

## Conditional Use Permit Application Submittal Requirements

Conditional uses are those land uses listed in the Zoning Ordinance for each district “that would not be appropriate generally or without restriction throughout the zoning district, but which if controlled, would promote the public health, safety and welfare”. An application is presented in front of the Planning Commission at a public hearing to determine potential effects and to apply conditions to the permit or deny the application if necessary. A conditional use shall also be considered by the Planning Commission if the applicant is unable to meet all the required conditions for a permitted special use as listed under the applicable zoning district in the ordinance.

### **Step One – Application:**

The Conditional Use Permitting process can be complex. It is highly recommended that the applicant contact the Planning and Zoning Department prior to making your application. In addition, please refer to the criteria for granting requests. Review this information carefully to ensure that your proposal will meet the minimum ordinance requirements for application.

All required items must be submitted to and reviewed by Planning and Zoning Department staff approximately four (4) weeks prior to the meeting date. Incomplete applications will not be accepted.

The following are the minimum submittal requirements:

- A completed and signed application form.
- An accurate site plan of the property.
- A detailed narrative, explaining the request.
- A \$250.00 non-refundable application fee.

The Planning and Zoning Department will provide notice letters to be mailed by the applicant to notify neighboring property owners of the request as well as provide a sign to be posted on or near the property, as required by the Zoning Ordinance.

### **Step Two – Public Hearing:**

Planning Commission meetings are held on the third Monday of every month, beginning at 6:30 p.m., in the Commissioner’s Meeting Room at the Lincoln County Courthouse, Canton South Dakota. Meeting dates that conflict with Lincoln County Holidays will be rescheduled to the day after the holiday. In order for your request to be considered, you or someone representing you must be present at the meeting.

The decision of the Planning Commission on a conditional use permit may be appealed to the Board of County Commissioners. The applicant or any other person aggrieved by the decision shall file a written appeal with the Planning and Zoning Department within five (5) working days of the decision.

### **Step Three – Compliance:**

If approved, you will be required to maintain compliance with all terms, conditions or requirements placed on a conditional use permit by the Planning Commission. Any non-compliance is sufficient cause to subject the permit to review and possible revocation by the Planning Commission.



## **Conditional Use Permit Application Checklist**

- Conditional Use Permit Application. Applications must be signed by the applicant and the property owner.
- An accurate site plan of the property drawn to scale. Please refer to "Site Plan Guidelines".
- A detailed narrative, explaining the request. The narrative should provide an in-depth explanation of the proposed request, addressing the following items (if applicable): hours of operation, number of expected employees and/or customers, location and size of proposed buildings and signs, and any other pertinent information regarding the request.
- \$250 non-refundable application fee. This fee does not include the fee for any associated building/zoning permit(s), which may be required.



## CONDITIONAL USE PERMIT APPLICATION

Permit Number: \_\_\_\_\_

Address or General Location: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Parcel Size: \_\_\_\_\_ Current Zoning District: \_\_\_\_\_

Description of the Request \_\_\_\_\_

Please see <https://maps.lincolncountysd.org/parcel-browser/> for property attribute information.

*I swear that all information submitted by me (or my agent representing me) as part of this request is true, correct, accurate and complete to the best of my knowledge. I hereby authorize the Lincoln County Planning Director and/or authorized agent to enter upon property subject to this application to gather information pertinent to this application.*

**Applicant (Print)** \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
Street City State Zip

**Owner (if different than above)** \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
Street City State Zip

**Office Use Only**

Date application completed and filed w/ department: \_\_\_\_\_

Ordinance Section: \_\_\_\_\_

## Site Plan Guidelines

In accordance with Section 154.378 of the Lincoln County Code of Ordinances:

(A) In addition to the following information, plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws, rules, and regulations.

- (1) The address of the property and the legal description.
- (2) The name of the project and/or business.
- (3) The scale and north arrow.
- (4) All existing and proposed buildings or additions.
- (5) Dimensions of all buildings.
- (6) Distance from all building lines to the property lines at the closest points.
- (7) Building height and number of stories.
- (8) Dimensions of all property lines.
- (9) Parking lots or spaces: designate each space, give dimensions of the lot, stalls, and aisles.
- (10) Screening: show height, location, and type of material to be used.
- (11) The landscaped setback and trees; indicate species of trees and material to be used for landscaping.
- (12) Name and location of all adjacent streets, alleys, waterways, and other public places.

(B) Exception: The Planning Director may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter.

(C) Approved site plans shall not be changed, modified, or altered and all work shall be done in accordance with the approved site plans.

### Zoning Districts Setback Requirements

<p><b>A-1 Agricultural:</b> Front Yard: 30 feet* 50 feet (major arterial street or section line road)* Side Yard: 7 feet Rear Yard: 30 feet</p>	<p><b>RR Rural Residential:</b> Front Yard: 30 feet* 50 feet (major arterial street or section line road)* Side Yard: 15 feet Rear Yard: 30 feet</p>	<p><b>C Commercial &amp; I-1 Light Industrial:</b> Front Yard: 30 feet* 50 feet (major arterial street or section line road)* Side Yard: 10 feet Rear Yard: 20 feet</p>
<p><b>RC Recreation/ Conservation:</b> Front Yard: 30 feet* 50 feet (major arterial street or section line road)* Side Yard: 7 feet Rear Yard: 30 feet</p>	<p><b>I-2 General Industrial:</b> Front Yard: 30 feet* 50 feet (major arterial street or section line road)* Side Yard: 10 feet Rear Yard: 20 feet</p>	<p><b>Height Regulations:</b> A-1, RR, C, and RC: 35feet I-1: 45 feet I-2: 55 feet <i>Additional restrictions may apply</i></p>

\*Front yard setbacks are measured from the road right-of-way line.