



Development Services Department
10 - 1st Street NW
Mason City, IA 50401
(641) 421-3626

CONDITIONAL USE

APPLICATION PACKET

ZONING BOARD OF ADJUSTMENT APPROVAL REQUIRED

GENERAL APPLICATION INSTRUCTIONS

Effective Date: May 1, 2024

APPLICATION:

Please complete and submit one (1) copy of **all required materials** included in this packet. Your application **will not** be placed on the Zoning Board of Adjustment's next agenda until a complete application is received.

This Application Packet includes:

- a. *Application Form* to be filled out and signed by applicant.
- b. *Supporting Information Form* to be filled out explaining application request.
- c. *Site Plan Checklist* to verify completion of the required Site Plan.

FILING DEADLINE:

The deadline to file an application for the Zoning Board of Adjustment is the 10th of each month. Your case will be heard at the following month's meeting. All required information and materials must be filed with the Development Services Department by the filing deadline. The filing fee is required at the time the application is submitted.

FEE: \$125.00

MEETING TIME AND PLACE:

The Zoning Board of Adjustment meets on the first Tuesday of each month at 4:00 p.m. in the 2nd floor conference room at City Hall, 10 First Street NW. The meetings are open to the public.

NOTIFICATION:

The City will mail a notice to all property owners within 350' of the property for which a conditional use has been filed. This notification enables neighbors an opportunity to learn about your application request. Citizens will also be allowed to present information or comment on the matter at the public meeting. In addition, a public notice will be published in the Globe Gazette and a public notice sign(s) will be posted by the City on the property.

BURDEN OF PROOF:

It is your responsibility to prove to the Zoning Board of Adjustment that your proposed use of the property meets the criteria set forth for conditional uses in the Zoning Ordinance. You may bring to the hearing any witnesses you wish to present evidence on your behalf about the property in question, any written statements from individuals with personal knowledge of the property and the proposed use and any documentation and/or photos regarding the property. Again, please understand that the Board does not have to grant your request. You must prove that you meet the requirements for issuance of a conditional use permit.

Conditional Use Permit

Site Plan Checklist

All of the information listed below must be included on the Site Plan. Failure to include any of this information will result in a delay in accepting your application. Use the checklist below to ensure that your Site Plan contains the required information. ATTACH THE COMPLETED CHECKLIST TO YOUR SITE PLAN AND SUBMIT IT WITH YOUR COMPLETED APPLICATION.

You must submit a Site Plan, drawn to scale, that clearly illustrates the requested Conditional Use. The Site Plan must be a reproducible, black line drawing on a sheet of paper no larger than 11" x 17". White paper is preferred. The Site Plan must include, at a minimum, the following information:

- _____ Site Plan is drawn to scale.
- _____ Site Plan is drawn in black line on paper no larger than 11' x 17'.
- _____ All property lines are shown, including dimensions.
- _____ All abutting streets and alleys are shown.
- _____ All existing and proposed buildings and structures are shown.
- _____ Dimensions of all existing and proposed buildings and structures are shown.
- _____ Distances between the existing and proposed structures and the property lines are shown.
- _____ Distances between existing and proposed structures are shown.
- _____ Required setbacks are shown (a Planner can provide the required setbacks).
- _____ Driveways and parking areas are shown, including dimensions.
- _____ Any other pertinent information is shown (e.g. significant change in topography, location and size of mature trees).

FOR OFFICE USE ONLY

Received by: _____ Date: _____ Time: _____ Case #: _____

Conditional Use Permit Application Form

All information must be completed in order to process the application. If you have any questions, or need assistance completing the application, please contact the Development Services Department and a Planner will assist you.

1. **Property Address:** _____

2. **Legal Description** (Use additional sheets if necessary. This information can be found on your tax invoice or property abstract)

3. **I (We) the undersigned, do hereby respectfully request that the Mason City Zoning Board of Adjustment grant a Conditional Use Permit to allow :**

4. **Property Owner:** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

5. **Applicant:** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

6. **Contact Person:** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Email address: _____

7. What utilities are available on the property?

8. What is the present use of the property?

Appointment of Authorized Representative

As the applicant, you may wish to allow someone to handle this matter on your behalf. If you would like to do this, complete the statement below and sign. The person you authorize to act on your behalf should be the same person listed as a contact person on page 1 of this application.

I, _____ hereby authorize _____ to act on my behalf in all matters pertaining to this conditional use permit application.

(Applicant)

Date: _____

Applicant's Certification

By signing the application where indicated below, you certify that you have read and understand the statement below. You must submit original signatures. Faxed or photocopied signatures are not acceptable. If you have any questions, please contact a Planner in the Development Services Department for assistance.

- Obtaining a Conditional Use Permit does not absolve the applicant from obtaining all other applicable permits, such as building permits, IDOT access permits, et cetera.
- If this application involves development in the floodway, additional approval from the Iowa Department of Natural Resources may be required. No City permits will be issued until the DNR approves the project.
- A Conditional Use Permit will not be granted unless sufficient facts are presented in this application to justify the conditional use in light of the standards and to show that the granting of the conditional use permit relates to the intent and purposes of the Zoning Ordinance and the Comprehensive Plan. **It is your responsibility to present evidence to substantiate that the conditional use is in the public interest.**
- If the Zoning Board of Adjustment grants the Conditional Use Permit, you must still obtain any other necessary building permits or other permits from the City of Mason City or from other applicable agencies.

I (We) certify that I (we) have submitted all the required information to apply for a conditional use permit, and that said information is factual.

Signed by: _____ Date: _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's signature.)

and: _____ Date: _____
(Applicant)

and: _____ Date: _____
(Applicant)

Conditional Use Permit

Supporting Information

This form must be filled out completely before your application will be accepted.

The Zoning Board of Adjustment may, by special permit, after a public hearing, and subject to such protective restrictions as necessary, authorize certain conditional uses of property as listed in Title 12 of the Municipal Code (Zoning Ordinance).

For the Board to grant a conditional use permit, five basic requirements must be met. To determine if these requirements are being met, the Board applies the five criteria listed below. In order to judge your application, you must address each of the standards below. Your application will not be considered complete without this information.

Please address each numbered item as completely as possible and return with your application. If you need assistance, please contact the Development Services Department and speak with a Planner. A copy of your responses will be forwarded to the Board members prior to the meeting. If necessary, please attach additional pages. You may also wish to include documentation and/or photos to support your arguments. This is a generic application for several different types of uses. The discussion of a specific requirement may need to be tailored to your request or project; not all information may be necessary to grant a permit. However, please answer each question to the best of your ability. Please contact a Planner in the Development Services Department if you need assistance.

- 1) ***The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, convenience, comfort or general welfare.*** (Refer to the site plan where appropriate. Include discussion of buffering features such as screening fences, berms and landscaping. Also discuss parking, signs and driveways. Provide a listing of the types of materials used or stored on the site. Explain how the public will be protected from the proposed use and the use's impact on the surrounding property.)

- 2) ***The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values in the neighborhood.*** (Provide a brief summary of the proposed project and state the reasons the project will not decrease established property values. The amount of screening/landscaping for protection of adjacent property shall be included. An explanation of the materials used in construction and any landscaping or other aesthetic improvements should be noted.)

- 3) ***The establishment of the use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.*** (Will the proposed use make it more difficult to develop the surrounding property in the future?)

4) Adequate utilities, access roads, drainage and/or necessary facilities have been provided, or will be provided by the applicant. *(Demonstrate that the proposed conditional use will not place an additional burden on utilities and City services such as water, sewer, storm sewer, and public transit.)*

5) Measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *(Demonstrate that the proposed conditional use will not generate traffic that cannot be accommodated by existing roadways. Show that traffic flow in and out of the property is designed to be safe and efficient.)*