

**ARTICLE VI  
ADMINISTRATION**

**CHAPTER 6.03. PLANNING AND ZONING COMMISSION.**

**Section 6.03.01. Establishment.**

Within Brookings County, outside of incorporated municipalities and joint jurisdictional areas, the power and jurisdiction related to this article shall be executed by the County Planning and Zoning Commission.

**Section 6.03.02. Membership and Terms of Members.**

1. The Planning and Zoning Commission shall consist of nine (9) members. One (1) County Commissioner shall serve as a member of the Planning Commission. Two (2) members shall reside in the unincorporated areas of District 1 which consists of Bangor, Volga, Brookings, Lake Sinai, Oslo, and Medary Townships. Two (2) members shall reside in the unincorporated areas of District 2 which consists of Laketon, Preston, Eureka, Winsor, Oakwood, and Sterling Townships. Two (2) members shall reside in the unincorporated areas of District 3 which consists of Argo, Oak Lake, Lake Hendricks, Afton, and Sherman Townships, and the northern portion of Richland (Sections 3-34) Townships. Two (2) members shall reside in the unincorporated areas of District 4 which consists of Alton, Aurora, Trenton, Parnell, and Elkton Townships, and the southern portion of Richland (Sections 3-34) Township. All Members of the Planning and Zoning Commission shall be appointed by the County Commission. District members shall reside in the district they represent. If no person from a district is willing to serve on the Planning and Zoning Commission, the County Commission shall appoint a resident from the unincorporated area of Brookings County to serve that district. (SDCL 11-2-2 and 11-2-14)
2. The Board of County Commissioners shall also appoint two (2) alternates, who reside in the unincorporated area of Brookings County, to the Planning and Zoning Commission. If a Planning and Zoning Commission member is unable to attend a meeting, or participate in a proceeding, the alternates shall serve on the Planning and Zoning Commission on a rotating basis. Alternates shall be appointed for a three (3) year term.
3. Planning and Zoning Commission Members are appointed to four (4) year terms. These terms shall be staggered with the terms of two (2) members expiring in any given year. (SDCL 11-2-3)

**Section 6.03.03. Per Diem and Expenses of Commission.**

Per Diem and expenses of the County Planning and Zoning Commission shall be established by the Board of County Commissioners and paid by the County. (SDCL 11-2-3.2)

### **Section 6.03.04. Duties of Planning and Zoning Commission.**

The Planning and Zoning Commission shall have the following duties:

1. Comprehensive Land Use Plan:
  - a. The Planning Commission may prepare, or cause to be prepared, a comprehensive plan for the county including those municipalities within the county which are either unincorporated or which have requested by resolution of the governing board of such municipality to be included. (SDCL 11-2-11) Upon preparation the Planning and Zoning Commission shall make recommendation to the Board of County Commissioners after complying with the public hearing and noticing requirements set forth in SDCL11-2-18.
  - b. The comprehensive plan shall be for the purpose of protecting and guiding the physical, social, economic, and environmental development of the county; to protect the tax base; to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements; to lessen governmental expenditure; and to conserve and develop natural resources. (SDCL 11-2-12)
2. Zoning Ordinance:
  - a. For the purpose of promoting health, safety, or the general welfare of the county, the County Commission, upon recommendation from the Planning and Zoning Commission, may adopt a zoning Ordinance to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, flood plain, or other purposes. (SDCL 11-2-13)
    - b. For any of the purposes specified in SDCL 11-2-13, the County Commission may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within the districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one (1) district may differ from those in other districts. (SDCL 11-2-14).
  - c. The regulations shall be made in accordance with the Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration or scattering of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks; and other public requirements. (SDCL 11-2-14)
  - d. The regulations shall be made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. (SDCL 11-2-14)

- e. Upon preparation of a zoning Ordinance, or any amendment thereto, the Planning and Zoning Commission shall make a recommendation to the Board of County Commissioners after complying with the public hearing and noticing requirements set forth in SDCL11-2-18.

3. Subdivision:

- a. The Planning and Zoning Commission may make recommendations to the County Commission for the adoption of a subdivision Ordinance which shall be made in accordance with the Comprehensive Plan. The regulations may establish standards and procedures to be employed in land development including subdividing of land and the approval of land plats and the preservation of streets and land for other public purposes requiring future dedication or acquisition and general design of physical improvements. (SDCL 11-2-17)
- b. To review proposals for subdivision Ordinance adoption, or amendments thereto, to determine whether such subdivisions comply with the subdivision Ordinance of Brookings County and make recommendation to the Board of County Commissioners relating to the approval of subdivisions.
- c. Upon preparation of a subdivision Ordinance, or any amendment thereto, the Planning and Zoning Commission shall make a recommendation to the Board of County Commissioners after complying with the public hearing and noticing requirements set forth in SDCL11-2-18.

4. Amendments:

The Planning and Zoning Commission may from time to time propose and make recommendation on amendments to the comprehensive land use plan, zoning Ordinance, and subdivision regulations to the Board of County Commissioners after complying with the public hearing and noticing requirements set forth in SDCL11-2-18 and SDCL 11-2-28.

**Section 6.03.05. Procedures for Meetings.**

- 1. The members of the Planning and Zoning Commission shall select one (1) of their members as Chair and another as Vice-Chair, who shall act as Chair in the Chair's absence. Both shall serve one (1) year and until their successors have been selected. Meetings of the Planning and Zoning Commission shall be held monthly or at the call of the Chair and at such other times as the Planning and Zoning Commission shall determine. (SDCL 11-2-3.1)
- 2. The Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses in order to execute the purposes of this article. All meetings of the Planning and Zoning Commission shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Brookings County Development Department and shall be public record. The Planning and Zoning Commission shall keep record in the minutes showing the vote of each member upon each question or if absent or failing to vote, indicating that fact.

A simple majority vote of a quorum of members of the Planning and Zoning Board in attendance is required to forward a recommendation, pertaining to its duties described in 6.03.04, on to the Board of County Commissioners.