

**MINUTES**  
**INFRASTRUCTURE REVIEW ADVISORY BOARD**  
**Water Purification Plant**  
**January 9, 2013 8:30 a.m.**

**Members and Alternates Present**

Chad Huwe, Jeff Schmitt, Preston Mettler, Steve VanBuskirk, Myron Adam, Tim Galbraith, Mark Vellinga

**Members and Alternates Absent**

Mark Cotter, Mike Cooper, Matt Carlson, Scott Hofer, Mark Anderson, Phil Gundvaldson, Bill Kemmis

**Others Present**

Kurt Poppel, Andy Berg, Joel Ingle, Jeff Des Lauriers, Heath Hoftiezer, Cynthia Monnin, Ryan Johnson, Mike Kuno, Eric Willadsen, Scott Vander Meulen, Neil Erchstadt, Jon Brown, Dan Bixler, Aaron Freeman, Kim Buell, Todd Anawski, Paul Fick, Kathy King

**Approval of Minutes of Last Meeting**

A motion was made by Jeff Schmitt to approve the December 5, 2012 meeting minutes; the motion Schmitt was seconded by Myron Adam. Roll call: Yeses-Huwe, Mettler, Galbraith, Vellinga, Schmitt, Adam. Noes, none. Motion passed 6-0.

**Business**

**a. Revisions to Ordinance 96.220 Arterial Street Platting Fee**

A draft copy of the proposed revisions was distributed. The discussion was led by Jeff Schmitt, City of Sioux Falls. Zoning designations are being revised as part of the major update to the Zoning Ordinance. The proposed revisions to the zoning designations are included in Section f of the Arterial Street Platting Fee ordinance. The downtown business district will be considered a planned unit development (PUD) instead of commercial zoning C-3.

Question: What will the zoning be if you have apartments with businesses?

Response: The mix of apartment living and commercial business would be zoned as Live/Work (LW).

The revisions to the Zoning Ordinance will be heard by the Planning Commission on February 6, 2013. The revisions will be heard by the City Council on February 19, 2013, and on March 5, 2013. A motion was made to approve the changes to the Arterial Street Platting Fee ordinance by Jeff Schmitt; the motion was seconded by Preston Mettler. Roll call: Yeses-Huwe, Mettler, Galbraith, Vellinga, Schmitt, Adam. Noes, none. Motion passed 6-0.

**b. Revisions to Ordinance 51.118 Recovery of Cost of Storm Water Drainage System**

A draft copy of the proposed revisions was distributed. The discussion was led by Andy Berg, City of Sioux Falls.

Section 4: The language regarding credit for value of contributions made by the fee payer toward the cost of expanding the public major drainage system is proposed to be changed to be consistent with the language in the Arterial Street and Water Distribution System platting fee ordinances.

Section 5: Zoning designations are being revised as part of the major update to the Zoning Ordinance.

Section 8: Zoning designations are being revised as part of the major update to the Zoning Ordinance.

Section 9: This section has rarely been used and is difficult to maintain a fair value of land. Staff is proposing it be removed. If land is donated for a regional detention facility, the developer will receive a credit outlined in Section 4. The other option is the City purchases the land. The new Section 9 will be the appeals process and is the same language included in the Arterial Street and Water Distribution System platting fee ordinances.

A motion was made to approve the proposed changes to the Recovery of Cost of Storm Water Drainage System ordinance by Jeff Schmitt; the motion was seconded by Preston Mettler. Roll call: Yeses-Huwe, Mettler, Galbraith, Vellinga, Schmidt, Adam. Noes, none. Motion passed 6-0.

**c. Revisions to Ordinance 51.065 Water Distribution Platting Fee**

A draft copy of the proposed revisions was distributed. Zoning designations are being revised as part of the major update to the Zoning Ordinance. The proposed revisions to the zoning designations are included in Section f (2) of the Water Distribution Platting Fee ordinance. A motion was made to approve the changes to the Water Distribution Platting Fee ordinance by Jeff Schmitt; the motion was seconded by Preston Mettler. Roll call: Yeses-Huwe, Mettler, Galbraith, Vellinga, Schmitt, Adam. Noes, none. Motion passed 6-0.

**d. Update on manhole external frame seals and joint seals**

Ryan Johnson, City of Sioux Falls, led the discussion. The following individuals met on December 10, 2012: Jon Brown, Scott Hofer, Myron Adam, Cindy Monnin, Ernie Knold, Ryan Johnson, and Paul Faris.

The committee discussed the following products:

- Wrapid Seal as manufactured by CANUSA-CPS
- Infi-shield Uni-Band as manufactured by Sealing Systems Inc.
- Inflow/Infiltration (I/I) Barrier as manufactured by Strike Products
- Internal/External Frame Seal as manufactured by Adaptor Inc. (which could be used for the external frame seal)

The committee would like to continue to discuss the use of external frame seals with asphalt paving contractors. Updates will be provided at future meetings. The committee also discussed several different external joint seal products. The committee recommends requiring these on all Capital projects and monitoring the manholes for I/I.

**e. Chapter 14 of the Engineering Design Standards: Acceptance Procedures and Requirements for Private Construction of Public Improvements**

A draft copy of the proposed revisions was distributed. The discussion was led by Kurt Peppel, City of Sioux Falls. This item was discussed at the December 5 meeting. The proposed language in Chapter 14 has not changed. Since the acceptance procedures and requirements for the private construction of subdivisions are included in the subdivision construction agreement, they are proposed to be removed from this chapter. The remaining procedures and requirements will apply to all other public improvements completed privately, such as the construction of a deceleration lane for a new convenience store.

There are also proposed changes to the language on the back of building permits.

Section 5: Public Improvements – Proposed language will reference Chapter 14. It will be a notification to the permit holder that there are acceptance and warranty requirements for public improvements completed in the right of way or easements.

Section 6: Certificate of Occupancy - Proposed revisions clarifies when a certificate is issued.

Jeff Schmitt made a motion to approve the proposed changes to Chapter 14 of the Engineering Design Standards and to the building permit; the motion was seconded by Myron Adam. Roll call: Yeses-Huwe, Mettler, VanBuskirk, Galbraith, Vellinga, Schmitt, Adam. Noes, none. Motion passed 6-0.

**f. Dual Frontage Right-of-Way Policy**

A draft copy of the proposed revisions to the Subdivision Ordinance and a draft copy of the *Half Street Right-of-Way Dedication* policy letter were distributed. The discussion was led by Kurt Peppel, City of Sioux Falls. This item was discussed at the December 5 meeting. These items were not addressed with the initial revisions to the Subdivision Ordinance and the subdivision construction agreement. The policy discusses the financial security requirements when platting dual frontage right-of-way and the construction of half streets. The policy will provide flexibility in determining how and when a street will be constructed when there are two property owners. The policy will be posted to the City Engineering website. Chad Huwe made a motion to approve the proposed revisions to the Subdivision Ordinance and the *Half Street Right-of-Way Dedication* policy letter; the motion was seconded by Preston Mettler. Roll call: Yeses-Huwe, Mettler, VanBuskirk, Galbraith, Vellinga, Schmitt, Adam. Noes, none. Motion passed 6-0.

**Adjournment**

The next IRAB meeting is set for February 13, 2013 at 8:30 a.m., at the Water Purification Plant. A motion was made by Chad Huwe for adjournment at 9:40 a.m.; the motion was seconded by Jeff Schmitt. Roll call: Yeses-Huwe, Mettler, VanBuskirk, Galbraith, Vellinga, Schmitt, Adam-6. Noes, none.



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Kathy King  
Secretary



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Chad Huwe  
City Engineer

~~§Sec. 38-150 96.220~~ - **Arterial street platting fee.**

(a) The purpose of this article is to impose an arterial street platting fee on property platted or replatted after January 1, 2009 for the costs of expanding the arterial street system.

(b) The arterial street system is defined as the system of roadways for the City of Sioux Falls classified as arterials on the Sioux Falls Major Street Plan, as amended from time to time.

(c) It is the intent of this article to charge property platted or replatted after January 1, 2009 no more than its proportionate share of the costs of expanding the arterial street system.

(d) The Sioux Falls City Council finds the amount of the arterial street platting fee based on rational nexus and rough proportionality standards has been appropriately determined according to the analysis described in the Nexus Study for Arterial Street and Water Distribution Platting Fees, prepared by Duncan Associates in August 2008, or in a subsequent similar study.

(e) The arterial street platting fee shall be paid prior to approval of any plat or replat submitted after January 1, 2009.

(1) The city may defer payment if the plat or replat is a minor plat or replat.

(2) For any property platted or replatted after January 1, 2009, such plat or replat shall contain a note identifying the zoning classifications in effect at the time of plat or replat submittal. The Owner's Certificate of Compliance for such plat or replat shall indicate the plat or replat is subject to the arterial street platting fee and shall provide that arterial street platting fees shall be paid by an applicant requesting rezoning of such plat or replat in accordance with this section.

For rezonings of property platted or replatted after January 1, 2009, where the zoning classification noted in such plat or replat on which the arterial street platting fee converts to a higher per acre trip generator such as from RS-1 to RA-1, an additional arterial street platting fee shall be paid at the time of the rezoning application, with the money to be refunded if the rezoning is denied. The additional arterial street platting fee shall be the difference between the fee for the previous zoning classification as noted on the plat or replat and the fee for the new zoning classification. Half of the right-of-way of any local or collector street adjacent to the rezoned property shall be included in the calculation of the arterial street platting fee.

(f) The arterial street platting fee for property platted and replatted after January 1, 2009 shall be as follows:

- (1) \$1,753 per acre for areas zoned ~~RS-1, RS-2, RD and MH,~~ RS, RT-1, RT-2, RD, RCD, & MH
- (2) \$3,620 per acre for areas zoned ~~RA-1 and RA-2,~~ RA-1, RA-2, & RA-3
- (3) \$15,606 per acre for areas zoned ~~C-1,~~ C-2, C-3, and C-4,
- (4) \$6,457 per acre for areas zoned ~~O and S,~~ O, C-1, LW, S-1 & S-2
- (5) \$3,488 per acre for areas zoned I-1, I-2, and AP, and
- (6) \$0 per acre for areas zoned AG, CN, or REC.

The number of acres in local and collector street right-of-way shall be included in the arterial street platting fee calculation according to the adjacent zoning classifications. Where opposite sides of the road are of different zoning classifications, half of the right-of-way shall be allocated to each zoning classification. For sub-areas zoned with multiple zoning classifications, the higher trip generating zoning classification shall govern for the entire sub-area for purposes of calculating the arterial street platting fee.

(g) The amount to be paid shall be determined by multiplying the arterial street platting fee per acre by the relevant number of acres contained within the plat or replat including local and collector street right-of-way, less the following:

- (1) land dedicated or to be dedicated to the city for right-of-way for an arterial street; and
- (2) areas zoned RC, Recreation/ Conservation.

(h) The value of contributions made by the feepayer toward the cost of expanding the arterial street system shall be subtracted from the amount of arterial street platting fees otherwise due for the property. The value of the contribution shall be determined by the city engineer, based on information submitted by the feepayer and shall be in compliance with applicable law. No credit will be given for the value of land dedicated or to be dedicated to the city for right-of-way or areas zoned RC. No credit will be given for facilities to the extent they exceed city requirements. Credit for the contributions not claimed prior to payment of the arterial street platting fee shall be waived.

(i) Arterial street platting fee revenues shall be deposited into an interest-bearing account and segregated from other funds of the city. The revenues collected and interest earned shall be used solely for expanding the arterial street system.

(j) Arterial street platting fee revenues not spent within seven years of the date it was paid shall be refunded, along with interest earned, to the feepayer. The city shall keep a record of each fee paid, including the date, amount, and name and address of the feepayer. The fee revenue will be deemed to be spent in the order in which it was received. If the city determines a refund is due, it shall make a good-faith effort to contact the feepayer to whom the refund is owed. If the feepayer to whom the refund is owed cannot be located within one year after the refund is determined to be due, the refund shall be governed in accordance with SDCL 43-41B.

(k) Each year the city's engineering department shall update the arterial street platting fee formula using a three-year annual weighted average of city bid prices adjusted to the current year using the Engineering News-Record Construction Cost Index in order to determine if an amendment to the arterial street platting fee as set forth in this section is justified. If an amendment is necessary, such information shall be provided to the City Council together with a proposed ordinance amendment.

(l) A person harmed by an administrative decision of the city under this article may appeal the decision through the procedures provided in Article VI of Chapter 2 of the Code of Ordinances, as such article may be amended from time to time, except as modified below.

(1) The appeal shall be heard in a closed hearing by a hearing examiner with substantial experience in land development, whose cost shall be split equally between the city and the appellant.

(2) The hearing examiner may amend, remand or reverse the decision of the city only if clear error is found in:

- a. The determination of the number of acres subject to the arterial street platting fee;
- b. The determination of the applicable zoning classification for determination of the arterial street platting fee;
- c. The value of any credit;
- d. Any mathematical computation; or
- e. Determining or applying any other objective fact on which the decision was based.

(3) If the hearing examiner finds an error and has adequate facts to correct the error (such as correcting the number of acres used in the computation or correcting a mathematical error), the hearing examiner shall amend the decision accordingly and the decision shall then stand. Otherwise, the hearing examiner shall reverse the decision or remand it with instructions for correcting the error(s) found.

(4) The provision for appeals under this article is not intended to serve as a provision for variances or waivers; issues of hardship or other factors that might be considered in granting a zoning variance shall not be considered by the hearing examiner in reaching a decision.

(5) Unless the hearing examiner finds clear error, the hearing officer shall affirm the original administrative decision.

(6) The decision of the hearing examiner may be subject to judicial review as provided by law.

(Ord. No. 115-08, §3, 9-15-08)

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**§51.118 ~~Sec. 41-90~~. Recovery of cost of storm water drainage system.**

The city shall recover the cost of storm water drainage systems from all developing property as follows:

(1) The city shall determine and update annually the average cost per acre for the development of storm water drainage systems in the city. The determination shall differentiate the cost of land for regional detention facilities and all other costs for storm water drainage systems.

(2) The city shall develop a formula establishing the cost to develop storm water facilities. The formula shall, at a minimum, consider rainfall intensity and runoff. The formula shall be used to determine the drainage system cost recovery and regional detention charge per acre of the development.

(3) The cost recovery amount shall be paid prior to approval of the plat for development or replat of the property. The city may defer such payment if the plat is for transfer of ownership. The amount shall be based on the total acres platted. All land platted after the effective date of this ordinance shall be subject to the drainage system cost recovery. Replats shall be subject to the drainage system cost recovery if the replat involves rezoning to a higher intensity zoning or if the property is not serviced by street and drainage infrastructure constructed according to city design standards.

~~(4) A credit will be allowed against the cost recovery amount for privately developed and funded major drainage improvements, including land, engineering, and construction costs. No credit will be given for facilities to the extent they exceed city requirements. The value of contributions made by the feepayer toward the cost of expanding the public major drainage system shall be subtracted from the amount of DSCR and RDC platting fees otherwise due for the property. The value of the contribution shall be determined by the city engineer, based on information submitted by the feepayer and shall be in compliance with applicable law. No credit will be given for the value of land dedicated or to be dedicated to the city for right-of-way or areas zoned RC. No credit will be given for facilities to the extent they exceed city requirements. Credit for the contributions not claimed prior to payment of the DSCR and RDC platting fee shall be waived.~~

(5) The drainage system cost recovery shall be \$1,579.70 per acre for all developments five acres or greater in area. For developments less than five acres, the drainage system cost recovery shall be based on zoning as follows:

<i>Classification</i>	Drainage System Cost Recovery Amount
Single-family Residential ( <del>RS and RD</del> zones) <u>(RS, RT-1, RT, RD, RCD &amp; MH)</u>	\$1,579.70 per acre
Multifamily Residential ( <del>RA</del> zones) <u>(RA-1, RA-2, &amp; RA-3)</u>	\$3,159.40 per acre
Industrial ( <del>I</del> zones) <u>I-1, I-2, &amp; AP</u>	\$3,949.25 per acre
Office ( <del>O</del> zones) & Institutional <u>(O, C-1, LW, S-1 &amp; S-2)</u>	\$3,159.40 per acre
Commercial ( <del>C</del> zones) <u>(C-2, C-3, &amp; C-4)</u>	\$5,213.00 per acre
<u>Institutional (S-zones)</u>	<u>\$3,159.40 per acre</u>
Recreational ( <u>REC</u> zones)	\$0.00 per acre
Agricultural (AG <u>&amp; CN</u> zones)	\$0.00 per acre

If the property is not zoned or does not meet the criteria of a land use stated above, the cost recovery shall be at the single-family residential rate.

(6) The drainage system cost recovery shall be collected only once on each property if the zoning remains the same. If the property is rezoned which results in a higher drainage system cost recovery, the property owner shall pay the difference between the original cost and the increased cost.

(7) The regional detention charge shall be paid prior to approval of the plat for development of the property served by a regional detention facility. The city may defer such payment if the plat is for transfer of ownership. The amount shall be based on the total acres platted. The regional detention charge shall be collected only once on each property.

(8) The regional detention charge shall be \$762.57 per acre for all developments five acres or greater in area. For developments less than five acres, the regional detention charge shall be based on zoning as follows:

<i>Zoning Classification</i>	Regional Detention Charge
Single-family Residential <del>(RS and RD zones)</del> <u>(RS, RT-1, RT, RD &amp; MH)</u>	\$762.57 per acre
Multifamily Residential ( <del>RA</del> <del>zones</del> ) <u>(RA-1, RA-2, RA-3 &amp; RCD)</u>	\$1,525.13 per acre
Industrial ( <del>I</del> <del>zones</del> ) <u>I-1, I-2, &amp; AP</u>	\$1,906.41 per acre
Office ( <del>O</del> <del>zones</del> ) & <u>Institutional</u> <u>(O, C-1, LW, S-1 &amp; S-2)</u>	\$1,525.13 per acre
Commercial ( <del>C</del> <del>zones</del> ) <u>(C-2, C-3, &amp; C-4)</u>	\$2,516.46 per acre
<u>Institutional (S zones)</u>	<u>\$1,525.13 per acre</u>
Recreational ( <u>RE</u> C zones)	\$0.00 per acre
Agricultural (AG & <u>CN</u> zones)	\$0.00 per acre

~~(9) The city will waive the regional detention charge and drainage system cost recovery if the developer donates land for a regional detention facility identified in the city's master plan. No waiver will be granted unless the detention facility serves more than 50 percent of the land in the basin not owned by the developer.~~

(9) A person harmed by an administrative decision of the city under this article may appeal the decision through the procedures provided in Article VI of Chapter 2 of the Code of Ordinances, as such article may be amended from time to time, except as modified below.

(9.1) The appeal shall be heard in a closed hearing by a hearing examiner with substantial experience in land development, whose cost shall be split equally between the city and the appellant.

(9.2) The hearing examiner may amend, remand or reverse the decision of the city only if clear error is found in:

a. The determination of the number of acres subject to the DSCR and RDC platting fees;

b. The determination of the applicable zoning classification for determination of the DSCR and RDC platting fees;

c. The value of any credit;

d. Any mathematical computation; or

e. Determining or applying any other objective fact on which the decision was based.

(9.3) If the hearing examiner finds an error and has adequate facts to correct the error (such as correcting the number of acres used in the computation or correcting a mathematical error), the hearing examiner shall amend the decision accordingly and the decision shall then stand. Otherwise, the hearing examiner shall reverse the decision or remand it with instructions for correcting the error(s) found.

(9.4) The provision for appeals under this article is not intended to serve as a provision for variances or waivers; issues of hardship or other factors that might be considered in granting a zoning variance shall not be considered by the hearing examiner in reaching a decision.

(9.5) Unless the hearing examiner finds clear error, the hearing officer shall affirm the original administrative decision.

(9.6) The decision of the hearing examiner may be subject to judicial review as provided by law.

(Ord. No. 5-02, § 1, 1-14-02; Ord. No. 97-03, § 2, 10-14-03; Ord. No. 15-07, §2, 1-16-07)

**Editor's note**—Ord. No. 5-02, § 1, adopted Jan. 14, 2002, amended the Code by adding provisions designated as § 41-93. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 5-02 have been included herein as § 41-90 at the discretion of the editor. See the Code Comparative Table.

**§ 51.065 WATER DISTRIBUTION PLATTING FEE.**

(a) The purpose of this section is to impose a water distribution platting fee on property platted or replatted after January 1, 2009, for the costs to expand the potable water distribution system.

(b) The potable water distribution system is defined as water mains and appurtenances necessary to construct a system of water mains 16 inches or greater in diameter in accordance with the city's water distribution system master plan and current design standards.

(c) It is the intent of this section to charge property platted or replatted after January 1, 2009 no more than its proportionate share of the cost to expand the potable water distribution system.

(d) The city council finds the amount of the water distribution platting fee based on rational nexus and rough proportionality standards has been appropriately determined according to the analysis described in the *Nexus Study for Arterial Street and Water Distribution Platting Fees*, prepared by Duncan Associates in August 2008, or in a subsequent similar study.

(e) (1) The water distribution platting fee shall be paid prior to approval of any plat or replat submitted after January 1, 2009.

(2) The city may defer the payments if the plat or replat is a minor plat or replat.

(f) The water distribution platting fee shall be \$1,653 per acre for property platted or replatted after January 1, 2009 regardless of zoning classification. The amount to be paid shall be determined by multiplying the water distribution platting fee per acre by the total number of acres contained within the plat or replat, less the following:

(1) Land dedicated or to be dedicated to the city for right-of-way for an arterial street; and

(2) Areas zoned REC recreation ~~and CN~~ conservation.

(g) Replats submitted after January 1, 2009, shall be subject to the water distribution platting fee for areas for which fees were deferred or for which the replatted property may receive new water system taps and water meter service.

(h) The value of contributions made by the fee payer toward the cost of expanding the potable water distribution system in order to serve the property to be platted or replatted shall be subtracted from water distribution platting fees otherwise due for the property. The value of the contribution shall be determined by the city engineer, based on information submitted by the fee payer and shall be in compliance with applicable law. No credit will be given for contributions to the extent they exceed city requirements. Credit for contributions not claimed prior to payment of the water distribution platting fees shall be waived.

(i) Water distribution platting fee revenues shall be deposited into an interest-bearing account and segregated from other funds of the city. The revenues collected and interest earned shall be used solely for expanding the potable water distribution system. The location and size for this potable water distribution system expansion to be funded with the water distribution platting fee revenues shall be determined based upon the most current water distribution system master plan as approved by the city engineer.

(j) Water distribution platting fee revenues not spent within seven years of the date it was paid shall be refunded, along with interest earned, to the fee payer. The city shall keep a record of each fee paid, including the date, amount and name and address of the fee payer. The fee revenue will be deemed to be spent in the order in which it was received. If the city determines a refund is due, it shall make a good-faith effort to contact the fee payer to whom the refund is owed. If the fee payer to whom the refund is owed cannot be located within one year after the refund is determined to be due, the refund shall be governed in accordance with SDCL 43-41B.

(k) Each year the city's engineering department shall update the water distribution platting fee formula using a three-year annual weighted average of city bid prices adjusted to the current year using the Engineering News-Record Construction Cost Index in order to determine if an amendment to the water distribution platting fee in this section is justified. If an amendment is necessary, the information shall be provided to the city council together with a proposed ordinance amendment.

(l) A person harmed by an administrative decision of the city under this section may appeal the decision through the procedures provided in §§ [30.040](#) through [30.046](#) of the Code of Ordinances, as that subchapter may be amended from time to time, except as modified below.

(1) The appeal shall be heard in a closed hearing by a hearing examiner with substantial experience in land development, whose cost shall be split equally between the city and the appellant.

(2) The hearing examiner may amend, remand or reverse the decision of the city only if clear error is found in:

- A. The determination of the number of acres subject to the water distribution platting fee;
- B. The determination of the applicable zoning classification for determination of the water distribution platting fee;
- C. The value of any credit;
- D. Any mathematical computation; or
- E. Determining or applying any other objective fact on which the decision was based.

(3) If the hearing examiner finds an error and has adequate facts to correct the error (such as correcting the number of acres used in the computation or correcting a mathematical error), the hearing examiner shall amend the decision accordingly and the decision shall then stand. Otherwise, the hearing examiner shall reverse the decision or remand it with instructions for correcting the error(s) found.

(4) The provision for appeals under this division (l) is not intended to serve as a provision for variances or waivers; issues of hardship or other factors that might be considered in granting a zoning variance shall not be considered by the hearing examiner in reaching a decision.

(5) Unless the hearing examiner finds clear error, the hearing officer shall affirm the original administrative decision.

(6) The decision of the hearing examiner may be subject to judicial review as provided by law.

(1992 Code, § 41-68) (Ord. 114-08, passed 9-15-2008)

## **PROPOSED BACK OF BUILDING PERMIT**

This permit is approval to proceed with the work authorized and shall not be construed as authority to violate, cancel or set aside any of the provisions of the building codes, zoning ordinances or any other law or ordinance of the City of Sioux Falls except as specifically stipulated by modification or legally granted variation as described in this permit application.

1. **PERMIT LIFE** – This permit becomes null and void if work or construction authorized is not commenced, suspended or abandoned for a period of 180 days.
2. **CHANGE OF APPROVED PLANS** – Any change to the approved plans must be submitted to the planning and building services department for approval before proceeding with any changes.
3. **POSTING PERMIT CARD** – The permit card shall be posted in a conspicuous place on the premises, which is visible from the main street, prior to commencing work and shall be accessible to all inspectors during the entire construction process.
4. **REQUIRED BUILDING INSPECTIONS** – The holder of this permit is required by city ordinance to request one day in advance the following inspections. No work may be done on any part of the building or structure beyond the point indicated in each successive inspection.

Inspections may be obtained by calling 367-8670.

- a. **Footings:** To be made after trenches are formed and all reinforcing steel is in place prior to pouring any concrete.
- b. **Framing Inspections:** To be made after all framing, fire blocking, bracing and stairs are in place. All plumbing pipes, drains, and water lines are roughed in. All electrical lines and boxes are roughed in. All vents, chimneys, and duct work is in place. FRAMING/ROUGH IN INSPECTIONS ARE REQUIRED BY EACH DIVISION, ELECTRICAL PLUMBING, MECHANICAL, AND BUILDING BEFORE INSULATION AND SHEETROCK CAN BE INSTALLED.
- c. **Final Inspections:** To be made after the construction work is complete and before the building or remodeled area is occupied. FINAL INSPECTIONS ARE REQUIRED BY EACH DIVISION BEFORE A NEW [BUILDINGHOUSE](#), REMODEL OR ADDITION CAN BE OCCUPIED.

5. **PUBLIC IMPROVEMENTS** – [Acceptance and Warranty of the public improvements completed in the right-of-ways or easement areas shall be in accordance with Chapter 14 of the Engineering Design Standards](#)
- ~~5.6. CERTIFICATE OF OCCUPANCY – No new [buildinghouse](#) may be occupied without first having a Certificate of Occupancy.~~ The [Certificate of Occupancy](#) is issued only after final inspections have been completed by all divisions [for new buildings or a change in occupancy. The Certificate of Occupancy and after all required includes the completion of](#) land development, landscaping, off street parking and paving. ~~has been completed and certifications submitted.~~

For more information visit our website at [www.siouxfalls.org/building](http://www.siouxfalls.org/building)

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**Chapter 14**  
**Acceptance Procedures and Requirements**  
**for Private Construction of Public Improvements**

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## Chapter 14

### Acceptance Procedures and Requirements for Private Construction of Public Improvements

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14.2	Acceptance <a href="#">&amp; Warranty Procedure</a>	14.1
14.3	General <a href="#">Policy</a>	14.2

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## Chapter 14

### Acceptance Procedures and Requirements for Private Construction of Public Improvements

#### 14.1 Application of Standards

The requirements contained herein shall apply to all new private development construction and site development construction within City dedicated right-of-way and easement areas that is planned for or subject to public use within the jurisdiction of the City of Sioux Falls and is not associated with a Subdivision Construction Agreement. This acceptance shall consist of all public improvements included in the Owner-submitted-approved construction plans, accepted by the City Engineer.

**14.1.1 Acceptance Limitation.** The acceptance of an improvement shall in no way constitute an assumption by the City of liability for defects in the improvement. By accepting the improvement, the City does not warrant or guarantee that the improvement has been properly designed or constructed. Any errors or omission of the Owner/Developer/Engineer shall not be the responsibility of the City.

#### 14.2 Acceptance & Warranty Procedure

It is the responsibility of the Owner/Developer/Engineer to notify the City Engineer when the required public improvements are complete. Acceptance of the public improvements will be completed in two stages: Utility Acceptance which includes the water main system, sanitary sewer system, storm sewer system, and sump pump collection systems; and Final Acceptance which shall consist of all other public improvements including, but not limited to, grading, crushed base, valley gutters, fillet sections, curb and gutter, surfacing, and sidewalks. The acceptance process will proceed in two phases. The first phase will consist of Utility Acceptance which includes the water main, sanitary sewer, and storm sewer facilities.

The second phase or Final Acceptance shall consist of all other public improvements including, but not limited to, grading, crushed base, curb and gutter, and surfacing. All items identified during the final inspection shall be complete before the final acceptance.

**14.2.1 Utility Acceptance & Warranty.** The Owner/Developer shall warrant all water main systems, sanitary sewer systems, storm sewer systems, and sump pump collection systems free from defects for a time period of

~~two (2) years. A Utility Warranty Report shall be sent to the developer's representative when the water main, sanitary sewer, storm sewer facilities and street light systems are complete and accepted by the City Engineer. Storm sewer facilities shall include storm sewer pipe, storm sewer inlets, and storm sewer junction boxes. The warranty start date shall be shown on the Utility Warranty Report.~~

~~The warranty start date shall be the date the two-year warranty period commences for the water main, sanitary sewer, storm sewer pipe, storm sewer inlets, storm sewer junction boxes and street light systems.~~

**14.2.2 Final Acceptance & Warranty.** ~~The Owner/Developer shall warrant all other public improvements including, but not limited to, grading, crushed base, valley gutters, fillet sections, curb and gutter, surfacing, and sidewalks free from defects for a time period of one (1) year. The City Engineer shall notify the developer's representative when all public improvements are complete and accepted by the City. The date the improvements are accepted shall be included in the notification. This date shall be the date the one-year warranty period commences for all improvements included in the final acceptance.~~

~~After the City grants final acceptance, the City will assume all maintenance responsibilities for the public improvements.~~

### **14.3 General Policy**

~~The City shall provide snow removal service on streets where the lower lift of asphalt has been placed.~~ The City shall not provide snow removal services on streets where manholes, valve boxes, and any other items protrude above the roadway surface.

~~Prior to the final acceptance, the Owner/Developer shall maintain the improvements and repair or correct any deficiencies that may occur prior to the expiration of the respective warranty before final acceptance is granted.~~

~~The City will accept responsibility for damage to curb and gutter caused by snow plow operations provided notification is given prior to the final lift of asphalt being placed.~~

The Owner/Developer shall be responsible for installation and maintenance of any barricades or warning signs required until the work is complete and accepted by the City Engineer. ~~final acceptance is granted.~~

#### **15A.07.040 Street system**

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. ~~When double frontage lots are proposed, the developer shall be required to sign an assurance agreement prior to plat approval.~~ 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/her discretion, may determine that immediate completion of the public improvements as not being 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:

1. Financially securitize all uncompleted public improvements which are the responsibility of the developer seeking plat approval.
2. Provide other assurances as approved by the City Engineer.

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#### **15A.08.040 Streets system**

Half Streets – Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision. 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. ~~A preliminary plan of a subdivision may show half a street along adjoining property which has not been subdivided, but no lot abutting on such half street shall have a building permit issued for it until such time as the other half street is dedicated.~~

New half street right-of-way dedications shall only be allowed at the discretion of the City Engineer and if she/he 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:

1. Financially securitize all uncompleted public improvements which are the responsibility of the developer seeking plat approval.
2. Provide other assurances as approved by the City Engineer.



## ENGINEERING DIVISION POLICY LETTER

**Policy Number:** 2013-01

**Title:** Half Street Right-of-Way Dedication

**Purpose:** This policy shall establish uniform procedures and guidelines for complying with the City of Sioux Falls Subdivision Ordinance requirements for Half Streets.

**Effective Date:**

**Expiration Date:** N.A.

**Policy Division:** Subdivision Construction Administration

**Supersedes Policy Numbers or New Policy:** New

**Recommended:**

**Approved:**

\_\_\_\_\_  
Kurt Peppel, Civil Engineer

\_\_\_\_\_  
Chad Huwe, City Engineer

**On:** \_\_\_\_\_

**On:** \_\_\_\_\_

## **POLICY FOR HALF STREET RIGHT-OF-WAY DEDICATION**

This policy shall establish uniform procedures and guidelines for completion of all public improvements associated with Half Street Right-of-Way Dedications. Revisions to this policy are subject to approval by the Infrastructure Review Advisory Board (IRAB), the Homebuilders Association (HBA) or other similar local boards/associations. This policy is new and is not intended to replace other policies, standards or requirements.

The City Engineering Division's policy for Half Street Right-of-Way Dedication shall be as follows:

1. The Half Street Right-of-Way Dedication shall meet the requirements for Half Streets set forth in the City of Sioux Falls Subdivision Ordinance.
2. The developer proposing the half street shall first have exhausted all reasonable attempts to remedy the proposed half street with the adjacent landowner. The City Engineer may request documentation of such unsuccessful attempts. [Additionally, the City Engineer may facilitate meetings between the landowners to discuss the street location, design and construction timeframe.](#)
3. When a half street is allowed, per ordinance, the developer is required to meet certain requirements prior to plat approval. The below shall only be used as a guideline for establishing responsibility for completing the public improvements.
  - a) Complete all required public improvements. – The City Engineer may require completion of all required public improvements within the limits of the half street right-of-way in accordance with the Subdivision Ordinance.
  - b) Financially securitize the uncompleted improvements. – Financial securities shall initially be established for a period not to exceed 5 years and in an amount equal to the value of the uncompleted public improvements. The developer will be required to use a City approved form. Prior to the expiration of the financial security, the developer and the City Engineer will be required to reassess the half street right-of-way dedication and the uncompleted improvements. If it is determined the improvements will be required, the developer shall maintain or renew the financial security. If it is determined the improvements are not needed, the associated right-of-way shall be vacated in accordance with the standard procedures prior to expiration of the financial security or assignment of escrowed funds to the developer. Financial securities are subject to the applicable requirements of the Subdivision Ordinance and the below guidelines.
    - i. Bond – A performance bond may be used when it is imminent that the improvements will be complete within a short period of time, typically less than 2 years.
    - ii. Irrevocable Letter of Credit (ILOC) – The developer may choose to execute an ILOC to establish the financial responsibility for the uncompleted improvements.
    - iii. Escrow Account (EA) – The developer may choose to deposit funds in an EA to establish the financial responsibility for the uncompleted improvements.

- c) Other assurances. – The City Engineer may approve other assurances that adequately protect the City and its' taxpayers from using public funds to complete private development. Alternatives include but are not limited to the following:
- i. No Building Permit Covenant. – This covenant shall be established on a City approved form, signed by the City Engineer and the property owners(s) and recorded with the County Register of Deed by the City Engineer against all adjacent properties. The City Director of Planning and Building Services shall also be notified that building permit(s) will not be allowed on said properties.

END OF POLICY

DRAFT