

# Conditional Use information

## What is a Conditional Use?

The City of Sioux Falls is divided into zoning districts which regulate uses of property within those districts. The uses allowed in each zoning district fall into the following categories:

**Permissive Uses:** Are allowed in a district, but do not require a review by the Planning Commission. Permissive uses are still required to obtain a zoning permit, a building permit, and a certificate of occupancy.

**Conditional Uses:** Are allowed in a district only after review and approval by the Planning Commission. A Conditional Use will still require a zoning permit, a building permit, and a certificate of occupancy, but these will not be issued until the Conditional Use Permit has been granted by the Planning Commission.

Any Conditional Use approved by the Planning Commission must conform to the minimum requirements of the zoning district in which the use is located and to minimum Conditional Use standards. **Additionally, the Planning Commission can add other requirements [or conditions] that are appropriate.** In all cases, the impact of the proposed use on adjacent properties will be a major consideration.

## Making Application

An application form for a Conditional Use Permit may be obtained from the City Planning Office in City Hall or the City's website at [www.siouxfalls.org/planning-commission](http://www.siouxfalls.org/planning-commission). The application will require you to provide the legal description of the property, adjacent land uses, size of your property's parcel, and the purpose for the Conditional Use Permit request. You will also be required to pay a fee for processing your application. A conditional use plan drawing for the

property is required by the filing deadline, or the application may be deferred by staff to the next month's public hearing date.

Once you have completed your application, paid your fee, and provided your conditional use plan, your application will be reviewed by Planning staff for placement on the Planning Commission agenda. Additionally, you will be given a set of signs to be posted on the four corners of your property.

## The Conditional Use Plan

The conditional use plan drawing must include the following:

- (a) The name of the project and/or business.
- (b) The plan scale and directional north arrow.
- (c) All existing and proposed buildings, structures, or additions and land uses.
- (d) Dimensions and total square footage of all buildings: include height and number of stories.
- (e) Distance from all buildings, parking, and fences to the property lines at the closest points (setbacks/yards).
- (f) Dimensions of all property lines, including platted property lines.
- (g) Name and location of all adjacent streets, alleys, waterways, and other public facilities.
- (h) Location and dimensions of the parking lots; designate each space, stall, and aisle. Include all points of access to public right-of-way in accordance with Subdivision Ordinance 157.098. [Arterial street development.]

The Planning Commission or the City Council may approve additional conditions to be shown on a conditional use plan addendum drawing. These additional conditions will detail supplemental information that may be considered by the applicant, the neighborhood, or the decision makers.

## Public Notification Mailing Notice

City ordinances require that the City send written notification out to property owners within 300 feet of the subject property prior to the hearing. The notice will be postmarked ten days prior to the hearing and will state the time, date, location, and nature of the proposal.

## Posting Signs

City ordinances require that four signs announcing a Conditional Use Permit application be posted on the property ten days before the Planning Commission public hearing. The signs for this meeting will be given to you when you submit your application. At the same time, you will receive a certificate requiring you to verify that signs have been properly posted. The certificate must be signed and returned to the Planning Office prior to the Planning Commission meeting, or your item will be removed from the agenda.

## The Planning Commission Meeting

The Planning Commission is a group of citizens appointed to approve or make recommendations to the City Council regarding zoning and land uses.

At the Planning Commission meeting, the chairperson will announce each consent and regular agenda item and then ask if the petitioner is present to explain their request. This is when the applicant would state the reasons for requesting the Conditional Use Permit. The chairperson will also ask if there is anyone present who wishes to speak for or against the Conditional Use Permit request. After the Planning Commission has heard from all interested parties present and discussed the petition, **members will vote to either defer, deny, or approve the request along with any required conditions.**

Generally, the Planning Commission makes decisions based on a number of things including:

- Shape Sioux Falls 2035.
- The purpose of the zoning ordinance and the relevant zoning district.



- The stated Conditional Use Standards within Section 160.616.
- Completeness of the application.

## Appealing a Conditional Use Permit to the City Council Meeting

**If you, or another person, are opposed to the decision of the Planning Commission, you may appeal.** If a written appeal is filed with the Planning Office within five working days, your permit may be considered by the City Council on the first Monday of the month, following the submission of the appeal. At the meeting, Planning staff will present the Planning Commission recommendation to the City Council. If you have any remarks to make to the City Council, do so at that time. They will vote to either defer, deny, or approve the request. If they vote to approve your permit, the Conditional Use Permit will be effective. If the City Council should vote to deny your permit, you would have to submit a new application if you want your request to be reconsidered. If a reapplication is either entirely or substantially the same, it cannot be reviewed until six months from the date of final action by the City Council.

## Appealing a Conditional Use; Court Review

If you, or another person, are opposed to the Council's decision, you may petition the appropriate court.



For more information, contact the City Planning Office at 605-367-8888, or stop by City Center, 231 North Dakota Avenue, Sioux Falls, SD 57104. Visit our website at [www.siouxfalls.org](http://www.siouxfalls.org).