements of the county register of deeds.~~

~~(d)~~ *Add-on agreement of existing lots or tracts.*

- (1) The purpose of an add-on agreement is to allow existing contiguous legal lots, tracts, and plats to be ~~combined into~~ recognized as one parcel for building code and zoning regulations when the contiguous legal lots, tracts, parcels, and plats are owned by the same landowner.
- (2) An add-on agreement must not place any existing or planned buildings in violation of zoning regulations or building codes.
- (3) An add-on agreement will be recognized by the city planning and building development services office after it has tax parcels stated therein have been ~~filed with the county register of deeds as a miscellaneous document and~~ combined as a tax parcel with by the county equalization office. The combined parcel known as the new lot of record shall include the recorded legal descriptions.

*Section 18. That subchapter Preliminary Plan Criteria of Chapter 157 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**PRELIMINARY SUBDIVISION PLAN LOT, BLOCK, AND STREET LAYOUT CRITERIA**

Section 19. That Section 157.095 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.095 PRELIMINARY SUBDIVISION PLAN INTENT.**

When applications are submitted for a preliminary subdivision plan, developers shall comply with the following lot, block, and street layout criteria.

Section 20. That Section 157.096 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.096 PRELIMINARY SUBDIVISION PLAN 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; and
  - (3) Limitations and opportunities of topography.
- (b) Blocks shall normally be wide enough to allow two tiers of residential lots of an appropriate depth.
- (c) Block lengths shall not exceed 1,320'. Block lengths on arterial streets may be longer, but in such situations that pedestrian and bicycle connections must be made as required by § 157.099.

Section 21. That Section 157.097 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.097 PRELIMINARY SUBDIVISION PLAN LOTS.**

- (a) Lots should be in conformance with the zoning regulations of Chapter 160 of this Code.
- (b) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
- (c) Each lot shall abut a dedicated right-of-way or shall include an approved private street.

Exception: When there is no building or structure on the lot, a mutual access easement may be provided instead of the requirements of § 157.097 (c) only when the parcel is zoned CN Conservation.

- (d) Depth and width of properties proposed for commercial and industrial uses shall provide off-street parking per Chapter 160 – Shape Places Zoning Ordinance.
- (e) All interior lot lines between two lots are a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.



(f) In undeveloped or vacant areas, streets shall be identified and classified through the transportation planning process. The location of major streets shall conform to the official major street plan.

(g) Flag pole lots.

(1) Maximum lot size of flag pole lot—The pole of the flag pole lot shall be limited to not exceed, in length, twice the width of the lot or twice the length of the lot, whichever dimension is lesser.

(2) Minimum lot width of pole section of lot—The minimum lot width of the pole section of the flag pole lot shall be a minimum of 28' and include a mutual access easement or private drive that provide access to the flag section of the lot and provides frontage to an approved private drive or public street. No parking shall be allowed on the access easement or private drive.

(3) Limit of number of flag pole lots and length of lots—There shall be only one flag lot within each subdivision and only one pole per flag lot. The pole is limited to not exceed in length twice the width of the lot or twice the length of the lot, whichever dimension is lesser.

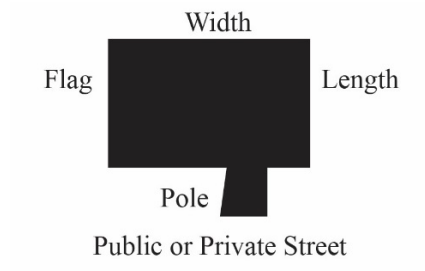
(4) Designation of property lines—The following requirements determine the location of the front, side, and rear property lines of a flag lot:

A. Front yard—The front yard shall be the yard that most nearly parallels the public or private street providing access to the lot, and which abuts the end of the pole, but does not include the pole.

B. Side and rear yards.

1. The side yard shall be any yard that is not a front or rear yard, exclusive of the pole portion of the lot.

2. The rear yard shall be the lot boundary opposite the front yard.



Section 22. That Section 157.098 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 157.098 PRELIMINARY SUBDIVISION PLAN STREET SYSTEM.

(a) *Arrangement and extension.*

- (1) 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.
- (2) The arrangement of all streets and alleys shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

(b) *Circulation plan.* In general, streets within subdivisions shall be designed to incorporate and tie into existing or proposed pedestrian pathways and roadways, and to take into account design restrictions on abutting parcels caused by the surrounding topography, parcel lines, or other features. Other criteria in the street circulation plan shall include the following:

- (1) Provisions should be made for a collector street every quarter mile, and there should be a street connecting adjacent subdivisions at intervals not less than a quarter mile where environmental constraints and land use considerations permit. In cases where the connectivity of collector streets are not feasible because of environmental constraints and land use considerations, provisions shall instead be made for a walkway or bike trail to connect the adjacent subdivisions through the shortest and most reasonable method possible. The developer may need to negotiate with adjacent landowners or government entities to determine if the connection is feasible.
- (2) Streets should be designed to convey residents conveniently throughout the neighborhood, and to the parks, schools, and shopping areas of the neighborhood and to adjacent neighborhoods. When a subdivision is designed or constructed in conjunction with another use (such as retail, office, apartments, park, or school) of a neighborhood scale, the local and/or collector road system should be designed to provide roadway connections between the various uses.

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

- (1) *Double frontage lots.* Double frontage lots shall only be used where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation. Where double frontage lots are used for residential development, additional lot depth or width consistent with the zoning ordinance for rear yard setback shall be required to provide for an extra setback to offset the impact of high traffic volume. All required public improvements within the adjoining local/collector street right-of-way or easement areas, whether proposed or existing, shall be complete and accepted by the city engineer prior to approval of the plat. The city

engineer, ~~at his or her discretion~~, may determine that immediate completion of the public improvements is not feasible, and in lieu of completion of the required public improvements prior to plat approval the developer shall be required to meet one or more of the following:

- A. Financially securitize all uncompleted public improvements, which are the responsibility of the developer seeking plat approval.
  - B. Provide other assurances as approved by the city engineer.
- (2) *Tracts onto arterial streets.* In order to avoid private access from individual lots onto arterial streets, lots should be arranged on blocks so that their side or rear yards are adjacent to the arterial street. Lots adjacent to an arterial street shall have an additional width to provide for an extra setback to offset the impact of high traffic volume. This design will be accepted only for a limited distance due to the number of streets that 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) *Nonresidential land uses.* Nonresidential land uses and higher density residential land uses including multiple-family units and town\_houses are particularly suitable for the intersection of two arterial streets. Any development of this type should have limited access to the arterial street.
  - (6) *Lots adjacent to railroad right-of-way.* Lots for residential development adjacent to functioning railroad rights-of-way shall provide extra lot depth or width consistent with the zoning ordinance for rear yard setback to provide for an extra setback to offset the impact of the railroad traffic.
- (d) *Collector street development.*
- (1) Collectors shall be used to collect traffic from other local roads and collectors to arterial roadways. They should generally run three miles in length.
  - (2) Based upon increased speeds and volumes, lot sizes and land uses may be increased along collectors to be consistent with the proposed zoning and transitions.
  - (3) Collectors shall be developed along or between property lines so that both landowners can share in the cost as well as having access to the collector.
  - (4) In agricultural and transitional areas, collector streets shall be identified and located through the eEngineering dDesign sStandards.

(e) *Right-of-way widths.* The developer shall be required to dedicate street right-of-way widths according to the major street plan and not less than as follows:

Street Type Right-of-Way (in feet)

Access roads: 50

Alleys: 20

Arterials: 100

Collectors: 66–80

Cul-de-sacs (55 radius for turnarounds and eyebrows): 50

Expressway/principals: 100

Locals: 60\*

Rural subdivisions: 66

\* 66' in multifamily, commercial, and industrial zoned areas

(f) *Cul-de-sacs.* Cul-de-sacs will be allowed where they are necessary for the reasonable development of a subdivision.

(1) The maximum length of a cul-de-sac shall be 500' measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision.

(2) Temporary turnarounds may also be required by the city engineer on dead-end streets that will eventually be continued.

(3) Emergency access may be required by the fire chief on cul-de-sac streets to allow for emergency service response.

(g) *Private streets or roads.* Private streets 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. The following standards must be met:

(1) A private street must have a minimum of 28' of paved drivable surface and shall meet Engineering Design Standards for a private street.

(2) A private street easement may share the public utility easement required within § 157.117.

(3) All private streets must be platted as a private street easement that shall be recorded with the county register of deeds. The private street easement shall not be included as part of any required lot area or setback for purposes of the zoning ordinance.

- (4) Any nonresidential development that proposes private streets shall include sidewalks on both sides of the street, curb and gutter, streetlights, and driveways all to city Engineering Design Standards.
- (5) Any nonresidential development that proposes private streets and that is required to do a traffic study shall include any additional design recommendations into the developer's engineering plan.
- (6) An alternative pedestrian plan may be proposed for approval by the planning director and city engineer to allow alternative sidewalk connections that still provide the same pedestrian connections to proposed buildings in the development.
- (7) The plat shall have the owner's certificate regarding the private street easement's private maintenance of facilities and shall have a maintenance agreement as required within § 157.116.

*Section 23. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 157.099 to read:*

#### **§ 157.099 PRELIMINARY PLAN WALKWAY/BICYCLE TRAILS.**

Concrete or asphalt pedestrian walks or bike trails shall be required through blocks greater than 1,320' when needed to reduce walk distances and increase access to current or future schools, playgrounds, employment centers, commercial areas, bus stops, bike trails, and other community facilities. They may also be required to provide access to greenways and common areas. The sidewalks shall be included within a 10' easement or other acceptable area as approved by the city engineer and maintained by the adjacent property owners or other acceptable landowner as approved by the city engineer. The sidewalks shall be paved at least 6' in width and shall be constructed before a certificate of occupancy is approved.

Bicycle trails within identified drainageways or other similar open space areas are required to be dedicated to the city as a trail easement when identified as a part of the city of Sioux Falls Bicycle Plan. The trail easement shall include language that allows for the city or developer to construct a single-track, grass, gravel, or paved trail within the easement.

*Section 24. That Section 157.110 of the Code of Ordinances of Sioux Falls, SD, is hereby repealed.*

#### **~~§ 157.110 GENERAL REQUIREMENTS. [REPEALED.]~~**

- ~~(a) 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.~~
- ~~(b) The plan shall consist of~~
  - ~~(1) Lot and block layout approved by city planning and engineering; and~~
  - ~~(2) Drainage, water and sanitary sewer developer's engineering plans approved by city engineering.~~

~~(e) The plat shall conform to the criteria of the preliminary subdivision plan plus the additional criteria for development engineering plans.~~

Section 25. That Section 157.111 of the Code of Ordinances of Sioux Falls, SD, is hereby repealed.

~~§ 157.111 BLOCKS. [REPEALED.]~~

~~Block lengths shall not exceed 1,000 feet.~~

Section 26. That Section 157.112 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.112 DEVELOPMENT ENGINEERING PLAN LOTS, BLOCKS, AND STREETS.**

All lot and block requirements approved with the preliminary subdivision plan shall be included within the development engineering plan.

~~(a) Lot dimensions shall be appropriate for the location of the subdivision and conform to the zoning requirements of chapter 160 of this Code.~~

~~(b) Each lot shall abut a dedicated right-of-way, mutual access, common area or private street. Private streets or roads shall be indicated on the development engineering plan as a private roadway easement and shall not be included as part of any required lot area or setback.~~

~~(c) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.~~

~~(d) All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited.~~

~~(e) Side lot lines shall be at right angles to streets except on curves where they shall be radial except when otherwise approved.~~

~~(f) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.~~

~~(g) In undeveloped or vacant areas, streets shall be identified and classified through the transportation planning process. The location of major streets shall conform to the official major street plan.~~

Section 27. That Section 157.113 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.113 DEVELOPMENT ENGINEERING PLAN STREETS SYSTEM.**

(a) *Street design standards.*

- (1) *Generally.* All public street improvements and facilities, including pavement width, street grades, alignment and visibility, and intersections shall be designed in ~~accordance~~ compliance with ~~standard accepted engineering practice~~ the Engineering Design

[Standards manual](#) 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.~~

(2) *Half streets.* Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted within the subdivision. Completion of the required public improvements within said half street shall be in accordance with the provisions for new half street right-of-way dedications detailed below, prior to plat approval. New half street right-of-way dedications shall only be allowed at the discretion of the city engineer and if ~~she or he~~ [the city engineer](#) determines the developer has made all reasonable attempts to coordinate right-of-way dedication and completion of the required public improvements with the adjoining landowner. In lieu of completion of the required public improvements prior to plat approval, the developer shall be required to meet one or more of the following:

- A. Financially securitize all uncompleted public improvements, which are the responsibility of the developer seeking plat approval.
- B. Provide other assurances as approved by the city engineer.

(b) *Traffic calming.* Improving traffic flow into and through subdivisions also needs to take into consideration traffic volumes and speeds. Traffic calming is the process by which vehicular speeds and volumes on local streets are reduced to acceptable levels. This is achieved through the installation of approved devices such as traffic circles, flares, and center islands. Traffic calming serves the purpose of reducing cut-through traffic, truck traffic, excessive speeding, noise, vibration, air pollution, and accidents in an attempt to provide a safer environment for motorists and pedestrians.

- (1) Approved devices shall be spaced within the right-of-way along major collectors through residential subdivisions, based upon ~~e~~[Engineering](#) ~~d~~[Design](#) ~~s~~[Standards](#).
- (2) Traffic calming devices may be required by the city engineer, based upon the review of a traffic impact study.

(c) *Right-of-way widths.* The developer shall be required to dedicate street right-of-way widths according to ~~the major street plan and not less than as follows~~ [to the approved preliminary subdivision plan requirements](#).

<b>Street Type</b>	<b>Right-of-Way(in feet)</b>
<del>Access roads</del>	<del>50</del>
<del>Alleys</del>	<del>20</del>
<del>Arterials</del>	<del>100</del>
<del>Collectors</del>	<del>66-80</del>
<del>Cul-de-sacs (55 radius for turnarounds and eyebrows)</del>	<del>50</del>
<del>Expressway/principals</del>	<del>100</del>

Locals	60*
Rural subdivisions	66
* <del>66 feet in multi family, commercial, and industrial zoned areas</del>	

- (d) *Cul-de-sacs.* Cul-de-sacs will be allowed as required by the preliminary subdivision requirements. ~~where they are necessary for the reasonable development of a subdivision.~~
- ~~(1) The maximum length of a cul de sac shall be 500 feet measured along the centerline, between the radius point of the turnaround and the right of way line of the abutting street. The maximum length of a cul de sac may be extended where no other practical alternative is available for the reasonable development of a subdivision.~~
- ~~(2) Temporary turnarounds may also be required by the city engineer on dead end streets that will eventually be continued.~~
- ~~(3) Emergency access may be required by the fire chief on cul de sac streets to allow for emergency service response.~~
- ~~(e) 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.~~
- (e) Access control. Access control standards shall follow the provisions within the access control section of the Engineering Design Standards.
- (f) A traffic study or traffic report shall be provided when required by the city engineer and such study shall meet the standards in Chapter 5 of the Engineering Design Standards. The traffic study or report, when required, helps the city to adequately assess the impact of a proposal on the existing and/or planned street system. If required, a preliminary plan shall not move forward to planning commission until the study or report is complete.
- (g) 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 that 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 that shows a mutual access easement as a means of access shall provide language in the owner's certificate (see Appendix B) 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 [as required in § 157.116](#). It shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs. See division ~~(fg)~~(6) below.
- (6) The developer 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.

~~(hg)~~ *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 Chapter 160 of this Code.
- (2) Alleys are permitted in residential districts when design standards and conditions warrant an alternative means of access.

~~(ih)~~ *Continuation of street names.* Streets ~~obviously~~[generally](#) in alignment with existing streets shall bear the names of those streets. When, due to topography, offsets caused by rectangular surveys, or other physical features, streets become interrupted, quarter line and section line streets shall retain the same name on either side of the irregularities.

~~(ji)~~ *Street naming criteria.* No street names shall be used that 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:

Avenue	A road generally running north and south
Boulevard	A minor street divided by a median
Circle	All cul-de-sacs
Court	A road with two openings which enters and exits on the same street
Drive	A road running northwest to southeast
Lane	A road running northeast to southwest
Parkway	Limited access roads such as major streets which are divided by a median
Place	All private <a href="#">streets</a> /roads
Road	A road running both east and west or north and south for significant lengths; the names may only be assigned to major rights-of-way
Street	A road generally running east and west
Trail	A road which wanders in different directions

(k) *Prohibition on certain street name suffixes.* No development engineering plans shall be approved which use the names of square, ridge, pass, way, or terrace as a suffix for a street name.

Section 28. That Section 157.115 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.115 DEVELOPMENT ENGINEERING PLAN MINIMUM SUBDIVISION IMPROVEMENTS.**

When development engineering plans are approved and plats within the development engineering plan are platted, drainage, utilities, and streets will be ~~are~~ required to be extended to the edge of adjacent platted land and all such improvements must comply with this Code of Ordinances and the city's Engineering Design Standards. In addition, street access for residential subdivision development is required as follows:

(a) Street secondary access.

(a) Residential developments served by only one street access, or a mutual access easement shall provide a second street access, or mutual access easement, prior to reaching a level of service B (LOS B) of 980 vehicles per day based on serving up to 103 single-family units or up to 147 multi-family units, or a combination of units, using trip generation rates of 9.52 trips per day for a single-family unit and 6.65 trips per day for a multi-family unit, as provided by the Institute of Transportation Engineers *Trip Generation*, 9th ed., 2012. The second street access or mutual access easement shall be a minimum of 24' ~~feet~~ wide, gravel surface maintained with dust control, or paved surface, as approved by the city engineer. All existing units served by the one paved access shall apply toward total, regardless of the number of owners or subdivisions served by the access.

(b) The city director of planning and building-development services and city engineer are hereby authorized and directed to interpret, enforce, and grant waivers from the street access requirement. Such waivers may be granted only when compliance is unnecessary and impractical and a waiver would not adversely impair public access.

Section 29. That Section 157.116 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 157.116 PRIVATE MAINTENANCE AND REPAIR AGREEMENTS.**

Where the subdivision contains sanitary sewers collection systems, sewage treatment plants, water supply systems, park areas, storm drainage systems, road systems including private streets, 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 the developer agreement for the proper, perpetual, and continuous maintenance, repair, and supervision of ~~those such common~~ facilities. Such provision will consist of an agreement among the users of such services or in any other recordable document showing the parties have consented. ~~A final and signed copy of the agreement shall be attached to each and every plat having a facility or service covered by an agreement.~~

A copy of the agreement shall be provided to the city engineer for review and comment prior to approval of any plat. Such agreement shall include all applicable information below and must be recorded against all properties affected. Proof of filing must be provided prior to connection. Compliance with the terms of the maintenance agreement is enforceable between the parties to the agreement.

- (a) Funding. Explanation of the means to fund maintenance, repair, and supervision of any common facilities not accepted for maintenance by a public agency (e.g., homeowner association dues, etc.).
- (b) Supervision. Explanation of who will operate the facilities.
- (c) Inspection. Consent for inspection of common facilities by the city. The city is not required to conduct routine inspections on private sewer and water facilities, but may inspect periodically to determine any impacts the facilities may have on the city's public wastewater or water system and other similar matters.
- (d) As-built plans. Provision for maintenance of as-built plans following initial construction and any changes thereafter. Such plans shall be maintained by the operator, owner, or other person listed in the agreement.
- (e) Service log. Providing for a service log to be maintained by the operator, owner, or other person listed in the agreement. The service log should, for example, show the date and person(s) conducting maintenance and repairs of items covered by the agreement.
- (f) Water Maintenance and Repair.
  - i. Acknowledgment the water supplied by items covered by the agreement will comply with the state Safe Drinking Water Act, including sampling and testing if required by state law.
  - ii. Annual flushing and inspection of hydrants to ensure they are in working order.
- (g) Sanitary Sewer Maintenance and Repair.
  - i. Televising the sanitary sewer lines periodically at least every ten (10) years to review and correct deficiencies and undertake repairs.
  - ii. Jetting out the sanitary sewer lines at least once every five years.

*Section 30. That subsection (b)(1) of Section 157.117 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.117 EASEMENTS.**

- (b) In any dedication of an easement, the city may prohibit or restrict building, fences, driveways, and other improvements; may enter for construction, reconstruction, replacement, repair, operation, and maintenance purposes; and will be held harmless for the cost of replacement or damage to any improvement or vegetation within the easement and may make any other appropriate or necessary requirements.

- (1) All easements for municipal utilities shall be shown on the plat. When constructed outside of the typical street right-of-way limits or anytime on private property, utility easements must be included on the plat consistent with Engineering Design Standards and with § 157.116.

*Section 31. That subsection (b) of Section 157.206 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 157.206 ROADS.**

- (b) Roads shall be designated on the plat as dedicated right-of-way or as a private roadways easement. The responsibility for maintenance of all rural subdivision roads shall be certified on the plat or spelled out in a maintenance agreement to be filed with the plat.

*Section 32. That Appendix B: Certificates for Plats and Replats of Subchapter Assurances for the Completion of Minimum Improvements of Chapter 157 Subdivision of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**SURVEYOR'S CERTIFICATE**

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

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

**OWNER'S CERTIFICATE OF COMPLIANCE**

I, (Name), do hereby certify that I am the owner of all land included in the above plat and that the 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 laws, ordinances, and regulations. At this time, the zoning of the lots platted herein is as listed below and is subject to the Arterial Street Platting Fee where applicable. The applicable Arterial Street Platting Fee has been paid based on this zoning. Any future rezoning of these lots, which results in the lot or lots having a zoning classification with a higher per acre trip generator, will result in additional Arterial Street Platting Fees pursuant to City ordinance.

**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 the plat, including all sewers, culverts, bridges, water distribution lines, sidewalks, and other improvements on or under the streets, alleys, parks, and public grounds whether the 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, bike trails, 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~~ consistent with the agreement per the requirements within § 157.116 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 the public to run with the land for water, drainage, sewer, gas, electric, mutual access easements, telephone or other public utility lines, or services under, on, or over those strips of land designated hereon as easements.

### (Plat Certificate for Private Streets)

*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. The 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 the private street or road consistent with the agreement per the requirements within § 157.116. The grant is to run with the land ~~and shall remain in effect until the 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 the 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 the private street ~~or road~~ which might interfere in any way with the property maintenance, use, repair, reconstruction, and patrolling of the 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 condominium or includes common ownership, include:*

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

If the plat is a replat, include:

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

I further certify that this platting of the 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 \_\_\_\_\_, the plat, hereby vacated, being situated within described (New Subdivision Name) as surveyed.

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

\_\_\_\_\_  
Name

STATE OF SOUTH DAKOTA )  
  : SS  
COUNTY OF \_\_\_\_\_)

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

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

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

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

**CITY ENGINEER’S CERTIFICATE—Inside City Limits**

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. To the extent the platted property lies within the boundaries of the city of Sioux Falls, I hereby verify that access to city streets (direct access or through access easement or agreements) has been approved as provided by city ordinance; this does not constitute approval of the specific design or precise location or such access, and further, does not constitute approval of access to private streets, state or county roads or highways, or any areas outside the boundaries of the city of Sioux Falls.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Engineer, City of Sioux Falls, South Dakota

**CITY ENGINEER’S CERTIFICATE—Outside City Limits**

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 Council. Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Engineer  
City of Sioux Falls, South Dakota

**ROAD AUTHORITY CERTIFICATE—Outside City Limits**

I, (Name), \_\_\_\_\_, \_\_\_\_\_ (Title) of the \_\_\_\_\_ (Agency) do hereby certify that this plat and access location has been reviewed by me or my authorized agent and that this plat is recommended for approval.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

~~**CITY PLANNING COMMISSION  
CERTIFICATE**~~

~~Approval of the (Subdivision Name), addition is hereby granted by the City Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.~~

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

**CITY DIRECTOR OF PLANNING AND ~~BUILDING~~DEVELOPMENT SERVICES  
CERTIFICATE**

I, (Name), City Director of Planning and ~~Building~~Development Services of the City of Sioux Falls, do hereby certify that the current zoning is as listed below and that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval.

Current Zoning Classification	Acres

\_\_\_\_\_  
City Director of Planning and ~~Building~~Development Services  
City of Sioux Falls, South Dakota

~~**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 \_\_\_\_\_, 20\_\_\_\_\_.~~

~~\_\_\_\_\_  
Mayor, City of Sioux Falls~~

**CITY ~~CLERK'S~~ FINANCE OFFICER'S CERTIFICATE**

I, (Name), the duly appointed, qualified, and acting ~~City Clerk~~ City Finance Officer 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 \_\_\_\_\_, 20\_\_\_\_, have been paid in full.

\_\_\_\_\_  
~~City Clerk of Records~~ City Finance Officer  
Sioux Falls, South Dakota

**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 \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Treasurer of \_\_\_\_\_ County,  
South Dakota

**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

**REGISTER OF DEEDS**

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

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

**COUNTY PLANNING COMMISSION**

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

**LINCOLN COUNTY PLANNING DIRECTOR'S CERTIFICATION**

I, Planning Director of Lincoln 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



\* 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, ~~City~~ Director of Planning ~~and Building Services~~ 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\_\_\_\_.

\_\_\_\_\_  
~~City~~ Director of Planning ~~and Building Services~~  
Minnehaha County, South Dakota

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

Date adopted: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
~~Mayor~~

~~ATTEST:~~

\_\_\_\_\_  
\_\_\_\_\_  
~~City Clerk~~