

**City of Sioux Falls**  
**Planning Commission**  
**Bylaws**

**Table of Contents**

|               |  |   |
|---------------|--|---|
| Article I.    | Constitution .....                                     | 1 |
| Article II.   | Membership and Appointment .....                       | 1 |
| Article III.  | Officers and Their Duties.....                         | 2 |
| Article IV.   | Election of Officers and Appointments .....            | 2 |
| Article V.    | Staff of the Commission and Their Duties .....         | 3 |
| Article VI.   | Meetings.....  | 3 |
| Article VII.  | Order of a Regular Meeting or Public Hearing .....     | 4 |
| Article VIII. | Form and Character of Motions.....                     | 5 |
| Article IX.   | Quorum and Voting Requirements .....                   | 5 |
| Article X.    | Instruments and Documents .....                        | 5 |
| Article XI.   | Letters of Advocacy.....                               | 6 |
| Article XII.  | Conduct of the Members .....                           | 6 |
| Article XIII. | Conduct of Persons Before the Commission.....          | 7 |
| Article XIV.  | Amendment.....   | 7 |
| Appendix A    | Authorities for All Boards, Commissions, Agencies..... | 8 |

## **Article I. Constitution**

Provisions for establishment of the Planning Commission are provided as adopted by the Sioux Falls City Commission in Ordinance No. 1992, August 3, 1959. The responsibilities of the Board are designated within Section 154.

Sec. 154.015. Created.

There is hereby created a city planning commission for the city and for land within the joint jurisdictional area and not located within any other municipality.

(1957 Rev. Ords., § 2.901; 1992 Code, § 32-17) (Ord. 1992, passed 8-3-1959)

SDCL 11-6-2. Planning and zoning commission required in municipality—Comprehensive plan to be effected. For the purpose of promoting the health, safety, and general welfare of the municipality, each municipality of the state shall provide by ordinance for a planning and zoning commission, including the appropriation of money to a fund for the expenditures of such commission and to provide by ordinance the qualifications of the members, mode of appointment, tenure of office, compensation, powers, duties of and rules governing such board. Municipalities shall, as soon as possible, make, adopt, amend, extend, add to, or carry out a general municipal plan of development, such plan to be referred to as the comprehensive plan.

**Source:** SDCL, § 11-6-2 as enacted by SL 1975, ch 116, § 2; SL 1995, ch 49, § 21.

The City of Sioux Falls' Planning Commission serves as an advisory board to the City Council. It shall be the function and duty of the Planning Commission to make and adopt a master plan for the physical development of the municipality. It is the responsibility of the Planning Commission to consider and make recommendations on land use and zoning matters.

The comprehensive plan was adopted by the Planning Commission on October 5, 2016 and by the City Council on October 11, 2016. The Planning Commission is currently implementing Shape Sioux Falls 2040.

## **Article II. Membership and Appointment**

**Section 1.** Members must be registered voters of the city. Commission members are appointed by the Mayor, subject to the approval of the city council. The Commission shall consist of a maximum of nine members with due regard to a diverse representation of citizens and professions including, by way of example and not limitation, architecture, education, real estate, land development, and finances. Members should serve full terms of five years. Appointees may not serve more than two consecutive full or partial terms. (See Sec. 30.025. Creation of agencies, authorities, committees, boards, commissions, and districts of the *Code of Ordinances of Sioux Falls, SD*.)

**Section 2.** Each member appointed shall receive orientation materials regarding, at a minimum, the form of city government, the City's conflicts of interest ordinance, the state open meeting laws, bylaws, and the basic rules of parliamentary procedure (within the Handbook for Citizen Boards).

**Section 3.** Any member may withdraw from the Commission by giving written notice to the Mayor or the chairperson of the Commission.

**Section 4.** Any vacancy on the Commission shall be filled for the unexpired term of the member vacating the Commission in the same manner as is required for the regular appointment.

### **Article III. Officers and Their Duties**

**Section 1.** The officers of the Planning Commission shall consist of a chairperson, a vice-chairperson, and chairperson pro-tem.

**Section 2.** Chairperson—The chairperson presides at all hearings and meetings of the Commission, votes only in the event of a tie vote, ensures proper order of the Commission and the public in all proceedings, signs all documents of the Commission, and represents the Commission before legislative and administrative bodies.

**Section 3.** Vice-Chairperson—The vice-chairperson shall perform the duties and have the responsibilities of the chairperson during the absence, disqualification, or disability of the chairperson.

**Section 4.** Chairperson Pro Tem—The chairperson pro tem, when both the chairperson and vice-chairperson are absent from a hearing or meeting, shall be the most tenured member of the Planning Commission in attendance at the meeting. If there are multiple members with the same tenure present at the meeting, the chairperson will be the member whose last name comes first alphabetically.

### **Article IV. Election of Officers and Appointments**

**Section 1.** At the first regular meeting of each calendar year, the Planning Commission shall elect a chairperson and vice-chairperson.

**Section 2.** The Planning Commission shall organize by electing its officers from among its members for a term of one year with eligibility for reelection.

**Section 3.** All appointed committees shall be appointed by the chairperson upon motion of the Commission. Their duties shall be specified in the motion. Their activities are limited to the purpose for which they were created and after performing their service ceases to exist.

## **Article V. Staff of the Commission and Their Duties**

**Section 1.** The Planning Commission may utilize City staff and departments to carry out appropriate planning functions.

**Section 2.** Planning and Development Services Department advises the Planning Commission and City Council on matters related to planning, development, and redevelopment; coordinates and supervises the work of all other staff and consultants; prepares all documents for presentation to the Planning Commission; and assists the Planning Commission in the exercise of their duties. The Senior Planner or designee shall have the privilege to address the Planning Commission during regular meetings.

**Section 3.** Legal Counsel—The City Attorney or designee shall serve as legal counsel to the Planning Commission; prepares memoranda of law as requested by the Planning Commission; and reviews drafts of ordinances, resolutions, and bylaws, and their amendments.

## **Article VI. Meetings**

**Section 1.** Regular Meeting—Regular meetings will generally be held on the first Wednesday of every month at 6 p.m., in the City Council Chambers of Carnegie Town Hall. In the event that a City holiday, City Council meeting, or other special event conflicts with the general meeting schedule, then the regular meeting may be held on any other weekday evening during the first three weeks of the relevant month. The Planning and Development Services Department shall give each Planning Commission member notice either in person, by mail, email, or other electronic means, of any change from the general meeting day and/or time. Regular meetings are noticed official meetings and open to the public, during which the Planning Commission deliberates and may take votes on specific items.

**Section 2.** Special Meeting—Special meetings may be held at any time and may be called by the chairperson or vice-chairperson. Special meetings are noticed official meetings and open to the public, during which the Planning Commission deliberates and may take votes on specific items. If a special meeting of the Commission is held because of an applicant's request, that applicant shall pay a special meeting fee of \$500 to the City Clerk prior to the scheduling of the meeting to cover the cost of advertising the meeting and administrative costs.

Whenever a special meeting is called, a written notice signed by the chairperson or vice-chairperson requesting the meeting shall be prepared by staff and filed with the City Clerk and served upon each member of the Planning Commission either in person, by facsimile, or by email. The notice shall state the date and hour of the meeting and the purpose for which such meeting is called. No business shall be transacted at the meeting except such as is stated in the notice.

No special meeting shall be held until at least 24 hours after the call is issued.

**Section 3. Working Session**—A noticed official hearing open to the public to discuss specific matters before the Commission. The intent of the working session is informational, and the Planning Commission shall not express nor make a final determination on any matter during the working session.

**Section 4. Joint Meeting**—Joint meetings are noticed official meetings, open to the public, during which the City and County Planning Commissions deliberate and may take votes on specific items within the joint jurisdictional area. Any and all meeting and notice requirements set forth in State law, City ordinance, and/or relevant County bylaws shall be followed.

**Section 5.** Unless otherwise specified, *Robert's Rules of Order, Revised*, shall guide the proceedings at meetings of the Commission.

#### **Article VII. Order of a Regular Meeting or Public Hearing**

1. Call to order and determination of quorum.
2. Informational item.
3. Approval of consent agenda, including the minutes of the previous meeting.
4. Approval of regular agenda.
5. Items carried over from a previous agenda shall generally be presented in the following order:
  - a. Future Land Use Amendments
  - b. Rezoning
  - c. Conditional Use Permit
  - d. PUD Amendments and Initial Development Plans
  - e. Zoning and Subdivision Ordinance Amendments
  - f. Alternate Site Plans
  - g. Preliminary Subdivision Plans
6. Items of the present agenda presented in the same general order as above.
7. Public Input on Non-Agenda Items
8. New business.
9. Adjournment.

Failure to strictly adhere to the order of business set forth above shall not invalidate any proceeding hereunder or any action taken at such proceeding.

## **Article VIII. Form and Character of Motions**

**Section 1.** The form and character of motions shall conform to those offered within *Robert's Rules of Order, Revised*, except as specified below:

Upon review of the full public record and due deliberation among the members of the Planning Commission, any of its members, except the chairperson, may make a motion. The motion shall include approval, approval with specified conditions, or denial, and preferably a recitation of findings which support the motion.

A second.

A motion shall die for lack of second.

## **Article IX. Quorum and Voting Requirements**

**Section 1.** In order for the Commission to conduct business or take any official action, a quorum shall be present. For purposes of this Article IX, a member is present when he or she is physically in attendance at the meeting place or attending electronically, even if that member is required to recuse himself or herself for one or more agenda items due to a conflict of interest.

When a quorum is not present, no official action—except for closing of the meeting—may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting.

A quorum of the Planning Commission shall consist of five members, including the chairperson.

**Section 2.** A majority of the members participating in a vote (i.e., not including absent members or members who have recused themselves from the vote due to a conflict of interest) shall be required to pass a motion, with a minimum requirement of three members required to vote on a motion.

**Section 3.** Abstention from voting shall be recorded but shall not count as a vote either for or against an item.

**Section 4.** In the event of a tie vote among the other Planning Commission members, the chairperson shall vote.

**Section 5.** Members will be allowed to attend and participate in official meetings using telecommunication methods available through the City of Sioux Falls, which may include, but is not limited to, participation via telephone and/or video conferencing.

## **Article X. Instruments and Documents**

**Section 1.** The official instruments of the Planning Commission are the agenda and the minutes of hearings and meetings.

**Section 2.** All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, maps, photographs, staff reports, and minutes of hearings and meetings shall constitute the documents of the Planning Commission and shall be electronically indexed, and copies made available to the public, as a matter of public record, and be maintained in the City Planning Office.

**Section 3.** A printed agenda shall be prepared in advance of all meetings. The agenda shall consist of the time and place of the meeting and specific descriptions of the topics to be discussed.

**Section 4.** A set of minutes shall be kept. Minutes shall contain a record of attendance, actions taken, numerical results of votes taken, and specific descriptions of items discussed.

**Section 5.** All records, files, publications, correspondence, and other materials available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

#### **Article XI. Letters of Advocacy**

**Section 1.** Upon receipt of a written request, the chairperson of the Planning Commission may appoint a committee to write a letter of advocacy or determination for a project or proposal in need of immediate action.

**Section 2.** The committee shall consist of two to three Commission members, appointed by the chairperson, with staff and the chairperson serving as ex officio members.

**Section 3.** The letter of advocacy or determination will be signed by the chairperson of the Commission. If there is a conflict of interest, the chairperson shall designate the vice-chairperson to sign the letter.

**Section 4.** The topic will be placed on the next meeting agenda, and a copy of the letter shall be presented to the Commission.

#### **Article XII. Conduct of the Members**

**Section 1.** Members of the Planning Commission shall make every attempt to attend all meetings and shall take such time as necessary to prepare themselves for hearings and meetings.

**Section 2.** Any Planning Commission member absent from three consecutive regular meetings or any six regular meetings within a calendar year, without being excused by the chairperson, will be contacted by the chairperson to discuss the absences and possible resignation.

**Section 3.** A Planning Commission member with a conflict of interest in an item before the Commission shall declare that a conflict of interest exists and withdraw from participation. In that item, such participation includes any presentation, discussion, or voting—in the regular or special meeting, or working session—on that item. However,

the interests of that Planning Commission member may be represented before the Planning Commission by another designated representative or legal agent at the meeting or session, and testimony entered into the public record.

**Section 4.** The Mayor, with the confirmation of the City Council, shall after public hearing have authority to remove any member of the Planning Commission for cause, which case shall be stated in writing and made a part of the record of such hearing.

### **Article XIII. Conduct of Persons Before the Commission**

**Section 1.** During all public meetings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the Planning Commission.

**Section 2.** At the beginning of each public meeting, and as necessary during the meeting, the hearing rules shall be presented to the public. These rules are therefore presented publicly and enforced by the chairperson for each agenda item.

**Section 3.** During all regular meetings, special meetings, and working sessions of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.

**Section 4.** Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the Planning Commission to “disregard” the comment, which nevertheless remains in the public record.

**Section 5.** During all Planning Commission proceedings, members of the public have the obligation to remain in order. Any conduct which interferes with the equitable right of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” from the Planning Commission meeting or session. Where the person fails to comply with the successful motion to eject, the chairperson may then call proper authority to physically remove the individual from the chamber for the duration of the meeting or deliberation on that item.

### **Article XIV. Amendment**

**Section 1.** These bylaws may be amended or new bylaws adopted at any regular or special meeting of the Commission.

**Section 2.** An amendment or new bylaw requires a two-thirds vote of the members present and voting.

**Section 3.** The amended or new bylaws shall go into effect after a period of 30 days has elapsed.



## **Appendix A   Authorities for All Boards, Commissions, Agencies**

For bylaws and/or procedures for any agency, Board, commission, or district, see the following sections in Chapter 30 of Code of *Ordinances of Sioux Falls, SD*:

- Section 30.025. Creation of agencies, authorities, committees, boards, commissions, and districts.
- Section 30.026. Rules for boards and commissions.