

ORDINANCE NO. 2025

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE TWO CONDITIONAL USE PERMITS (CU2019-02 (NORTH) AND CU2019-03 (SOUTH)) ALLOWING TWO BILLBOARDS ON PROPERTY LOCATED AT 36450 FRONTAGE ROAD, EDGERTON, KANSAS

WHEREAS, the City of Edgerton received Applications CU2019-02 (North) and CU2019-03 (South) for Conditional Use Permits from Curtis Peterson, Agent, on behalf of Robert Blachly, MICO, Inc. (the "Applicant") on or about August 2, 2019 for property located at 36450, Frontage Road (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the Property is owned by MICO, INC, a validly existing Kansas Corporation; and

WHEREAS, the Applicant is requesting to renew a Conditional Use Permit for two billboards which exist on the land today and which were jointly allowed under Conditional Use Permit CUP-02-05-10, which was approved on March 25, 2010, and expired on March 25, 2015;

WHEREAS, the Edgerton Planning Commission did hold a public hearing on September 10, 2019 on the requested Conditional Use Permits in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve two separate Conditional Use Permits, one for each billboard, conditioned on the following being adhered to by the Applicant/Owner:

1. Two Conditional Use Permits were approved **CU2019-02 (North)** and **CU2019-03 (South)**, with a separate permit being assigned to each billboard (North and South), as described in this report. Should ownership of the parcel change during the term of the Conditional Use Permits, each Conditional Use Permit allowance will run with the billboard sign to which it is assigned with any change of ownership reported to the City so that permit records may be updated;
2. Each sign must be kept in good condition and should repairs be required, repaired in accordance with the requirements \ of the City of Edgerton UDC, including the timeline for repair, in effect at the time the repair is needed. Failure to properly maintain the sign shall be cause for revocation of the Conditional Use Permit(s);
3. Any major modifications to the billboard signs, as determined solely by City Staff, will render Conditional Use Permits **CU2019-02 (North)** and/or **CU2019-03 (South)** null and void. Should the Conditional Use Permit(s) be determined to be null and void, the billboards must be removed within sixty (60) days after written notification to the current property owner by the City;
4. As a legal non-conforming use, these Conditional Use Permits are subject to the restrictions outlined in Article 9, Section 9.7;

5. These Conditional Use Permits shall be valid for 5 (five) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should an application renewing the Conditional Use Permit(s) not be filed and approved by the Governing Body prior to its/their expiration date, then the billboard(s) will be considered non-compliant with the UDC and will be required to be removed within (sixty) 60 days following expiration of the Conditional Use permit and written notification to the property owner by the City.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved upon the terms described above.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. The proposed Conditional Use Permits for two existing billboards are hereby approved for the parcel located at 36450 Frontage Road.

Section 2. The Conditional Use Permits approved by this Ordinance are expressly conditioned on the Applicant's/Owner's strict compliance with the six Conditions set forth above, which were recommended by the Edgerton Planning Commission and approved by the City of Edgerton City Council.

Section 3. The effectiveness of these Conditional Use Permits is conditioned upon the strict compliance by the Applicant/Owner of the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from City to Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, Applicant/Owner will be notified that this Conditional Use Permit(s) is/are revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit(s) is/are vacated or is/are declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas and approved by the Mayor on the 10th day of October, 2019.




DONALD ROBERTS, Mayor

ATTEST:


RACHEL A. JAMES, City Clerk

APPROVED AS TO FORM:


LEE W. HENDRICKS, City Attorney