

CITY OF MONTROSE
CONDITIONAL USE PERMIT APPLICATION
BOARD OF ADJUSTMENT COMMITTEE

Date Application Filed: _____

Applicant Name: _____

Applicant Contact #: _____

Applicant Email Address: _____

Conditional Use Property Address: _____ Montrose SD 57048

Fee: (SET BY CURRENT RESOLUTION) PAID: YES _____ NO _____

Current Zoning District: _____

Site Plan Included: YES _____ NO _____

I received a copy of the Planning & Zoning Conditional Use ORD No. 13.05: YES _____ NO _____

Signature of Present Owner of Property: _____

Parcel No. of Property: _____

Description of Conditional Use Request: _____

Authorized Agent (FO) Comments: _____

Planning/Zoning Team Comments: _____

City Council Meeting Date: _____ Time: _____

Posting Date on Property: _____ Posting Date at City Office: _____

Public Notice Date: _____ (Not less than 10 days prior to public hearing)

Council Team Action Taken: _____

- F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.
- G. In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Variance. A Variance shall remain valid only as long as the property owner complies with any terms and conditions of the Variance, as attached by the Board of Adjustment.

13.05 Conditional Use

A. Procedure

Conditional Uses are allowed for certain uses in some districts as defined in the District Regulations. Uses not listed in the District Regulations as eligible for a Conditional Use Permit shall not, in any circumstance, be granted a Conditional Use Permit.

The following procedure for requesting a Conditional Use Permit shall be followed:

1. An application for a Conditional Use Permit, available from the Authorized Official, shall be completed by the landowner requesting the Conditional Use Permit. Completed applications shall be returned to the Authorized Official for review.

To be considered completed, the application shall contain the following information:

- a. Legal description of the land on which such conditional use is requested, together with local street address.
- b. Name and address of each owner of the property.
- c. Name, address, phone number and signature of the applicant.
- d. Zoning district classification under which the property is regulated at the time of such application.
- e. Be accompanied with a site plan, unless waived by the Authorized Official.

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 title and all relevant laws, ordinances, rules and regulations.

Exception: The Authorized Official may waive the submission of plans if he/she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this title.

- 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 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 place.

Approved plans shall not be changed, modified or altered without authorization from the Board of Adjustment giving final approval, and all work shall be done in accordance with the approved plans.

- f. Any other information concerning the property as may be requested by the Authorized Official.
2. The Authorized Official shall review the application and make a recommendation to the Board of Adjustment to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application. The Authorized Official shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Authorized Official shall notify the landowner by registered mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Conditional Use Permit. No less than ten (10) days before the public hearing, the Authorized Official shall publish notice of the public hearing in a newspaper of general circulation in the area affected by the proposed Conditional Use Permit.
3. The following procedure shall be followed by the Board of Adjustment in considering the recommendation of the Authorized Official:
 - a. The public hearing shall be held. Any person may appear in person or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment.

- b. Before any Conditional Use Permits shall be granted, the Board of Adjustment may make written findings certifying compliance with the specific rules governing individual Conditional Uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
- 1) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - 2) Off-street parking and loading areas where required.
 - 3) Refuse and service areas, with particular reference to (a) and (b) above.
 - 4) Utilities, with reference to locations, availability, and compatibility.
 - 5) Screening and buffering with reference to type, dimensions, and character.
 - 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district.
 - 7) Required yards and other open space.
 - 8) General compatibility with adjoining properties and other property in the zoning district in which such use is to be located.
4. In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Conditional Use Permit. A Conditional Use Permit shall remain valid only as long as the original applicant complies with any terms and conditions of the Conditional Use Permit, attached by the Board of Adjustment. Failure to comply with the terms and conditions of a conditional use permit may subject the holder of a conditional use permit to revocation or other appropriate action, including, but not limited to, those remedies found in these ordinances, and enforcement actions as authorized herein. The failure to comply with the terms and conditions of a conditional use permit may be considered a violation of the Ordinance.
5. The Board of Adjustment may make a finding that it is either empowered or not empowered by these Zoning Regulations to grant the requested Conditional Use Permit, and that such Conditional Use Permit is either consistent or inconsistent with the intent of these Zoning Regulations.

13.06 Court Review

Any person aggrieved by any decision of the Board of Adjustment may petition a court of record within thirty (30) days after the filing of the Board's decision as provided by SDCL 11-4-25.