CHAPTER 2.60: PLANNING COMMISSION

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2.60.010 Created–Jurisdiction.

There is created a Planning Commission for the city, and for land within 3 miles of its corporate limits and not located within any other municipality.

(Ord. 6251 (part), 2018: prior code § 2-236)

2.60.020 Members–Appointment–Qualifications.
A. **Regular members.** The City Planning Commission shall consist of 9 members appointed by the Mayor, subject to the approval of the Common Council. Eight of the members shall be resident electors of the city; 1 of the members shall reside outside the city limits, but within the 3-mile subdivision jurisdiction of the city. Members of the Planning Commission shall be qualified by knowledge or experience to act in matters pertaining to the development and administration of a comprehensive plan of development for the city, and shall not hold any elective office in the municipal government. It shall be an objective to have at least 1 member of the Planning Commission be a resident of each of the wards of the city. Therefore, in appointing members of the Planning Commission, due regard shall be given to obtaining representation from all 5 wards.

B. **Alternate members.** There will also be appointed 2 alternate members to the Planning Commission. The alternate members shall be appointed in the same manner as the regular members and shall have the same qualifications. The alternate members must be residents of the city. The alternate members should attend every meeting as though they were regular members of the Planning Commission. The alternate members can participate and vote at the meeting only when there is an absence or recusal at the meeting that results in less than 9 members being present or voting on a particular matter. Each alternate member shall be designated as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant, and the second alternate participating if there are any additional vacancies. If a regular member should leave during a meeting and the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described.

C. **Council liaison.** Council shall designate 1 of its members as a non-voting liaison to the Planning Commission.


### 2.60.030 Members-Terms.

Each member appointed to the Planning Commission, including alternate members, shall be appointed for a term of 3 years to expire October 1 of the third year; provided, nonetheless, that the Mayor shall make such appointments for shorter terms as shall be appropriate to establish a pattern whereby the terms of 3 or 4 members of the Commission expire on October 1 of each year.


### 2.60.040 Members-Removal.

The Mayor with the confirmation of the Common Council, shall after public hearing have authority to remove any member of the Planning Commission for cause which cause shall be stated in writing and made a part of the record of the hearing.

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2.60.050 Vacancies.

Any vacancy in a membership on the Planning Commission shall be filled for the unexpired term in the same manner as for appointment.

(Ord. 6251 (part), 2018: prior code § 2-237(c))

2.60.060 Compensation.

All members of the Planning Commission shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council.

(Ord. 6251 (part), 2018: prior code § 2-237(e))

2.60.070 Organization.

Upon appointment the Planning Commission shall be called together by the Mayor and shall organize by electing a Chairperson from among its members for a term of 1 year with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Planning Commission.

(Ord. 6251 (part), 2018: prior code § 2-238)

2.60.080 Contracts.

All contracts and agreements relating to the work of the Planning Commission and for services or materials required by it shall be made by the Common Council or by the Community Development Director in accordance with Chapter 3.04.

(Ord. 6251 (part), 2018: prior code § 2-242)

2.60.090 Meetings–Rules.

The Planning Commission shall hold at least 1 regular meeting each month. It shall adopt such rules for transactions, findings and determinations which shall be a public record. Attendance of 5 or more members constitutes a quorum of the Planning Commission. A motion passes upon a majority vote of the Planning Commission members in attendance, except as provided below.

If the Planning Commission is acting as the Zoning Board of Adjustment pursuant to § 17.54.010B., the concurring vote of at least 2/3 of the members of the Board is necessary to decide in favor of the applicant on an appeal, special exception, or variance. Accordingly, no such action may be taken unless 6 members of the Board are
in attendance at the public hearing. For any other purpose, a quorum of the Board for any other action is 5 members, and any motion other than one regarding an appeal, special exception, or variance passes upon majority vote of the members in attendance.

(Ord. 6251 (part), 2018: Ord. 6036 (part), 2015: prior code § 2-239)

2.60.100 Miscellaneous powers.

The Rapid City Planning Commission shall have all powers heretofore granted to zoning commissions and shall also be the Zoning Commission of the city. The Planning Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the executive or legislative officials of the city programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work.

(Ord. 6251 (part), 2018: prior code § 2-246)

2.60.110 Comprehensive plan—Duty to develop.

It shall be a function and duty of the Planning Commission to propose a comprehensive plan for the physical development of the city, including any areas outside of the boundary and within its planning jurisdiction which, in the Planning Commission’s judgment bear relation to the planning of the city. The comprehensive plan shall be adopted and maintained in compliance with state law, including SDCL Chapter 11-6, and the Planning Commission and Common Council shall be empowered to utilize all authority and jurisdiction found in SDCL Chapter 11-6 for their comprehensive planning functions. The Planning Commission may from time to time propose amendments, extensions, or additions to the plan or carry any part of subject matter into greater detail.

(Ord. 6251 (part), 2018: prior code § 2-243)

2.60.120 Comprehensive plan—Adoption.

The Planning Commission shall prepare a comprehensive plan and shall propose to the Common Council the comprehensive plan as a whole by a single resolution or, as the work of making the whole comprehensive plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before adoption of the comprehensive plan or part thereof the Planning Commission shall hold at least 1 public hearing. Notice of the time and place of which shall be given at least 10 days in advance of publication in a newspaper having general circulation in the city. The adoption by the Common Council of the comprehensive plan or any part, amendment or additions, following the same type of notice and public hearing as described above,
shall be by resolution carried by the affirmative votes of not less than a majority of all
the members of the Common Council. The resolution shall refer expressly to the maps,
descriptive matter, and other matters intended by the Common Council to form the
whole or part of the plan or part thereof, and the action taken shall be recorded on the
adopted plan or part thereof by the identifying signature of the Mayor of the city.

(Ord. 6251 (part), 2018; Ord. 4028, 2004: prior code § 2-245)

2.60.130 Comprehensive plan—Amendments.

The city’s Planning Commission may recommend changes to the comprehensive plan
from time to time as set forth below. Requests for amendments to the comprehensive
plan shall follow the procedure set forth below or, in the instance of rezoning, such
request(s) shall comply with the procedures set forth in § 17.54.040. Requests for
rezoning that comply with § 17.54.040 shall be deemed to have met the requirements
for amendment to the comprehensive plan.

A. Application. An application for a proposed amendment shall be filed with the
Community Development Department. Amendments may be initiated by the property
owner or his or her designated representative or by an appropriate governmental
agency. For amendments initiated by the city’s Planning Commission, the applicant
shall be the city.

1. Major street plan. The major street plan within the comprehensive plan shall
take into consideration the practicality and feasibility of the proposed street extensions.
The major street plan shall permit modifications, without amendments to the
comprehensive plan, of proposed street extensions and alignments in instances where
the general intent of the plan is still fulfilled, where such modifications do not create a
disconnected street alignment with existing development, and where the street
alignment is not shifted onto another property. All other modifications shall be approved
after application and approval as set forth this section.

B. Public hearings. Upon application, the city’s Planning Commission shall hold a
public hearing thereon. Notice of the public hearing shall be published at least 10 days
in advance of the hearing in a legal newspaper of the city. After conducting the public
hearing, the city’s Planning Commission shall submit its recommendation to the
Common Council.

C. Time limit and notification. The city’s Planning Commission shall act on all
proposed amendments within 60 days of the public hearing. If the city’s Planning
Commission fails to act within 60 days, the application shall be forwarded to the
Common Council as a recommendation for approval, provided however, that the
applicant for approval may waive this requirement in writing and consent to the
extension of the period.

D. Standards for plan amendments. A proposed comprehensive plan amendment
shall be considered on its own merits using the following criteria as a guide:

1. Whether the proposed change is consistent with the policies and overall intent of
the comprehensive plan;
2. Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property;

3. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land;

4. Whether and the extent to which the proposed amendment would adversely affect the environment, services, facilities and transportation;

5. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and

6. Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.

E. Comprehensive plan amendment—posting and maintenance of signs. In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his or her agent or agents, shall be required to post and maintain an approved sign or signs on the property included in the comprehensive plan amendment request. The sign or signs shall be posted at least 7 calendar days prior to the city’s Planning Commission at which the hearing shall be held and shall be maintained continuously until the comprehensive plan amendment request has been finally approved or rejected by the Common Council or withdrawn by petitioner. Approved signs shall be secured from the Community Development Department. The Community Development Department shall require a reasonable deposit sufficient to cover the cost of replacement of the sign or signs and shall determine the number and location of the sign or signs to be posted on the property included in the comprehensive plan amendment. This section shall not apply to comprehensive plan amendments instituted by the city’s Planning Commission.

F. Comprehensive plan amendments—notification requirements. In addition to the preceding requirements, the petitioner for the comprehensive plan amendment, or his or her designated agent, shall include postal registration data that substantiates petitioner’s good faith attempt to mail letters via first-class mail to all property owners within 250 feet inclusive of dedicated rights-of-ways of the area described. The mailings shall include the date set for the hearing before the city’s Planning Commission and contemplated uses, and shall be on a form provided by the Community Development Department. This section shall not apply to comprehensive plan amendments instituted by the city’s Planning Commission. In addition, the Community Development Director may convene a neighborhood meeting to present and discuss a proposed amendment.

G. Fees. In addition to the preceding requirements, a fee set by resolution of the Common Council shall be paid at the time of filing any application for a comprehensive plan amendment. If the legal description of a rezoning application is coterminous with a legal description for a concurrent comprehensive plan amendment application, there shall be only 1 application fee.


**2.60.140 Failure of Planning Commission to act.**

The failure of the Planning Commission to act within 65 days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the Common Council or other submitting official or the applicant provides written consent to extension of the period.

(Ord. 6251 (part), 2018: prior code § 2-251)

2.60.150 Improvements in unapproved streets.

For areas within the city's platting jurisdiction, the city or other public authority shall not accept, lay out, open, improve, grade, pave or light any street, or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the city unless the street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the application of a comprehensive plan, or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the city, except as provided in SDCL § 11-6-37.

(Ord. 6251 (part), 2018: prior code § 2-260)

2.60.160 New buildings on unapproved streets.

For areas within the city's platting jurisdiction, no building permit shall be issued for, or no building shall be erected on, any lot unless the street giving access to the lot upon which the building is proposed to be placed is accepted or opened as, or has otherwise received the legal status of, a public street prior to that time, or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the city or on a street plat approved by the city or with a street located or accepted by the Common Council, or in the case of territory outside of the City, by the governing body thereof. Any building erected in violation of this section shall be deemed an unlawful structure, and the city may bring action to enjoin the erection or cause it to be vacated or removed.

(Ord. 6251 (part), 2018: prior code § 2-262)