

Chapter 17.04

INTRODUCTORY PROVISIONS

Sections:

- 17.04.010 Short title.**
- 17.04.020 Jurisdiction.**
- 17.04.030 Amendment.**
- 17.04.040 Applicability.**
- 17.04.050 Zoning affects every building and use.**
- 17.04.060 Performance standards.**
- 17.04.070 Subdivision regulation.**
- 17.04.080 Provisions of title declared to be minimum requirements.**
- 17.04.090 Separability.**
- 17.04.100 Purpose of catchlines.**
- 17.04.110 Violations, fines and penalties.**

17.04.010 Short title.

This title may be known and may be cited and referred to as "The Land Use Development Ordinance of the City of North Sioux City, South Dakota," to the same effect as if the full title were stated. (Ord. 386 § 101, 2002)

17.04.020 Jurisdiction.

Jurisdiction. The provisions of this title shall apply within the corporate limits of the city and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of up to three miles in all directions, as established on the map entitled "The Official Zoning Map of

the City of North Sioux City, South Dakota", as the same may be amended by subsequent annexation. (Ord. 386 § 201, 2002)

17.04.030 Amendment.

A. The provisions of this title may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that such modification or repeal shall in each instance be proposed in an ordinance presented to the city council for adoption in the same manner and upon the same notice as required for adoption of the ordinance codified in this title.

B. No amendment, supplement, change or modification of this title shall be made by the city council without first the consideration of each by the planning commission. Following a public hearing before and consideration by the planning commission, the commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the city council within thirty (30) days after receipt thereof. Such recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the comprehensive plan. Such recommendations shall be of an advisory nature only. (Ord. 386 §§ 2201, 2202, 2002)

17.04.040 Applicability.

The zoning regulations set forth by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind or structure or land, and particularly, except as hereinafter provided. (Ord. 386 § 301, 2002)

17.04.050 Zoning affects every building and use.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located. (Ord. 386 § 302, 2002)

17.04.060 Performance standards.

No building or other structure shall hereafter be erected or altered:

- A. To exceed the height or bulk;
- B. To accommodate or house a greater number of families;
- C. To occupy a greater percentage of lot area;
- D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any other manner contrary to the provisions of this title. (Ord. 386 § 303, 2002)

17.04.070 Subdivision regulation.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this title, shall be prepared, presented for approval, and recorded as herein prescribed. The subdivision regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. (Ord. 386 § 306, 2002)

17.04.080 Provisions of title declared to be minimum requirements.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this title require a greater width or size of yards, courts or other spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this title shall govern. Wherever the provisions of any other ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot be left unoccupied, or impose other higher standards than are required by the provisions of this title, the provisions of such ordinance shall govern. (Ord. 386 § 307, 2002)

17.04.090 Separability.

Should any article, section or provision of this title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this title as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 386 § 2401, 2002)

17.04.100 Purpose of catchlines.

The catchlines appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this title. (Ord. 386 § 2402, 2002)

17.04.110 Violations, fines and penalties.

A. Any violator of this title or any amendment thereto of the city, shall be fined not in excess of Five Hundred Dollars (\$500.00). Conviction shall not preclude civil liability to the city for damages caused the city by the illegal act. Each separate violation of an ordinance shall constitute a separate offense.

B. Each day that the violation of a city ordinance occurs shall constitute a separate offense.

C. In case any person, firm or corporation violates this title or any amendment thereto of, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation. (Ord. 386 § 2404, 2002)