

Ordinance No. 6036

**AN ORDINANCE TO AMEND PROVISIONS CONCERNING
APPOINTMENTS TO THE RAPID CITY PLANNING COMMISSION
BY AMENDING SECTIONS 2.60.020, 2.60.030, and 2.60.100
OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the Rapid City Planning Commission is charged with adopting a comprehensive plan for development and with supervising the zoning boundaries and related regulations within the City; and

WHEREAS, the City has established the Planning Commission in Rapid City Municipal Code Chapter 2.60; and

WHEREAS, R.C.M.C. Section 2.60.020 sets forth provisions concerning the membership, appointment, and qualifications for Planning Commission members; and

WHEREAS, that ordinance provides that there are ten members and two alternates appointed to the Planning Commission; and

WHEREAS, the Common Council believes it to be in the best interests of the City and of the Planning Commission to reduce the number of Planning Commission members to nine members and two alternates; and

WHEREAS, Ordinance No. 6031 proposes that the Planning Commission serve as the Zoning Board of Adjustment, as permitted in state law; and

WHEREAS, the Zoning Board of Adjustment currently has five members with two alternates; and

WHEREAS, state law requires that affirmative action by the Zoning Board of Adjustment requires a vote of 2/3 of the Board's membership; and

WHEREAS, amending the ordinance to provide for nine members of the Planning Commission will simplify voting when the full membership of the Planning Commission serves as the Zoning Board of Adjustment; and

WHEREAS, the Common Council believes it to be beneficial to the general health, safety, and welfare of the City to amend R.C.M.C. 2.60.020 and 2.60.030 to reduce the number of Planning Commissioners and to alter provisions concerning appointment of Planning Commission members.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 2.60.020 is hereby amended to read in its entirety:

2.60.020 Members–Appointment–Qualifications.

A. *Regular members.* The City Planning Commission shall consist of ~~nine~~¹⁰ members appointed by the Mayor, subject to the approval of the Common Council. ~~Nine~~^{Eight} of the members shall be resident electors of the city; ~~one~~ 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. From and after January 1, 2000, 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; to that end, no appointment shall be made to the Planning Commission which would result in 2 or more members being from the same ward, if there is no current member who is a resident of 1 of the other wards, provided, nonetheless, that the change of residence of a member of the Planning Commission from one ward to another ward shall not create a vacancy.

B. *Alternate members.* There will also be appointed ~~2~~^{two} 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, but may be from any ward. 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 ~~then 10~~ than nine 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 one of its members as a non-voting liaison to the Planning Commission.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 2.60.030 is hereby amended to read in its entirety:

2.60.030 Members–Terms.

~~The term of each Planning Commission member heretofore appointed and currently serving shall be continued until expiration of the original term, or until the members shall have resigned or been removed for cause. 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 resident three or four members of the Commission expire on October 1 of each year. Effective January 1, 2015, all appointments shall be extended as necessary to conclude on October 1 of the third year.~~

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 2.60.100 is hereby amended to read in its entirety:

2.60.100 Meetings–Rules.

The Planning Commission shall hold at least ~~one~~ regular meeting each month. Subject to the approval of the Common Council, it shall adopt such rules for transactions, findings and determinations which shall be a public record. Attendance of five 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 R.C.M.C. 17.54.010.B, the concurring vote of at least two-thirds 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 six 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 five members, and any motion other than one regarding an appeal, special exception, or variance passes upon majority vote of the members in attendance.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: