

CITY OF CLINTON, IOWA
ZONING BOARD OF ADJUSTMENT
APPLICATION FOR SPECIAL USE PERMIT-
OUTDOOR SERVICE AREA

For office use only: _____

Case number _____ Date filed _____

Special uses are those uses having some special or unique characteristic which require a careful review of their location, design, configuration and special impact to determine the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending upon consideration in each case of the public need and benefit and the local impact and all within the context of the intent and purpose of Section 165.28 of the Zoning Regulations.

Name of applicant _____

Applicant's address _____

Property owner _____
(if same as applicant, write "same")

Location of property _____

Sequence number _____

Legal description _____

Application for a special use permit:

A special use permit is requested to allow an Outdoor Service Area (OSA) as permitted by Section 165.22 (16) of the Zoning Regulations.

Facts supporting this request:

Provide a written statement that addresses how the applicable criteria for a special use permit, as required per Section 165.28 (2) (B) of the Zoning Regulations, will be satisfied. The proposed Outdoor Service Area will NOT:

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1. Substantially increase traffic hazards or congestion.

2. Substantially increase fire hazards.

3. Adversely affect the character of the neighborhood.

4. Adversely affect the general welfare of the community.

5. Overtax public utilities.

6. Be in conflict with the Comprehensive Plan.

If the Board's findings are affirmative as to any subject referred to in items 1 through 6, then such application shall be denied. Any proposed special use shall otherwise comply with all of the regulations set forth in the Zoning Regulations for the district in which such use is located, except that the Zoning Board of Adjustment may permit hospitals and institutions to exceed the height limitation of any such district.

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Site plan required:

Any application to permit new construction, extensions or alteration of existing uses and uses authorized by Section 165.28 of the Zoning Regulations requires a site plan and the necessary descriptive material relating to the intensity and extent of the use in order to allow the Zoning Board of Adjustment to investigate as to the effect of such building or use upon the Comprehensive Plan, traffic and fire hazards, the character of the neighborhood and the general welfare of the community.

I (we) certify that I (we) have notified all adjacent property owners of the purpose of this application.

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted, and I (we) will be able from a financial, legal and physical basis to do so.

I (we) understand that if this waiver is granted, this waiver will be valid for 1 year from the date the Board grants said waiver.

Signature of property owner

Signature of property owner

Street address

Street address

City, State ZIP

City, State ZIP

Phone number

Phone number

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If the applicant is other than the property owner, sign below:

Signature of applicant

Street address

City, State ZIP

Phone number

Signature of applicant

Street address

City, State ZIP

Phone number

Affix by staple any attachments behind this sheet.



REQUEST FOR A PERMANENT OUTDOOR SERVICE AREA (OSA) PERMIT

Part 1. Category (Check one)

Check one {

- 1 Restaurant service area
- 2 Alcoholic beverage service area
- 3 Smoking service area
- 4 Combined restaurant & alcoholic beverage service area
- 5 Combined alcoholic beverage and smoking service area

PIN NO
PERMIT NO
OCCUPANCY
CATEGORY

Part 2. Property Involved.

Street _____

Address _____

Part 3. Owner.

OwnerName _____

Address _____

Phone _____

Part 4. OUTDOOR SERVICE AREA REGULATIONS

All categories must follow these requirements:
(initial next to each line indicating compliance)

ALL ASPECTS OF THE OSA MUST MEET THE PROVISIONS OF THE BUILDING CODE AND THE FIRE CODE AS APPROVED BY THE BUILDING AND FIRE CODE OFFICIAL

1 DEFINITIONS

ENCLOSED - A predominantly indoor area covered with a fixed structural roof and generally closed off from the outside.

NON-ENCLOSED - A predominately outdoor area that does not meet the definition of enclosed, including but not limited to patios, outdoor dining areas and outdoor service areas.

OUTDOOR SERVICE AREA (OSA) - Any non-enclosed area were one or more persons wait for or receive goods or services including but not limited to patios, outdoor dining areas and outdoor service areas.

PERMANENT OSA (OSA OR POSA) - An outdoor service area that is in existence for more than seven days and is contiguous with a building/establishment currently in operation as a restaurant, tavern/bar or other similar business.

RESIDENTIAL DISTRICT - An area that is prescribed to be residential according to the zoning regulations of the city.

SPECIAL EVENT CENTERS - Banquet and reception halls that are not open to the general public and are privately rented out for receptions, parties and or dinners.

TEMPORARY OSA - An outdoor service area that is in existence for less than seven days, and, is associated with a festival, fair, carnival or other similar temporary event.

2 The OSA permit is for permanent outdoor service areas for bars, taverns, and/or restaurants with bars that are not temporary in nature

3 All OSA's must comply with these requirements by August 1 2023. Each OSA will be inspected annually by the Fire Marshal and/or the Building Official as part of the annual liquor license inspection

4 All OSA must have a clear delineation of the OSA area. Any OSA located within 100 feet of a residential district must have a six foot solid visual barrier. No open alcohol containers shall be sold or taken out of the delineated OSA area.

5 The OSA will not impair/impede an adequate amount of air and light to the adjacent properties.

6 The OSA will not unreasonably increase the congestion in public streets or alleys.

7 The OSA will not in any way impair the public health, comfort, safety and welfare of the inhabitants of the City of Clinton.

8 The OSA will not in any other respect impair the public health, comfort, safety, or welfare of the inhabitants of the City.

9 The OSA must have at least one 30 gallon trash receptacle or a proportionate number of receptacles to meet this requirement.

10 The OSA will not increase the danger of fire, or of the public safety, and it will meet all current Fire Code regulations. (All aspects of the OSA must meet the requirements of the Fire Marshal and the Building Official.)

11 The OSA will not use any type of amplified music or loudspeakers that will violate the noise regulations of the city, as found in § 92.04 and Ch. 93 of this code.

12 The OSA will not have any advertising, signs or graffiti-like markings on the exterior of the wall/fence, and the wall/fence must be properly maintained so as not to be a nuisance, and continue to provide adequate site and sound barrier.

13 § 110.16), for its liquor license and has the six foot barrier, the exit must be alarmed and only be accessible from the inside of the OSA. If the establishment has a class I exemption liquor license, no barrier or alarmed exit are required. Exits must meet fire code.

14 Each OSA that is entered through a required egress from the establishment must provide a clear path for emergency exiting to the OSA exit.

REQUEST FOR A OUTDOOR SERVICE AREA PERMIT

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CONTINUED - Part 4. OUTDOOR SERVICE AREA REGULATIONS

- 15 The exit gate/door from the OSA must swing in the direction of the egress with panic hardware.
- 16 The OSA egress must be illuminated at all times while the area is in use.
- 17 The occupant load for the establishment that installs an OSA will be based on the current occupancy load of the inside of the establishment. The occupancy load for the OSA will be determined by the Fire Marshal and/or Building Official.
- 18 Portable fire extinguisher must be located inside the establishment within ten feet of the OSA entrance (unless a portable fire extinguisher is kept in the OSA). The Fire Marshal or Building Official shall determine the quantity of required extinguishers.
- 19 The OSA for establishments that have a class II liquor license exemption, or elects to have no class exemption (as defined in § 110.16), closer than 100 feet to a residential district shall have the OSA secure with a six-foot solid visual barrier wall or fence enclosure on all sides, built to the ground, provided that this provision shall not apply to OSA's located within a sidewalk café authorized pursuant to § 97.042.
- 20 The OSA shall be in a side or rear yard area wherever possible; or in a sidewalk café authorized pursuant to § 97.042, wherever located; and complies with all zoning regulations in the district in which the use is to be located. OSAs in front yards are allowed if no rear or side options are available, provided it meets all other special use and zoning requirements.
- 21 The OSA will be contiguous with a part of the main building and will not be closer than ten feet to any residential unit.
- 22 The OSA for liquor establishments with a class II exemption, or elects to have no class exemption (as defined in § 110.16), that is within 100 feet of a residential district, will not have an entrance to the walled/fenced area except through the bar/restaurant establishment.
- 23 The OSA must have a non-combustible floor surface and have sufficient lighting to illuminate the entire OSA, and it must have a solid, level floor that will not cause a tripping/falling hazard to occupants and employees.
- 24 The OSA will not have a roof or roof covering over more than 50% of the walled/fenced area.
- 25 The OSA must provide non-combustible ash trays and containers for removal of ashes and cigarette butts.
- 26 The OSA for golf courses are excluded.
- 27 The OSA will have no open-flame decorative or heating devices unless prior inspection and approval has been granted from the Fire Marshal or Building Code Official.
- 28 The OSA must follow all local and state regulation for serving, serving, and consumption of alcohol, including but not limited to City Code Chapter 110 and Iowa Code Chapter 123.
- 29 The OSA must follow all local and state regulations for the Iowa SmokeFree Air Act Chapter 142D
- 30 The OSA will have signage at any entrance or exit points, indicating no alcohol is to be brought in or taken out of the approved OSA area.

Violations of this section may be cause for denial or revocation of the OSA permit.

All violations may be cited under the Zoning Code enforcement section 159.999, Violation, Penalty & Enforcement.

Part 5. Attachments.

The following items are attached and are a part of this application:

- | Scale accurate site plan showing the property lines, adjacent street, buildings and other important features of the property.
- | Legal description.
- | Floor plan (if different than the site plan). _____
- | List of any additional attachments. _____

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Part 6. Signature of applicant.

I depose and say that all information contained in this application and the statements contained in the papers submitted herewith are true.

Signature of owner

Date

Part 7. Approval - Zoning Board of Adjustment

Board Member Signature

Date

Board Member Signature

Date

Date of ZBA Approval

Case #

Date of Approval

(may attach Decision and Order page from ZBA hearing)

The decision by this board is final and may only be appealed to the District Court of the State of Iowa.

This Outdoor Service Area permit is not considered to be a part of the liquor licensing process although an annual inspection is required and will be performed at the same time as the liquor license renewal inspection by the Fire Marshal and/or the Building Official.

Part 8. Filing Fee

A filing fee of \$125 has been paid for this application and hearing. This fee is non-refundable.

Staff Signature

Date

Application will not be heard by the Zoning Board of Adjustment until this fee is paid and this section is signed and dated by a clerk in the Building and Neighborhood Services Division.

Part 9. Acknowledgements of AHJ (After approval by Zoning Board of Adjustment)

This is to inform the Authorities Having Jurisdiction (AHJ's) of the activity approved by the Zoning Board of Adjustment.

Signature

Date

Police Chief**KEVIN GYRION****Fire Marshal****JEFFREY CHAPMAN****Zoning Administrator****KAREN ROWAN**