

**ORDINANCE NO. 2173**

**AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT (CU2024-0102) ALLOWING A COMMUNICATIONS TOWER OVER 60 FEET IN HEIGHT IN THE AG (AGRICULTURAL) DISTRICT LOCATED AT 18827 DILLIE ROAD, EDGERTON, KANSAS**

**WHEREAS**, the City of Edgerton, Kansas received Application CU2024-0102 for a Conditional Use Permit from Selective Site Consultants (the "Applicant") on October 3, 2024 for the property located at 18827 Dillie Road, Edgerton, Kansas (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 K C Power & Light Co. (the "Owner"); and

**WHEREAS**, the Owner has signed and submitted an affidavit granting the Applicant the permission to apply for a Conditional Use Permit on the Property; and

**WHEREAS**, the Applicant is requesting permission to construct, pursuant to the terms of a Conditional Use Permit, a communications tower over 60 feet in height; and

**WHEREAS**, the Edgerton Planning Commission held a public hearing on November 12, 2024 regarding the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

**WHEREAS**, the Edgerton Planning Commission voted to approve the Conditional Use Permit request for a period of ten (10) years, conditioned on the following being adhered to by the Applicant and any future owner or tenant of the Property within that ten-year period.

1. This Conditional Use Permit will be valid for ten (10) years from the date of approval by the City of Edgerton Governing Body.
2. The agreement to remove the tower following the cessation of use must be entered into prior to the completion of the final inspection of the tower.

**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.

**WHEREAS**, all required newspaper and mailing notifications were performed.

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

**Section 1.** The proposed Conditional Use Permit for a communications tower over 60 feet in height is hereby approved for the property located at 18827 Dillie Road, Edgerton, Kansas.

**Section 2.** The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant/Owner's strict compliance with the two (2) conditions set forth above, which were recommended by the Edgerton City staff, Planning Commission, and approved by the Edgerton City Council.

**Section 3.** The validity of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner with the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should the Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from the City to the Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, the Applicant/Owner will be notified that this Conditional Use Permit is 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. The 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 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 expires, is vacated, or is declared null and void.

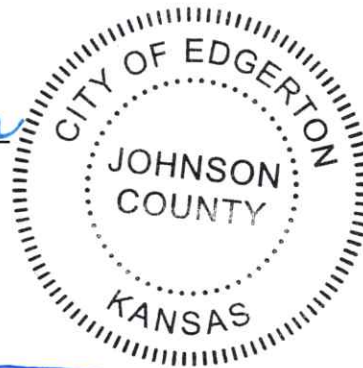
ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 12<sup>th</sup> DAY OF DECEMBER, 2024.

CITY OF EDGERTON, KANSAS


By:   
Donald Roberts, Mayor

ATTEST:

  
Alexandria Clower, City Clerk



APPROVED AS TO FORM:

  
TODD LUCKMAN for  
Stumbo Hanson, LLP, City Attorneys