

1862

YANKTON COUNTY

PLANNING AND ZONING



Zoning 101



• Yankton County Zoning

Zoning regulations began in the judicial system as public nuisance complaints. The judicial system found private property use can be in a manner which interferes with another's use or enjoyment of their property. This can be a private nuisance or a public nuisance.

The United States Constitution provides due process and equal protection for all citizens.

Fifth Amendment - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment - No **state** shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any **state** deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Both prohibit the government from taking a person's life, liberty, or property without due process of law.

The due process of law requires Procedural Due Process and Substantive Due Process. The due process of law requires Equal Protection for all citizens.

The Standard State Zoning Enabling Act in 1924 provide enabling legislation to the states to establish zoning regulations. South Dakota Codified Statue Chapter 11 – County Planning & Zoning provides enabling legislation for Yankton County to establish zoning regulations.

PLANNING AND ZONING

- Yankton County Zoning History
 - 1976 Comprehensive Plan
 - Resolution of Adoption?
 - 1990 Comprehensive Plan
 - Resolution of Adoption – December 18, 1990
 - 1993 Zoning Ordinance
 - Resolution of Adoption – April 13, 1993
 - Referendum vote – July 6, 1993 –70% nay, 30% aye, Adoption rescinded
 - 2001 Temporary Zoning Ordinance
 - Resolution of Adoption - December 21, 2001
 - 2003 Comprehensive Plan
 - Resolution of Adoption - September 16, 2003
 - 2003 Zoning Ordinance
 - Resolution of Adoption – December 12, 2003



- **Comprehensive Plan**

The comprehensive plan is the adopted official statement of a local government's legislative body for future development and conservation. It sets forth goals, analyzes existing conditions and trends, describes and illustrates a vision for the physical, social and economic characteristics of the community in the years ahead and outlines policies and guidelines intended to implement that vision.

The comprehensive plan have required elements including:

- Land Use
- Transportation
- Community facilities (including utilities and parks and open spaces)
- Housing
- Economic development
- Critical and sensitive areas
- Natural hazards
- Agriculture lands



PLANNING AND ZONING

Zoning:

The control by authority which designates legal areas in a jurisdiction to permit and prohibit land uses. Zoning may specify a variety of outright and conditional uses of land. It may also indicate the size and dimensions of land area as well as the form and scale of buildings. These guidelines are set in order to guide growth and development.



- Zoning Process
 - Adoption procedure
 - South Dakota Statue Chapter 11
 - Planning Commission
 - County Commission
 - Timeline for the implementation process
 - Planning Commission - Public Hearing – 10 day notice
 - County Commission – Public Hearing – First Reading – 10 day notice
 - County Commission – Public Hearing – Second Reading – 10 day notice
 - Publish Notice of Adoption – 20 days after publication.



• Zoning Fundamentals

A zoning ordinance divides a local government's jurisdiction into districts or zones. For each district or zone, the zoning ordinance regulates the following:

- Types of land use
- Intensity or density of development
- Height, bulk and placement of structures
- Amount & design of parking
- A number of other aspects of land-use and development activity



• Zoning Regulation Elements

- General Provisions
- Use Standards
- Intensity and Density Standards
- Dimensional Standards
- General Development Standards
- Development Standards for Hazard Areas or Sensitive Lands
- Nonconformity Standards
- Development Review Standards
- Appeal and Variance Standards
- Enforcement Standards
- Amendment Standards



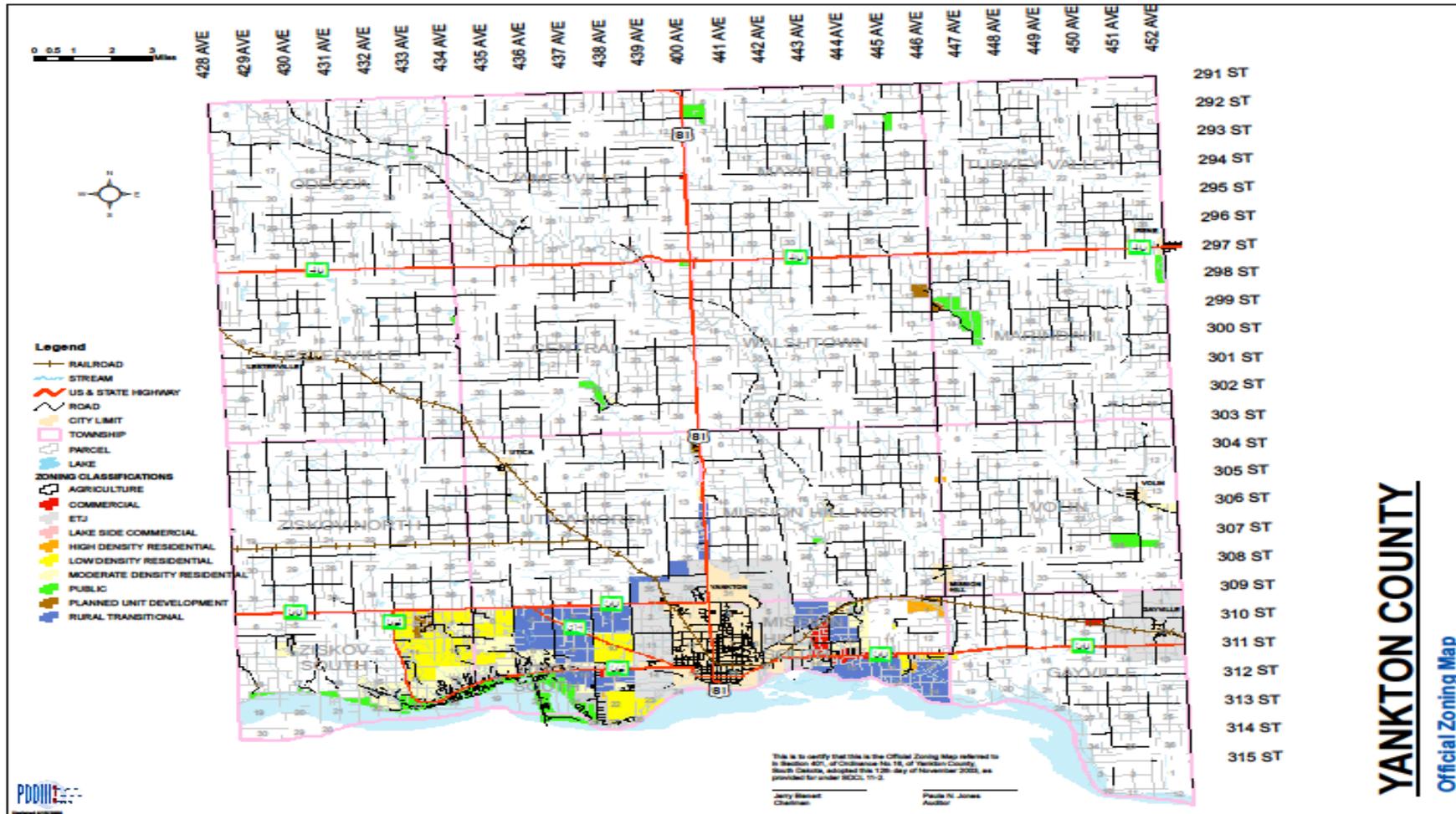
- **Zoning Map**

- Zoning maps visually portray the districts or zones in a specific jurisdiction.
- Actual districts or zones is not an exacting process and should never used for long term uses.
- Zoning maps are not intended to eliminate or cause to completely restrict specific development in a district.
- The zoning map should be utilized to compatible uses with specific land-use objectives.



PLANNING AND ZONING

- Zoning Map



- Yankton County
 - Zoning Map
 - Zoning Districts
 - Sign Regulations
 - Tower and Wind Regulations
 - Supplement District Regulations
 - Nonconformance Regulations
 - Administrative Procedure and Enforcement
 - Hwy 52 Overlay



- Zoning Districts
 - Agriculture
 - Low Density Rural Residential
 - Moderate Density Rural Residential
 - High Density Rural Residential
 - Manufactured Home Park
 - Commercial
 - Lakeside Commercial
 - Rural Transitional
 - Planned Unit Development



- Sign Regulations
 - Time Place and Manner
 - On site sign
 - Off site sign



- Tower and Wind Regulations
 - Telecommunications towers
 - Residential wind generators
 - Commercial wind farms



PLANNING AND ZONING

- Supplement District Regulations
 - House performance standards
 - Septic system performance standards
 - Campgrounds
 - Camping Units



PLANNING AND ZONING

- Administrative Procedure and Enforcement
 - Zoning Administrator
 - Planning Commission
 - Board of Adjustment
 - Variances / Conditional Use Permit
 - Rezones / Amendment
 - Building permits
 - Fees, inspections, fines

