

**CITY OF DEADWOOD
ORDINANCE 1386**

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **AMENDMENT** “17.08.010 Definitions” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

17.08.010 Definitions

As used in this title:

"Zoning, Spot" or "Spot Zoning" is what results when a zoning ordinance creates a small island of property with restrictions on its use different from those imposed on the surrounding property.

SECTION 2: **AMENDMENT** “17.100.030 Standards Of Review” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

17.100.030 Standards Of Review

In reviewing an amendment to the text of this title or an amendment to the official zoning district map, the city commission and planning and zoning commission shall consider:

- A. Whether the proposed amendment is in conflict with any applicable portions of this title.
- B. Whether the proposed amendment is consistent with all elements of the comprehensive plan.
- C. Whether the proposed amendment is compatible with surrounding zone districts and land uses, considering existing land use and neighborhood characteristics.
- D. The effect of the proposed amendment on traffic generation and road safety.
- E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools and emergency medical facilities.
- F. Whether the proposed amendment is consistent and compatible with the community character in the city.
- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

H. Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and intent of this title.

I. No proposed amendment shall be allowed that is a spot zoning. Spot zoning is a rezoning of a lot or parcel to benefit an owner for a use that is incompatible with surrounding land uses and that does not further Deadwood’s Comprehensive Plan. Spot zoning does not necessarily occur when there is an isolated parcel that is zoned differently than the adjacent zoning. Spot zoning occurs only when all of the following situations occur:

(1) The Planning and Zoning Commission finds a small parcel of land is singled out for special and privileged treatment.

(2) The Planning and Zoning Commission finds the property singled out for special and privileged treatment is not in the public interest but only for the benefit of the landowner.

(3) The action is not in accord with the Deadwood’s Comprehensive Plan.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect from December 14, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION
NOVEMBER 21, 2023.

Presiding Officer

Attest

David Ruth Jr., Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood