

ORDINANCE NO. 2

AN ORDINANCE ESTABLISHING A PLANNING AND ZONING COMMISSION FOR THE TOWN OF CROOKS, SOUTH DAKOTA, WITH ALL OF THE POWERS, AUTHORITY, JURISDICTION AND DUTIES RELATED THERETO, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES, TOWN OF CROOKS, SOUTH DAKOTA:

Section 1. Town Planning and Zoning Commission Established.

For the purpose of promoting the health, safety and general welfare of the Town of Crooks, South Dakota, there is hereby established a Planning and Zoning Commission within such town, pursuant to SDCL 11-6-2, 11-4-1 and 11-4-11.

Section 2. Definition of terms. For the purpose of this ordinance, unless otherwise specified, the following terms shall have the following meanings:

- a. "City", "Town", or "Municipality" shall mean the Town of Crooks, South Dakota.
- b. "Council", "Board", or "Board of Trustees" shall mean the Board of Trustees, Town of Crooks, South Dakota.
- c. "Street" or "streets" shall mean and include all streets, avenues, boulevards, roads, lanes, alleys or other ways.
- d. "Subdivision" shall mean the division of any tract or parcel of land into two or more lots, sites or other division for the purpose, whether immediate or future, of sale or building development and includes resubdivision. This definition shall not apply to the conveyance of a portion of any previously platted tract, parcel, lot or site; provided, however, that such conveyance does not cause the tract, parcel, lot, or site from which the portion is severed to be in violation of any existing zoning ordinance or subdivision regulation applying to such tract, parcel, lot, or site.
- e. "Commission", "Planning and Zoning Commission", or "Planning Commission" shall mean the Planning and Zoning Commission of the Town of Crooks, South Dakota, herein created.
- f. "Comprehensive Plan" shall mean a document which describes in words, and may illustrate by maps, plats, charts, and other descriptive matter, the policy, goals and objectives of the Town of Crooks, South Dakota, to interrelate all functional and natural systems and activities relating to the development of the territory under its jurisdiction.
- g. "Zoning Map" shall mean the map adopted as an ordinance by the Town of Crooks that delineates the extent of each district or zone established

- i. "Official Controls" shall mean any regulation, standard, map, or procedure adopted by the Town of Crooks to regulate the development of the territory so as to carry out the comprehensive plan.
- j. "Zoning Ordinance" shall mean the ordinance adopted by the Town of Crooks to regulate by districts or zones the location, height, bulk and size of buildings and other structures and accessory uses, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings, and structures for trade, advertising uses, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, recreation, or other purposes.

Section 3. Membership of the Planning and Zoning Commission. The Planning and Zoning Commission of the Town of Crooks shall consist of five (5) members appointed by the Board of Trustees. Administrative officials of the Town may be appointed as ex officio members of the Commission.

Section 4. Terms of Office and Vacancy. The term of each Planning Commission member shall be for five (5) years, except that when the Commission is first appointed, three (3) members shall be appointed for three (3) years and the other two (2) members shall be appointed for five (5) years. Thereafter, appointment of each member shall be for a term of five (5) years so that there will be an overlapping of tenures. Any vacancy on the Commission shall be filled for the unexpired term by appointment of the Board of Trustees.

Section 5. Removal of Member. The Board of Trustees shall, after public hearing, have authority to remove any member of the Commission for cause, which said cause shall be stated in writing and made a part of the record of such hearing.

Section 6. Compensation. All Planning Commission members shall serve as such without compensation therefore.

Section 7. Officers. The Commission shall elect a chairman from among its members for a term of one year with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of the Commission.

Section 8. Meetings-Rules-Public Record. The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, findings and determinations which shall be a public record.

Section 9. Employees of Commission. The Board of Trustees may appoint such employees as it may deem necessary for its work,

for changes thereto. The Commission shall hold hearings and submit reports and recommendations to the Board of Trustees concerning the plan and any proposed changes thereto. The Commission, its members and employees, may enter upon any land, make examinations and surveys and place and maintain necessary stakes, monuments and marks thereon, in the performance of its functions. In general, the Commission shall have all such powers as may be necessary to enable it to fulfill and perform its functions, promote town planning or carry out all of the purposes of SDCL 11-6.

Section 11. Expenditures of the Commission. The expenditures of the Commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for the purpose by the Board of Trustees, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.

Section 12. Territorial Extent of Powers. Pursuant to SDCL 11-6-10 and 11-6-11, the Board of Trustees hereby exercises its comprehensive planning and zoning powers, not only within its corporate limits, but within three (3) miles in all directions of its corporate limits and not located within any other municipality. Pursuant to such exercise of authority, the Planning and Zoning Commission of the town of Crooks shall have all powers and authority with regard to planning and zoning over, not only land within the corporate limits of the Town of Crooks, but land within three (3) miles in all directions of the Town of Crooks and not located within any other municipality.

Section 13. Preliminary Report of Commission. Upon appointment, the Commission shall make a preliminary report to the Board of Trustees as to existing land uses in and within 3 miles of the Town of Crooks. Thereafter, the Commission shall hold such public hearings as it shall deem appropriate and as required by law, upon legal notice, to carry out its function.

Section 14. Comprehensive Plan. It shall be a function and duty of the Planning and Zoning Commission to propose a plan for the physical development of the Town of Crooks, including any areas outside the boundary and within its planning jurisdiction which, in the commission's judgment bear relation to the planning of the town. The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for the said physical development and may include, among other things, the general location, character, and extent of streets, bridges, viaducts, parks, parkways, waterways and waterfront developments, playgrounds, airports, and other public ways, grounds, places and spaces; the general location of public schools, of public buildings and other public property; a zoning ordinance for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the comprehensive plan; the general location and extent of public utility

extent, and layout of the replanning of blighted districts and slum areas. The commission may from time to time propose amendments, extensions, or additions to the plan or carry any of the subject matter into greater detail.

Section 15. Preparation of Plan. In preparing the comprehensive plan, the Commission shall make comprehensive study of the existing conditions and probable future growth of the Town of Crooks, and shall prepare the Plan with the purpose of guiding and accomplishing a co-ordinated, adjusted, and harmonious development of the town, which will in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development of the Town.

Section 16. Plan Proposed as a Whole or in Part. The Commission shall propose to the Board of Trustees The Comprehensive Plan as a whole by a single resolution, or, as the work of preparing the Plan progresses, may from time to time propose a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the Plan.

Section 17. Public Hearing Before Plan Recommended to Board of Trustees. Before recommending a comprehensive plan to the Board of Trustees, the Commission shall hold at least one public hearing, notice of the time and place thereof to be given at least 15 days prior to the hearing date, by publication in the official newspaper of the Town.

Section 18. Submission of Plan to State Planning Bureau. At or about the same time the Comprehensive Plan is submitted to the Board of Trustees, it shall also be submitted to the State Planning Bureau for its information.

Section 19. Commission Approval Required for Construction in Area Covered by Plan. Upon the adoption of the Comprehensive Plan or any part thereof by the Board of Trustees, from that time forward, no street, park or other public way, ground, place, space, building, structure, improvement, utility, whether private or public, shall be constructed, or authorized within the jurisdiction of the Commission, upon proper submission, procedure and action thereon, unless overruled by the Board of Trustees, as provided by law.

Section 20. Street and Public Improvements Subject to Approval. In the same manner as construction in the Plan area, as provided by Section 19 above. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, land acquisition for any street or other public way, ground, place, property or structure, shall be subject to submission to and approval of the Planning Commission, subject to being overruled.

Section 21. Building and Setback Regulations. From and after the adoption of the Comprehensive Plan by the Board of

Section 22. Approval of Subdivision Plats. From and after the adoption of the Comprehensive Plan or if the major street plan thereof has been adopted and a certified copy thereof has been filed with the Register of Deeds of Minnehaha County, South Dakota, no plat of any subdivision of land within the Town or within the 3 mile extraterritorial planning and zoning jurisdiction shall be filed until such plat shall have been submitted to the Planning Commission, a report and recommendations made to and approval given by the Board of Trustees. The Commission shall have 60 days to submit its recommendations to the Board, after the plat is submitted to the Commission.

Section 23. Adoption of Subdivision Regulations. The Commission shall recommend and the Board of Trustees shall adopt, by ordinance, regulations governing the subdivision of land within its planning and zoning jurisdiction. Such regulations may provide for the harmonious development of the town and its environs; for the co-ordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the town; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity. Before an adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the Board of Trustees.

Section 24. Approval of Subdivision Plats. Any subdivision of land containing two or more lots, no matter how described, shall be platted or replatted, and must be submitted to the planning commission for its consideration and recommendation to the Board for approval or rejection. Any plat submitted shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the Board without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five days before the date fixed therefor.

Section 25. Plat Approval for Street or Utility Work. From and after the time when the platting jurisdiction of the Town of Crooks shall have attached by reason of the adoption of a major street plan as specified in Section 22 above, the Town of Crooks or other public authority shall not, except as provided by Section 26 hereafter, accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the Town unless such street shall have otherwise received the legal status of, a public street prior to the adoption of a comprehensive plan, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Trustees or on a street plat made by the planning commission and adopted by the Board.

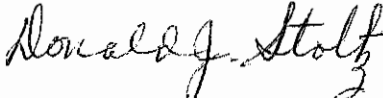
Section 26. Street Construction by Ordinance. The Board of Trustees may locate and construct or may accept any other street if the ordinance or other measure for such location and

Section 27. Buildings on Unapproved Streets Prohibited - Remedies. From and after the time when the platting jurisdiction of the Town of Crooks shall have attached by reason of the adoption of a major street plan as specified in Section 22 above, no building permit shall be issued for or no building shall be erected on any lot within the territorial jurisdiction of the Commission and Town as provided in Section 22, unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted as opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board or on a street plat made by said commission and adopted by the Board or with a street located or accepted by the Board, or, in the case of territory outside of the municipal corporation, by the governing body thereof, after submission to said commission, and, in case of said commission's disapproval, by the favorable vote required in Section 26. Any building erected in violation of this section shall be deemed an unlawful structure, and the Town or governing body may bring action to enjoin such erection or cause it to be vacated or removed.

Section 28. Emergency. Whereas this Ordinance is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government of the Town of Crooks, South Dakota, and its existing public institutions, an emergency is hereby declared to exist, and this Ordinance shall take effect upon the passage and publication hereof.

First Reading:	November 17, 1978
Second Reading:	December 7, 1978
Passage and Adoption:	December 7, 1978
Publication and Effective Date:	December 14, 1978

Adopted this 7th day of December, 1978.


DONALD J. STOLTZ
President

ATTEST:


Janet E. Anderson
Municipal Finance Officer

TOWN OF CROOKS
Minnehaha Co., So. Dak.