

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

735S0023

HOUSE BILL NO. 1050

Introduced by: Representatives Kirkeby, Feickert, and Tulson and Senators Frerichs, Maher,
and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise the voting requirements for the county board of
2 adjustment.

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

4 Section 1. That § 11-2-59 be amended to read as follows:

5 11-2-59. The concurring majority vote ~~of two-thirds~~ of the members of the board of
6 adjustment is necessary to reverse any order, requirement, decision, or determination of any
7 such administrative official, or to decide in favor of the applicant on any matter upon which it
8 is required to pass under any such ordinance, or to effect any variation in the ordinance.

9 Section 2. That § 11-2-60 be amended to read as follows:

10 11-2-60. In lieu of appointing the board of adjustment provided by § 11-2-49, the board of
11 county commissioners having adopted and in effect a zoning ordinance may act as and perform
12 all the duties and exercise the powers of the board of adjustment. The chair of the board of
13 county commissioners is chair of the board of adjustment as so composed. The concurring
14 majority vote ~~of at least two-thirds~~ of the members of the board as so composed is necessary to
15 reverse any order, requirement, decision, or determination of any administrative official, or to



- 1 decide in favor of the appellant on any matter upon which it is required to pass under any zoning
- 2 ordinance, or to effect any variation in the ordinance.