

ORDINANCE NO. 1691

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF COLBY KANSAS ZONING REGULATIONS OF 2013, SECTION 21-102 –DEFINITIONS, AND SECTION 21-106 R-2 MH-MOBILE HOME DISTRICT:

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 a definition for “Tiny Homes” to Section 21-102 Definitions, and to include such definition in Section 21-106 R2 MH-Mobile Home District; 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.

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

SECTION 1: That Article 1 Section 21-102 Definitions, of the Code of the City of Colby, Kansas is hereby amended as follows:

21-102. Definitions:

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, any singular number shall include the plural, any plural number shall include the singular, the word "building" shall include the word "structure," the word "lot" shall include the word "plot," and the word "shall" is mandatory and not directory. Any terms not herein defined shall be construed as defined in the City Building Codes.

1. **Accessory Building:** A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premise.
2. **Alley:** A public thoroughfare which affords only a secondary means of access to abutting property.
3. **Apartment Unit:** A room or suite of two or more rooms suitable for occupancy as a residence for one family in a dwelling.

4. **Basement:** A story (or portion of a story) with at least one-half of its height (measured floor to ceiling) below grade level.
5. **Bed & Breakfast:** A private residence where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for temporary transient guests.
6. **Boarding House:** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.
7. **Building:** A structure having a roof supported by columns or walls, creating an enclosure and providing shelter or protection for persons, animals, or property. No building will be constructed from materials or equipment originally designed for another use such as, but not limited to, trailers, semi-trailers, shipping (cargo) containers, motor vehicles, packing crates, parts of motor vehicles or trailers, van bodies, vehicle bodies, regardless if wheels, axles, etc., have been removed. Mobile homes, campers, and similar structures will not be considered as buildings for such purposes as an accessory building or uses other than the uses they were originally designed for. Building shall also mean an addition to an existing structure provided the addition shares a common wall, footings, and roofline, or common footings and roofline, with no portion of the addition open to the sky.
8. **Building, Height of:** The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
9. **Building Official:** The city official designated by the City Manager as being responsible for the administration and enforcement of this Ordinance.
10. **Communication Tower:** A structure measuring 60 feet or more in height from the ground, or 30 feet in height as measured to the highest point of the tower/antenna if mounted on a structure or building, erected or maintained for the primary purpose of supporting antennae or apparatus for transmitting and/or receiving radio frequency waves. For the purposes of these regulations the term Communication Tower shall include, but not be limited to, commercial radio or television broadcasting towers; microwave transmitting and/or receiving towers; and wireless telephone towers, but shall not include amateur radio transmitting or receiving towers, satellite dish antennae or television antennae. Amateur Radio towers are specifically exempt from regulations applying to communication towers.

11. **District:** Any section of the City of Colby for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.
12. **Dwelling:** Any building, or portion thereof, which is designated or used exclusively for residential purposes.
13. **Dwelling, Single Family:** A detached building designed for or occupied exclusively by one family.
14. **Dwelling, Two Family:** A detached building designed for or occupied by two families.
15. **Dwelling, Multiple Family:** A building or portion thereof containing three or more dwelling units. The term includes lodging, boarding, and rooming houses, but does not include hotels, motels, and tourist courts.
16. **Family:** One or more persons related by blood, marriage, or adoption, or pursuant to legal guardianship, living together as a single housekeeping unit, or a group of not more than four unrelated persons living together as a single housekeeping unit, who jointly occupy and have equal access to all common areas of a dwelling unit.
17. **Frontage:** All of the property on one side of the street between two intersecting streets; or if the street is dead-ended, then all of the property abutting on one side between intersecting street and the dead-end of the street.
18. **Garage, Private:** An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.
19. **Garage, Public:** A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor- driven vehicles.
20. **Garage, Storage:** A building or portion thereof, designed or used exclusively for housing motor-driven vehicles, not used by occupants of the lot on which said building or portion thereof is situated.
21. **Governing Body:** The elected City Council of the City of Colby, Kansas.
22. **Home Occupation:** Any occupation or profession which:

- a. Is customarily carried on in a dwelling unit or accessory structure. When carried on in an accessory structure, such accessory structure shall not be larger than six hundred (600) square feet of gross floor area, nor more than twenty (20) feet in height.
- b. Is carried on by a member of the family residing in the dwelling unit and may not regularly employ more than one (1) person outside the family, except that beauty shops may employ not more than two (2) persons outside the family.
- c. Is clearly incidental and secondary to the uses of the dwelling unit for residential purposes and shall be carried on wholly within the principal dwelling unit or an accessory structure.
- d. There shall be no exterior display, no exterior sign larger than 6 square feet in area, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- e. There shall be no exterior parking of more than one automobile or truck that is associated with the home occupation.
- f. No offensive noise, vibration, smoke, dust, odor, heat, or glare shall be produced.
- g. The owner or operator must file with the City Clerk a certificate of mailing acknowledging notification of application for such home occupation of all of the owners of all the frontage within three hundred (300) feet of the premises wherein such facility is to be operated.
- h. Every owner or operator of a home occupation must secure a home occupation permit from the City Clerk, which permit shall be issued on a yearly basis, with each permit expiring on July 1 of each year. Every person desiring a home occupation permit shall file an application with the City Clerk on forms to be supplied by the City Clerk, and the Governing Body of the said City will act upon said application after receiving recommendations from the Planning Commission. The Governing Body may withhold or refuse to grant or withdraw a home occupation permit when, in their opinion, the home occupation business or activity is or may be detrimental to the residential character of the area.

23. Hotel or Motel: Any building or portion thereof having a common entrance, lobby, halls, and stairs, which is designed or used to offer for hire by the general public, rooms for temporary lodging of transient guests and in which no provisions are made for cooking in the individual rooms or apartments.

24. Institutions: A building occupied by a non-profit corporation or non-profit establishment for public use.

25. **Lot:** A parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, if any, including the open spaces required by this Ordinance and having its principal frontage upon a street, alley, or a private easement for purposes of access from a street.
26. **Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection.
27. **Lot, Depth of:** The mean horizontal distance between the front and rear lot lines.
28. **Lot, Interior:** A lot other than a corner lot.
29. **Lot Lines:** The lines bounding a lot.
30. **Lot of Record:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Thomas County, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Thomas County.
31. **Manufactured Home:** A structure built on a permanent chassis and transportable in one or more sections, which contains all necessary plumbing, heating, air conditioning and electrical systems, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to all required utilities. Such structures have not and cannot be determined to have been built in accordance with adopted City Building Codes, but have been constructed in conformance with the Federal Manufactured Home Construction and Safety Standards Act, generally known as the H.U.D. Code, established pursuant to 42 U.S.C. Sec. 5403. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for longer than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
32. **Manufactured Home Residential Design:** A manufactured home on a permanent foundation which has minimum dimensions of twenty-two (22) body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which comply with the architectural standards specified in Section 21-103 l. of these regulations. A residential-design manufactured home shall be considered a single-family dwelling.
33. **Mini-Warehouse:** A Mini-Warehouse, also referred to as mini-storage or self-service storage facilities, is a building or group of buildings in a compound that contains varying sizes of individual, compartmentalized and controlled-access storage units rented or leased to individuals exclusively for the dead storage of merchandise,

commodities, household goods or other personal property. A group of parked semitrailers or shipping (cargo) containers will not be considered mini-warehouse units for the purposes of this Ordinance.

34. **Mobile Home:** A structure built on a permanent chassis and transportable in one or more sections, which contains all necessary plumbing, heating, air-conditioning, and electrical systems, and which is designed to be used as a dwelling, with or without a permanent foundation, when connected to all required utilities. Any structure manufactured prior to June 15, 1976, which was not manufactured in conformance with the H.U.D. Code established pursuant to 42 U.S.C. Sec 5403, or which cannot be determined to have been built in accordance with adopted City Building Codes, shall be deemed to be a mobile home, not a manufactured home. The term mobile home does not include a recreational vehicle.
35. **Modular Home:** A structure which the manufacturer certifies is constructed in accordance with adopted City Building Codes, which is transportable in one or more sections but is not constructed on a permanent chassis, and which is designed to be used as a dwelling on a permanent foundation when connected to required utilities including plumbing, heating, air-conditioning, and electrical systems contained therein.
36. **Manufactured/Mobile Home Park:** Any area, tract, site, or plot of land whereupon provisions have been made for a minimum of fifteen (15) manufactured or mobile home spaces as herein defined.
37. **Manufactured/Mobile Home Space:** A plot of ground within a manufactured/mobile home park designed for the accommodation of one (1) manufactured home or one (1) mobile home.
38. **Nonconforming Use:** The use of any premise contrary to the provisions of this Ordinance for the district in which the premise is located.
39. **Parking Lot:** A parcel of land devoted to unenclosed parking spaces. This land is separate from the street but access to and from the street is provided.
40. **Parking Space:** A permanent surfaced area, enclosed or unenclosed sufficient in size to store one (1) automobile, together with a permanent surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
41. **Planning Commission:** The Colby/Thomas County Metropolitan Area Planning Commission.

42. **Planned Unit Development (P.U.D.):** A development which allows diversity in the relationships of the various buildings, structures, uses, and open spaces in planned groupings, while ensuring substantial compliance to the district regulations and other provisions of this Ordinance. A detailed site plan for a Planned Unit Development must be prepared and presented to the Planning Commission and Governing Body. Such site plans must be approved by the Governing Body of Colby, Kansas, before a building permit will be issued. Such site plans shall show building, parking area, recreation area, and all other facility locations. The site plan shall also show road and utility locations and sizes and other data as may be required by the Building Official.
43. **Recreational Vehicle:** A vehicular portable dwelling unit designed for short-term occupancy such as travel trailers, campers, house boats, converted buses, and other similar units whether self-propelled, pulled, or hauled. The storage of any unoccupied recreational vehicle is permitted in a residential area, provided such storage does not conflict with any other ordinance in the City of Colby and the owner stores it on his own property. Such vehicles may be parked or stored anywhere on the owners' lot except that when parked or stored in the front or side yard area, it shall not be parked or stored within ten (10) feet of any street right-of-way or sidewalk; however, the ten (10) foot limitation shall not apply to alleys.
44. **Restaurant:** A public eating establishment in which the primary function is the preparation and serving of food on the premise.
45. **Service Station:** Any building or premise used solely or principally for the storing, dispensing, sale, or offering for retail of any automobile fuel or oils.
46. **Sexually Oriented Businesses:** Shall include adult arcades; adult bookstores, adult novelty stores or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; escort agencies; semi-nude model studios; and sexual encounter centers which offer their patrons services or entertainment wherein greater than ten percent (10%) of the receipts, signage, or floor area of the business is in printed or written materials, pictures, drawings, photographs, motion pictures, or other pictorial representation, or statues or other figures, or any recordings, transcriptions, or mechanical, chemical or electronic reproductions, or any other articles, equipment, machines, or materials depicting sexual activity and all other business of the same general character as described herein.
- a. *Adult Arcade* means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machine, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting Aspecified sexual activities or specified anatomical areas.

- b. *Adult Bookstore, Adult Novelty Store or Adult Video Store* means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:
- 1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or display of Aspecified sexual activities or specified anatomical areas;
 - 2) instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
- c. *Adult Cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly feature:
- 1) persons who appear semi-nude; or
 - 2) live performances which are characterized by the exposure of Aspecified anatomical areas or by specified sexual activities; or
 - 3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.
- d. *Adult Motel* means a hotel, motel, or similar commercial establishment, which:
- 1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of Aspecified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either
 - 2) offers a sleeping room for rent for a period of time that is less than ten (10) hours, or

- 3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- e. *Adult Motion Picture Theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or Aspecified anatomical areas.
- f. *Adult Theater* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear nude or seminude, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- g. *Distinguished or Characterized by an Emphasis Upon* means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or principal character and theme are the exhibition or display of Aspecified anatomical areas or specified sexual activities.
- h. *Employee, Employ, and Employment* describe and pertain to any person who performs any service on the premises of a sexually oriented business on a fulltime part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. *Employee* does not include a person exclusively on the premises, for the delivery of goods to the premises.
- i. *Enforcement Officer* shall mean the City Building Official or such person as may be designated by the City Manager.
- j. *Escort* means a person who, for consideration, and for another person, agrees or offers:
- 1) to act as a companion, guide, or date, or
 - 2) to privately model lingerie, or
 - 3) to privately perform a striptease.
- k. *Escort Agency* means a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

1. *Establish or Establishment* means and includes any of the following:
 - 1) the opening or commencement of any sexually oriented business as a new business;
 - 2) the conversion of an existing business, whether or not a sexually oriented business;
 - 3) the addition of any sexually oriented business to any other existing sexually oriented business; or
 - 4) the relocation of any sexually oriented business.

- m. *Licensee* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

- n. *Nude, Nudity or a State of Nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

- o. *Operate or Cause to be Operated* means to cause to function or to put or keep in a state of doing business. *Operator* means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

- p. *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- q. *Regularly Features or Regularly Shown* means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

- r. *Semi-nude or in a Semi-nude Condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point

or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

- s. *Semi-nude Model Studio* means a commercial establishment which regularly features a person (or persons) who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a proprietary school licensed by the State of Kansas or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- t. *Sexual Encounter Center* means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities. The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- u. *Sexually Oriented Business* means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude model studio, or sexual encounter center.
- v. *Specified Anatomical Areas* means:
 - 1) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - 2) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
- w. *Specified Criminal Activity* means any of the following offenses:
 - 1) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness;

indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries.

- 2) for which:
 - a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
 - 3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.
- x. *Specified Sexual Activities* means any of the following:
- 1) the fondling of another person's genitals, pubic region, anus, or female breasts;
 - 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - 3) excretory functions as part of, or in connection with, any of the activities set forth in (1) through (2) above.
- y. *Substantial Enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on the date this Ordinance takes effect.
- z. *Transfer of Ownership or Control* of a sexually oriented business means and includes any of the following:

1) the sale, lease, or sublease of the business;

2) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

47. **Shipping (Cargo) Containers:** Shipping (cargo) containers are mobile units typically transported by rail or by semi-trailers and having no load-bearing walls.
48. **Street:** A county road, state highway, public road, street, or private thoroughfare which affords primary access to abutting property.
49. **Story:** That part of a building between the surface of a floor and the ceiling immediately above.
50. **Story, Half:** A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.
51. **Street Line:** A dividing line between a lot, tract or parcel of land and a continuous street.
52. **Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.
53. **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
54. **Tiny Home:** Principal Uses as allowed in the R-2 MH—Mobile Home District.
- a. Approved area of dwelling 170-887 square feet for each primary structure. All structures are to be constructed with a foundation and/or include anchoring that meets the requirements of the current International Building Code (IBC) as adopted. Skirting is also required.
 - b. Primary structures shall be designed with current plumbing standards that meet plumbing code requirements including, connection to the City of Colby potable water system.

- c. The primary structure shall include a minimum four (4) inch sewer pipe connected to the City of Colby wastewater system, in accordance with current city code.
- d. The primary structure is to include bathing facilities with a toilet and handwashing sink as well as an approved method to remove moisture in accordance with the adopted mechanical code, and a GFCI outlet within three (3) feet of any source of water.
- e. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
- f. The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of current IBC.
- g. Primary electricity shall be required from the City of Colby.
- h. Heating & cooling may be obtained through standard means and practices according to IBC.
- i. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.
- j. Loft – is a floor level located more than 30 inches above the main floor and open to the area below on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.
 - 1) The minimum area for lofts shall not be less than 35 square feet and the minimum dimensions shall not be less than 5 feet in any horizontal dimension.
 - 2) Loft access – The access to and primary egress from lofts shall be any type described in IBC.
 - 3) Stairways accessing lofts shall comply with this code or with IBC.
 - 4) Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.

- 5) Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
- 6) Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.
- 7) Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform. The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, 16 to 18 inches in height measured from the landing platform to the loft floor.
- 8) Handrails shall comply with IBC.
- 9) Stairway guards – Guards at open sides of stairways shall comply with IBC.
- 10) Ladders accessing lofts shall comply with IBC.
 - a) Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200-pound load on any rung. Rung spacing shall be uniform within 3/8-inch.
 - b) Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
- 11) Alternating tread devices accessing lofts shall comply with IBC.
- 12) Ships ladders accessing lofts shall comply with IBC. The clear width at and below handrails shall not be less than 20 inches.
- 13) Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches in height or one-half of the clear height to the ceiling, whichever is less.
- 14) Smoke detectors shall be installed according to IBC or IFC.
- 15) The use of a shipping container, truck trailer, train car, or similar structure as a tiny home is not permitted.

55. Tourist or Trailer Camp: An area with or without buildings used for providing housing for recreational vehicles or tents on a temporary basis.

56. **Unenclosed Porch or Balcony:** A projection to the main structure with a minimum of fifty (50) percent open area.
57. **Yard:** That portion of a lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from the lot line for a depth or width set forth in the applicable district regulations.
58. **Yard, Front:** A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line of the main building or any projection thereof other than steps, unenclosed balconies, and eaves. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.
59. **Yard, Rear:** A yard extending across the full width of the lot between the rear building line of the main building or any projections other than steps, unenclosed balconies, eaves or unenclosed porches, and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
60. **Yard, Side:** A yard between the side building line, excluding two (2) foot eaves, chimneys, and fireplace structures, and the side line of the lot and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.

SECTION 2: That Article 1 Section 21-106 R-2 MH-Mobile Home District Zoning Regulations, of the Code of the City of Colby, Kansas is hereby amended as follows:

21-106. R-2 MH -- Mobile Home District:

(Manufactured/Tiny/Mobile Home Communities only are permitted in this district.).

1. Tiny Home and Mobile Home, definitions:

The terms “Tiny Home” and “Mobile Home” shall be considered synonymous for the purposes of this Section, 21-106. All terms and conditions of the Code of the City of Colby, Kansas, Zoning Regulations which apply to Mobile Homes shall apply to Tiny Homes.

2. Where permitted:

No mobile home or tiny home, as herein defined, shall be located in any area within the corporate limits of the City of Colby, Kansas, excepting in such areas as may be

acted on by the Colby-Thomas County Metropolitan Area Planning Commission as mobile home communities and zoned R-2 MH by the Governing Body of the City of Colby. Any such mobile home community may be established and operated only in compliance with the procedures and requirements set forth in the following regulations. Mobile home community requirements apply to new mobile home communities and to expansions of existing mobile home communities. Where an existing mobile home community is expanded, existing facilities therein not presently meeting the requirements of this Ordinance, which are to be used or shared by occupants of mobile home spaces in the expanded area, shall be upgraded to the standards of this Ordinance.

Parking in Certain Zones Unlawful:

It shall be unlawful for any person, association or corporation to park or place for the purposes of habitation any trailer home or mobile home within any zoning district designated other than R-2 MH.

Emergency Parking:

Emergency or temporary stopping or parking for twenty-four (24) hours and subject to any other limitations that may be imposed by other ordinances of the City of Colby relative to parking, is permissible for trailer houses or mobile homes.

Storage:

The storage of any unoccupied or uninhabited mobile home or trailer house shall be permitted on the owner's lot providing that such storage is not in conflict with other zoning ordinances or other pertinent ordinances of the City of Colby, Kansas.

3. Application:

- a. The applicant for a permit for a new or expanded mobile home community shall prepare or cause to be prepared three (3) copies of a plan showing location, size and topography of the proposed site for review by the Planning Commission and for submission to the Governing Body of the City of Colby. This plan must be accurately drawn to scale not less than one (1) inch equals twenty (20) feet.
- b. This site plan shall also include each individual mobile home space, proposed roadways and sidewalks within the area, off-street parking areas, electrical outlets, sewer outlets, water outlets, water lines, and sewer lines, service buildings, any proposed recreational areas or landscaped areas, walls or fences and similar facilities.

- c. The applicant for a permit for a mobile home community must satisfy the Governing Body that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within one (1) year following granting of a permit and shall be completed within a period of two (2) years.
 - d. In any decision by the Governing Body as to granting a permit for a mobile home community or park, consideration will be given to the following factors:
 - 1) That no permit will be issued for a mobile home community or park in any area zoned other than R-2 MH.
 - 2) That the values of buildings and the character of the property adjoining the area included in such plan will not be adversely affected.
 - 3) That such plan is consistent with the intent and purpose of the regulations to promote public health, safety, morals and general welfare.
4. Permit and Permit Fee:
- a. It shall be unlawful for any person to maintain or operate a mobile home community unless such person shall first obtain a permit, which shall be renewed annually.
 - b. No charge shall be made for said permit.
 - c. A mobile home community permit is not transferable.
 - d. Expiration date of the mobile home permit shall be December 31 of each year.
5. Minimum Standards for Mobile Home Parks or Communities:
- a. No permit will be granted for a mobile home community with less than four (4) mobile home spaces, for existing locations. Future developments will require a minimum of fifteen (15) spaces.
 - b. The mobile home community shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - c. Mobile home spaces shall be provided consisting of a minimum of twenty-five (2,500) square feet, for existing locations. Future developments will require a minimum of thirty-five hundred square feet (3500) for each space, and each space shall be clearly defined and marked by a fence, hedge, concrete curb or similar means. No part of

any designated roadway shall be included in computing the square footage requirement.

- d. Mobile homes shall be so harbored on each such space that there shall be a minimum of fifteen (15) feet clearance between each mobile home and any adjoining mobile home, or any other building within the mobile home community, or from any property line bounding the mobile home community and at least five (5) feet from any easement for publicly owned utilities or from any landscaped buffer zone or screen fence.
- e. In addition to the required setback required in Section 4.d., a ten (10) foot landscaped buffer zone or screen fence, at least five (5) feet high and of an approved design, must be provided around the entire outside boundaries of the mobile home community. No landscaped buffer zone or screen fence shall be placed in a public utility easement.
- f. Each mobile home space shall be provided with a paved patio of at least one hundred fifty (150) square feet and shall be provided with a storage locker of at least one hundred (100) cubic feet capacity.
- g. All mobile home spaces shall abut upon a paved driveway not less than twenty-four (24) feet in width which shall have unobstructed access to a public street or highway. The sole vehicular access shall not be by an alley, and any dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
- h. Each mobile home shall be placed on a permanent foundation or placed upon piers and anchored as required by K.S.A. 75-1226 et seq.
- i. The required paved driveway shall have a minimum depth of four (4) inches of asphalt or an equivalent surface as approved by the Governing Body. A concrete gutter, to specifications satisfactory to the Governing Body, will be run at each edge of each paved driveway. The width of this gutter may be included in computing the width of the paved street.
- j. All sidewalks shall be a minimum of four inches thick, poured concrete, installed in a workmanlike manner, with a minimum width of thirty (30) inches.
- k. All driveways and walkways within the area shall be lighted at night to at least the equivalent of one hundred (100) foot intervals.
- l. All electrical distribution systems and telephone service systems to each mobile home space, except outlets and risers, shall be underground. Each mobile home space shall be provided with a 110 volt and 220-volt service with a minimum 100 ampere individual service outlet.

- m. One outside water faucet to which a hose may be attached shall be provided at each mobile home space.
- n. Structural Quality of Mobile Homes: Any mobile home permitted to be located in any mobile home park in the City of Colby or brought in for purpose of sale by any licensed dealer shall comply with any standards or codes in relation to safety or quality of construction that may be imposed by the State of Kansas.

6. Supervision:

The permittee, or a duly authorized caretaker, shall be responsible at all times to keep the mobile home community or park and its facilities and equipment, in a clean, orderly, and sanitary condition. The permittee shall be answerable for the violation of any provision of the regulations governing mobile home communities or parks.

7. Register of Occupants:

- a. It shall be the duty of each permittee to keep a register containing a record of all mobile home owners and occupants located within the mobile home community. The register shall contain the following information:
 - 1) The name and address of each mobile homeowner or tenant occupying a mobile home.
 - 2) The make, model, year, and license number of each mobile home and motor vehicle, and the state or county issuing such licenses.
 - 3) The date of arrival and departure of each mobile home.
- b. The mobile home community or park owner or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
- c. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

8. Inspection Required:

Upon the issuance of the permit for a mobile home community, the City shall have the authority to have said mobile home community inspected by the proper inspecting officer of the City, and if it shall be found that the holder of said permit

has made any false or misleading statements in his application, or has placed or caused to be placed more mobile homes in said mobile home community than provided for and set forth in said application for permit, or that said holder of said permit has violated or caused to be violated any provisions of this Ordinance, the City Governing Body shall have the power to order such violation be eliminated or to revoke said permit.

9. Health and Sanitation:

If the City shall determine, upon proper inspection by the inspecting officer of the City, that the sanitary condition of the mobile home community shall have become such as to endanger health or welfare of occupants of said mobile home community or of the surrounding community, or that provided sanitary facilities have become inadequate to properly protect the occupants of said mobile community or park, the City Governing Body or their designated representative shall have the power to require the holder of said mobile home community permit, within ten (10) days, to set said mobile home in proper sanitary condition. If upon notice from the City to the holder of the permit as aforesaid, the owner or caretaker of said mobile home community shall fail or refuse to place said community in sanitary condition, the City Governing Body shall have the right to revoke said permit.

SECTION 3. Article 1 Section 21-102 – DEFINITIONS and Article 21- 106 R-2 MH-MOBIULE HOME DISTRICT of the Code of the City of Colby, Kansas, Zoning Regulations of 2013 as they were enacted and codified prior to this date, are repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its publication in the official city paper as provided by law.

ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR this 20th day of May, 2025.

Lee Leiker, Mayor

ATTEST:

Joni Ketchum, City Clerk