

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

Nonconforming Use Change Procedures & Application

Application for a Nonconforming Use Change may be made by any person who owns the land for which such Nonconforming Use Permit 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 nonconforming buildings, structures, lots and uses shall be permitted to lawfully continue notwithstanding their nonconformance. If it is in the best interest of the entire community that those nonconforming buildings, structures, lots and uses, which adversely affect the orderly development and value of other property not be permitted to continue unless restricted.

If the change in use is to a permitted use in the district where the property is located, however the site or development requirements cannot reasonably be complied with, then the change in use is permissible only if the Zoning Administrator issues a nonconforming situation permit. This permit may be issued if the Zoning Administrator finds, in addition to any other findings that may be required by these regulations, that the intended change will not result in a violation of Section 21-8 and that all of the applicable requirements of this Article will be complied with that are reasonably possible.

A nonconforming use may be changed to another nonconforming use if the Planning Commission finds that the proposed use is equally appropriate or more appropriate to the district than is the existing nonconforming use.

In approving a nonconforming 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 application form shall be completely filled out and returned to the office of Community Development with all the attachments and the filing fee of **\$50.00**. Applicant may obtain all necessary forms from the Community Development Department office or the city's website. www.ottawaks.gov

The applicant is responsible to submit the required ownership list of the names and addresses of the owners of all property located within two hundred (200) feet of the city limits and within one thousand (1,000) feet of the county boundaries excluding rights-of-way of the property included in the application. The applicant can obtain this list from one of the title companies or the Franklin County Appraiser's Office.

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 nonconforming use request and the time and place of the scheduled public hearing. The Community Development Department shall mail a written notice to each part of interest and each person on the ownership list 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.

The Planning Commission may recommend to the City Commission to approve or deny the application for a nonconforming use permit with or without conditions. 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 nonconforming 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.

City of Ottawa Community Development Department

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

Nonconforming Use Change Application

Date: _____ Fee: **\$50.00** **Date Received:** _____

Name of Owner/Applicant: _____

Mailing Address: _____

Phone #: _____ E-Mail Address: _____

Name of Authorized Agent: _____

Mailing Address: _____

Phone: _____ E-Mail Address: _____

Property Address: _____

Legal Description: _____

Present use of property: _____

_____ **And Zoned as:** _____

Nonconforming Use Request: Describe the proposed use in detail: _____

(Use additional sheets if necessary)

Will the proposed use create more or less of the following? Explain why it will be more or less.

Noise: **More** **Less** Explain: _____

Odor: **More** **Less** Explain: _____

Traffic: **More** **Less** Explain: _____

Parking: **More** **Less** Explain: _____

Zoning and existing land use of adjacent properties:

(Land uses: residential, commercial, industrial);

(Zoning can be obtained from the zoning map on the Ottawa Web site www.ottawaks.gov, click on "Departments", select "Community Development", select "Planning", scroll down and click on the "Zoning Map". The map can be enlarged to locate your area and the legend for zoning classifications is at the bottom of the map).

| Land Use | Zoning |
|-----------------|---------------|
| North | North |
| South | South |
| East | East |
| West | West |

Site Plan drawn to scale attached. Yes No

List of Homeowners attached. Yes No

The Owner/Applicant hereby declares that all information submitted is true to the best of his/her/their knowledge and acknowledge receipt of the Nonconforming Use Procedures and Application from the Community Development Department office or City's Web Site.

The owner/applicant realize that ALL items must be completed and submitted with the application. Incomplete applications will not be processed until all items have been received.

Applicant/Owner:

Authorized Agent:

Signature

Signature

Print Name

Print Name

Signature

Print Name