

ORDINANCE NO. 2208

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF AUGUSTA, KANSAS, 2020, BY ADOPTING A CONDITIONAL USE PERMIT AUTHORIZING A DETACHED CARPORT AT 1225 HENRY STREET.

WHEREAS, Section 10.13 of the adopted zoning regulations for the City of Augusta allows *Detached Residential Carport or Garage* as a primary land use by Conditional Use Permit; and

WHEREAS, the City of Augusta published notice on December 15, 2022 in the official city newspaper for a January 9, 2023 public hearing before the Augusta Planning Commission to consider a Conditional Use Permit for a detached residential carport, pursuant to Section 14.03.A.1 of the adopted zoning regulations; and

WHEREAS, the City of Augusta provided written notification on December 15, 2022, for a January 9, 2023, public hearing before the Augusta Planning Commission to all property owners within 200 feet of the subject property located at 1225 Henry Street, pursuant to Section 14.03.A.3 of the adopted zoning regulations; and

WHEREAS, the Augusta Planning Commission conducted a public hearing pursuant to Section 14.03.B of the adopted zoning regulations to consider a Conditional Use Permit to allow a detached residential carport, to be located at 1225 Henry Street; and

WHEREAS, at the culmination of the public hearing and after reviewing the Golden Factors, the Augusta Planning Commission voted unanimously to recommend approval of the Conditional Use Permit request for a detached residential carport to be located at 1225 Henry Street with the following condition(s):

1. The use permitted for this Conditional Use permit shall be limited to one 12-ft. by 20-ft. (240-sq. ft.) detached residential carport.
2. No construction or other activities shall commence on any portion of the property without the proper permits from the City.
3. Carport limited to one (1) such structure per lot.
4. Carport shall have exterior siding of a color and visual appearance similar to the principal structure (house).

5. This Conditional Use Permit shall qualify for expiration and/or revocation as follows:
 - a. The Conditional Use Permit shall become null and void within 180-days of the date of approval if not exercised. The Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial completion accomplished.
 - b. If the building permit or use is abandoned or discontinued for a period of 180-days, it may not be re-established unless authorized by the Board upon appeal.
 - c. A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions, and safeguards imposed herein.

WHEREAS, the request for a Conditional Use Permit for a detached residential carport to be located at 1225 Henry Street has been subjected to a fourteen (14) day protest period pursuant to Section 14.05 of the adopted zoning regulations in which no valid petitions of protest were filed with the City Clerk of the City of Augusta, Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

SECTION ONE: Conditional Use Permit. The City Council of the City of Augusta, Kansas does hereby accept the recommendation made by the Planning Commission of the City of Augusta, Kansas to approve a request for a Conditional Use Permit allowing a detached residential carport on property located at 1225 Henry Street with the following condition(s):

1. The use permitted for this Conditional Use permit shall be limited to one 12-ft. by 20-ft. (240-sq. ft.) detached residential carport.
2. No construction or other activities shall commence on any portion of the property without the proper permits from the City.
3. Carport limited to one (1) such structure per lot.
4. Carport shall have exterior siding of a color and visual appearance similar to the principal structure (house).
5. This Conditional Use Permit shall qualify for expiration and/or revocation as

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- a. The Conditional Use Permit shall become null and void within 180-days of the date of approval if not exercised. The Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial completion accomplished. If the building permit or use is abandoned or discontinued for a period of 180-days, it may not be re-established unless authorized by the Board upon appeal.
- b. A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions, and safeguards imposed herein.

SECTION TWO: Term. Pursuant to Section 14.06.C of the adopted zoning regulations, this Conditional Use Permit, approved in accordance with the adopted zoning regulations, shall run with the land upon approval by the City Council of the City of Augusta, Kansas. This Conditional Use Permit shall remain in effect without regard to ownership so long as the storage structure remains on the subject property at 1225 Henry Street without being significantly altered or destroyed.

SECTION THREE: Effective Date. This ordinance shall be in full force and effect from and after its publication in the official city newspaper.


PASSED, ADOPTED AND APPROVED by the governing body of the City of Augusta, Kansas this 6th day of February 2023.



CITY OF AUGUSTA, KANSAS


BY MIKE L. RAWLINGS, MAYOR

ATTEST:


ERICA L. JONES, CITY CLERK