



Conditional Use Permit Application

Pottawattamie County
Planning & Development Department

1. WHAT IS A CONDITIONAL USE?: A conditional use is the main use of the premises that would not be appropriate generally or without restrictions throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if a specific provision for such conditional use is made in this Ordinance.
2. Prior to making an application for a conditional use permit for a land use change the following items must be verified.
 - A. That the proposed use is listed as a conditional use in the zoning district where the subject property is located. If the use is not permitted in the zoning district, then an application for a zoning map amendment must be made in conjunction with the conditional use application.
 - B. That the subject property meets the minimum lot area requirements for the proposed use. If the subject parcel's lot area is insufficient then an application for a variance must be made in conjunction with the conditional use permit application.
 - C. Building Code Compliance. The construction of a building or remodeling of a building to accommodate a conditional use activity will be required to meet the various standards of the County Building Codes, including but not limited to ADA parking, building accessibility and restroom standards.
3. An application for a conditional use permit shall be forwarded to the Office of Planning and Development, as follows:
 - A. An application form, as provided by the Office, completed by the applicant.
 - B. A site plan showing the existing and proposed improvements to the property.
 - C. A \$260.00 filing fee, which is non-refundable.
 - D. Other pertinent data as may be requested by the Office of Planning and Development.
4. Once an application has been properly filed with the Office it will be placed on the agenda for the next regularly scheduled meeting of the Zoning Board of Adjustment. The deadline for filing an application is generally one month before the scheduled meeting.

The Board meets once a month. Their meetings are scheduled for the fourth Thursday of the month and start at 5:30 P.M. In accordance with the Board's Rules of Procedure, either the applicant and/or his representative **MUST** be present at this public hearing to present the request to the Board. A notice will be sent to you by the Office apprising you of the date and time of the meeting. The Board has the right to continue the request to subsequent public hearing(s) in order to allow them to tour the site, obtain additional data, etc.

5. In part Section 8.096.030.02 of the Pottawattamie County, Iowa, Code, reads as follows:
The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under

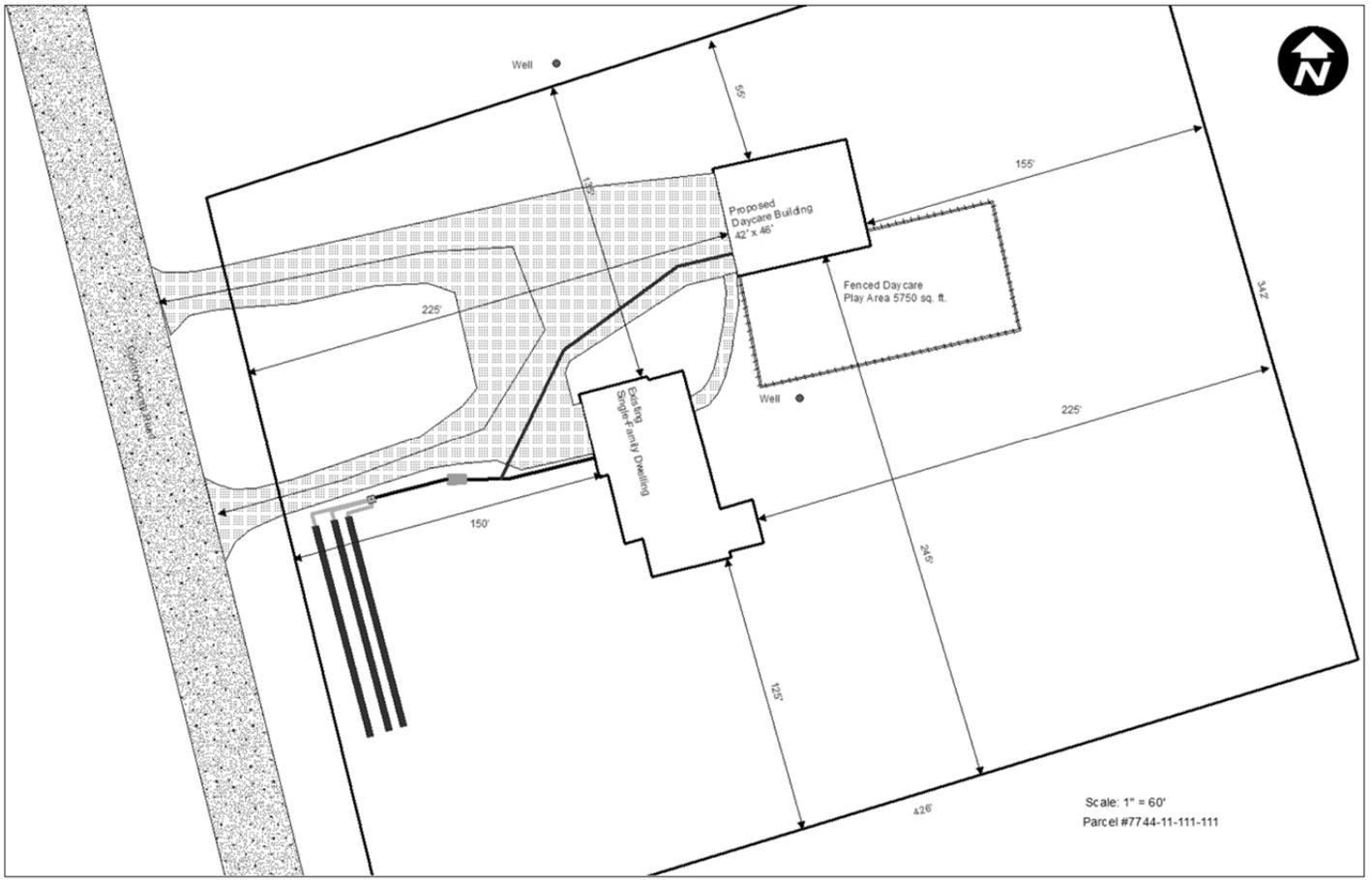
this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:

- A. Does the proposed use conform to the Land Use Policy Plan?
 - B. Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.
 - C. Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.
 - D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?
 - E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.
 - F. Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized?
6. Once the Board has rendered a decision, a resolution is prepared which sets forth their decision and conditions, if any, on the request.
 7. If the conditional use permit involves the construction of any type of structure, the applicant must make applications for a building permit and a grading permit prior to commencing any excavating, erecting, constructing, reconstructing, enlarging, altering or moving of any building or structure. Applications for an onsite wastewater treatment and disposal system, private water well permit and floodplain development permit may also be required. Applications for these permits must accompany the application for the building permit.
 8. Section 335.18 of the Code of Iowa states – Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this Chapter (335), or any taxpayer, or any officer, department, board or bureau of the County, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
 9. If you have any questions regarding this application, please do not hesitate to contact Matt Wyant, Director, Planning and Development, at 712-328-5792.

NOTE: The data contained in this document is for reference purposes only. For the specific regulations, you should refer to the Pottawattamie County, Iowa, Zoning Ordinance. Data contained in this document is subject to change without further notice to recipients of this document.

POTTAWATTAMIE COUNTY PLANNING AND DEVELOPMENT
223 SOUTH 6TH STREET
COUNCIL BLUFFS, IA 51501-4245
712-328-5792

Sample Site Plan



POTTAWATTAMIE COUNTY, IOWA CONDITIONAL USE PERMIT APPLICATION

PROPERTY OWNER	Name					
	Mailing Address	Street		City, State, Zip		
	Contact Information	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input type="checkbox"/>		
	<input checked="" type="checkbox"/> Best Way to Contact					
APPLICANT <small>(if other than property owner)</small>	Name		Status		<input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Owner's Authorized Agent <input type="checkbox"/> Legal Option Holder	
	Mailing Address	Street		City, St, Zip		
	Contact Information	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input type="checkbox"/>		
	<input checked="" type="checkbox"/> Best Way to Contact					
REPRESENTED BY	Name					
	Mailing Address	Street		City, St, Zip		
	Contact Information	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input type="checkbox"/>		
	<input checked="" type="checkbox"/> Best Way to Contact					
PROPERTY INFORMATION	Job Site Address	<input type="checkbox"/> Same as above #1 <input type="checkbox"/> To be assigned by Planning Dept.				
	Civil Township					
	Legal Description	<input type="checkbox"/> Per Attachment				
	Parcel Number					
	Zoning District	<input type="checkbox"/> A-1 <input type="checkbox"/> A-2 <input type="checkbox"/> A-3 <input type="checkbox"/> A-4 <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5				
	Floodplain Development	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, subject to Flood Plain Regulations.			
PROPOSAL	Present Use					
	Requested Conditional Use					
	Intended Improvements					

ATTACHMENTS

ATTACHED TO THIS APPLICATION IS THE FOLLOWING DOCUMENTATION AND/OR ATTACHMENTS:

- | | | |
|--|--------------------------|--------------------------|
| | Attached | NA |
| A. Site Plan, Drawn to Scale | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Information Pertinent to the Request | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Filing Fee-Checks are to be made payable to "Pottawattamie County Treasurer". | <input type="checkbox"/> | <input type="checkbox"/> |

Please make be certain that you want to proceed with this project when you submit your application. The fees that you submit are not refundable once the application is submitted.

SIGNATURE

THE FACTS I HAVE PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		
<input type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Owner's Authorized Agent <input type="checkbox"/> Legal Option Holder	Signature	Date
	Type or Print Name	