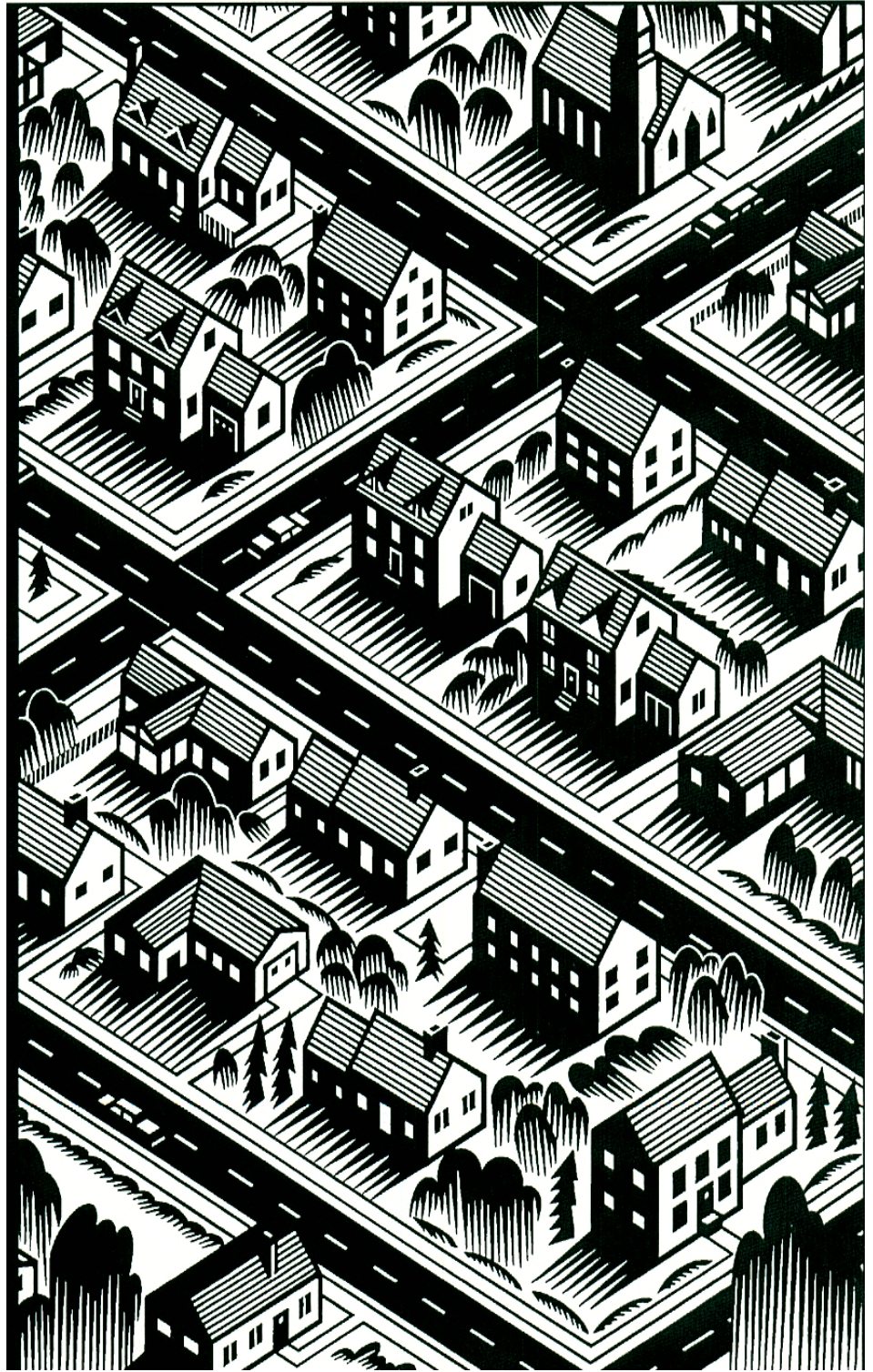


Special Exceptions

(Residential Property Only)

A Guide to the Application Process



THE CITY OF
DUBUQUE
Masterpiece on the Mississippi

Dubuque
All-America City
NATIONAL CIVIC LEAGUE
2007•2012•2013
2017★2019

Planning Services Department, 50 West 13th Street, Dubuque, IA 52001-4845
(563) 589-4210; e-mail: planning@cityofdubuque.org

Special Exceptions

Guidelines to help you through the application process.

What is a Special Exception?

A Special Exception is a request to waive the zoning requirements for setbacks on residential property. The Zoning Board of Adjustment has the authority to waive these requirements.

When do I need a Special Exception?

You need to request a Special Exception if you want to build closer to your property line than what is allowed in your zoning district. Other examples of a special exception request could be: To build farther from a property line than the maximum setback allows; to erect a fence higher than allowed; to build a garage larger than allowed; or to cover more of your lot with structure(s) than is allowed by the Unified Development Code.

How long does the application process take?

In most cases, the application process takes 21-30 days from the application deadline. Filing an application, however, does not guarantee approval. Fees are not refundable.

Who is the Zoning Board of Adjustment?

The Board is a volunteer group of 5 citizens from the community who are appointed by the City Council to meet once a month to make decisions on requests like yours. The Board members have various backgrounds and expertise.

What criteria are considered when granting a Special Exception?

The Zoning Board of Adjustment uses 5 criteria for granting a special exception.

- 1) It will not be detrimental to or endanger public health, safety, comfort or general welfare.
- 2) It will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
- 3) It will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone in which such property is located.
- 4) Adequate utilities, access roads, drainage and other necessary facilities are being provided.
- 5) Any structure shall in all other respects conform to the applicable regulations or standards of the zone in which it is to be located.

How do I apply for a Special Exception?

To apply for a Special Exception you need to:

Step 1: Call or go to the Planning Services Office, Second Floor, City Hall (589-4210). Review application procedure

Step 2: Apply for a building permit with Inspection & Construction Services, Third Floor, Historic Federal Building, 350 W. 6th Street (589-4150).

Special Exceptions

Guidelines to help you through the application process.

Step 3:

Prepare a simple site plan (see example) for your project. The sketch of your property should include property lines, location of existing and proposed structures on the lot, and all dimensions.

Step 4:

Submit all of the following application materials at one time to the Planning Services Office:

- 1) Application form, with a description of your proposal (for example, a 14 foot by 16 foot deck 3 feet from the side property line).
- 2) Application fee, check made payable to the City of Dubuque.
- 3) Simple site plan.

Step 5: Present your application to the Zoning Board of Adjustment.

Please feel free to include any other information that will help clarify your request and support your position by the application deadline. (For application deadline meeting dates and other information, please see the attached meeting schedule or contact the Planning Services Office at 589-4210 or planning@cityofdubuque.org).

How does Planning Services staff help you through the process?

When we receive your application materials, your request will be placed on the agenda for the next available meeting date. Staff are available to help you complete your application form and answer any questions you may have about the process.

During the next two weeks, staff will review your application and mail notices to property owners abutting your property. Staff also will visit your property, take photos and write a staff report regarding the request. We also are required to publish a public notice about your request in the newspaper prior to the meeting. One week before the meeting, we will mail you a copy of the staff report and an agenda for the meeting.

Do I need to be at the meeting?

Yes. You or your representative need to present your request to the Board and be available to answer questions, if needed. If you or your representative are not at the meeting, your request will be tabled.

The Board generally meets in the City Council Chamber in the Historic Federal Building on the 4th Thursday of each month at 4:00 p.m. Check the attached meeting schedule for the exact date.

What happens at the meeting?

At the meeting, both Planning Services staff and you or your representative will make presentations to the Board. The meeting then will be opened to the public to allow comments and questions. The Board will either approve, modify, deny or table your request for more information.

Special Exceptions

Guidelines to help you through the application process.

What happens next?

If approved, you may request a building permit from Inspection & Construction Services Department the next day.

For information on curb cuts, contact the Engineering Division at 589-4270. For information on underground utilities, call Iowa One-Call at 800-292-8989.

Please note:

- All driveways and parking areas must be paved with asphalt, concrete, or permeable pavement.
- The Inspection & Construction Services Department has special requirements for structures built closer than three feet from the property line. These include, but may not be limited to: fire-rated walls and noopenings or overhangs.
- Housing and building codes may further limit the location or configuration of your project. Check with these departments early on about any special requirements.
- It is your responsibility to locate your property lines and to check your abstract for easements and restrictive covenants. Please review the attached Citizen's Guide to Establishing Property Lines.

If denied, you may appeal the Board's decision to District Court within 30 days or submit a revised proposal.

This guide is not intended to cover every aspect of the Special Exception application process. It should not be considered the final or definitive authority on any of the matters it addresses. It is only a general guide. Questions on specific projects should be addressed to the Planning Services Department, 50 W. 13th Street, Dubuque, Iowa 52001, phone (563) 589-4210 (fax (563) 589-4221; email: planning.cityofdubuque.org).

Attachments:

- Meeting Schedule
- Fee Schedule
- Citizen's Guide to Establishing Property Lines
- Simple Site Plan Example
- Planning Application Form

Revised 06_10

The Citizen's Guide to Establishing Property Lines

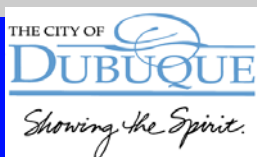


Establishing the location of your property lines is necessary prior to adding on to your house, erecting an accessory structure such as a garage or storage shed, building a fence or pouring a driveway. The Zoning Ordinance requires that you build a required distance from your property lines, so it is very important to know their exact location.

The City does not locate property lines on private property. Please note: It is the property owner's responsibility to locate property lines and to check your abstract for easements and restrictive covenants. Here are two methods that may help you establish your property lines:

- 1) Locate the metal "pins" that designate the corners of your property. These "pins" may be iron pipes, iron rods or "T" bars and have a cap on them identifying the licensed surveyor who performed the survey. Sometimes they may be buried and can be located with a metal detector. A plat of your property will indicate the location of each pin (at the property corners) and lists the dimensions of all property lines. The recorded plat should be included in the abstract of your property. The Dubuque County Recorder's Office also has a copy of all recorded plats. NOTE: Mortgage inspections made for lending institutions do not establish property lines.
- 2) The only accurate way to establish or verify your property corners if you cannot find the original survey pins, is to obtain a survey from a licensed land surveyor. Names of licensed surveyors can be found under "surveyors-land" in the Yellow Pages of the phone book. Most licensed surveyors will provide an estimate for the cost of the survey.

Please note that there may be utility and access easements or private covenants that may impact the development of your property that will not be indicated on a survey plat. For information on underground utilities, call Iowa One-Call at 800-292-8989. If you have any questions regarding zoning and setback regulations, please contact the Planning Services Department.



Planning Services Department

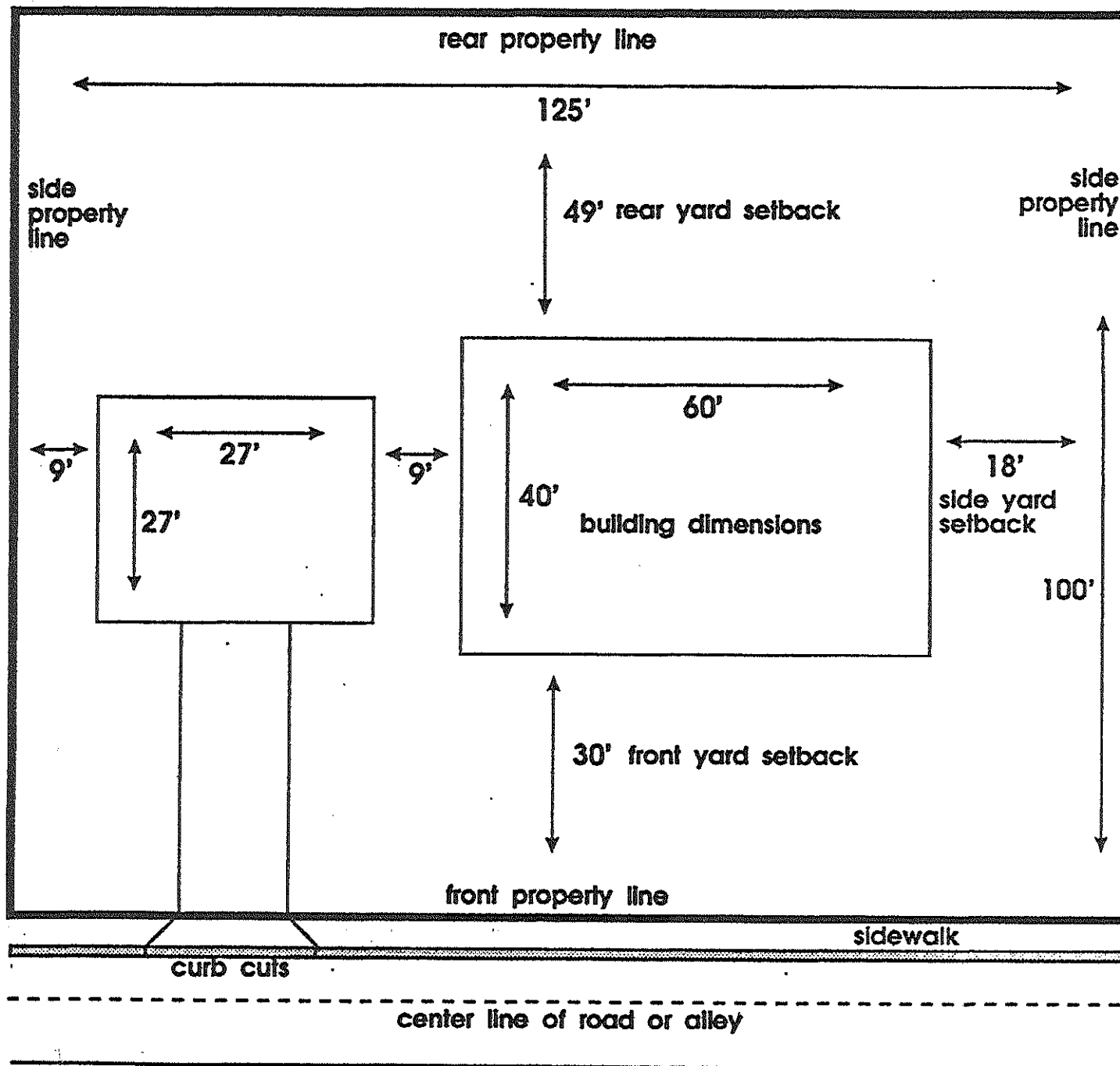
50 W. 13th Street

Dubuque IA 52001-4864

(563) 589-4210

E-mail: planning@cityofdubuque.org

04/07



Simple Site Plan Example

Owner: J. Z. Public

Lot address: 4343 Forty-third street

Legal description L-1 - L-3
Maple subdivision

Zoning: R-1

Current use: Single family dwelling

Lot size: 120' x 125' or 15,000 sq. ft.

Building size: Home 60' x 40' or 2400 sq. ft.
Garage 27' x 27' or 729 sq. ft.

Parking: N.A.

Number of floors: 2

Contact person for this project:

Mrs. J. Z. Public

4343 43rd Street

Dubuque, Iowa 52001

(319) 555-5555

PLANNING SERVICES DEPARTMENT

City Hall, 50 W. 13th Street, Dubuque, Iowa 52001 (563) 589-4210



FEE SCHEDULE

Effective July 1, 2025



DEVELOPMENT SERVICES APPLICATIONS

Billboard Inspection Fee per sign/year	\$ 62
Electronic Message Sign Inspection Fee per sign/year	\$ 62
Extension of Subdivision Bonding	\$ 42
Flood Plain Permit	\$ 190
Flood Way Permit	\$ 763
Limited Setback Waiver	\$ 153
Freestanding Solar Array Waiver	\$ 153
Sign Permit Reviews	\$ 46
Site Plan: Simple	\$ 230
Site Plan: Minor	\$ 410
Site Plan: Major	\$ 470
Simple Subdivision (Staff Review)	\$ 77
Simple Subdivision (Council Action Required)	\$ 510
Temporary Use Permit	\$ 184

OTHER PLANNING SERVICES FEES

Copies	\$0.25/page *
Maps, Reports & Ordinances	\$15 to \$51/document
Verification Letter, Report (i.e. Zoning, IDOT)	\$ 77

ZONING ADVISORY COMMISSION APPLICATIONS

Planned District, NEW (PUD) (ID)	\$ 920+ \$2/notice
Planned District, AMENDED (PUD) (ID)	\$ 765 + \$2/notice
Plat: Minor Subdivision	\$ 460 + \$20/Lot
Plat (FINAL): Major Subdivision	\$ 663
Plat (PRELIMINARY): Major Subdivision	\$ 663+ \$20 /Lot
Rezoning	\$ 663 + \$2/notice
Text Amendment	\$ 510
Waiver from Site Design Standards	\$ 460

ZONING BOARD OF ADJUSTMENT APPLICATIONS

Appeal	\$ 255
Conditional Use Permit	\$ 561+ \$2/notice
Special Exception	\$ 200
Variance	\$ 561+ \$2/notice

HISTORIC PRESERVATION COMMISSION APPLICATIONS

Design Review (including Economic Non-Viability & Demolition)	\$ 200
---	--------

*Fees higher for oversized/color copies

Revised 11/6/2024

Board and Commission Meeting Schedule January-December 2026

Submit Application to:		Long Range Planning Advisory Commission (LRPAC)	Historic Preservation Commission (HPC)	Port of Dubuque/ Chaplain Schmitt Island Design Review	Zoning Board of Adjustment (ZBA)	Zoning Advisory Commission (ZAC)	City Council	
Planning Services Department City of Dubuque 50 W. 13th Street Dubuque, IA 52001 planning@cityofdubuque.org		Meets Monthly	3rd Wednesday 5:30 p.m.	3rd Thursday 5:30 p.m.	4th Wednesday 3:00 p.m.	4th Thursday 5:30 p.m.	1st Wednesday 6:00 p.m.	3rd Monday 6:30 p.m.
* Agenda link		cityofdubuque.org/LRPAC	cityofdubuque.org/HPC	Design Guidelines	cityofdubuque.org/ZBA	cityofdubuque.org/ZAC	cityofdubuque.novusagenda.com/AgendaPublic/	
APPLICATION DUE BY	MEETING DATE	Dec 01	Dec 17	Dec 18	Dec 17	Dec 18	Jan 07	Tues. Jan 20
		Jan 05	Jan 21	Jan 15	Jan 28	Jan 22	Feb 04	Feb 16
		Feb 02	Feb 18	Feb 19	Feb 25	Feb 26	Mar 04	Mar 16
		Mar 02	Mar 18	Mar 19	Mar 25	Mar 26	Apr 01	Apr 20
		Mar 30	Apr 15	Apr 16	Apr 22	Apr 23	May 06	May 18
		May 04	May 20	May 21	May 27	May 28	Jun 03	Jun 15
		Jun 01	Jun 17	Jun 18	Jun 24	Jun 25	Jul 01	Jul 20
		Jun 29	Jul 15	Jul 16	Jul 22	Jul 23	Aug 05	Aug 17
		Aug 03	Aug 19	Aug 20	Aug 26	Aug 27	Sep 02	Sep 21
		Aug 31	Sep 16	Sep 17	Sep 23	Sep 24	Oct 07	Oct 19
		Sep 28	Oct 21	Oct 15	Oct 28	Oct 22	Nov 04	Nov 16
		Oct 26	Nov 18	Nov 19	Nov 18	Nov 19	Dec 02	Dec 21
		Nov 30	Dec 16	Dec 17	Dec 16	Dec 17	Jan 06	Tues. Jan 19

* Agenda contains meeting location information.

The agenda link connects to the Board or Commission website home page.

Scroll to 'Agendas & Minutes' and click on 'Most Recent Agenda'

APPLICATION FORM

Zoning Advisory Commission

- ☐ Amended PUD
- ☐ Rezoning/PUD/ID
- ☐ Text Amendment
- ☐ Simple Subdivision
- ☐ Preliminary Plat
- ☐ Major Final Plat
- ☐ Minor Final Plat
- ☐ Waiver from Site Design Standards

Zoning Board of Adjustment

- ☐ Conditional Use Permit
- ☐ Special Exception
- ☐ Variance
- ☐ Appeal

Development Services

- ☐ Annexation
- ☐ Limited Setback Waiver
- ☐ Site Plan Simple
- ☐ Site Plan Minor
- ☐ Site Plan Major
- ☐ Simple Subdivision
- ☐ Temporary Use Permit
- ☐ Port of Dubuque/
Chaplain Schmitt Island
Design Review

Historic Preservation Commission

- ☐ Demolition Review
- ☐ Historic Revolving Loan
- ☐ Certificate of Economic Non-Viability
- ☐ Design Review Certificate of Appropriateness
- ☐ Advisory Design Review (Public Projects)
- ☐ Historic Designation

Please complete the applicable sections below. Please type or print legibly.

A. Property Information

Site Location/Address: _____

Legal Description/Parcel ID#/Subdivision: _____

Existing Zoning: _____ Proposed Zoning: _____ Site Area (square feet/acres): _____

Historic District: _____ Landmark: ☐ Yes ☐ No

B. Describe proposal and reason for application (attach a letter of explanation, if necessary):

C. Applicant/Agent Information

Name: _____ Phone: _____

Address: _____ City: _____

State: _____ Zip: _____ Email: _____

D. Property Owner(s) Information

Name(s): _____ Phone: _____

Address: _____ City: _____

State: _____ Zip: _____ Email: _____

E. Certification: I/we, the undersigned, do hereby certify/acknowledge that:

1. Payment does not guarantee approval and fees are nonrefundable;
2. All additional required written and graphic materials are attached;
3. It is the property owner's responsibility to locate property lines and to review the abstract for easements and restrictive covenants; and
4. The information submitted herein is true and correct to the best of my/our knowledge and upon submittal becomes public record.

Applicant/Agent: _____ Date: _____

Property Owner(s): _____ Date: _____

FOR OFFICE USE ONLY

Fee \$ _____ Ck# _____ ☐ CC ☐ Cash Received by _____ Date _____