



**DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF ADJUSTMENT APPLICATION
APPLICATION FOR SPECIAL EXCEPTIONS**

**City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613**

General Information: The Cedar Falls Board of Adjustment is empowered to hear and decide applications for special exception in certain circumstances enumerated within this section. To ensure that the spirit of the ordinance is observed, no special exception shall be granted unless the applicant demonstrates that all the approval criteria are met for the special exception requested. The Board of Adjustment may impose conditions and restrictions as part of the approval process.

Specific special exceptions enumerated:

Floodway Overlay District. The following uses, which involve structures (temporary or permanent), fill, storage of materials or other equipment, may be permitted upon issuance of a special exception permit by the board of zoning adjustment, and then only to the extent they are not prohibited by other provisions of this section or of this Code or the underlying zoning district. Such uses must also meet the applicable provisions of the floodway district performance standards:

1. Uses or structures accessory to open space uses.
2. Circuses, carnivals, and other transient amusement enterprises.
3. Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
4. Extraction of sand, gravel, and other materials.
5. Marinas, boat rentals, docks, piers and wharves.
6. Utility transmission lines and underground pipelines.
7. Other uses similar in nature to the principal permitted and conditional uses describe in this section which are consistent with the floodway district performance standards and the general spirit and purpose of this division.

Required submittals.

For special exceptions in the floodway overlay district.

1. The use must be permitted in the underlying zoning district.
2. A detailed description of the proposed use including, but not limited to, frequency and type of activity, proposed site layout, anticipated traffic generation, proposed hours of operation, projected number of patrons or visitors (as applicable), any new outdoor lighting proposed, proposed signage, number of off-street parking spaces, anticipated parking demand, anticipated outdoor activities, and any proposed use of amplified sound.

3. A site plan showing all proposed changes including site removals and improvements to accommodate the proposed use.
4. A list of owners of record of all parcels located within 300 feet of the parcel and their addresses.
5. Any further information or materials that will help demonstrate compliance with the development in the floodway overlay district.
6. Proof the proposed use will not affect the capacity or conveyance of the channel or floodway or any tributary to the main stream or drainage facilities, nor result in any increase to the 1% (100-year) flood level.
7. Provide evidence the uses will be consistent with the need to limit flood damage, construction methods and practices will limit flood damage, and use materials and utility equipment which are resistant to flood damage.
8. Review and approval from the Iowa Department of Natural Resources.

Please take time to carefully complete the attached forms. It is your responsibility to demonstrate to the Board of Adjustment that your request satisfies the special exception approval criteria. It is important that all forms be correctly completed and submitted with the required fee by the specified deadline to the Planning Division, 220 Clay Street, Cedar Falls, Iowa. Contact Planning with any questions: (319) 273-8606; planning@cedarfalls.com

Please note: Applicants should refrain from contacting or attempting to influence Board of Adjustment members prior to the scheduled public hearing.

Deadline: The Board conducts their regular meetings on the third Tuesday of the month. Applications must be submitted by 5 PM three weeks prior to the regular meeting. Below is the schedule of meetings.

| 2023 | | 2024 | | 2025 | |
|-----------------|----------------------|-----------------|----------------------|-----------------|----------------------|
| Regular Meeting | Application Deadline | Regular Meeting | Application Deadline | Regular Meeting | Application Deadline |
| 1/17/23 | 12/27/22 | 1/16/24 | 12/26/23 | 1/21/25 | 12/31/24 |
| 2/21/23 | 1/31/23 | 2/20/24 | 1/30/24 | 2/18/25 | 1/28/25 |
| 3/21/23 | 2/28/23 | 3/19/24 | 2/27/24 | 3/18/25 | 2/25/25 |
| 4/28/23 | 3/28/23 | 4/16/24 | 3/26/24 | 4/15/25 | 3/25/25 |
| 5/16/23 | 4/25/23 | 5/21/24 | 4/30/24 | 5/20/25 | 4/29/25 |
| 6/20/24 | 5/30/23 | 6/18/24 | 5/28/24 | 6/17/25 | 5/27/25 |
| 7/18/23 | 6/27/23 | 7/16/24 | 6/25/24 | 7/15/25 | 6/24/25 |
| 8/15/23 | 7/25/23 | 8/20/24 | 7/30/24 | 8/19/25 | 7/29/25 |
| 9/19/23 | 8/29/23 | 9/17/24 | 8/27/24 | 9/16/25 | 8/26/25 |
| 10/17/23 | 9/26/23 | 10/15/24 | 9/24/24 | 10/27/25 | 9/30/25 |
| 11/21/23 | 10/31/23 | 11/19/24 | 10/29/24 | 11/18/25 | 10/28/25 |
| 12/19/23 | 11/28/23 | 12/17/24 | 11/26/24 | 12/16/25 | 11/25/25 |



**DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF ADJUSTMENT APPLICATION
APPLICATION FOR SPECIAL EXCEPTIONS**

**City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613**

Applicant's Name: _____

Applicant's Mailing Address: _____

City: _____ State: _____ ZIP: _____

Applicant's Email: _____ Daytime Phone #: _____

Owner's Name (If different): _____

Owner's Mailing Address: _____

City: _____ State: _____ ZIP: _____

Owner's Email: _____ Daytime Phone #: _____

Requested Action: _____

Legal Description: _____

A COMPLETE SUBMITTAL INCLUDES:

- Completed Application
- Nonrefundable fee of \$375.00
- Legal description of property
- Appeal Justification
- Site Plan
- Notification to abutting property owners
- Property survey
- Floodplain Elevation Certificate, if applicable
- Statement by professional engineer indicating that proposed work will be constructed in accordance with all applicable floodplain performance standards and the work will not increase the 100-year (1%) flood level or affect the capacity or conveyance of the channel or floodway.

To the best of my knowledge the foregoing and attached statements are true and correct, in addition the owner agrees to comply with all requirements of code of ordinances of the city of Cedar Falls and the work will be done under those provisions.

Property Owner/Applicant's Signature Date: _____

**BOARD OF ADJUSTMENT
SPECIAL EXCEPTION**

Applicants are responsible for providing information to the Board of Adjustment indicating how the proposed application for special exception will meet all relevant factors of Sec. 26-176, Sec. 26-178, and all other applicable codes for the City of Cedar Falls and: (attached additional paper if necessary)

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The dangers that materials may be swept onto other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a floodplain location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

10. The safety of access to the property in times of flood or ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site.

12. Such other factors which are relevant to the purpose of this chapter.



**DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF ADJUSTMENT APPLICATION
APPLICATION FOR CONDITIONAL USE**

**City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613**

TO: Cedar Falls Board of Adjustment Applicant

RE: Special Exception Requests by the Cedar Falls Board of Adjustment

As you are considering the submittal of a request for a special exception, please consider the following information.

You must have evidence of notification to adjoining property owner. See page 10.

When variances or special exceptions are approved, the successful applicant typically proceeds ahead with construction and or lot improvements in accordance with the Board's directive. Applicants are normally eager to proceed immediately (even though State law specifically allows other parties to legally contest approval of the variance or special exception). Iowa State Code provides that any aggrieved party (including any taxpayer or any officer, department, board or bureau of a municipality) may file a petition in District Court challenging a decision of the Board of Adjustment. Said petition must be filed within 30 days from the date of the Board of Adjustment decision.

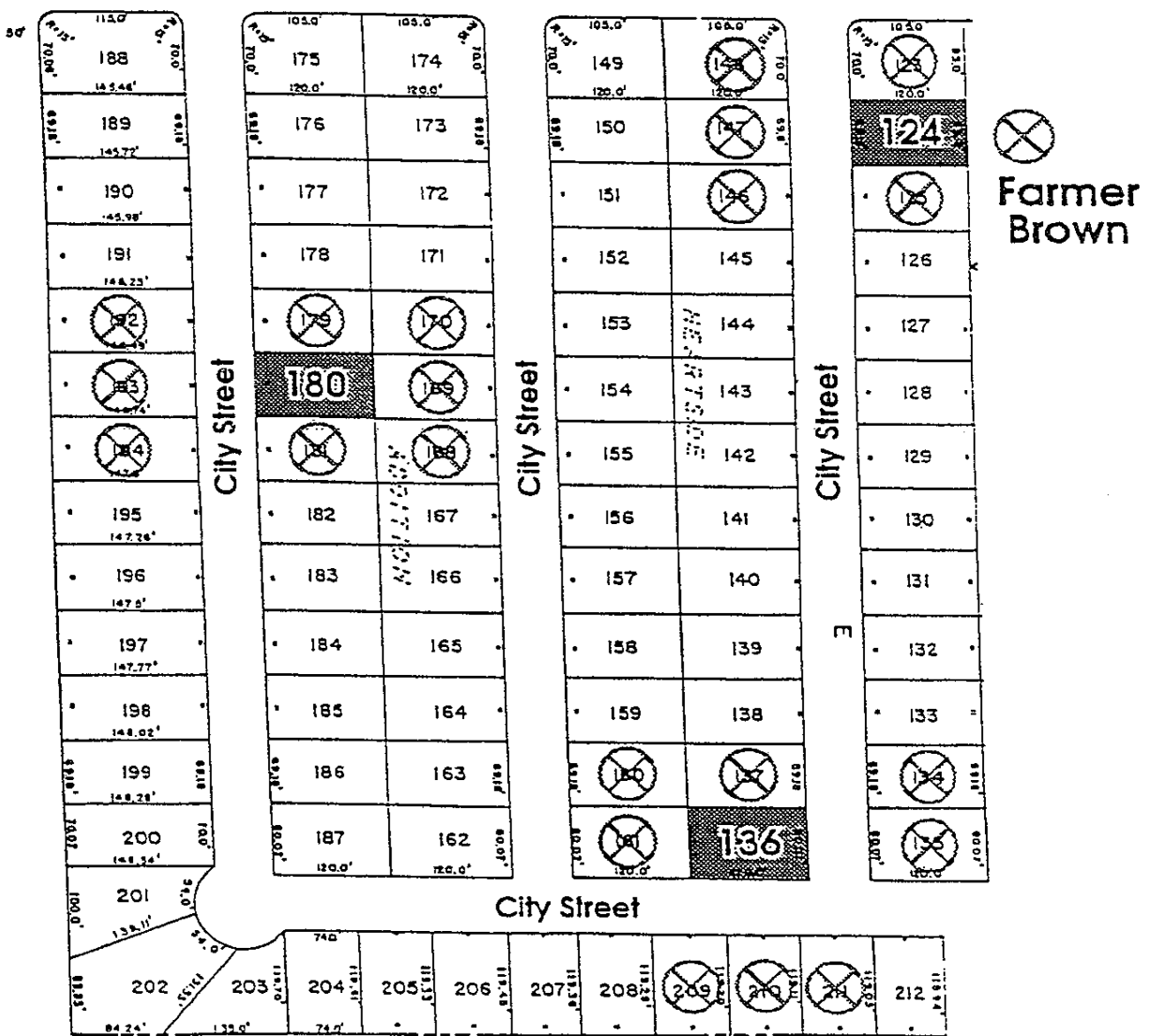
In consideration of this fact, the City will not issue any building permit(s) related to the request until the 30-day appeal period has expired, unless the petitioner and property owner signs the waiver on **page 12**. The purpose of the attached waiver is to protect the City against any claims of liability arising out of building permit issuance in the case of a contested Board of Adjustment decision.

Please contact Planning and Community Services with comments or questions at 319.273.8606.

Board of Adjustment Notice to Abutting Property Owners

Example

If the property owner located on lot #180 were applying for a variance, they would be required to notify and receive signatures from those owners of lots 168, 169, 170, 179, 181, 192, 193, and 194. Other examples are provided for illustration. It is the responsibility of the APPLICANT to identify and contact the adjacent property owners.



**BOARD OF ADJUSTMENT
NOTICE OF SPECIAL EXCEPTION TO ABUTTING PROPERTY OWNERS**

TO: Owners of property abutting _____
_____, Cedar Falls, Iowa.

FROM: _____, (Applicants).

DATE: _____

This notice is to advise you that _____
is/are approaching the Cedar Falls Board of Adjustment with a request to vary the terms of the
local Zoning Ordinance. If approved, it is intended to alter the property as follows:

A Public Hearing will be held in the City of Cedar Falls City Council Chambers, 220 Clay Street,
Cedar Falls, Iowa on _____, at _____ p.m. You are invited to attend
this meeting and will be given the opportunity to speak for or against the request. Your signature
hereon does not constitute your approval of the request. Additional information is available by
contacting the Cedar Falls Planning and Community Services office at 273-8600.

NAME

ADDRESS

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WAIVER

The undersigned, Petitioner for the granting of a variance or special exception to the Zoning Ordinance of the City of Cedar Falls, Iowa for property at _____ is fully aware that any aggrieved party may appeal to the District Court of Black Hawk County for a review of a Cedar Falls Board of Adjustment ruling; that such right of appeal exists for a period of thirty (30) days from the date of the Board of Adjustment decision in this matter.

By requesting a Building Permit in the City of Cedar Falls, Iowa, according to the terms authorized by the Cedar Falls Board of Adjustment, the undersigned hereby waives any and all claims that they or it may have against the City of Cedar Falls, Iowa upon the granting of a Building Permit and further agree that the undersigned will abide by any court order which results from the appeal to the above named court which may include the removal and restoration of any and all construction that may take place prior to and after a court decision regarding the subject matter of the Petition to the Cedar Falls Board of Adjustment.

Dated this _____ day of _____ 20_____.

Date of Board of Adjustment Decision: _____

By: _____

Owner of Property at: _____

Witness: _____