



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

**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 conditional uses in certain circumstances enumerated within this section. To ensure that the spirit of the ordinance is observed, no conditional use shall be granted unless the applicant demonstrates that all the approval criteria are met for the conditional use requested. The Board of Adjustment may impose conditions and restrictions as part of the approval process.

**Specific conditional uses enumerated:**

*Adaptive re-use of defunct institutional buildings or buildings or properties of significant historical or cultural value.* According to the provisions set forth in this subsection, the board of adjustment may grant a conditional use permit to allow the adaptive re-use of a building or property of historic or cultural value or a defunct institutional facility, such as a church or civic building, when such building or property is located in a district where such adaptive use would not otherwise be permitted. The board of adjustment may deny the use or aspects of the use that are deemed out of scale, incompatible, or out of character with the surrounding neighborhood, or may require additional measures to mitigate these differences. Additional conditions may include, but are not limited to, additional screening, landscaping, parking, pedestrian facilities, setbacks, limitations on hours or days of operation, occupancy limits, limitations on outdoor or accessory uses, and restrictions on use of amplified sound, exterior lighting, or signage. The following provisions, regulations, and restrictions shall apply:

*Qualifying uses.* Only the following uses qualify for consideration under this subsection:

1. Hospitality-oriented uses such as: retreat facilities, convention centers, guesthouses, meeting halls, and event facilities.
2. Conversion to a multi-unit dwelling in a zone where such use is not otherwise allowed or where the proposed number of units exceeds the number otherwise allowed in the zone.
3. Community service uses such as: libraries, museums, senior centers, community centers, neighborhood centers, day care facilities, youth club facilities, social service facilities, and vocational training facilities for the physically or mentally disabled.
4. Specialized educational facilities such as: music schools, dramatic schools, dance studios, martial arts studios, language schools, and short-term examination preparatory schools.
5. Professional office uses such as: accountants, lawyers, architects, or similar.

**Required submittals.**

The applicant must demonstrate how the proposal meets the criteria for approval. The following is the minimum necessary documentation that the applicant must furnish:

1. A description of the previous use to the extent known, including, but not limited to: site layout, number of existing parking spaces, traffic generation, hours/days of operation, number of patrons, visitors, and/or residents (as applicable), and frequency and level of both indoor and outdoor activity.
2. A detailed description of the proposed use including, but not limited to: any proposed changes to the site layout, anticipated traffic generation, proposed hours of operation, projected number of patrons or visitors (as applicable), frequency and type of activity (both indoor and outdoor), any new outdoor lighting proposed, proposed signage, residential density (if applicable), 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 criteria for approval listed on the “conditional use justification” worksheet.

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 conditional use/special exception approval criteria (see conditional use justification or special exception worksheets). 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](mailto: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 CONDITIONAL USE**

**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
- Detailed Description of the proposed use
- Site Plan (property survey may be needed)
- A list of abutting property owners within 300 feet

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.

\_\_\_\_\_ Date: \_\_\_\_\_

Property Owner/Applicant's Signature

**BOARD OF ADJUSTMENT**  
**CONDITIONAL USE JUSTIFICATION**

Applicants are responsible for providing information to the Board of Adjustment indicating **how** the proposed conditional use will meet the following approval criteria. A conditional use is proper only if all eight of the following criteria area satisfied. Please read and fully address the following criteria: (attached additional paper if necessary)

1. The anticipated characteristics of the proposed use, including, but not limited to, hours of operation, noise level, lighting, traffic generation, signage, number of patrons/visitors/residents, and frequency, level, and type of activity will be compatible with the neighborhood.

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2. The proposed use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

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3. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity.

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4. Establishment of the proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which the property is located.

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5. Adequate utilities, access roads, parking, drainage and/or other necessary facilities are or will be provided.

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6. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.

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7. In the case of a building or property of historic or cultural significance, the proposal will preserve the significant historic, aesthetic, and/or cultural attributes of the property.

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8. The specific proposed use, in all other respects, conforms to the applicable regulations of the zone in which it is located.

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

**TO:** Cedar Falls Board of Adjustment Applicant

**RE:** Conditional Use Requests by the Cedar Falls Board of Adjustment

As you are considering the submittal for a conditional use permit, please consider the following information.

Prior to the Board of Adjustment Hearing: City staff will send out a notice to all property owners within 300 feet of the subject property boundary informing them if the requested conditional use proposed, and date and time of the public hearing before the Board of Adjustment. We also recommend that you consider reaching out to neighboring property owners to explain your proposal to better inform them of your proposal and respond to their questions and concerns prior to the public hearing.

After the Board of Adjustment Hearing: When conditional use requests are approved, the successful applicant typically proceeds ahead with construction and or lot improvements in accordance with the Board's directive. However, Iowa State Code provides for 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 the following page. 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 feel free to contact Planning and Community Services with comments or questions at 319.273.8606.

**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: \_\_\_\_\_