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THE CITY OF AUGUSTA, KANSAS

ORDINANCE No. 2205

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF  
THE CITY OF AUGUSTA, KANSAS, 2020, BY ADOPTING A  
CONDITIONAL USE PERMIT AUTHORIZING AN OVERSIZED  
DETACHED STRUCTURE AT 5275 SW OHIO STREET ROAD

**WHEREAS**, Section 05.04 of the adopted zoning regulations for the City of Augusta allows *Storage Shed or Structure* as a secondary land use by Conditional Use Permit in the Rural Residential (R-R) zoning district, and

**WHEREAS**, 5275 SW Ohio Street Road contains 4.5 acres of land and, except as approved by conditional use, the maximum gross floor area for a storage shed or structure is limited to one thousand five hundred (1,500) square feet total between no more than three (3) structures pursuant to Section 10.39.D.3 of the adopted zoning regulations; and

**WHEREAS**, the City of Augusta published notice on July 8, 2022 in the official city newspaper for an August 8, 2022 public hearing before the Augusta Planning Commission to consider a Conditional Use Permit for an oversized detached structure to be located at 5275 SW Ohio Street Road pursuant to Section 14.03.A.1 of the adopted zoning regulations; and

**WHEREAS**, the City of Augusta provided written notification on July 8, 2022, for an August 8, 2022, public hearing before the Augusta Planning Commission to all property owners within 1,000 feet of the subject property located at 5275 SW Ohio Street Road pursuant to Section 14.03.A.3 of the adopted zoning regulations, and

**WHEREAS**, the Augusta Planning Commission conducted a public hearing on August 8, 2022, pursuant to Section 14.03.B of the adopted zoning regulations to consider a Conditional Use Permit to allow an oversized detached structure to be located at 5275 SW Ohio Street Road; 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 an oversized detached structure to be located at 5275 SW Ohio Street Road with conditions noted in Section One; and

**WHEREAS**, the request for a Conditional Use Permit for an oversized detached structure to be located at 5275 SW Ohio Street Road has been subjected to a fourteen (14) day protest period beginning August 9, 2022 and ending on August 22, 2022, pursuant to Section 14.05 of the adopted zoning regulations in which no valid petitions of protest were filed with the City Clerk for the City of Augusta, Kansas; and

**WHEREAS**, on September 6, 2022, the Augusta City Council unanimously approved the Augusta Planning Commission's recommendation to approve the Conditional Use Permit for an oversized detached structure to be located at 5275 SW Ohio Street Road.

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

**SECTION ONE:** Conditional Use Permit. The City Council of the City of Augusta, Kansas voted on September 6, 2022 to accept the recommendation made by the Planning Commission of the City of Augusta, Kansas to approve a request for a Conditional Use Permit allowing an oversized detached structure on property located at 5275 SW Ohio Street with the following condition(s):

The Conditional Use permit shall be limited to one 36-ft. by 50-ft. (1,800-sq. ft.) detached structure.

1. **Hazardous Materials Handling, Storage, and Use:** The use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning.
2. **Drainage:** The effect of stormwater run-off from the additional impervious surface area must be mitigated to prevent on-surface flooding of neighboring properties.
3. **Permits:** No construction or other activities shall commence on any portion of the property without the proper permits from Butler County or other appropriate governmental agency.
4. **Revocation and Expiration:** 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, and

**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 5275 SW Ohio Street Road 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 by the City Council this 21<sup>st</sup> day of November 2022.

Approved by the Mayor this 21<sup>st</sup> day of November 2022.

  
MIKE L. RAWLINGS, MAYOR

ATTEST:

  
ERICA L. JONES, CITY CLERK

