

Subdivision Ordinance

The subdivision ordinance regulates the division of land into lots and parcels by requiring specific standards for road design and construction, lot configuration, grading and drainage, and erosion control. The county's subdivision ordinance was updated in 1993, incorporating major changes for the platting of roads.

Several older rural subdivisions were platted with road rights-of-way dedicated to the public. This did not mean, however, that a public (governmental) entity had accepted the roads for the purpose of maintenance, repair and snow removal. Quite often, subdivision homeowners had to assume this responsibility unless they were fortunate enough to have the township accept the roads. The 1993 amendments require that roads dedicated to the public must be accompanied by a certificate on the plat for township acceptance of the roads. Otherwise, the owner's certificate must certify that the roads are private and will be maintained by a homeowner's association.

There is a downside to requiring private roads in the absence of public dedication and acceptance. Oftentimes, rural residents view their particular subdivision as an exclusive area where roads begin and end in the subdivision and do not connect to adjoining properties. If private roads are created and a homeowner's association is formed to assess property owners for repair and maintenance costs, residents will be even more opposed to the extension of roads into adjoining developments. This could become a barrier to fostering a systemic road network within developing areas of the county. It is recommended that the subdivision ordinance be amended to allow public roadway dedication without township acceptance if the plat includes a certificate for private road maintenance.

A provision was added to the 1993 subdivision regulations requiring hard surfacing of newly platted roads which connect to existing hard surfaced roads. All other roads can be constructed with a gravel driving surface unless the access road is proposed for improvement, in which case the new subdivision roads must be hard surfaced.

State statutes allow municipal subdivision control over land within three miles of a city if a major street plan for the area has been filed with the Register of Deeds. When a city exercises platting control over rural property, the statutes require plats to be submitted to the County Planning Commission for review and recommendation. If the Commission recommends disapproval, a two-thirds vote of the entire membership of the city council is required. The platting jurisdictions for Dell Rapids and Sioux Falls correspond to the extraterritorial zoning boundaries. The only other city currently exercising platting authority over rural property is Brandon. The municipal platting jurisdictions are shown on Map 17.

Municipal subdivision regulations can impose unrealistic and unreasonable development requirements when applied to rural areas of the county. Curb and gutter, storm sewer, street lighting, and fire hydrants are common to municipal developments but impractical in a rural setting. The 1991 update of the Sioux Falls subdivision ordinance included specific provisions for rural subdivisions. The county should work with the other communities who are or will be involved in platting outside municipal borders to ensure that subdivision regulations take into consideration the rural character of the property.