



## **Guideline for REZONING**

- 1). Landowner to complete petition to rezoning application and return to Zoning Office with \$200.00 rezoning fee.**
  
- 2). Landowner to notify adjoining landowner by registered or certified mail of petitioned zoning change at least 10 days before the scheduled public hearing. Need to bring in mail receipts and delivery confirmations to Zoning Office to be filed.**
  
- 3). Public Notice 14 days before scheduled public hearing.**
  
- 4). Public Hearing on proposed change.**
  
- 5). Petition to rezone public hearing is heard by Planning & Zoning Commission. The Zoning Commission's approval or disapproval is a recommendation to the County Commission. The County Commission's public notice is published 14 days in advance of the County Commission hearing the petition as an Ordinance.**
  
- 6). If approved by County Commission, a publication of notice of adoption shall be published once in the legal newspaper and take effect 20 days after publication.**

## **BROOKINGS COUNTY REZONING as per SOUTH DAKOTA STATUTE**

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11-2-28.1. Petition by individual landowner for change in zoning--Notice to abutting and adjoining landowners--Notice to county auditor of adjacent county. An individual landowner may petition the board to change the zoning of all or any part of the landowner's property. The petitioning landowner shall notify abutting and adjoining landowners by registered or certified mail of the petitioned zoning change at least ten days before the public hearing is held on the matter by the planning commission. The landowner shall use information provided by the county director of equalization to determine the abutting and adjoining land owners. Property is considered as abutting and adjoining even though it may be separated from the property of the petitioner by a public road or highway. If the affected property abuts, adjoins, or is within one mile of a county border, the county auditor on behalf of the individual landowner shall also notify, by registered or certified mail, the county auditor in the adjoining county of the petitioned zoning change at least ten days before the public hearing is held on the matter by the planning commission.

**Source:** SDCL § 11-2-28 as added by SL 1975, ch 113, § 17; SL 1999, ch 65, § 6; SL 2000, ch 69, § 39; SL 2006, ch 62, § 1; SL 2011, ch 67, § 1.

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11-2-28.2. Public hearing on petition by landowners--Consideration and recommendation by county planning commission. Following receipt of any petition as provided in § 11-2-28 or 11-2-28.1, the board shall hold a public hearing, subject to the requirements of § 11-2-19, and take action upon the petitioned request. Within forty-five days of receipt by the board of any such petition, the county planning commission shall consider the requested action and make a recommendation thereon to the board.

**Source:** SDCL, § 11-2-28 as added by SL 1975, ch 113, § 17.

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11-2-29. Hearing on proposed change--Notice. The planning commission shall hold at least one public hearing on any proposed change or modification to the plan or ordinances. Notice of the time and place of the hearing shall be given once at least ten days in advance by publication in a legal newspaper of the county. At the public hearing, any person may appear and request or protest the requested change.

**Source:** SDC Supp 1960, § 12.20A06 as added by SL 1961, ch 37, § 2; SL 1967, ch 20, § 6; SL 1999, ch 65, § 7; SL 2000, ch 69, § 40; SL 2006, ch 62, § 2; SL 2011, ch 68, § 1.

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11-2-30. Adoption or rejection by board--Publication--Referendum provisions applicable. After the hearing, the board shall by resolution or ordinance, as appropriate, either adopt or reject the amendment, supplement, change, modification, or repeal, with or without changes. Consideration of any changes to the proposed amendment, supplement, change, modification, or repeal may only be done if the time and place of the hearing is published at least ten days in advance in a legal newspaper of the county. If adopted, the board shall publish a notice of the fact of adoption once in a legal newspaper of the county and take effect on the twentieth day after publication. The provisions of § 11-2-22 are applicable to this section.

**Source:** SDC Supp 1960, § 12.20A06 as added by SL 1961, ch 37, § 2; SL 1967, ch 20, § 6; SL 1975, ch 113, § 18; SL 1999, ch 65, § 8; SL 2000, ch 69, § 41; SL 2016, ch 71, § 1.

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11-2-32. Municipal planning and zoning powers unimpaired--Area of joint zoning authority. Nothing in this chapter may be construed to prevent or modify the powers of an incorporated municipality, with a duly authorized planning commission, from exercising planning and zoning jurisdiction within the corporate limits and from exercising jointly with the county planning commission the planning and zoning authority within a joint jurisdictional area beyond the municipal corporate limits, as provided in chapters 11-4 and 11-6.

**Source:** SL 1967, ch 20, § 9; SL 2003, ch 77, § 1.

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