

AGENDA Tuesday, March 19, 2013

Land Use Committee

4:30 PM

Carnegie Town

Hall

235 West 10th

Street

\*\*\* Committee Meeting will start immediately following the adjournment of 4:00 pm Informational Meeting. This meeting will take place in the Carnegie Chambers.

1. Call To Order

2. Approval of Minutes

A. Tuesday, February 19, 2013

3. Discussion

A. Acceptance Procedures and Requirements for Private Construction of Public Improvements by Chad Huwe, City Engineer

4. Open Discussion

5. Adjournment

Date: 2013-03-19  
SIRE Meeting ID: 1907  
Meeting Type: Committee Meeting  
Subtype: Land Use Committee  
YouTube:<https://youtu.be/fiDMegCupZI>  
Agenda Item: Not Assigned  
Item ID: 66984

The following document(s) are public records obtained from the  
City of Sioux Falls.

Draft

# MINUTES

Tuesday, February 19, 2013

Land Use Committee

4:30 PM  
Carnegie Town Hall  
235 West 10<sup>th</sup> Street



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**Members Present:** Council Member Kermit L. Staggers, Council Member Kenny Anderson Jr., Council Member Dean Karsky, Council Member Rex Rolfing

**Members Absent:** None

**Staff Present:** Denise D. Tucker, CMC, Assistant City Clerk; Jim David, Legislative/Operations Manager

**Guests:** Council Member Sue Aguilar, Council Member Michelle Erpenbach, Shawna Goldammer, Paul Bengford

## 1. Call To Order

Committee Chair Rex Rolfing called the meeting to order at 5:26 p.m.

## 2. Approval of Minutes

A. Tuesday, November 20, 2012

A motion was made by Kenny Anderson Jr. and seconded by Dean Karsky to approve the minutes of Tuesday, November 20, 2012.

Rolfing called for a voice vote. All members voted yes.

## 3. Discussion

A. Final Urban Agriculture Task Force Presentation by Shawna Goldammer, Zoning Enforcement Manager

Shawna Goldammer, Zoning Enforcement Manager, said she served as the facilitator for the Urban Agriculture Task Force. She said today's focus is on animals. The City Council approved a Community Gardens ordinance in June 2012.

Goldammer gave a PowerPoint presentation. She said the keeping of animals is not clear in the Shape Sioux Falls plan, but not much has changed in the current

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zoning ordinance. Having animals in a residential district is considered an accessory use and hasn't changed since the 1950s.

She provided a brief history of animal ordinances. The Urban Agriculture Task Force began their review of the ordinance with Chapter 90: Animals and Fowl, which includes: Keeping of Animals (but not as a nuisance), Abandoning of Animals, Hunting Prohibited, and Number of Pets limited (except birds and fish). Also discussed was Chapter 160, the zoning ordinance, which allows for keeping animals in a residential district.

Goldammer reviewed a number of questions that the Task Force considered. Video clips were shown of public testimony (an opponent and proponent). Overall the Task Force held nine meetings to discuss animals, beginning on March 30, 2012. Public input was allowed at each of the meetings. Goldammer reviewed the list of animal topics that were discussed, they ranged from: the number of animals allowed to effects on neighboring properties.

The Task Force proposed new definitions for: domestic animal, nondomestic animal, exotic animal, fowl, livestock, and pet. Goldammer said they are recommending, for fowl and rabbits, allowing up to six without a license. She discussed the procedures if someone wanted to have more. The group recommended that livestock only be allowed in the Agricultural Zoning District; and roosters, slaughter and exotic animals be prohibited within the city limits. Discussion followed.

B. Recommended Amendments for Chapter 90: Animals and Fowl ("Keeping of Animals" and "Licensing") and Chapter 92: Health and Sanitation ("Illustrative enumeration") by Paul Bengford, Assistant City Attorney; and Shawna Goldammer, Zoning Enforcement Manager

Goldammer reviewed the proposed changes to the ordinance. Some of the changes include: definitions for domestic animal, exotic animal, fowl, livestock, non-domestic animal, and pet; allowing domestic fowl and rabbits under "Keeping of Animals", including the maximum number allowed, license requirements and prohibiting roosters; keeping livestock on property classified as Agricultural District; and prohibiting slaughter of animals.

Committee Member Kermit L. Staggers asked about horses in the city limits. Discussion followed.

Goldammer reviewed the recommendation for licensing of animals and fowls. Committee Member Kenny Anderson Jr. asked if there was a fee structure set up for licenses. The Task Force did not determine any fees. Discussion followed.

The final recommendation by the Task Force involved food storage and removal. Goldammer said the proposed ordinance has been reviewed by the City Attorney's

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Office.

Rolfing asked if a fee amount needed to be attached to licensing. Paul Bengford, Assistant City Attorney, said whatever fee is deemed appropriate should be made by the Council. Officer Mike Colwill, supervisor for Animal Control, discussed the current license fees for cats and dogs.

A motion was made by Dean Karsky and seconded by Kenny Anderson Jr. for a \$50.00 licensing fee to cover three years and to be filed at the time of application (for additional animals). Discussion followed. Staggers suggested that there should be a year without a fee to figure out the costs to administer the program. Discussion followed. Karsky and Anderson Jr. withdrew their motion.

### **C. Public Input**

Councilor Sue Aguilar asked about enforcement of the number of animals, and if it is a part of the ordinance. Goldammer said enforcement was discussed and explained procedures to investigate.

Citizen Darin Cox said he was an active participant in the Urban Agriculture Task Force meetings. He said he may have found a loophole in the proposed ordinance. He said rabbits were added with chickens, to be viewed as a food source and not a pet. Cox said no one attended the meetings to speak about rabbits as a food source. He spoke about a number of concerns regarding rabbits. Cox asked for a 100% of signatures from neighbors, when going over the allotted allowance of animals. He asked for rabbits to be placed in the pet category and limited to four. Discussion followed.

Karsky asked Colwill about enforcement of the ordinance, regarding the number of rabbits. Bengford said rabbits are defined as a pet. He said if you want to limit the number of rabbits, then pull them from the definition of pets and put them in the "Keeping of Animals", with fowl and livestock to limit them to six. Currently you are allowed to have four pets, if the rabbits reproduce and if you have rabbits less than six months of age, there is no limit on them. Under the "Keeping of Animals", a license would need to be obtained for any rabbits past the limit. Karsky suggested taking rabbits from the definition of pets.

A motion was made by Dean Karsky and seconded by Kenny Anderson Jr., to move the ordinance to the full Council.

Staggers said one of the objectives of the proposed ordinance was to create a situation where we rarely cause nuisances, with the animals. He said that was a worthy objective. Staggers said he doesn't want any of the animals causing any nuisances. He said the proposed ordinance isn't going to do that; the best way to do this would be to have general ordinances, dealing with: smell, drainage and noise. Staggers said he was going to vote against the ordinance.

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Rolfing called for a voice vote. Staggers voted no. The motion passed.

A motion to amend, the main motion, was made by Dean Karsky and seconded by Kenny Anderson Jr. to remove rabbits from the definitions of pets and place them with livestock.

Rolfing called for a voice vote. Staggers voted no. The motion passed.

D. Council Discussion

Occurred during public input.

**4. Open Discussion**

Rolfing said, according to the November 20, 2012 minutes, we are looking for some continued information on arterial streets. He said it should be discussed at the next meeting.

**5. Adjournment**

Rolfing adjourned the meeting at 6:34 p.m.

Denise D. Tucker, CMC  
Assistant City Clerk

Date: 2013-03-19  
SIRE Meeting ID: 1907  
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Subtype: Land Use Committee  
YouTube:<https://youtu.be/fiDMegCupZI>  
Agenda Item: Not Assigned  
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## **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

Section	Topic	Page
14.1	Applications of Standards	14.1
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.~~

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