

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

951A0209

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1082** - 2/14/97

Introduced by: Representatives Diedrich, Apa, Crisp, DeMersseman, Fiegen, Jaspers, Johnson (Doug), and Monroe and Senators Aker, Halverson, and Johnson (William)

1 FOR AN ACT ENTITLED, An Act to reduce the voting requirements of the board of  
2 adjustment and to increase the minimum number of members appointed to the planning and  
3 zoning commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 11-2-25.1 be amended to read as follows:

6 11-2-25.1. The board of county commissioners may ~~provide for the appointment of~~ appoint  
7 the planning and zoning commission to serve as a board of adjustment, ~~and in the regulations and~~  
8 ~~controls adopted pursuant to this chapter may provide that the said.~~ The board of adjustment  
9 may, in specific cases, ~~in order that~~ to avoid unwarranted hardship, which constitutes an  
10 unreasonable deprivation of use as distinguished from the mere grant of a privilege, ~~may be~~  
11 ~~avoided, make, make~~ upon an affirmative vote of ~~three-fourths~~ two-thirds of the full membership  
12 of the board of adjustment, special exceptions, or grant variances to the terms of the regulations  
13 or controls, subject to appropriate conditions or safeguards being adopted by the board of county  
14 commissioners.

15 Section 2. That § 11-2-2 be amended to read as follows:

1        11-2-2. For the purpose of promoting health, safety, morals, and the general welfare of the  
2 county, the board of county commissioners of each county in the state, shall appoint a  
3 commission of ~~three~~ five or more members, the total membership of which shall always be an  
4 uneven number and at least one member of which shall be a member of the board, to be known  
5 as the county planning commission. Such commission shall also be the county zoning  
6 commission.

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1 **BILL HISTORY**

2 1/24/97 First read in House and referred to Local Government. H.J. 114

3 2/4/97 Scheduled for Committee hearing on this date.

4 2/4/97 Deferred to another day. H.J. 290

5 2/6/97 Scheduled for Committee hearing on this date.

6 2/6/97 Deferred to another day. H.J. 337

7 2/11/97 Scheduled for Committee hearing on this date.

8 2/13/97 Scheduled for Committee hearing on this date.

9 2/13/97 Local Government Do Pass Amended, AYES 13, NAYS 0. H.J. 475

10 2/13/97 Local Government Title Amended.