

Bond Case Briefs

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ZONING - SOUTH DAKOTA

Parris v. City of Rapid City

Supreme Court of South Dakota - July 10, 2013 - N.W.2d - 2013 S.D. 51

Property owner sought review of city's denial of rezoning request and building permits. The Zoning Board of Adjustment affirmed. Property owner brought action seeking judicial review. The Circuit Court granted summary judgment in favor of city. Property owner appealed.

The Supreme Court of South Dakota held that:

- City's enforcement of zoning ordinance that prohibited property owner from building between 100-year and 500-year floodplains did not violate city ordinances providing general definitions for the floodway zoning and flood fringe districts, and
- Ordinance that prohibited property owner from building was not arbitrary.

City ordinance that prohibited property owner from building between 100-year and 500-year floodplains was not arbitrary so as to render ordinance invalid, where, although ordinance purportedly exceeded the actual floodway and utilized straight-line zoning, city's decision to maintain portions of the flood hazard zoning district was consistent with ensuring the health, safety, and general welfare of the city's citizens, and floodway was established to ensure the community's safety and to minimize property damage in the event of future flooding.