



## What is a Conditional Use Permit?

The unincorporated portions of Minnehaha County are divided into zoning districts which regulate land use within each specific district. The uses allowed in each district fall into three categories:

- **Permissive Uses** are allowed in a district and do not require a review by the county.
- **Permitted Special Uses** are those which are permitted in a district if certain conditions are met. When those conditions cannot be met a CUP is required.
- **Conditional Uses** are those land uses listed in the ordinance for each district that may pose nuisance or development challenges to adjacent properties. Because of this possibility, the Minnehaha County Planning Commission must hear and approve the land use before construction or use is permitted. Conditions may be applied to the permit to mitigate to the best possible extent the concerns and nuisances that the land use may create.

In all land use categories, general permits such as wastewater and building permits must be obtained before work begins.



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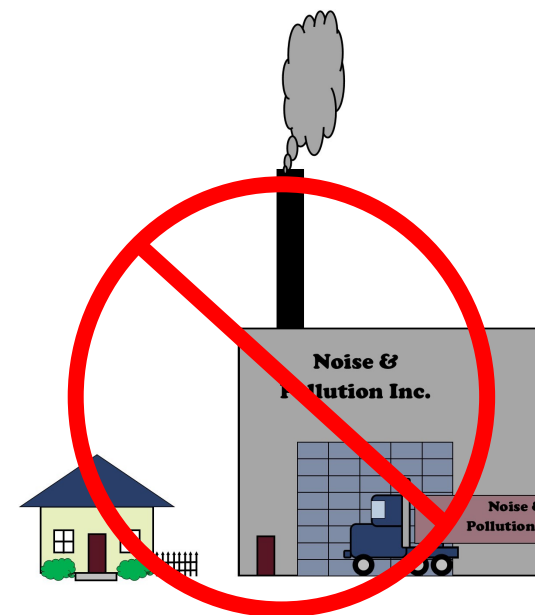
Minnehaha County Planning & Zoning  
415 N Dakota Avenue  
Sioux Falls, SD 57104

Phone: (605)367-4204  
[www.minnehahacounty.gov](http://www.minnehahacounty.gov)

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# CONDITIONAL USE PERMIT

Minnehaha County  
Planning & Zoning



## CUP Application

Petitions for a conditional use permit (CUP) are available in the planning office or on the website. The staff can assist you in completing the form. Every application shall contain the following information:

- Name, Address, Phone #, and Signature of Applicant and Parcel Owner (if Different)
- Legal Description of Parcel
- Zoning District of Parcel
- Any Other Information Requested By the Office of Planning and Zoning

The purpose of the CUP request must be included with the application. A narrative of operations is helpful in determining appropriate conditions.

## CUP Process

Once you apply for a CUP, a process of review and notification begins. This process is modeled in the flow chart below; however not all CUP requests, such as gravel quarries, are treated the same. Several steps are taken before a public hearing is held before the Planning Commission.

Staff uses the application and submitted materials to write a report to present to the Planning Commission. The staff report includes a recommendation for approval or denial and it includes a list of recommended conditions that are determined necessary to mitigate potential conflicts of the proposed use with surrounding properties.

## ...CUP Process Continued

The applicant is required to notify neighboring properties of the pending public hearing. The Planning Department will provide the applicant a notice, map, and required mailing list. In addition, the applicant will receive a sign to be posted on the property. When mailing is complete a affidavit must be signed and returned to the Planning Department one week before the Planning Commission Meeting.

The Planning Commission will consider the staff report and any public input to decide to approve, change conditions, or deny the petitioner's request for a permit.

## Appeal of Planning Commission Decision

Anyone aggrieved by the decision of the Planning Commission's decision for or against approval, may appeal the decision to the Board of County Commissioners. A written appeal must be received by the Planning Department within five working days of the Planning Commission meeting. Upon receiving the appeal a public hearing will be scheduled before the Board of County Commissioners. Notification will be sent out again in the same manner as the Planning Commission meeting. The Board of County Commissioners may approve, change conditions, or deny the request. The decision of the Board of County Commissions is final.

