

(Published on the City of Augusta, Kansas website, [www.augustaks.org](http://www.augustaks.org)  
on the 19<sup>th</sup> day of September 2023)

ORDINANCE NO. 2227

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF  
THE CITY OF AUGUSTA, KANSAS, 2020, BY ADOPTING A  
CONDITIONAL USE PERMIT, AUTHORIZING A HOME-SCHOOL  
LEARNING CENTER AT 9010 SW RIVER VALLEY ROAD.

**WHEREAS**, Section 05.02 of the adopted zoning regulations for the City of Augusta allows “*School or Educational Campus*” as a primary land use with an approved Conditional Use Permit, and

**WHEREAS**, the City of Augusta published notice on July 28, 2023 in the official city newspaper for a August 28, 2023 public hearing before the Augusta Planning Commission to consider a Conditional Use Permit for a home-school learning center, pursuant to Section 14.03.A.1 of the adopted zoning regulations, and

**WHEREAS**, the City of Augusta provided written notification on July 28, 2023, for an August 28, 2023, public hearing before the Augusta Planning Commission to all property owners within 1,000 feet of the subject property located at 9010 SW River Valley 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 home-school learning center, to be located at 9010 SW River Valley 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 home-school learning center to be located at 9010 SW River Valley Road. with the following condition(s):

1. 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 applied. The Conditional Use Permit shall be considered applied 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 Commission 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 home-school learning center to be located at 9010 SW River Valley 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 home-school learning center on property located at 9010 SW River Valley Road with the following condition(s):

- 1 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 applied. The Conditional Use Permit shall be considered applied 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 Commission 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.

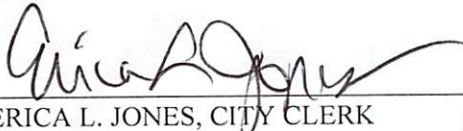
A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions, and safeguards imposed herein and,

**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 home-school learning center remains on the subject property at 9010 SW River Valley 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 18<sup>th</sup> day of September 2023. Approved by the Mayor this 18<sup>th</sup> day of September 2023.

ATTEST:

  
ERICA L. JONES, CITY CLERK

