



Request for Use Permit on Review

City of Hot Springs, 303 North River Street, Hot Springs, SD. 57747 P. 605-745-3135 F. 605-745-5180

The undersigned person(s) do hereby make application for a hearing of the Common Council of the City of Hot Springs to review the request for the Use Permitted on Review as follows: *(additional information may be attached to this application)*

Describe your request:

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Applicant's printed name: _____

Applicant's mailing address: _____

Applicant's contact information: _____

Project address: _____

Project legal description: _____

Applicant's Signature: _____ Date: _____

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Use Permit Process:

- 1- Submit application for Use Permit including a complete description of request and supporting information as required in City Ordinance: Title XV Ch. 155.073 of the Use Permit Requirements for submission.
- 2- A fee of \$150 is due at the time of application.
- 3- Applicant shall post a sign provided by the City that the property is being considered for a Use Permit. The sign shall be posted not less than ten (10) days prior to the hearing.
- 4- Applicant shall notify, by certified mail, all property owners within 200 feet of all points of the property exclusive of right-of-ways. Notification shall include the nature of the Use Permit and the time and the place of the hearing. A list of those property owners so notified shall be presented to the Finance Officer before the Use Permit hearing.
- 5- Upon application, legal notice shall be published in the newspaper for not less than ten (10) days prior to the hearing.
- 6- The Use Permit hearing shall be heard at a regularly scheduled meeting of the Common Council of the City of Hot Springs.

See back of application for conditions regarding Use Permit approvals

Findings and Decision of the Common Council of the City of Hot Springs

Council Convened at: _____ am/pm, on this date _____, 20 ____

Location: _____

Council Members Present: _____

Interested Parties Present: _____

Council Decision: _____

Mayor's signature *date* *Finance Officer (seal)*

Office Comments:

(Attach Minutes) _____

155.073 Procedure for Authorizing Uses Permitted on Review.

The following procedure is established to integrate properly the uses permitted on review with other land uses located in the district. These uses shall be reviewed by the governing body and authorized or rejected under the following procedure.

A. Application procedure.

1. A property owner may make application to the Common Council for a Use Permitted on Review using forms available from the Zoning Administrator. Fees, as set forth in 27-A.08.06, shall accompany the application.
2. The applicant shall, by certified mail, notify all property owners within two hundred feet (200') of the subject property, exclusive of rights-of-way, as to the nature of the Use Permit request and the time and date and location at which the request will be considered. A list of those property owners and their mailing addresses shall be provided to the City Finance Officer prior to the hearing.
3. Upon application for a Use Permit, the applicant shall place a sign, provided by the City, on the property in clear view of the street identifying that the property is being considered for a Use Permit variance. The sign shall be placed on the structure or post not less than ten (10) days prior to the public hearing on the matter and shall remain until a decision on the request has been made.
4. Legal notice shall be published in the City's official newspaper of the date, time and place of the public hearing at least ten (10) days prior to the hearing.
5. The Common Council shall issue its decision within thirty (30) days of the hearing, except that the applicant may request a continuance not to exceed 60 days. (Amended October 2015, Ordinance 1157).

B. Requirements for submission.

1. An applicant shall submit the documents necessary to convey to the Common Council the entirety of the proposed use, including:
 - a. The location and legal description of the property;
 - b. Position, size and use of all structures, improvements and facilities to be constructed or reconstructed including new use floor layouts; (Amended October 2015, Ordinance 1157).
 - c. If applicable, landscape, lighting and drainage plan;
 - d. parking, off-street parking plan;
2. In consideration of a request for a use permitted on review, the Council may take into account factors including, but not limited to:
 - a. Conformance with the goals and policies of the comprehensive plan;
 - b. Compatibility with existing and potential permitted uses in proximity to the proposed use;
 - c. Public safety issues relating to projected traffic generated by the proposed use;
 - d. Community benefit of the proposed use;
 - e. Aesthetic considerations related to the scope and size of the proposed use; and,
 - f. Adequacy of public services for the proposed use.
3. The Common Council shall issue its decision within thirty (30) days; except that the applicant may request a continuance not to exceed 60 days. (Amended October 2015, Ordinance 1157)
4. The Common Council may impose such conditions regarding the location, character, or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this ordinance. An approved Use Permit shall be implemented within six (6) months from the date of approval unless otherwise expressly requested by the applicant and approved by Council. Any Use Permit not implemented within that specified time period will be deemed a discontinued use and the Use Permit shall be void.
 - a. Any approved use permitted by a Use Permit that has been suspended or discontinued for twelve (12) continuous months shall be deemed a discontinued use and the Use Permit shall be void.
 - b. Additional landscaping, screening, façade improvements, architectural light and similar improvements may be required by the Council to ensure the special use blends into the zone and does not cause any blight, or negative impacts on neighbors.
5. Denial of request. In the event the request for a use on review is denied by the city council, reapplication shall not be permitted for a period of one (1) year, unless the zoning administrator determines that there has been a substantial change in circumstance surrounding the request.

6. Failure to comply with any of the requirements of the Use on Review approval is cause for action by the Council to suspend or rescind the approval and legal action may be taken as stated in the Code of Ordinances Chapter 1 – General Provisions, Section 1-7 Penalty: Continuing Violations.

Ord: Title XV: Ch. 155-073