

CONDITIONAL

USE

PERMIT

CONDITIONAL USE PERMIT INFORMATION

WHAT IS A CONDITIONAL USE?

THE CITY OF CASTLEWOOD 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/SPECIAL 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. 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 PETITION, 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

THE BOARD OF ADJUSTMENT IS COMPRISED OF THE MAYOR AND 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 SIMPLE MAJORITY VOTE OF THE THOSE MEMBERS PRESENT IS REQUIRED. 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 TERMS OR CONDITIONS OF THE PERMIT ARE BEING MET.

SPECIFIC CONDITIONAL USE REQUIREMENTS MAY BE FOUND IN THE ZONING ORDINANCE OF THE CITY OF CASTLEWOOD ARTICLE III CHAPTER 3.04.02.

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 Board of Adjustment.
- ⇒ The Administrative Official will set a date for a public hearing of the Board of Adjustment to hear your request.
- ⇒ Ten (10) days before the public hearing the Administrative Official will publish a notice, at your expense, in the official newspaper.
- ⇒ Prior to the public hearing the Administrative Official will mail you, at your expense, a notice of your application being placed upon the agenda of the Board of Adjustment Meeting.
- ⇒ Prior to the public hearing the Administrative Official will mail all adjacent landowners, excluding streets and alleys, at your expense, a notice of your application being placed upon the agenda of the Board of Adjustment Meeting.
- ⇒ The public hearing is held.
- ⇒ The Board of Adjustment will hear your request and any comments pro or con from the public.
- ⇒ 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 majority vote of those present will be required for passage.
- ⇒ If your request is denied, you have the option of seeking settlement through the Courts.

CONDITIONAL USE PERMIT CHECK LIST

**** INFORMATION PERTAINING TO CONDITIONAL USE PERMITS MAY BE FOUND IN SECTION 3.04.02 OF THE ZONING ORDINANCE STARTING ON PAGE 38.**

- _____ Met with applicant and provided conditional use permit application.
- _____ Collected conditional use permit application and appropriate fee.
- _____ Reviewed application and forwarded application to the Board of Adjustment.
- _____ Set date for a public hearing of the Board of Adjustment.
- _____ Collect signatures if necessary
- _____ Publish notice in the newspaper ten (10) days prior to the public hearing. The applicant is to pay for the publication.
- _____ Mail applicant letter notifying the applicant of upcoming Board of Adjustment meeting seven (7) days prior to the public hearing. (Applicant pays for the letter)
- _____ Mail a letter to all adjacent landowners, excluding streets and alleys, notifying them of upcoming Board of Adjustment meeting seven (7) days prior to the public hearing. (Applicant pays for the letter)
- _____ Hold public hearing.
- _____ For the Board of Adjustment to grant you a Conditional Use permit, a majority vote of those Board Members attending will be required for passage.
- _____ The Board of Adjustment may attach additional requirements to the conditional use permit. (This should be in the form of a letter of assurances – listing the additional requirements with the signatures of the Chair of the Board of Adjustment and the applicant).
- _____ If the Board of adjustment approves the request, the Board will make written findings supporting its decision.
- _____ Mail a letter formally notifying the applicant of the Board's decision. The letter will serve as their Conditional Use Permit. (The letter should include: applicant's legal description, permit applied for, action taken, findings of the Board, conditions placed upon the permit, etc.)

**CITY OF CASTLEWOOD
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 CASTLEWOOD SOUTH DAKOTA, TO
ISSUE A CONDITIONAL USE PERMIT FOR THE PROPERTY DESCRIBED AS:

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 CONDITIONAL USE PERMIT. (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, REAR, AND SIDE YARD SETBACKS |
| 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: _____ YES _____ NO

EFFECTIVE DATE: _____

BUILDING PERMIT #: _____