

ORDINANCE NO. 1676

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF COLBY KANSAS - SECTION 21-111.5 C-3 – HEAVY COMMERCIAL DISTRICT - 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, the Governing Body, at the recommendation of the Colby-Thomas County Metropolitan Area Planning Commission, has determined it to be in the best interest of the City of Colby to add paragraph k to Section 21.111.5 C-3 Heavy Commercial District to include Trailer camps and tourist camps, therefore not requiring Special Use Permits for these uses **and** allowing temporary use permit to be issued for the temporary placement of semi-trailers and shipping (cargo) containers outside of a retail store subject to the Special Permit Process contained in Section 21-202.

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

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

Section 1: That Article 1 Section 21-111.5 – C-3 – Heavy Commercial District Zoning Regulations, of the Code of the City of Colby, Kansas is hereby amended as follows:

21-111.5. C-3 - Heavy Commercial District:

Design: Heavy Commercial District is designed to provide for businesses that depend on retail sales and customer traffic. These types of businesses have minimal amounts of manufacturing and finishing all completed in the interior space of the business or in an accessory building.

1. Use Regulations:

Permitted Uses:

- a. All uses permitted in C-1 Commercial District, and C-2 Neighborhood Commercial District.
- b. Vehicle repair and refurbishing for retail sales so long as all work is completed within the interior space of the business or in an accessory building. Outside displays of finished products are permitted, if appropriate.
- c. Bottling works.
- d. Bookbindery.
- e. Clothing manufacture.

- f. Pharmaceutical manufacturing.
- g. Light manufacturing operations.
- h. Woodworking, cabinet making.
- i. Moving company, storage and terminal.
- j. Other uses which, in the judgment of the Governing Body, are compatible with existing businesses in use and intensity, if it complies with conditions with restrictions contained in this section but not including those types of businesses provided for in less restricted districts.
- k. Trailer camps and tourist camps.

Temporary Use Permit: A temporary use permit may be issued for the temporary placement of semi-trailers and shipping (cargo) containers outside of a retail store subject to the Special Permit Process contained in Section 21-202.

2. Area Regulations:

- a. Front yard: There shall be a front yard having a depth of not less than thirty (30) feet.
- b. Side yard: There shall be a side yard of not less than ten (10) feet or ten (10) percent of the width of the lot, whichever is greater, except that such side yard need not exceed thirty-five (35) feet. Where the side of a lot abuts on a dwelling district, there shall be a side yard of not less than twenty-five (25) feet or ten (10) percent of the width of the lot, whichever is larger, with a maximum of thirty-five (35) feet. In addition, there shall be a fifteen (15) foot wide buffer must be planted to provide a park-like setting and must be approved by the City and must be maintained strip between the side yard and the adjacent residential area. The buffer strip. In lieu of the buffer strip, a screen fence approved by the Building Official, and not less than five (5) feet high, may be erected.

Rear yard:

- 1) There shall be a rear yard having a depth of not less than twenty-five (25) feet, unless the lot is less than one hundred and twenty-five (125) feet in depth and the plat thereof has been duly recorded in the office of the Register of Deeds of Thomas County, Kansas, at the time of the passage of this Ordinance, in which case the rear yard need not exceed twenty (20) percent of the depth of such lot. In computing the depth of the rear yard, where such yard opens onto an alley, one-half (2) of the alley width may be included as a portion of the rear yard. Where the rear yard abuts a dwelling district, a planted buffer strip or screen fence, not less than five (5) feet high shall also be provided. This shall be approved by the Building Official and shall be maintained.
- 2) Accessory buildings may be built in a required rear yard, but such

accessory buildings shall not be nearer than three (3) feet to any side or rear lot line, nor nearer than five (5) feet to any alley abutting the rear of the lot, nor shall any such accessory building occupy more than thirty (30) percent of the required rear yard.

- 3) Any accessory and unattached building to be built upon corner lots must be set back fifteen (15) feet from the property line of the adjacent side street and in no case nearer the side property line than the main structure to which it is accessory.
- 4) No accessory building shall be constructed upon a lot until construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
- 5) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard.

d. Intensity of Use:

The intensity of use regulations for free standing multiple family dwellings shall be the same as in the C-2 District.

More than one commercial, multiple dwelling, or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such building, nor shall there be any change in the intensity of use requirements. The exact location of the buildings on the lot must meet the standards of a Planned Unit Development and be approved by the Planning Commission before issuance of a building permit.

3. Height Regulations:

- a. No building shall exceed three and one-half (32) stories or forty-five (45) 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 a 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.

4. Sign and Billboard Regulations:

- a. Business signs, single or double-faced, shall be allowed in the C-3 District subject to sign regulations set forth in the City Building Codes and the following regulations.
- b. Flashing signs shall be allowed only upon the approval of the Building Official,

provided it is first determined by the Police Chief that the sign will in no way create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.

- c. No sign or billboard shall be located in or project over any front, side, or rear property line or into any street or alley right-of-way.
- d. The gross surface area, in square feet, on one side of any advertising or business sign shall not exceed five hundred (500) square feet or three (3) times the linear feet of separate frontage of the lot occupied by the building, whichever is larger. Each side of the lot which abuts upon a street shall be considered as separate frontage, whichever is larger. Individual letters with background shall be measured by the minimum rectangular area necessary to encompass such letters or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
- e. Billboards are permitted in the C-3 Neighborhood Commercial District if they conform to the following provisions:
 - 1) No sign structure shall emit sound.
 - 2) No billboard shall be erected, altered, constructed, re-constructed, or moved until an application and plans have been filed with the Building Official and shall have been approved by the Building Official as to size, location, and construction.
 - 3) Billboards shall not exceed thirty (30) feet in height above the ground.
 - 4) No billboard shall exceed one thousand (1,000) square feet in single face area.

5. Sidewalk Regulations:

All new construction in the C-3, Heavy Commercial District, shall provide public sidewalks on the property on any side abutting an arterial street, collector street, or residential area. Sidewalks shall conform to specifications on file in the City office and all requirements contained in the most recent regulations on ADA. An exception may be granted to this regulation if the construction has been determined to be technically infeasible or cost prohibitive by the Board of Building Appeals of the City of Colby.

Section 2: The following section of the Code of the City of Colby, Zoning Regulations, are repealed:

Article 1 Section 21-111.5 – C-3 – Heavy Commercial District

Section 3: This Ordinance shall be in full force and effect from and after its publication 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 19th day of November, 2024.

Lee Leiker, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

(SEAL)

