

ORDINANCE NO. 1654

AN ORDINANCE TO AMENDING THE CODE OF THE CITY OF COLBY, KANSAS BY AMENDING SECTIONS 21-103 R-1, 21-105 R-3 AND 21-110 C-2 OF THE CITY OF COLBY KANSAS ZONING REGULATIONS OF 2013:

WHEREAS, the Code of the City of Colby, Kansas, includes the City of Colby, Kansas Zoning Regulations of 2013 which were incorporated by reference into the Code of the City of Colby, Kansas pursuant to Ordinance No. 1527, passed October 1, 2013; and

WHEREAS, said Zoning Regulations of 2013 were codified as part of the Code of the City of Colby, Kansas Chapter XVI: Zoning and Planning, Article 3: Zoning Regulations; and

WHEREAS, to promote continued investment and development in the community the Code of the City of Colby should be amended to permit a hospital to be constructed and utilized in Single Family Dwelling Districts and increase height limitations to allow the construction and use of multi-story hotels and other compatible use structures in Neighborhood Commercial Districts.

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

Section 1: That Article 1 Section 21-103 - R-1 Zoning Regulations, of the Code of the City of Colby, Kansas is hereby amended as follows:

21-103. R-1 – Single Family Dwelling District:

1. Use Regulations:

A building or premise shall be used only for the following purposes:

- a. Single family dwellings.
- b. Municipally owned or operated parks, playgrounds, swimming pools, community buildings, and similar municipal recreational facilities.
- c. Churches.
- d. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and nonprofit preschool institutions.

- e. Golf courses, except miniature courses, and driving tees operated for commercial purposes.
- f. Noncommercial nurseries and gardening, but not the raising of poultry, pets, or livestock for commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences.
- g. Home occupations as defined herein.
- h. Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business, including a private garage.
- i. Temporary buildings and vehicles for uses incidental to construction work and which shall be removed upon completion or abandonment of the construction work.
- j. Electric utility substations, sewage pumping stations, water well houses, and similar utility facilities.
- k. Accessory swimming pools for the use of residents and/or guests provided that said pools are located in the rear or side yard, are not less than five (5) feet from all property lines, and are completely surrounded by a fence or wall having a height of at least six (6) feet with any gate equipped with self-closing and self-latching devices.
- l. Hospitals and clinics, but not animal hospitals, animal clinics, or mental hospitals.
- m. The following restrictions will apply to the construction or addition to a single family dwelling in the R-1 District.
 - 1. Conventional built single family dwelling units shall be constructed in accordance with the adopted City Building Codes.
 - 2. Modular home construction shall be certified by the manufacturer that it is constructed to meet the City Building Codes or HUD Standards as adopted by the City of Colby.
 - 3. Residential design manufactured home – On and after January 1, 1992, residential design manufactured homes, as defined in this chapter, shall be permitted in any residential district when in compliance with the following architectural and aesthetic standards:

- a. The home shall have a minimum of 888 square feet of heated floor area and the longest exterior dimension of the body shall not be more than two and one-half (2 ½) times the shortest exterior dimension.
- b. The roof shall be double-pitched and have a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run, and shall be covered with material that is residential in appearance including, but not limited to, wood, asphalt, composition or fiberglass, or metal roofing material. The roof shall have a minimum eave projection and overhang of ten (10) inches, which may include a four (4) inch gutter.
- c. The exterior siding shall be made of nonreflective material customarily used on site-built dwellings, such as wood, composition, or simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation wall and the joint shall be flashed in accordance with the adopted City Building Codes.
- d. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the adopted City Building Codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry foundation or wall, as required by the Council of American Building Officials One and Two Family Dwelling Code, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.
- e. The home shall have a garage and covered porch at the main entrance facing the street, if fifty (50) percent or more of existing homes on the same and/or adjacent block face have garages and/or covered porches. Where required or installed, the roofing and siding material must be the same as that of the home itself.
- f. Any addition to the home shall comply with the adopted City Building Codes.

Section 2: That Article 1 Section 21-105 - R-3 Zoning Regulations, of the Code of the City of Colby, Kansas is hereby amended as follows:

21-105. R-3 – Multiple Dwelling District:

1. Use Regulations:

A building or premise shall be used only for the following purposes:

- a. Any use permitted in the R-1 – Single Family Dwelling District or R-2 – Two Family Dwelling District.
- b. Multiple dwelling, as defined herein.
- c. Boarding and lodging houses.
- d. Nonprofit religious, educational, and philanthropic institutions, but not penal or mental treatment institutions.
- e. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service, customarily carried on as a business.
- f. Accessory buildings and uses customarily incident to any of the above uses.

Section 3: That Article 3 Section 21-110- C-2 Zoning Regulations, of the Code of the City of Colby, Kansas is hereby amended as follows:

21-110. C-2 Neighborhood Commercial District:

3. Height Regulations:

- a. No building shall exceed six (6) stories or seventy-five (75) feet in height.
- b. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet. Churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

- c. Fences in side and rear yards shall not exceed the height of ten (10) feet and fences in front yards shall not exceed a height of four (4) feet; fences shall be constructed of a material approved by the Building Official. Barbed wire may be used only when installed at a height of at least six (6) feet; electrically charged fences are prohibited.

Section 4: The following sections of the Code of the City of Colby, Zoning Regulations, are repealed:

Article 1, Section 21-103;
Article 1, Section 21-105; and
Article 3, Section 21-110.

Section 5: This Ordinance shall be in full force and effect from and after its publication or the publication of a summary of this Ordinance in the official newspaper of the City of Colby, Kansas, as provided by law.

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR
this 18th day of April 2023.

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

(SEAL)