



COMMUNITY DEVELOPMENT

CONDITIONAL USE PERMIT WORKBOOK

A complete guide for requesting a Conditional Use Permit produced by professional staff at the City of Augusta, Kansas.

Augusta City Hall
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ABSTRACT

The Conditional Use Permit Workbook provides our customers with all of the information needed to request a Conditional Use Permit pursuant to the Zoning Regulations for the City of Augusta, Kansas. This workbook includes a description of key personnel, as well as an outline of processes, checklists, and required applications.

Cody Sims

Assistant City Manager / Zoning Administrator

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Purpose

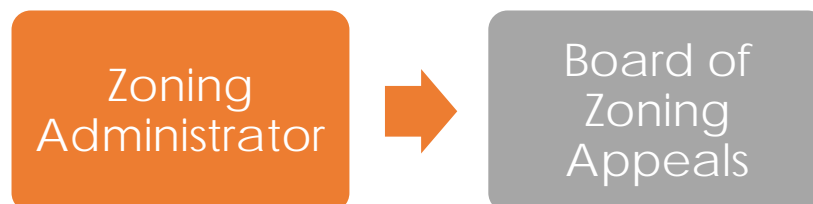
The purpose of the Conditional Use Permit Workbook is to provide information needed to customers interested in requesting a land use not specifically permitted by their respective zone. The workbook provides the applicant with all information necessary to make such request to the City of Augusta, including documentation required, as well as information required on a Site Development Plan. The information contained in this workbook is extracted from the Zoning and Subdivision Regulations of the City of Augusta in a manner that is germane to the Conditional Use Permit process. The intent is to speed up the process by removing irrelevant information that does not pertain to a Conditional Use Permit. The objective is to outline administrative procedures to assure a fair and uniform basis for a working relationship with sub-dividers, utility companies, and other governmental agencies. **The information included in this workbook should be considered important enough to follow through the entire Conditional Use Permit process. If information listed herein is missing from required documentation, the request will NOT be elevated to the Board of Zoning Appeals until such time all requirements have been satisfied.**

Applicability

The owner(s) of any land within the jurisdiction of the Zoning and Subdivision Regulations of the City of Augusta desiring to implement a land use that is otherwise not explicitly allowed in the designated zoning jurisdiction. Each zoning classification regulated by the Zoning Regulations for the City of Augusta contain a statement that all land uses not specifically listed require a Conditional Use Permit.

Division of Responsibility

The administration of the Conditional Use Permit is vested in the following governmental bodies of the City:





Planning & Zoning Staff



Cody Sims
Assistant City Manager
Zoning Administrator
Phone: (316) 775-4510
E-mail: csims@augustagov.org

Planning & Zoning at the City of Augusta is administered by Cody Sims, Assistant City Manager. Cody also serves as the Zoning Administrator. As such, he is the primary point-of-contact with citizens, architects, engineers, land surveyors and other design professionals for all issues pertaining to planning and zoning, land development, community development, and economic development inquiries. Cody can be reached via phone at (316) 775-4510 or via e-mail at

csims@augustagov.org. Cody is available in Administration at City Hall, with regular business hours Monday – Friday, 8:00am – 5:00pm.

As defined in the Subdivision Regulations for the City of Augusta, the Zoning Administrator shall administer the provisions of the adopted Subdivision Regulations and in furtherance of such authority, shall:

- ✓ Maintain an up-to-date copy of the Subdivision Regulations and all amendments thereto;
- ✓ Maintain an up-to-date copy of the official city/growth area zoning map;
- ✓ Innovate and implement efficiencies into the Planning & Zoning process in accordance with local, state, and federal laws;
- ✓ Assist the Planning Commission in informing applicants of required procedures and of decisions on their respective request;
- ✓ Provide application forms to applicants and process the filing fee;
- ✓ Receive and transmit Subdivision Development Plans, Preliminary and Final Plats, Site Development Plans, Conditional Use Permits, Requests for Zoning District Reclassifications, and other necessary Planning & Zoning documents to the Planning Commission and governmental, public and private organizations as appropriate;
- ✓ Receive and process lot splits;
- ✓ Maintain a filing system for all applications, correspondence, plats, and related materials;



Susan Smith

Inspection Clerk

Phone: (316) 775-4505

E-Mail: ssmith@augustagov.org

Susan Smith provides administrative assistance to the Assistant City Manager and is the primary point-of-contact for processing applications and fees. Susan can be reached via telephone at (316) 775-4505 or via e-mail at ssmith@augustagov.org. Susan is located in the Community Development Department at City Hall, with regular business hours Monday – Friday, 8:00am to 5:00pm.

- ✓ Receives completed application packets from customers;
- ✓ Coordinates newspaper publications with the Butler County Times – Gazette;
- ✓ Prepares and distributes notifications to all affected property owners;
- ✓ Conducts research as directed by the Zoning Administrator and assists in the preparation of Planning Commission Agenda packets;
- ✓ Serves as Secretary of the Planning Commission;

Planning Commission / Board of Zoning Appeals

Under the authority of K.S.A. 12-759, as amended, the Planning Commission of the City of Augusta, Kansas is hereby designated as the “Board of Zoning Appeals,” hereinafter referred to as the “Board.”

It shall be the duty of the Commission to approve or reject all conditional use permit applications. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances. The Planning Commission meets as required on the second and fourth Monday of each month in the City Council Chambers at Augusta City Hall at 8:00am. In order to provide the best possible experience, it is recommended the applicant and/or their agent attend all Planning Commission meetings to answer any questions that may come up during the review process.

The Planning Commission is also the Board of Zoning Appeals and will hear cases of Appeals from the decisions of the Zoning Administrator, Variances and Conditional Use Permits. In such cases, the decision of the Planning Commission is final and can only be protested to District Court.



Enforcement

No Site Development Plan shall be approved which does not comply with the provision of the Zoning and Subdivision Regulations of the City of Augusta, or be entitled to record at the office of the County Register of Deeds, or have any validity until it shall have been approved in the manner prescribed the Subdivision Regulations.

Building Permits

- 1) No building permit or occupancy permit shall be issued by the Community Development Department until there has been compliance with all of the provisions of the Subdivision Regulations for the City of Augusta and conditions of plat approval.
- 2) No building permit or occupancy permit shall be issued by the Butler County Zoning and Building Department until there has been a Growth Area zoning certificate issued by the City Community Development Department.

VIOLATIONS

1. Any violation of any regulation adopted under the authority of the Zoning Regulations for the City of Augusta and K.S.A., as amended, 12-701 through 12-768, shall be a misdemeanor and shall be punishable by a fine of not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
2. Any City and any person whose value or use of property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the adopted zoning regulations thereof.
3. Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is or is proposed to be, used in violation of any zoning regulations, the city or in the event the violation relates to a provision concerning flood plain zoning, the Attorney General and the chief engineer of the division of water resources of the Kansas State Board of Agriculture, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation or to prevent the occupancy of such building, structure or land.
4. Any person, company, corporation, institution, municipality or agency of the state who violates any provision of any regulation relating to flood plain zoning shall be subject to



the penalties and remedies provided for in Section 203.2.10.3 of the Zoning Regulations of the City of Augusta.

5. Appeal to District Court as authorized by K.S.A. 12-760, as amended:

5.1. Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals, the Planning Commission, or the Governing Body may bring an action in the District Court of Butler County, Kansas to determine the reasonableness of any such order or determination.

5.2. Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals, the Planning Commission, or the Governing Body.

Property Ownership List

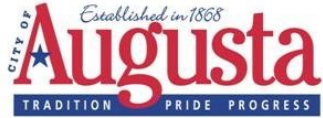
Effective February 2015 all applicants will be required to submit, along with their application, fees, plats/plans, and supplemental documentation, a property ownership list acquired by a title or abstract company, produced by a licensed abstractor. The ownership list shall provide names and addresses for all property owners of record within 200' of the subject property if within the city limits, or 1,000' of the subject property if located outside of the city limits, but within the Growth Area. Planning & Zoning staff will use the ownership list to share project information with affected property owners, as well as provide notification for public hearings.

Complete Application Packets

All application packets must be completed in their entirety before Inspection Staff will accept the information. This shall include the application for the requested action, the appropriate fee(s), plats/plans, supplemental information, and an ownership list produced by a licensed abstractor. Incomplete application will not be accepted, nor will any action be taken until all required information has been received.

Pre-Development Meeting

Prior to beginning a development project, it is desired by Planning & Zoning Staff to hold a Pre-Development Meeting between the key participants of the development team and City staff. The intent of the meeting is to discuss the *Preliminary & Final Platting Workbook* and the requirements City staff will be looking for in the required plans and plats. This also provides a time for the development team to ask questions of City staff, in order to minimize disruptions at any point after the project gets started. Through this workbook and the Pre-Development



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Meeting, it is staff's desire to make sure all participants have a comprehensive understanding of the project, the requirements, the time constraints, and the desired final outcome.

Fee Schedule

The fees shown below are applicable to all Conditional Use Permit requests as regulated by the Zoning Regulations for the City of Augusta; this includes requests in the Growth Area. Checks shall be made payable to the City of Augusta. Unfortunately at the present time, we are unable to accept credit or debit cards.

Conditional Use Permit (Agricultural and Residential District)	\$350
Conditional Use Permit (Public & Private Recreation District; Assembly District; Commercial District; and Industrial District)	\$500

A written receipt shall be issued to the person(s) making such payment. No fee shall be required when such proposed plat or lot-split is owned by any agency, political subdivision, board or commission of any township, City, the County, the State, or Federal Government. No fee shall be refunded in the event any Site Development Plan or Conditional Use Permit request is disapproved.

Important: It is important to note all fees must be received by the Community Development Department before any action will be taken by the City, including publication in the newspaper. If time is of the essence, it is the applicant's responsibility to submit a completed application with all required information in a timely manner.

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Planning & Zoning Process

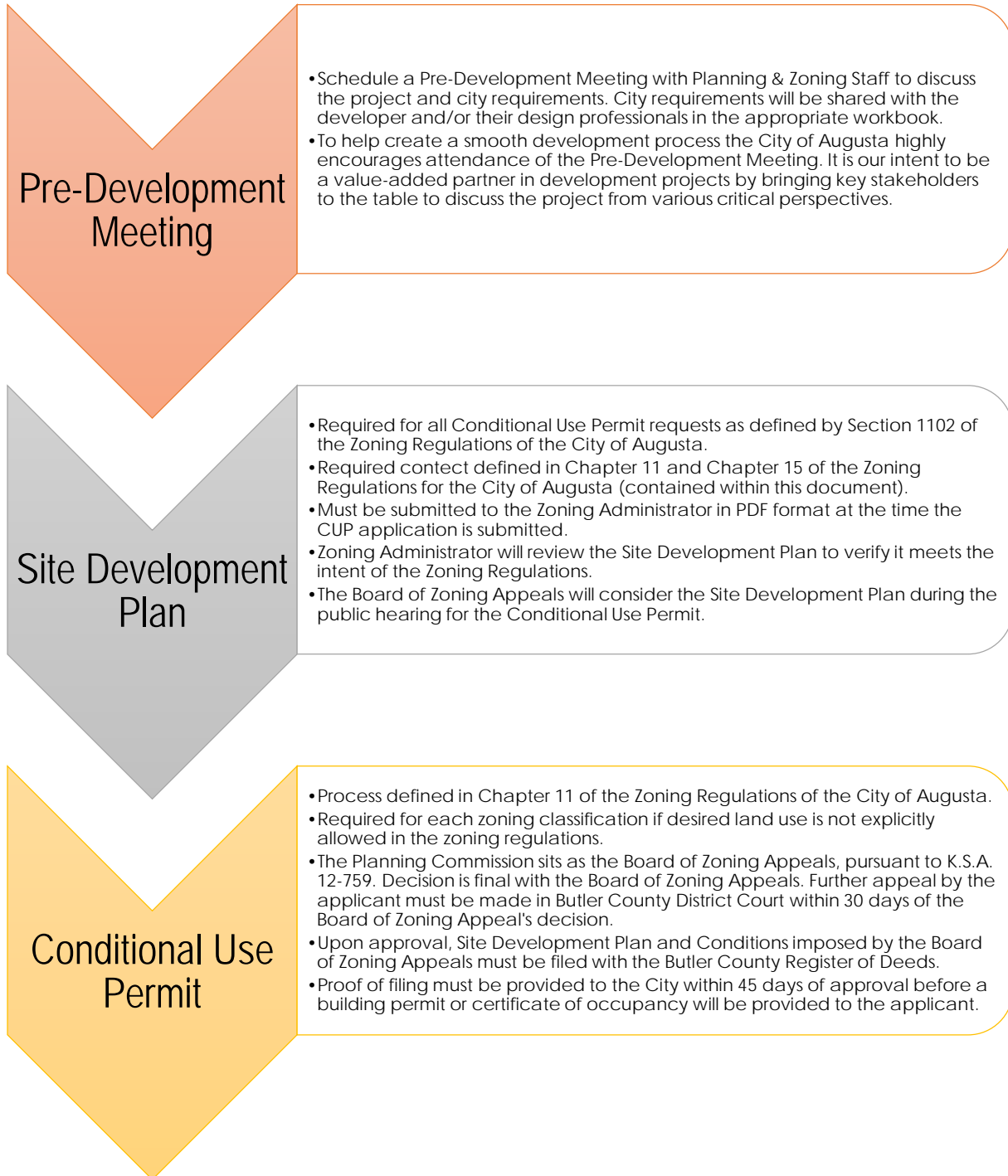


Figure 1 - Process for requesting a Conditional Use Permit (CUP) in the City of Augusta, KS. Process also applies to the Growth Area around the city.



CONDITIONAL USE PERMIT REQUIREMENTS

A Conditional Use Permit shall be obtained for all uses not permitted by the zoning district and division. Approval of the Conditional Use Permit shall be based on the conditions and restrictions laid down by the Planning Commission acting as the Board of Zoning Appeals. The conditions and restrictions shall be made a part of the Site Development Plan or Final Plat prior to recording with the Butler County Register of Deeds.

APPLICATION

All Conditional Use Permit applications shall be submitted to the Community Development Department as provided by the Subdivision Regulations of the City of Augusta.

CONTENT REQUIRED: SITE DEVELOPMENT PLAN

All applications shall be accompanied by a PDF copy of the Site Development Plan or expanded Preliminary Plat, drawn to scale on paper not less than 8 ½ by 11 inch, nor larger than 24 x 36 inch, which consists of the following:

1. All requirements for a Site Development Plan as identified in Chapter 15 of the City of Augusta Zoning Regulations, to include:
 - 1.1. The Site Development Plan shall be prepared by a registered professional civil engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24 x 36 inch sheets.
 - 1.2. Name of the project, address, boundaries, date, north arrow and scale of the plan.
 - 1.3. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 - 1.4. Name and address of all owners of record of abutting parcels.
 - 1.5. All existing lot lines, easements, and right-of-way. Include area in acres or square feet, abutting land uses and structures.
 - 1.6. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For developments in the General Commercial District, indicate design details to make new construction compatible with existing structures.



- 1.7. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- 1.8. The Community Development Department may require location, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- 1.9. The location, height, size, materials and design of all proposed signage.
- 1.10. The Community Development Department may require a landscape plan showing all existing open space, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, drainage retention areas and wells.
- 1.11. The location of all present and proposed utility systems, including: sanitary sewage system, water supply system, telephone, cable and electrical systems, storm drainage systems including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swells.
- 1.12. Plans to prevent pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- 1.13. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management agency (FEMA) requirements.
- 1.14. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
- 1.15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The City Engineer may require a detailed traffic study for mixed use and multi-family developments, or for developments in heavy traffic areas to include:
 - 1.15.1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;



- 1.15.2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
- 1.15.3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
2. All existing buildings and structures that are to remain on the site;
3. All proposed buildings and structures;
4. Arrangement and location of all off street parking, including stalls and unloading zones;
5. Existing and proposed screening;
6. Drainage controls;
7. Location, size and type of signs;
8. Lighting layout;
9. Setback requirements from all property lines; and
10. Height of all buildings and structures

APPROVAL DETERMINATION

The Board of Zoning Appeals shall have the authority to impose conditions, restrictions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a Conditional Use Permit shall not be made unless the evidence presented is such to establish:

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area.
2. That the proposed use is necessary or desirable and provides a service or facility that contributes to the general well-being of the area.
3. That such use will comply with the Subdivision Regulations of the City of Augusta and conditions specified in these regulations for such use.



4. The Board of Zoning Appeals shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.

EXPIRATION AND REVOCATION

1. Any granted Conditional Use Permit shall become null and void within 180 days of the date of approval if not exercised. A Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.
2. If the building permit or use is abandoned or discontinued for a period of 180 days, it may not be reestablished unless authorized by the Board of Zoning Appeals upon appeal.
3. A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions and safeguards.

ADJUSTMENTS

An adjustment to an approved Conditional Use Permit shall be submitted to the Community Development Department accompanied by supporting information.

1. The Board of Zoning Appeals shall review the adjustment and may grant, deny or amend such adjustments and impose conditions, restrictions or safeguards deemed necessary.
2. An adjustment shall not change the use as permitted.