

(Published on the City of Augusta website, www.augustaks.org
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THE CITY OF AUGUSTA, KANSAS

ORDINANCE No. 2215

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF AUGUSTA, KANSAS, 2020, BY ADOPTING A CONDITIONAL USE PERMIT AUTHORIZING A WIRELESS COMMUNICATION TOWER.

WHEREAS Section 10.13 of the adopted zoning regulations for the City of Augusta allows a *Wireless Communication Tower* as a primary land use by Conditional Use Permit, and

WHEREAS the City of Augusta published notice on February 1, 2023, in the official city newspaper for a February 27, 2023, public hearing before the Augusta Planning Commission to consider a Conditional Use Permit for a wireless communication tower, pursuant to Section 14.03.A.1 of the adopted zoning regulations, and

WHEREAS, the City of Augusta provided written notification on February 1, 2023, for a February 27, 2023, public hearing before the Augusta Planning Commission to all property owners within 1,000 feet of the subject property located at the N.E. corner of Highway-54 and Santa Fe Lake Road, 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 wireless communication tower, to be located at the N.E. corner of Highway-54 and Santa Fe Lake 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 a wireless communication tower to be located at the N.E. corner of Highway-54 and Santa Fe Lake Road with the following condition(s),

1. No construction or other activities shall commence on any portion of the property without the proper permits from the city or any other governmental agency.
2. No outdoor storage of any kind shall be allowed on site and all compound equipment shall be stored within a fully enclosed building.
3. All fencing and landscaping items shall be properly maintained, repaired and/or replaced when needed.
4. This Conditional Use Permit shall qualify for expiration and/or revocation as follows:

- a. The 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 wireless communication tower to be located at the N.E. corner of Highway-54 and Santa Fe Lake Road, 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 for the City of Augusta, Kansas.

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 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 wireless communication tower on property located at the N.E. corner of Highway-54 and Santa Fe Lake Road with the following condition(s):

- 1 No construction or other activities shall commence on any portion of the property without the proper permits from the city or any other governmental agency.
- 2 No outdoor storage of any kind shall be allowed on site and all compound equipment shall be stored within a fully enclosed building.
- 3 All fencing and landscaping items shall be properly maintained, repaired and/or replaced when needed.
- 4 This Conditional Use Permit shall qualify for expiration and/or revocation as follows:
 - a. The 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 the N.E. corner of Highway-54 and Santa Fe Lake 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 20th day of March 2023.

Approved by the Mayor this 20th day of March 2023.

Mike L. Rawlings
MIKE L. RAWLINGS, MAYOR

ATTEST:

Erica L. Jones
ERICA L. JONES, CITY CLERK

