17.54.010 Organization.

A. Administration. The provisions of this title shall be administered by the city’s Building Official and the Department.

1. The city’s Building Official shall:
   a. Issue all building permits and make and maintain records thereof;
   b. Issue all certificates of occupancy and make and maintain records thereof;
   c. Issue and renew where applicable all temporary use permits and make and maintain records thereof;
   d. Conduct inspections as prescribed by this title and such other inspections as are necessary to ensure compliance with the various provisions of the title; and
   e. Prepare reports and recommendations for applications to be reviewed by the Board of Adjustment.

2. The Director shall:
   a. Maintain and keep current zoning maps and records of amendments thereto;
   b. Maintain and keep current the comprehensive plan and amendments thereto;
   c. Direct Department staff and Development Review Team to prepare reports and recommendations for applications to be reviewed by the Planning Commission and City Council; and
   d. Perform the review and approval of applications for minor amendments and other administrative procedures as prescribed by this title.

3. The Development Review Team (DRT) is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed application. The Director shall maintain a list of current members and may revise the list. The Director or designee within the Department will select members from the DRT list and forward applications to the selected members for review and comment. Copies of the DRT list are available for inspection in the office of the Director.

4. All generic references in this title to “Department” shall signify the Community Development Department unless another department is specified. References in this title to the Department of Community Planning and Development Services or to Growth Management shall be interpreted to denote the Community Development Department.

B. Board of Adjustment.

1. Established. The Planning Commission as set forth in subsection D. below shall serve as the Board of Adjustment.
2. **Rules of conduct—meetings.** All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall have power to call on any other city departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

3. **Powers of the Board of Adjustment.** The Board has the authority to compel the attendance of witnesses at hearings and to administer oaths and in furtherance of their duties shall have the following powers:

   a. **Appeal.** The Board shall have the power to hear and decide appeals wherein it is alleged there is an error in any order, requirement, decision or determination made by an administrative official pursuant to this title;

   b. **Special exception.** To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the zoning map; and

   c. **Variance.** Where there are practical difficulties or unnecessary hardship of carrying out the strict letter of this title, in any way, the Board shall have the power, in passing upon appeals, to authorize the variance from the terms of this title as will not be contrary to the public interest and so that the intent of the title shall be observed and substantial justice done.

4. **Voting.** Pursuant to state law, 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 2/3 of the members of the Board are in attendance at the public hearing.

5. The Board shall not have any oversight or review of historic preservation procedures within this Code.

C. **Common Council.** The Common Council shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder;

2. Review and decide all applications for amendments to the city zoning map and comprehensive planning documents in accordance with Section 17.54.040;

3. Study and report on all proposed amendments to this title; further, to review annually this title and, on the basis of the review, suggest amendments thereto;

4. Hear appeals for denials by the Planning Commission of conditional use permits and planned development overlay districts, or other provisions of this title as applicable; and

5. Participate in procedures for historic preservation as provided in Section 17.54.080.

D. **Planning Commission.**
1. The Planning Commission shall:
   a. Review and approve conditional use permits, planned development overlay districts, and any other provisions designated by this title;
   b. Review and make recommendations to the City Council on preliminary subdivision plans, zoning applications, zoning ordinance revisions, subdivision ordinances and amendments to the city comprehensive plan;
   c. Provide direction for the orderly growth of the city as prescribed by Chapter 2.60 of the Municipal Code; and
   d. Serve as the Zoning Board of Adjustment, pursuant to SDCL 11-4-13.
2. The Planning Commission shall not have any oversight or review of historic preservation procedures within this Code.

E. Historic Preservation Commission.

1. Established. The establishment of the Rapid City Historic Preservation Commission, hereinafter referred to as Commission, is authorized in accordance with SDCL 1-19B-2.

2. Powers and duties. The Commission shall take actions necessary and appropriate in order to accomplish a comprehensive program of historic preservation that promotes the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of citizens of Rapid City and the state, consistent with SDCL Chapters 1-19A and 1-19B. These actions include, but are not limited to, the following responsibilities:
   a. To conduct surveys of local historic properties;
   b. To participate in planning and land use processes undertaken by the city that affect historic properties and historic areas;
   c. To participate in historic preservation review as provided in this code;
   d. To cooperate and contract with local, state or federal governments with the approval of the Common Council to further the objectives of historic preservation;
   e. To promote and conduct an educational and interpretive program on historic properties and issues within the city;
   f. To provide information for the purposes of historic preservation to the Common Council;
   g. To notify the Director of Equalization of the designation of any historic property by the city or by the U.S. Department of the Interior;
   h. With consent of the owner, to assist owners of historic property and buildings and structures in Historic Districts in preserving their buildings;
   i. When requested, to assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL 1-19A-11.1;
j. To attend informational and educational programs covering the duties of the Commission and current developments in historic preservation;

k. To preserve, restore, maintain and operate historic properties under the ownership or control of the Commission, including historical easements, and to lease, sell, or otherwise dispose of such historic properties; and

l. To further the objectives of historic preservation as allowed under these ordinances and state law.

3. **Members.** The Commission shall be composed of 6 members who are legal residents of the city or who own historic property. The members shall serve without pay. The Commission members shall be selected as follows:

   a. **Professional members.** Two members and 1 alternate of the Commission shall be professionals within 1 of the following fields: history, architectural history, architecture, planning, urban planning, historic preservation, archaeology, American studies, American civilization, cultural geography, cultural anthropology, law, or construction.

   b. **Downtown representatives.** Two members and 1 alternate shall be stakeholders in the Rapid City Historic Commercial District, such as property owners, merchants, business owners, developers, investors, active members of a downtown organization such as Destination Rapid City, and others with a direct stake in the vitality of downtown Rapid City.

   c. **West Boulevard representatives.** Two members and 1 alternate shall be resident owners of homes within the Rapid City West Boulevard Historic District or stakeholders in the neighborhood, such as active members of the West Boulevard Neighborhood Association, neighborhood property owners, residents of the West Boulevard neighborhood, and others with a direct stake in the conservation of this historic neighborhood.

4. **Alternate members.** An alternate member may participate and vote at the meeting only when there is an absence at the meeting of 1 of the regular members in the class from which the alternate was appointed.

5. **Appointment—terms—vacancies.** Upon passage of this section, 6 members and 3 alternates as provided above shall be appointed. In these appointments, due regard shall be given to proper representation of such fields as history, architecture, urban planning, archaeology, paleontology, and law. Commission membership shall be appointed by the Mayor with the approval of the Common Council. Each member shall be appointed for a term of 3 years; provided that, the Mayor may recommend appointments for shorter terms for the purpose of establishing a rotational pattern whereby the terms of 1 or more members expire on October 1 of each year. Members shall serve until expiration of their terms or until the members shall have resigned or been removed for cause; any member whose term has expired shall continue to serve until the appointment and qualification of a successor. In case of any vacancy in membership of the Commission due to death, resignation, or otherwise, a successor shall be appointed to fill the unexpired portion of the term. The Common Council may, after a public hearing, remove any member of the Commission for cause, which cause shall be stated in writing and made a part of the record of the hearing.
6. **Officers—rules of procedure—annual report.** The Commission shall elect from its membership the officers it may deem necessary. The Commission may adopt its own bylaws and rules of procedures, consistent with this code and the laws of the State of South Dakota. The Commission shall make an annual report to the Common Council on or before July 1 of each year, and at such other times as the Council may direct.

7. **Voting.** A quorum of the Commission consists of 4 or more members. A motion shall pass upon majority vote of the Commission members in attendance at the meeting. In the event of tie vote, the motion fails.