

City of Ottawa Community Development Department

101 S. Hickory, P. O. Box 60
Ottawa, KS 66067
(785) 229-3620 Fax (785) 229-3625
www.ottawaks.gov

Conditional Use Procedures & Application

Application for a Conditional Use Permit may be made by any person who owns the land for which such Conditional Use is sought, or by the owner's agent. If such application is made by the owner's agent, that agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for the owner prior to the setting of any public hearing.

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are allowed as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise specifically reduced by the Governing Body. The requirements of the underlying district may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The applicant shall first meet with one of the planners and receive a full explanation of the zoning ordinance and conditional use requirements. Applicant may obtain all necessary forms from the Community Development Department office or the city's website list above.

A site plan will be required for alterations to existing buildings and any new construction, for consideration in the review process of a conditional use permit application, which includes the following minimum information:

1. The dimensions and address of the tract to be used;
2. The location of all proposed improvements including driveway access, off-street parking and other such facilities as the applicant proposes to install;
3. Site grade elevations (if to be changed);
4. Building setbacks from all property lines;
5. Front, side and rear building elevation drawings of all structures to be erected;
6. The location and type of plantings, screening, and/or other buffers proposed; and
7. Such other items as the Planning Commission shall deem reasonably necessary to properly process the application.

The application form shall be completely filled out and returned to the office of Community Development with all the attachments and the filing fee of **\$150.00**.

An application shall not be scheduled for public hearing until the application form has been fully completed, the fee paid, and all required information submitted.

The Community Development Department shall then schedule a public hearing at the next available time of the Planning Commission. Not less than (20) twenty days prior to the Planning Commission meeting, and official notice to the public shall be published in the official city newspaper explaining the conditional use request and the time and place of the scheduled public hearing. The Community Development Department shall mail a written notice to each property owner within a 200-foot radius within the city limits and 1,000 foot radius within the county, of the property in question at least twenty (20) days prior to the public hearing. This notice shall also notify surrounding property owners of their right to file protest petitions and shall explain the protest procedure.

In considering any application for a conditional use under the Zoning Ordinance, the Planning Commission shall give consideration to the Comprehensive Plan, and the health, safety, morals, comfort, and general welfare of the inhabitants of the City. The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines:

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;
2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
3. Whether the proposed use places an undue burden on the existing transportation, utility and service facilities in the area affected and, if so, whether such additional facilities can be provided;
4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
5. The length of time the subject property has remained vacant or undeveloped as zoned;
6. Whether the applicant's property is suitable for the proposed conditional use;
7. The recommendations of professional staff;
8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
9. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;

10. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application; and
11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Franklin County and amendments thereto.

The Planning Commission may recommend to the City Commission to approve or deny the application for a conditional use permit with or without conditions, such as requiring a performance bond, a time limit, or require periodic review of the conditional use. The Planning Commission secretary shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Planning Commission. In order to grant the conditional use permit, at least a majority of the City Commission must vote in favor of the request. The City Commission's determination shall be sent to all affected parties in writing.

The Planning Commission may revoke any Conditional Use Permit upon finding that (a) necessary building permits have not been issued within twelve (12) months of approval of the Conditional Use Permit or (b) if no building permit is required for the use allowed under the Conditional Use Permit, that the use so allowed has not been commenced within twelve (12) months of the approval of the Conditional Use Permit. Revocation shall not occur for failure to commence the use under a Conditional Use Permit once a valid building permit has been issued or conditional use commenced, regardless of the running of such twelve (12) month period.

All Conditional Use Permits will automatically expire, be considered abandoned and become invalid when:

1. A definite time frame has been established as a condition and that time frame has elapsed.
2. Conditional Use Permits in which the authorized activity, service or use has ceased for three hundred and sixty-five (365) continuous days, for any reason.
3. Conditional Use Permits subject to termination due to the provisions of paragraph 2 above, may file a written request with the Zoning Administrator at least thirty (30) days prior to the expiration date for an extension of time to begin to reinstitute the activity, service or use. The application shall state specific reasons for such an extension and shall include all reports from appropriate city staff reports and shall be sent to the Planning Commission for consideration within thirty (30) days of filing of the application. The Planning Commission may grant an extension if it finds that circumstances beyond the normal control of the holder of the permit resulted in a cessation of the activity, service or use.

Any Conditional Use Permit, authorized in accordance with this Article, may be revoked or modified when the Planning commission finds:

1. That there has been a failure to comply with the conditions established for that Conditional Use Permit.

2. That the Conditional Use Permit has substantially expanded or deviated from its original use and intent.
3. That the Conditional Use Permit has been found by a court of law and/or federal or state administrative agency to be an illegal activity or to be a nuisance as defined by Kansas statutes.

City of Ottawa Department of Planning and Codes Administration

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Conditional Use Application

Fee: \$150.00

Date Filed: _____

Zoning District: _____

- I. Name of Owner: _____
Address: _____
Phone: _____
E-Mail Address: _____

Name of Authorized Agent: _____
Address: _____
Phone: _____
E-Mail Address: _____

2. Present use of property: _____

3. Zoning and existing land use of adjacent properties.

Land Use	Zoning
North	North
South	South
East	East
West	West

4. Describe the proposed conditional use **in detail** (Attach additional sheet if necessary): _____

5. Application is made for a conditional use as provided in the Zoning Ordinance to permit the following as a conditional use, _____
 on the property located at _____
 and legally described as _____

Attachment(s) Plan Yes No

Declaration of Restrictions: File a form of declaration of restrictions indicating use, which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

As the owner I here by declare that all information above is true to the best of my knowledge, that all conditions and standards set out in the Zoning Ordinance pertaining to this use have been or have been proposed to be met, and that along with this application, sketch maps, the appropriate review and filing fee have been submitted.

Owner/Authorized Agent

 Signature

 Date

Planning Commission Public Hearing Date: _____ City Commission Target Hearing Date: _____
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**An Application shall not be processed unless it has been fully completed,
 the fee paid and all required information submitted.**