

CONDITIONAL USE PERMIT

Conditional uses are allowed in a zoning district within the joint area around Sioux Falls only after joint approval by the Minnehaha County and Sioux Falls Planning Commissions. An applicant can apply for a conditional use permit when the proposed use is listed in the zoning ordinance as a conditional use under the applicable zoning district. Alternately, a conditional use can also be considered by the Planning Commissions if the applicant is unable to meet all of the required conditions for a permitted special use as listed under the applicable zoning district in the ordinance.

Both Planning Commissions must review whether the use conforms with the county's comprehensive development plan and whether there is a potential for impact on roads, traffic, public facilities, the environment, or on other properties. The Planning Commissions may place conditions on a permit to help mitigate possible impacts. Planning Commission meetings are typically held on the fourth Monday of each month (except December and holidays) at 7:00 p.m. and are held in the Minnehaha County Administration Building at 415 N. Dakota Avenue in Sioux Falls.

The application deadline for submitting a conditional use permit application is 3-1/2 weeks before the meeting date unless the ordinance specifies an earlier deadline for a certain use. The full application packet must include the following:

- A complete application form (attached).
- A clear and legible site plan of the property which, at a minimum, shows the following:
 - The entire site, to scale, with the location of all buildings, outdoor storage areas, signs and building setbacks from property lines.
 - The location and dimensions of all driveways and of all parking and loading areas, showing that required setbacks will be met.
 - Applicable topography, site limitations, and utility or wastewater information.
- A written narrative which describes the proposed use, and

- The required \$250 non-refundable application fee for the permit. If a use requiring a conditional use permit is started without first obtaining the permit, the property owner may be allowed an opportunity to apply for the permit. In such cases, however, a penalty fee of \$250 must be added to the regular application fee. That fee, like the application fee, is non-refundable.

The applicant will be provided with a notification sign which must be posted on the subject property for one week before the Planning Commissions' meeting. They are also required to send a notice to the owners of all properties within 500 feet of the property listed on the application form. These letters must be mailed at least one week prior to the meeting. The Planning Department will provide the appropriate forms for the mailing and a list of the names and addresses of the surrounding property owners. The petitioner must sign an affidavit confirming that the mailing has been completed and file the affidavit with the Planning Department at least five working days before the meeting.

A reminder of the hearing date and time, along with the staff report on the item, will be mailed to the applicant prior to the meeting. Either the applicant or their representative must attend the Planning Commissions' meeting.

The decision of the Planning Commissions will become effective five working days following the meeting unless a written appeal of the decision is filed with the County Planning Department within the five-day time frame. Appeals require that the item be heard by the Minnehaha County Commission and Sioux Falls City Commission on the third Monday of the following month.

An approved conditional use must be commenced within one year of the date of approval. If the use has not begun by the one-year deadline, the applicant may file a written request asking that the Planning Department extend the permit. The Planning Department can extend the permit for one additional year only if no opponent to the use spoke at the Planning Commissions' meeting.

**CONDITIONAL USE PERMIT
APPLICATION CHECKLIST**

- Complete application form
- Comprehensive site plan. Make sure that the plan is drawn to scale and is clear and legible. At a minimum, be sure to include a north arrow, all property lines, all existing and proposed structures, any proposed outside storage areas, the locations of wastewater treatment facilities, customer and employee parking areas, the location and size of proposed signs, and the setbacks from property lines to any structures, driveways or parking areas.
- Written narrative describing all aspects of the proposed use. Be sure to include the proposed hours of operation.
- \$250 permit application fee.



\$250.00 ___ Minnehaha County
___ Sioux Falls Joint
___ Dell Rapids Joint

CONDITIONAL USE PERMIT APPLICATION

Minnehaha County
Office of Planning and Zoning
Administration Building, 415 N. Dakota Ave.
Sioux Falls, SD 57104
Phone: 605-367-4204
Fax: 605-367-7413
Website: www.minnehahacounty.org/dept/pl/pl.aspx

Petition No.: _____
Date: _____
Filing Fee: _____
Receipt No.: _____

I/We, the undersigned, do hereby petition for approval of a conditional use permit on the following described property and authorize representatives of Minnehaha County to enter the property for inspection purposes.

Legal description (please print or type): _____

Parcel Size _____

Address or General Location _____

Existing Zoning District _____

Purpose _____

Petitioner (Print) _____

Signature _____

Date _____ Phone _____

Address _____

_____ City State Zip



Owner (Print) _____

If different than above

Signature _____

Date _____ Phone _____

Address _____

_____ City State Zip

Office use only
Location _____
Checked By _____
Given Signs _____
Site Plan _____
Add'l Reports _____
PC Date _____
PC Action _____
CC Date _____
CC Action _____
Effective Date _____
Purpose _____