

City Council Agenda Memo

From: Mike Struck, Community Development Director

Meeting: November 15, 2022

Subject: Ordinance 22-037: Amending the Joint Jurisdiction Zoning Ordinance

Person(s) Responsible: Mike Struck, Community Development Director

Summary:

An ordinance amending the Joint Jurisdiction Zoning Ordinance of the City of Brookings and Brookings County.

Background:

The City of Brookings and Brookings County adopted a Joint Jurisdiction Zoning Ordinance in 1980 to share zoning authority for the unincorporated area surrounding the City of Brookings. The 1980 ordinance has had very few amendments over the years and has not kept pace with development trends and best practices. The City and County agreed to update the Joint Jurisdiction Zoning Ordinance and created a Committee to assist in the process. The Joint Jurisdiction Committee was comprised of 13 members, with 7 members representing the County and 6 members representing the City. The Committee commenced work on the ordinance update on November 20, 2017. First District Association of Local Governments guided the process and conducted a current land use inventory to identify the types of uses located with the current and proposed Joint Jurisdiction Land Use Area.

The Committee worked on the ordinance until September 19, 2019 in which the Committee voted to recommend the updated Joint Jurisdiction Zoning Ordinance to the respective Planning Commissions of the City and County for consideration. The City and County Planning Commissions held their first joint meetings to review the recommendation of the Joint Jurisdiction Zoning Committee on December 2, 2019. The Planning Commissions met jointly in early 2020 and paused meetings on the ordinance update until September 7, 2021 due to a pandemic. The Planning Commissions continued working through the ordinance and agreed upon the ordinance language on June 13, 2022 and on the Joint Jurisdiction Zoning Area boundaries on October 4, 2022.

Item Details:

Pursuant to SDCL 11-2, 11-4, and 11-6, the respective City and County Planning Commissions held a public hearing on June 13, 2022 and recommended adoption of

the joint jurisdiction zoning ordinance. The recommendations are forwarded to the City Council and County Commission for consideration and adoption.

The joint jurisdiction zoning ordinance is intended to share zoning authority between the City and County for those areas outside of city limits, but expected to be annexed in the future. Joint jurisdiction zoning allows for planned, coordinated growth and helps to ensure as the City of Brookings expands outward, development can continue with logical extensions of infrastructure and services to maintain connectivity with the City of Brookings.

Joint Jurisdiction Zoning Ordinance points of interest:

- Administration – areas zoned Agriculture are administered by Brookings County according to the proposed Joint Jurisdiction Zoning Ordinance and non-Agriculture zoned properties are administered by the City of Brookings according to the City's Zoning Ordinance. The administration is same as current ordinance, however, the change occurs with the City utilizing the City Zoning Ordinance. Justification is the area is expected to become part of the City and should develop consistent with City zoning standards.
- Board of Adjustment – a five (5) member Board of Adjustment consisting of three (3) County representatives and two (2) City representatives would hear variance and conditional use requests for Agriculture zoned areas within the Joint Jurisdiction Zoning Area. This is new language and would allow the City to participate in the decision making process for those uses requesting special consideration within the joint zoning area.
- Rezoning requests within the Joint Jurisdiction Area would still require joint meetings of the Planning Commissions with recommendations forwarded to the City Council and County Commission for final action.
- Additional updates to zoning regulations and uses based upon current best practices and aligns more closely with the Brookings County Zoning Ordinance related to agricultural uses.

Legal Consideration:

The City Attorney and Brookings County States Attorney have reviewed the Joint Jurisdiction Zoning Ordinance.

Strategic Plan Consideration:

The joint jurisdiction zoning authority is consistent with Goal C. Service and Innovation Excellence by continuing to expand upon intergovernmental relations and policy shaping. The Joint Jurisdiction Zoning Ordinance will assist in achieving Goal E. Economic Growth by ensuring for coordinated and planned development adjacent to the City of Brookings and thus providing opportunities for the City to grow outward and provide opportunities for business and residential growth.

Financial Consideration:

None.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Discuss / take no action / table

The Planning Commission voted 5-0 recommending adoption of the joint jurisdiction zoning ordinance and voted 7-0 recommending adoption of the Joint Jurisdiction Zoning Map. Staff recommends approval.

Supporting Documentation:

Memo

Ordinance

Joint PC Minutes - June 13, 2022

Joint PC Minutes - October 4, 2022

Joint Jurisdiction Zoning Map