

(Published on the City of Augusta website, [www.augustaks.org](http://www.augustaks.org)  
On the 22<sup>nd</sup> day of November 2022)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE No. 2203

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF  
THE CITY OF AUGUSTA, KANSAS, 2020, BY ADOPTING A  
CONDITIONAL USE PERMIT AUTHORIZING A TATTOO STUDIO  
AT 108 WEST 5<sup>TH</sup> AVENUE

**WHEREAS**, Section 05.03 of the adopted zoning regulations for the City of Augusta allows *Tattoo or Body Piercing Studio* as a primary land use by Conditional Use Permit, and

**WHEREAS**, Section 10.40 of the adopted zoning regulations was amended via Ordinance No. 2194 to eliminate distance restrictions in the C-1 Main Street Commercial District; and

**WHEREAS**, the City of Augusta published notice on April 20, 2022 in the official city newspaper for a May 23, 2022 public hearing before the Augusta Planning Commission to consider a Conditional Use Permit for a tattoo studio to be located at 108 West 5<sup>th</sup> Avenue pursuant to Section 14.03.A.1 of the adopted zoning regulations; and

**WHEREAS**, the City of Augusta provided written notification on April 20, 2022, for a May 23, 2022, public hearing before the Augusta Planning Commission to all property owners within 200 feet of the subject property located at 108 West 5<sup>th</sup> Avenue pursuant to Section 14.03.A.3 of the adopted zoning regulations; 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 for a tattoo studio to be located at 108 West 5<sup>th</sup> Avenue with the condition that any modifications to the building's exterior or signage must be reviewed and approved by the City's Main Street Design Committee; and

**WHEREAS**, the request for a Conditional Use Permit for a tattoo studio to be located at 108 West 5<sup>th</sup> Avenue was subject to a fourteen (14) day protest period beginning May 24, 2022 and ending June 6, 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 June 6, 2022, the Augusta City Council unanimously approved the Augusta Planning Commission's recommendation to approve the Conditional Use Permit for a tattoo studio to be located at 108 West 5<sup>th</sup> Avenue.

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

**SECTION ONE:** Conditional Use Permit. The Augusta City Council voted on June 6, 2022 to accept the recommendation made by the Augusta Planning Commission to approve a request for a Conditional Use

Permit allowing a tattoo studio to operate at 108 West 5<sup>th</sup> Avenue with the condition that any modifications to the building's exterior or signage be reviewed and approved by the City's Main Street Design Committee.

**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 Augusta City Council. This Conditional Use Permit shall remain in effect without regard to ownership so long as the use of a tattoo studio remains on the subject property at 108 West 5<sup>th</sup> Avenue 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

