

EXCERPT FROM: The SIOUX COUNTY ZONING ORDINANCE, ARTICLE XXVII CONDITIONAL USES:

Section 27.9: "In considering whether to approve an application for a Conditional Use Permit, the Board of Adjustment shall proceed according to the following format: "

1. The Board of Adjustment shall establish a finding of facts based upon information contained in the application, the staff report, and the Zoning Commission recommendation and presented at the Commission or Board of Adjustment hearings.
2. The Board of Adjustment shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this Chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth below.
3. The Board of Adjustment shall consider whether the application complies with all of the applicable development criteria set forth in the previous section. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
4. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth. Separate votes may be taken with respect to each standard.

Any motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.

Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition limiting the duration of the permit. All conditions or requirements shall be recorded with the permit.

ORDINANCE SECTION:		<i>The Board of Adjustment shall grant no conditional use permit unless such Board shall find the following criteria have been met:</i>
<i>27.4.1-5</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	1) Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties
<input type="checkbox"/> Yes	<input type="checkbox"/> No	2) Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	3) Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	4) Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	5) Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity and shall comply with the requirements of Site Lighting
<i>27.6</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	6) Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
<i>If the Board of Adjustment concludes that all applicable criteria will be met by the proposed conditional use, it shall approve the application and plans unless it concludes, based on the information submitted at the hearing that if completed as proposed there is a strong probability the development will: (Article XXVII Section 27.4)</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	1) Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
<input type="checkbox"/> Yes	<input type="checkbox"/> No	2) Impair an adequate supply (including quality) of light and air to surrounding property; or
<input type="checkbox"/> Yes	<input type="checkbox"/> No	2) Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers;
<input type="checkbox"/> Yes	<input type="checkbox"/> No	3) Diminish or impair established property values on adjoining or surrounding property; or
<input type="checkbox"/> Yes	<input type="checkbox"/> No	4) Not be in accord with the intent, purpose & spirit of this Ordinance or the <i>Sioux County Comprehensive Land Use Plan.</i>
<i>The burden of presenting to the Board of Adjustment evidence sufficient enough to conclude that the application does or does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant (solely) warrants such a conclusion: (Article XXVII Section 27.5)</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	HAS THE BURDEN OF PERSUASION that allows approval of this application BEEN MET? <i>(Upper section responses are all "Yes" AND lower responses are all "No")</i>