

## HOW DO I OBTAIN A CONDITIONAL USE PERMIT?

- ⇒ *Meet with the Administrative Official and ask for a conditional use permit application.*
- ⇒ *Complete the application, provide signatures (if necessary) and pay the appropriate fee.*
- ⇒ *The Administrative Official will review your application and will forward the application to the Planning Commission and Board of Adjustment (City Council).*
- ⇒ *The Administrative Official will set a date for a joint public hearing of the Planning Commission and Board of Adjustment to hear your request.*
- ⇒ *Ten (10) days before the joint public hearing the Finance Officer will publish a notice, at your expense, in the official newspaper.*
- ⇒ *Seven (7) days before the joint public hearing the Finance Officer will mail all adjacent landowners, excluding streets and alleys, at your expense, a notice of your application being placed upon the agenda of the joint meeting of the Planning Commission and Board of Adjustment.*
- ⇒ *Seven (7) days before the joint public hearing the Administrative Official will place a sign on your property indicating a conditional use permit is being sought.*
- ⇒ *The joint public hearing is held.*
- ⇒ *The Planning Commission and Board of Adjustment will hear your request and any comments pro or con from the public.*
- ⇒ *The Planning Commission will make a recommendation to the Board of Adjustment to approve or deny your request.*
- ⇒ *The Board of Adjustment will either approve or deny your request. The Board will make written findings supporting its decision.*
- ⇒ *The Board of Adjustment may attach additional requirements to your Conditional Use permit.*
- ⇒ *For the Board of Adjustment to grant you a Conditional Use permit, a vote of two-thirds (2/3) of the present and voting members of the Board will be required for passage.*
- ⇒ *If your request is denied, you have the option of seeking settlement through the Courts.*

## CONDITIONAL USE PERMIT INFORMATION

### WHAT IS A CONDITIONAL USE?

THE CITY OF LAKE NORDEN IS DIVIDED INTO ZONING DISTRICTS WHICH REGULATE USES OF PROPERTY WITHIN THOSE DISTRICTS. THE USES ALLOWED IN EACH ZONING DISTRICT FALL INTO TWO CATEGORIES:

**PERMITTED USES:** ARE ALLOWED IN A DISTRICT BUT DO NOT REQUIRE A REVIEW BY AN ADVISORY BODY. PERMITTED USES ARE STILL REQUIRED TO OBTAIN A BUILDING PERMIT.

**CONDITIONAL USES:** ARE ALLOWED IN A DISTRICT ONLY AFTER REVIEW AND APPROVAL OF SUCH USE IN THE DISTRICT BY THE BOARD OF ADJUSTMENT. IF THE CONDITIONAL USE REQUIRES A BUILDING PERMIT, THE BUILDING PERMIT WILL NOT BE ISSUED UNTIL THE CONDITIONAL USE PERMIT HAS BEEN ISSUED.

ANY CONDITIONAL USE APPROVED BY THE BOARD OF ADJUSTMENT MUST CONFORM TO THE REQUIREMENTS FOR THE ZONING DISTRICT IN WHICH THE USE IS LOCATED. HOWEVER, THE BOARD OF ADJUSTMENT CAN ADD OTHER REQUIREMENTS OR STIPULATIONS THAT ARE APPROPRIATE OR NECESSARY. IN ALL CASES, THE IMPACT OF THE PROPOSED USE ON ADJACENT PROPERTIES WILL BE A MAJOR CONSIDERATION.

### STEP #1 MAKING APPLICATION

AN APPLICATION FOR A CONDITIONAL USE PERMIT MAY BE OBTAINED FROM THE ADMINISTRATIVE OFFICIAL OR FINANCE OFFICER. THE APPLICATION WILL REQUIRE YOU TO PROVIDE THE LEGAL DESCRIPTION OF THE PROPERTY, THE ADJACENT LAND USES, THE SIZE OF THE PARCEL YOU WANT A CONDITIONAL USE FOR AND THE PURPOSE FOR THE CONDITIONAL USE. YOU WILL ALSO BE REQUIRED TO PAY A FILING FEE FOR PROCESSING YOUR PETITION.

ONCE YOU HAVE COMPLETED YOUR APPLICATION, PAID YOUR FILING FEE, AND PROVIDED A SITE PLAN IF REQUIRED, YOU WILL BE PLACED ON THE AGENDA OF THE NEXT BOARD OF ADJUSTMENT MEETING.

### STEP #2 PUBLIC HEARING OF THE BOARD OF ADJUSTMENT

MEMBERS OF THE BOARD OF ADJUSTMENT ARE APPOINTED BY THE CITY COUNCIL. AT THE PUBLIC HEARING, THE BOARD OF ADJUSTMENT CHAIRPERSON WILL ANNOUNCE EACH AGENDA ITEM IN TURN AND THEN ASK IF THE PETITIONER IS PRESENT TO EXPLAIN THE REQUEST. THIS IS WHEN YOU WOULD STATE YOUR REASONS FOR THE CONDITIONAL USE PERMIT. THE CHAIRPERSON WILL ALSO ASK IF THERE ARE PERSONS PRESENT WHO WISH TO SPEAK AGAINST THE CONDITIONAL USE, AND THEY MAY DO SO AT THIS TIME.

AFTER THE BOARD OF ADJUSTMENT HAS HEARD FROM THE CITIZENS PRESENT AND DISCUSSED THE PETITION AMONG THEMSELVES, THEY WILL VOTE TO EITHER DENY OR APPROVE THE REQUEST. THE BOARD OF ADJUSTMENT BASES ITS DECISION ON A NUMBER OF THINGS:

- THE COMPREHENSIVE PLAN
- ADJACENT LAND USES
- THE STEPS TAKEN ON THE SITE TO OFFSET ANY NEGATIVE EFFECTS OF THE USE ON ADJACENT PROPERTY.
- AND THE EFFECTS SUCH USE WOULD HAVE ON TRAFFIC AND CIRCULATION IN THE AREA.

THE BOARD OF ADJUSTMENT WILL THEN VOTE TO ACCEPT THE REQUEST. A 2/3 VOTE OF THOSE BOARD OF ADJUSTMENT MEMBERS PRESENT AND VOTING IS NEEDED FOR APPROVAL. IF THE BOARD OF ADJUSTMENT SHOULD VOTE TO DENY YOUR REQUEST, YOU MAY SEEK RELIEF THROUGH LEGAL ACTION.

A CONDITIONAL USE PERMIT SHALL REMAIN VALID ONLY AS LONG AS THE ORIGINAL APPLICANT COMPLIES WITH ANY TERMS OR CONDITIONS OF THE PERMIT.

SPECIFIC CONDITIONAL USE REQUIREMENTS MAY BE FOUND IN THE ZONING ORDINANCE OF THE CITY OF LAKE NORDEN ARTICLE III CHAPTER 3.04.01.

**CITY OF LAKE NORDEN  
CONDITIONAL USE APPLICATION**

PERMIT NUMBER \_\_\_\_\_

APPLICANT (PRINT): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER (PRINT): \_\_\_\_\_ PHONE: \_\_\_\_\_

*IF DIFFERENT THAN APPLICANT*

ADDRESS: \_\_\_\_\_

*I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE CITY OF LAKE NORDEN SOUTH DAKOTA, TO ISSUE A SPECIAL EXCEPTION PERMIT OR VARIANCE FOR THE PROPERTY DESCRIBED AS:*

(CIRCLE APPROPRIATE)

**LEGAL DESCRIPTION** *(Please print or type)*

\_\_\_\_\_  
\_\_\_\_\_

**GENERAL AREA OR STREET ADDRESS:** \_\_\_\_\_

**EXISTING LAND USE:** \_\_\_\_\_ **EXISTING ZONING:** \_\_\_\_\_

**SIZE OF PARCEL:** ACRES \_\_\_\_\_ **LOT DIMENSIONS:** WIDTH \_\_\_\_\_ LENGTH \_\_\_\_\_ DEPTH \_\_\_\_\_

**SURROUNDING LAND USE**

**NORTH:** \_\_\_\_\_  
**SOUTH:** \_\_\_\_\_  
**EAST:** \_\_\_\_\_  
**WEST:** \_\_\_\_\_

**PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A SPECIAL EXCEPTION PERMIT**  
*(attach a separate sheet of paper if necessary)*

\_\_\_\_\_  
\_\_\_\_\_

**IF YOUR ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF.** *(Proof of hardship is on the applicant - Hardship examples are odd size or shape of the lot, unusual topography, etc. attach a separate sheet of paper if necessary)*

\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE OF APPLICANT** \_\_\_\_\_

**SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT)** \_\_\_\_\_

**NOTE:** A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- |  |  |
|--|--|
| 1. NORTH DIRECTION                       | 5. LOCATION OF PROPOSED STRUCTURE ON LOT   |
| 2. DIMENSIONS OF PROPOSED STRUCTURE      | 6. DIMENSIONS OF FRONT AND SIDE SET BACKS  |
| 3. STREET NAMES                          | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED |  |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

**\*\*PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.**

**FOR OFFICIAL USE ONLY**

DATE FILED WITH ADMINISTRATIVE OFFICIAL: \_\_\_\_\_

FEE PAID (NON-REFUNDABLE): \_\_\_\_\_ YES \_\_\_\_\_ NO

DATE OF HEARING: \_\_\_\_\_

ACTION BY BOARD OF ADJUSTMENT: \_\_\_\_\_

