

City of Ottumwa, IA
~ Conditional Uses Permit ~

Contact Information:

Owner: _____

Company Name if Applicable: _____

Address: _____ City, State & Zip: _____

Phone: _____ Fax: _____ e-mail: _____

Applicant or Agent (if different from Owner): _____

Company Name if Applicable: _____

Address: _____ City, State & Zip: _____

Phone: _____ Fax: _____ e-mail: _____

Architect / Engineer / Other: _____

Company Name if Applicable: _____

Address: _____ City, State & Zip: _____

Phone: _____ Fax: _____ e-mail: _____

Property Information:

Property Address (if different from Owner Information): _____

Legal Description: _____

Lot Size: _____ x _____ = _____ Square Feet (Or Attach a Copy of Plat

Zoning District: _____ Present Use of Property: _____

City Code Section or Table reference
regarding CUP Request: _____

Other Information:

Has any previous application been filed in connection with these premises?

YES:

NO:

If yes, date of prior application/action:

General Description of Request

Please provide a general description of the request. (Please use additional sheets of paper if necessary.)

Site Plan:

Have you attached a site plan:

YES

NO

Please remember site plan must be submitted and be to a reasonable scale. If you should require assistance please contact the Planning and Development Department.

Sec. 38-998. - Conditional use permits.

- (a) *Uses allowed by conditional use permit.* In accordance with section 38-115(2), the zoning board of adjustment may, by conditional use permit after public hearing and only after the city planning and zoning commission has made a recommendation, authorize the location of buildings and uses in districts as indicated in Table 38-115, provided, however, that no such conditional use permit shall be granted authorizing any building or use in a FW district.
- (b) *Issuance.* Conditional use permits, which may be revocable, conditional, or valid for a term period, may be granted only when expressly permitted by this chapter, and only after the city planning and zoning commission has made a recommendation and the zoning board of adjustment has found in writing as follows:
 - (1) That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at the above determination, the factors that shall be considered include the following:
 - a. *Land use.* The location and size of the site, the nature and intensity of the operations involved in, or conducted in connection with the use and location of the site with respect to streets giving access to it. The use will be in harmony with the appropriate and orderly development of the district in which it is located and will promote the welfare of the city.
 - b. *Impact on area.* The location, nature and height of buildings, walls and fences, planned activities, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
 - c. *Bulk standards.* Any deviation from the district bulk standards applicable to uses allowed by the district regulations must be reasonably necessary due to practical difficulties related to the land or type of use in question, and such practical difficulties cannot be overcome by any feasible alternative means.
 - d. *Residential setback.* Adequate setbacks shall be provided to protect adjacent residentially zoned property from non-residential and institutional uses.
 - e. *Architectural character.* New buildings and alterations to existing buildings located in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.
 - f. *Building mass.* New buildings and alterations to existing buildings shall be either similar in size and height, or if larger, shall be articulated, setback, or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback, and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.
 - g. *Parking.* No parking should be permitted in a required front yard of an R district unless shown to be compatible with the adjoining land use. Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district, unless a higher standard is applicable under the site plan regulations.
 - h. *Building suitability.* In cases where it is proposed to convert a structure designed and built originally for other uses, the structure must be adaptable to the proposed use from the point of view of public health, safety, and construction codes.
 - i. *Adverse effects.* There shall be no adverse effect upon the neighboring area resulting from the use of exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers, or other noise-making devices.
 - (2) The characteristics of the use proposed in the conditional use application are reasonably compatible with the types of uses permitted in the surrounding area. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.
- (c) *Application.* Application by real property owner for conditional use permit shall be made to the zoning board of adjustment. The application shall be accompanied by a fee established of the city council, no part of which shall

be returned to the applicant. The application shall be accompanied by a site plan, with a written statement outlining the proposed activity.

- (d) *Public hearing.* With filing of an application for a variance or appeal with the zoning board of adjustment, the date for a public hearing shall be published no less than four days or no more than 45 days prior to the public hearing. A public hearing for a conditional use permit shall be published a minimum of seven days prior to and not more than 20 days before the public hearing before the zoning board of adjustment.
- (e) *Action of city planning and zoning commission.* The city planning and zoning commission shall forward a recommendation on the conditional use permit application to the zoning board of adjustment.
- (f) *Action of zoning board of adjustment.* The planning and development department shall schedule a public hearing before the zoning board of adjustment. Citizen input will be requested.
- (g) *Decision.* Following the conclusion of the public hearing on an application for a special use permit, the zoning board of adjustment may grant a conditional use permit stipulating those conditions it feels necessary to carry out the provisions and intent of this chapter.

(Code 1970, § 38-188; Ord. No. 3088, § 2(exh. A), 12-1-2015; Ord. No. 3108-2017, § 6, 2-7-2017)

Sec. 38-999. - Abandonment of variances, exceptions and conditional use permits.

- (a) Uses of land, structures, and uses of structures which would otherwise be prohibited under this section but have been allowed by the granting of an exception or variance or have been allowed as a conditional use permit may continue until such exception, variance, or conditional use permit lapses as provided in this section.
- (b) If any such use of land or of a structure is not commenced within one year of the allowance of the variance, exception or conditional use, whichever is later, or is discontinued for a period of one year, such variance, exception or conditional use shall lapse, and any subsequent use of such land or structure shall conform to the district regulations for the district in which such land or structure is located.
- (c) In the event the construction of any such structure is not commenced within two years of the issuance of the variance, exception, or conditional use permit for such structure, whichever is later, and diligently pursued to completion, such variance, exception or conditional use permit shall lapse, and any subsequent use of such land shall conform to the district regulations for the district in which such land is located. The zoning administrator or his designee is authorized to grant up to a one-year extension of this time limit, upon a show of good cause by the applicant. If any such structure is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, it shall not be reconstructed; any such variance, exception or conditional use permit for such structure shall lapse; and any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

(Code 1970, § 38-189; Ord. No. 3088, § 2(exh. A), 12-1-2015)

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the plans herewith submitted within _____ months from the date of filing this request; will complete work within _____ from said date; and that I am able from a financial, legal and physical basis to do so.

Name: _____
(Print)

(Signature)

Date: _____

For Office Use Only

Date Hearing was Advertised: _____

Date of Hearing: _____

Decision of the Zoning Board of Adjustment: _____

Reasons: _____

Other Remarks: _____

For the Zoning Board of Adjustment:

BY: _____

(Secretary)