



1170 WITH ANY QUESTIONS.

**ZONING REGULATIONS
HOLCOMB, KANSAS**

Adopted September 2012

Codified April 10, 2019

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HOLCOMB ZONING REGULATIONS

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ARTICLE 16.201

GENERAL PROVISIONS

SECTIONS:

1. Title
2. Purpose and Intent
3. Jurisdictional Area
4. Conflicting Provisions
5. Licenses to Conform
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16. Signs and Outdoor Advertising
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1. TITLE. These Zoning Regulations, including the District Zoning Map, made a part hereof, shall be known, and may be cited as the “Holcomb Zoning Regulations.” These regulations are adopted pursuant to Kansas Statutes 12-747 et seq. and 12-757 et seq.

2. PURPOSE AND INTENT. The regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, convenience, and general welfare of the present and future inhabitants of the City of Holcomb, and

- A. To Encourage and facilitate the orderly growth and development of the City.
- B. To provide adequate open space for light and air, to prevent overcrowding of the land, and to lessen congestion on the streets.
- C. To secure economy in municipal expenditures, to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public facilities and services.
- D. To increase the security of home life and preserve and create a more favorable environment for citizens and visitors.
- E. To secure safety from fire, panic, and other dangers.
- F. To stabilize and improve property values.

G. To enhance the economic and cultural wellbeing of the inhabitants of Holcomb.

H. To promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

3. JURISDICTIONAL AREA. The provisions for these regulations shall apply to all land and structures within the incorporated area of the City of Holcomb, Kansas.

4. CONFLICTING PROVISIONS. These regulations shall not nullify the more restrictive provisions of other private covenants and agreements, or other laws or general Ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive.

5. LICENSES TO CONFORM. All Departments, Officials, and Employees of Holcomb which are vested with the duty or authority to issue permits and licenses shall conform to the provisions of these regulations and shall issue no permit or license for a use, building, or purpose where the same would conflict with the provisions contained herein.

6. NOT A LICENSING REGULATION. Nothing contained in these regulations shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation, or activity.

7. BUILDING PERMITS REQUIRED. No building or structure shall be constructed, altered, or moved, nor shall the use of land be changed except after the issuance of a permit for the same by the Neighborhood & Development Services permitting authority.

8. PERMITS TO COMPLY WITH THE ZONING REGULATIONS. Permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use in any land, building, or structure, if such construction, alteration, moving, or change in use would be a violation of any of the provisions of these regulations. No sewer service line, no water line, no electrical, gas, or telephone utilities shall be installed to serve such premises if such use will be in violation of the regulations contained herein.

9. BUILDING PERMITS – (SITE PLAN REQUIRED). All applications for Building Permits shall be accompanied by an approved site plan.

A. Site Plan Requirements: The Site Plan submittal of three (3) sets of hard copy plans and applicable planning documents and one (1) set of electronically submitted plans and documents shall contain the following information as outlined on the Site Plan Review Application:

- (1) A legal description and site address (available from the City Engineer, County or GIS).
- (2) A Title Block including the Date of the submittal, Name and Contact information, North Arrow indicator, Scale of drawing and Key or Vicinity Map.
- (3) Lot dimensions.

- (4) Location and size of existing and proposed structure(s) on the site (with sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the site plan) and Building Elevations. Include a Building Code Footprint where applicable [(K.A.R) 22-1-7].
- (5) Identification of setbacks.
- (6) Location and layout of parking areas- denote handicapped parking and curb stops, including parking calculations.
- (7) Location of ingress and egress. A traffic impact study may be required where applicable.
- (8) Location and size of sign(s), including elevations (attach additional concept drawing with dimensions).
- (9) Location and size of Accessory Building(s).
- (10) Landscape Plans.
- (11) Utility easements conforming to all applicable zoning, fire and building codes (Show all recorded easements on drawing).
- (12) Location of utility service lines and meter sizes servicing the structure(s) on the lot.
- (13) Solid waste pickup locations with associated screening.
- (14) Drainage in conformance with subdivision drainage plan (use arrows to indicate direction of proposed drainage for minor plans or present a detailed drainage plan for major development, City Engineer to review and approve). SWPPP plans and documentation may be required, to meet City and KDHE standards.
- (15) Additional documents may be required (e.g. Elevation Certificate, Development Agreement, Parking Lot Lighting or other additional permits as required on a case by case basis with respect to the development of the property).

- B.** Site plans for all commercial, industrial and multi-family units (larger than a duplex) shall be stamped by an architect or engineer registered in the State of Kansas; and at the discretion of the Planning Commission Secretary shall be submitted to the Planning Commission at least ten (10) days prior to the Planning Commission meeting whereby review and approval is requested.
- C.** The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Zoning Regulations, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed

development. No Site Plan will be approved unless it is in compliance with all pertinent code, Ordinances and regulations.

- D. Process Timeline. Planning Staff will determine the completeness, accuracy, and sufficiency of the application. The typical Site Plan Review process is seven to fourteen (7-14) days and may be longer dependent upon the complexity of the development proposal.
- E. Approvals. Building permits for the project will not be issued until a site plan has been approved.
- F. Time Limitations on Approvals. If the owner has obtained preliminary site plan approval but fails to obtain a Building Permit within one (1) year from the date of approval of the site plan, the site plan approval shall be deemed to have expired, and the owner shall be required to resubmit a new plan for approval.
- G. Adjacency Compatibility: Staff will review site plans for compatibility with adjacent properties.
- H. Electronic Submittals. The submitted site plans are electronically distributed to various City departments and public utility companies and then convene for review and comment. The planner assigned to the project will contact the applicant to discuss the review comments and suggest any revisions which may be needed before the site plan can be processed for administrative action.

10. PERMITTED USES. No structure shall hereafter be built, moved, or remodeled and no structure or land shall hereafter be used, occupied, or designed for use or occupancy except for a use that is permitted within the Zoning District in which the structure or land is located.

11. CONDITIONAL USES. No use of a structure of land that is designed as a conditional use in any Zoning District shall hereafter be established and no existing conditional use shall hereafter be changed to another conditional use in such district unless a Conditional Use Permit is secured in accordance with the provisions of this Zoning Regulation.

12. DETERMINATION OF USES NOT LISTED. Whenever there is doubt as to the classification of a use not specifically listed or mentioned in these regulations, the determination shall be made by the Neighborhood and Development Services Director within a reasonable time, but not to exceed thirty (30) days. Such determination shall state the districts in which the proposed use will be permitted and whether it is a permitted use, or a conditional use in keeping with the intent of these regulations. The determination of the proposed use shall be effective immediately and the Building Inspector shall use such determination in issuing permits. Application for determination shall be made in writing. No specific form is required.

13. USE LIMITATIONS. No permitted or conditional use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with the use limitations for the Zoning District in which such use is, or will be, located. No permitted or conditional use already established on the effective date of this Zoning Regulation shall be altered, modified, or enlarged

so as to conflict, or further conflict with, the use limitations for the Zoning District in which such use is located without the issuance of a Conditional Use Permit.

14. ACCESSORY AND TEMPORARY STRUCTURES AND USES. No accessory or temporary structures or uses as defined herein shall hereafter be built, established, moved, remodeled, altered, or enlarged unless such uses are permitted by this Zoning Regulation.

15. HOME OCCUPATIONS. No home occupations as defined herein shall hereafter be established, altered, or enlarged in any Residential District unless such home occupation is permitted, and complies with the conditions set forth in this Zoning Regulation.

16. SIGNS AND OUTDOOR ADVERTISING. No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the conditions set forth in this Zoning Regulation.

17. OFF-STREET PARKING AND LOADING. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces are provided as required herein. No structure or use already established on the effective date of these regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required herein are provided for the whole structure of use as enlarged.

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ARTICLE 16.202

DEFINITIONS

SECTIONS:

1. Interpretation
2. Rules of Interpretation
3. Definitions
4. Words Not Defined Herein

1. INTERPRETATION. In the interpretation and application of this Zoning Regulation, the provisions of said regulation shall be held to be the minimum requirements for the promotion of public health, safety, and welfare. Where this Zoning Regulation imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract, or deed, the provisions of the Zoning Regulation shall take precedent.

2. RULES OF INTERPRETATION. For the purpose of this Zoning Regulation, the following rules shall apply:

- A. Words used in the present tense shall include the future.
- B. Words in the singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word “person” includes a corporation, a member or members of a partnership or other business organization, a committee, board, trustee, receiver, agent, or other representative and all other legal entities.
- D. The word “shall” is mandatory and not directory.
- E. The word “may” is permissive.
- F. The word “use”, “used”, or “occupied” as applied to any land, building, or structure shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.
- G. The word “City” means City of Holcomb, Kansas.
- H. Unless otherwise specified, all distances shall be measured horizontally.
- I. Words which are not defined herein, but are defined in the Building Code, shall have the meaning as defined within said Building Code.
- J. Chapter and Section Headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.

3. DEFINITIONS. For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

1. Accessory Building or Use – A subordinate building located on the same lot or group of lots with the main building or a subordinate use of land.
2. Agricultural Uses – Farming operation including dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry, including the structures necessary for carrying out farming operations. So long as such land and structures are used for such purposes, these regulations do not apply. The term agriculture as used in this zoning regulation shall not include commercial feed lots as defined by K.S.A. 47-1501.
3. Alley – A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
4. Alteration – Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure, or the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another.
5. Animal Hospital or Clinic – Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a Doctor of Veterinary Medicine.
6. Antenna - Any structure or device used for the purpose of collecting or transmitting, electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
7. Automobile and Trailer Sales Area – An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.
8. Automobile Wrecking and Salvage Yards – A lot, plot, or parcel of land where three or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.
9. Board of Zoning Appeals (BZA) – Serves as a quasi-judicial board to review and approve requests for variances from the Zoning Regulations and grant Conditional Use Permits when appropriate.
10. Boarding House – A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

11. Buildings – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls, from the ground up, each part is deemed a separate building.
12. Building Height – The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story of a flat roof, to the deck line of a mansard roof; and to the average height between the plat and ridge of a gable, hip, or gambrel roof.
13. Building Line – A line established, in general, by plat or elsewhere in this Ordinance parallel to the front street line between which no building, or portion thereof, shall project except as otherwise provided in this Ordinance.
14. Building Main – A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.
15. Canopy or Marquee – A roof-like structure, which may project or be separate from a building for the purpose of protection to pedestrians from the weather and in which no retail sales or business operation is performed, without special permit from the Governing Body.
16. Channel – Geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.
17. Child Care Center - A non-residential facility in which care and educational activities are provided for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) hours and less than twenty-four (24) hours per day including day time, evening, and nighttime care, or which provides before and after school care for school-age children. A facility may have fewer than thirteen (13) children and be licensed as a center if the program and building meet Child Care Center Regulations.
18. Clinic, Dental or Medical – A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
19. Condominium – A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the State Department Ownership Act. See K.S.A. 58-3102 for complete definition.
20. Convenience Store- Any building or premises used for the sale of food and other items as a “quick-service food/sundry store” which may include the dispensing of gasoline and oil but which does not provide automotive maintenance or repair services.
21. Curb Level – The officially established grade of the curb in front of the mid-point of the lot.

22. Day Care Home, Licensed - The premises in which care is provided for a maximum of ten (10) children under sixteen (16) years of age with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(e)(1). This total includes children less than eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.
23. Day Care Home, Group - The premises located in a single family dwelling unit where care is provided by two (2) providers, one of whom shall be a bona-fide resident of the dwelling unit, in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1). This total includes children under eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.
24. District – A section or sections of Holcomb, Kansas for which the regulations governing the use of, the height of, and area of buildings and premises are uniform.
25. Dock (Loading) – A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles. (See Article 16.220)
26. Drainage Course (Water Course) – Any natural depression, draw or ravine which directs and facilitates the flow of water.
27. Drive – A private right-of-way which affords principle means of vehicular access to or through a mobile home park and which is owned and maintained by the owner or operator of the park.
28. Dwelling – Any building, or portion thereof, designed or used for residential purposes.
29. Dwelling, Single-Family – A building designed for or occupied exclusively by one (1) family.
30. Dwelling, Two-Family – A building designed for or occupied exclusively by two (2) families.
31. Dwelling, Multiple-Family/Apartment – A building, or portion thereof designed for or occupied by three (3) or more families, but which may have joint services or facilities for more than one (1) family.
32. Easement – A portion or strip of land which is part of a lot, parcel or tract which has been reserved or dedicated for specific use for access of persons, utilities, or services.
33. Exception – The allowance of otherwise prohibited use within a given district, such use and conditions by which it may be permitted being clearly and specifically stated within this Zoning Regulation, and the allowance being granted by Conditional Use Permit from the Board of Zoning Appeals.

34. Educational Institution – A college, university or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education.
35. Fabrication – That part of manufacturing which relates to stamping, cutting or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining or other initial processing of basic raw materials.
36. Façade – That portion of a building facing public street right-of-way.
37. Family – Two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit. For the purpose of this Zoning Regulation, paying tenants in excess of two (2) shall be considered as boarders or roomers, and the building in which they abide shall be considered as a boarding or rooming house.
38. Fence – A free-standing structure of metal, masonry, glass, wood, or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.
39. Flood – An overflow of water onto lands not normally covered by water. Floods have two (2) essential characteristics: The inundation of land is temporary; and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.
40. Floodplain – Land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one (1) year of one (1) percent.
41. Floodway – Channel of a watercourse and that portion of the adjoining floodplain required to provide passage of a 100-year flood with an insignificant increase in flood stage above that of natural conditions. The limits of the floodway, as designated by order of the planning commission are delineated on the official zoning map and the attachments to it.
42. Floodway Fringe Area – The area between the limits of the floodway and the floodplain of the 100-year flood.
43. Floor Area – For computing off-street parking requirements, the floor area shall mean the gross floor area used or intended to be used by the owner or tenant for service to the public as customers, patrons, or clients, including areas occupied by fixtures and equipment used for display. It shall not include areas used principally for maintenance of the building, rest rooms, or utility rooms.
44. Frontage – All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

45. Frozen Food Locker- A facility or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A frozen food locker is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.
46. Garage, Private – An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.
47. Garage, Public – A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.
48. Garage, Storage – A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.
49. Grade –
- A. For buildings having walls adjoining one (1) street only, the elevation of the curb at the center of the wall adjoining the street.
 - B. For buildings having walls adjoining more than one (1) street, the average of the elevation of the curb at the center of all walls adjoining the streets.
 - C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
 - D. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.
50. Height, Tower – Shall be determined by measuring the vertical distance from the tower's point of contact with the ground or structure to the highest point of the tower. All antennas or other attachments shall not exceed ten (10) feet above the tower and shall not be included into the tower height measurement.
51. Home Occupation – Any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises.
52. Hotel – A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such

establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit, or otherwise.

53. Institutional Home – A place where the specialized care of babies, children, pensioners, or older people, and those under care for drug or alcohol abuse, is provided, except those for correctional or mental cases. An Institutional Home shall in no way be interpreted to mean a Day Care Center.
54. Institutional Use – Shall include civic, service and fraternal organization buildings; cultural facilities; child care centers; dormitories; schools; group homes; nursing homes, rest homes and homes for the aged; government buildings; health institutions; religious institutions; stadiums, arenas and civic centers.
55. Junk Yard – A parcel of land used for the storage, keeping for sale, or abandonment of junk, including used metal, wood, building materials, household appliances, vehicles, machinery, or parts thereof.
56. Landscaping – The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary, and other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.
57. Lodging House – A building or place where lodging is provided or which is equipped regularly to provide lodging, by prearrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.
58. Lot – A parcel of platted land occupied or intended for occupancy by one (1) main building, together with its accessory buildings, including the open spaces required by this Zoning Regulation.
59. Lot, Corner – A lot abutting upon two or more streets at their intersection.
60. Lot, Depth of – The mean horizontal distance between the front and rear lot lines.
61. Lot, Double Frontage – A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
62. Lot Line – Any line bounding a lot or separating one lot from another.
63. 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 Finney County, Kansas.
64. Manufacture – Any method of processing, developing, fabricating, or assembling raw materials, semi-finished materials, or parts into a semi-finished or finished product.
65. Manufactured Home – A structure which:

- A. Is transportable in one (1) or more sections which, in the traveling mode is eight (8) body feet or more in width or forty (40) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- B. Is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403.
66. Manufactured Home Park – A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on a lease or rental basis, manufactured homes located therein permanently or semi-permanently.
67. Manufactured Home Space – That area of land within a manufactured home park set aside for use as a site for one (1) manufactured home, including the open spaces around said home as are required in this Zoning Regulation.
68. Manufactured Home, Double Wide – A manufactured or modular home which when assembled on the site has a width of not less than twenty-four (24) feet.
69. Manufactured Home, Single Wide – Any residential structure, assembled in total or in sections other than at the site of intended locations and transported to such site.
70. Manufactured Home Subdivisions – A subdivision developed for the purpose of selling individual lots on which manufactured homes or modular homes may be located.
71. Minimum Building Elevation – The elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this Ordinance was passed, plus one (1) foot to allow for encroachments permitted by the establishment of a floodway.
72. Mobile Home, Non-Conforming – A structure which:
- A. Is transportable in one (1) or more sections which, in traveling mode, is eight (8) body feet or more in width and thirty-six (36) body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- B. Is not subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403.
73. Modular Home – A structure which is:

- A. Transportable in one (1) or more sections; and
 - B. Not constructed on a permanent chassis; and
 - C. Designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and
 - D. Certified by its manufacturer as being constructed in accordance with a nationally recognized building code.
74. Natural Obstruction – Any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
75. Night Club – An establishment which includes, in addition to the serving of food and entertainment, the provision and sale of malt beverages to the public.
76. Obstruction – Artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel, rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
77. Parking Space – An area surfaced with concrete, bituminous, or similar permanent surface, for the purpose of storing one (1) parked automobile. For the purpose of this Zoning Regulation, a parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required, off-street, for access drives to each parking space.
78. Pasturage or Pasture – Shall be defined as land or a plot of land used for the grazing, feeding, and confinement of livestock.
79. Person – A person shall be understood in its broadest legal sense, including person, partnership, firm, company, corporation, or any other organized or unorganized group of persons acting together.
80. Planning Commission – The Holcomb-Garden City-Finney County Area Planning Commission.
81. Preschool – A nonresidential facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten and who are thirty (30) months of age or older; conducts sessions not exceeding three (3) hours per session; which does not enroll any child more than one (1) session per day; and which does not serve a meal.

82. Professional Office – Any building used by one (1) or more persons engaged in the practice of law, architecture, engineering, medicine, or in the business of real estate broker or insurance agent or broker.
83. Public Utility – Any business the purpose of which is to furnish to the general public:
- A. Telephone service
 - B. Telegraph service
 - C. Electricity
 - D. Natural gas
 - E. Water
 - F. Transportation of persons
 - G. Solid Waste Disposal
 - H. Wastewater Treatment Plant
 - I. Any other business so affecting the public interest as to be subject to the supervision or regulation by any agency of the State
 - J. Community closed circuit telecast
84. Recreational Vehicle Park – A tract of land containing sites for the overnight or short term parking of two (2) or more camping trailers. Camping trailers may be parked in a camp-ground or camper park provided such camp area is in conformance with the codes and Ordinances of the City of Holcomb.
85. Restaurant – A public eating establishment in which the primary function is the preparation and serving of food on the premises and whose sale of cereal malt beverages or alcoholic liquor accounts for less than fifty percent (50%) of its gross receipts in sales.
86. Residential Design Manufactured Home – A manufactured home on a permanent foundation which has a minimum dimension of twenty-two (22) feet in body width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes.
87. Right-Of-Way – A strip of land between property lines, dedicated to the public or private interests, which is intended for use as an alley, crosswalk, court, place, road, street, thoroughfare, or utility easement.
88. Rooming House – Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals.

89. Service Station – Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
90. Setback – The minimum horizontal distance between the property line and the building line.
- A. Front Yard – determined from the face of the building excluding steps, unenclosed porches, and eave overhang.
 - B. Rear Yard – determined from the face of the building excluding steps, unenclosed porches, and eave overhang.
 - C. Side Yard – shall be determined from the eave overhang.
91. Sidewalk – A hard surfaced walk way for pedestrians at the side of a street.
92. Sign – See Article 16.219, Section 2 of these Zoning Regulations for sign definitions.
93. Street – A right-of-way, dedicated for public use, which provides principle vehicular and pedestrian access to adjacent properties.
94. Street Classification –
- A. Arterial – A street which provides for through traffic movement between and around areas and across the City, which direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
 - B. Collector – A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
 - C. Local – A street which provides for direct access to abutting land, and for local traffic movement whether in business, industrial, or residential areas.
95. Street Line – A dividing line between a lot, tract, or parcel of land and the contiguous street.
96. Structure – Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location of the ground, but not including fences.
97. Structural Alterations – Any change in the supporting members of a building, such as, bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Zoning Regulation, the following shall not be considered structural alterations:

- A. Attachment of a new front where structural supports are not changed and do not encroach beyond building line.
 - B. Addition of fire escapes where structural supports are not changed.
 - C. New windows where lintels and support walls are not materially changed.
 - D. Minor repair or replacement of nonstructural members.
98. Tavern/Class A Club/Class B Club/Private Club/Night Club/Fraternal Lodge/Drinking Establishment/Lodge – Any establishment that meets at least one of the following:
- A. Any establishment whose primary function is the sale and on-site consumption of cereal malt beverages or alcoholic liquor.
 - B. Any establishment whose sale of cereal malt beverages or alcoholic liquor accounts for more than fifty percent (50%) of its gross receipts in sales.
 - C. A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, for the exclusive use of the corporate stockholders, partners, trust beneficiaries, associates, members, and their families and guests accompanying them.
 - D. A premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.
 - E. A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for consumption of food or any beverage and for entertainment.
99. Tower – Any ground or structure-mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet including supporting lines, cable, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
100. Tower, Multi-User – A tower to attached antennas of more than one commercial wireless telecommunications service provider or governmental entity.
101. Tower, Single-User – A tower with only a single-use attached antenna, although the tower may be designed to accommodate the antennas of multiple users as required by this Code. (Ord. # 2074, 10/27/98)
102. Townhouse – One (1) single-family townhouse residential unit which may be joined together with at least one (1) additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation. Provided, however, that in any

event, the term “townhouse” shall not mean a condominium as defined in K.S.A. 58-3102.

103. Tract – An area or parcel of land other than a lot of record described and recorded in the Office of the Register of Deeds of Finney County as a single parcel of land under individual ownership.
104. Trailer – Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term “Trailer” shall include recreational vehicles.
105. Trailer, Advertising – A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.
106. Trailer, Camping – A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath, and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this Zoning Regulation.
107. Trailer, Hauling – A trailer, as defined above, and designed and normally used for over-the-road transporting of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.
108. Vision Clearance Area – A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of one (1) foot in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets the vision clearance area is created by points forty (40) feet from the intersection of the property lines.
109. Watercourse – Any stream, arroyo, or drain-way having a channel that serves to give direction to a flow of water.
110. Yard – A space on the same lot with a main building; open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Regulation.
111. Yard, Front – A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line. For corner lots, this definition applies to both portions of a lot lying adjacent to the intersecting streets.

112. Yard, Rear – A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building.

113. Yard, Side – A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest part of the main building. (See Article 16.218, Supplemental Development Standards)

4. WORDS NOT DEFINED HEREIN. Words or terms not herein defined shall have their ordinary meaning in relation to the context, unless otherwise defined in the Building Code.

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ARTICLE 16.203

ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

SECTIONS:

1. Declaration of Purpose
2. Location on Map
3. Determining District Boundaries
4. District Requirements

1. DECLARATION OF PURPOSE. In order to accomplish the purposes of this Zoning Regulation, the City of Holcomb is hereby divided into districts (zones) in accordance with a Comprehensive Plan of the City as hereinafter set forth. The thirteen Zoning Districts of the City of Holcomb shall be known as:

“A”	AGRICULTURAL DISTRICT
“R-1”	SINGLE FAMILY RESIDENTIAL DISTRICT
“R-1A”	SINGLE FAMILY RESIDENTIAL DISTRICT
“R-2”	LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT
“R-3”	MULTIPLE FAMILY RESIDENTIAL DISTRICT
“MHP”	MOBILE HOME PARK DISTRICT
“P-F”	PUBLIC FACILITIES DISTRICT
“C-1”	NEIGHBORHOOD SHOPPING DISTRICT
“C-2”	GENERAL COMMERCIAL DISTRICT
“I-1”	LIGHT INDUSTRIAL DISTRICT
“I-2”	MEDIUM INDUSTRIAL DISTRICT
“I-3”	HEAVY INDUSTRIAL DISTRICT
“PUD”	PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

2. LOCATION ON MAP. The location and boundaries of the districts contained herein are shown on the zoning map entitled the “District Zoning Map of the City of Holcomb, Kansas.” All boundaries, notations, and other data shown thereon, are hereby adopted as part of this Zoning Regulation and is as much a part of these zoning regulations as if such notation, references, and other matters were specifically set forth herein. Said “District Zoning Map” is properly attested and is on file with the Clerk of the City of Holcomb, Kansas.

3. DETERMINING DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of various districts the following rules shall apply:

- A. Where the indicated boundaries on the Zoning Map are approximately street or alley lines, the center line of said street or alley shall be construed to be the district boundary.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the district boundary unless otherwise indicated.

- C. Where the indicated boundaries are approximately drainage ditches, water courses, or other clearly defined natural features, the center line of such shall be construed to be the district boundaries unless otherwise indicated.
- D. In the absence of any street, land survey, lot, ditch, water course, or other natural feature of measurement, the district boundary shall be determined by the use of the scale of measurement shown on the map.
- E. Where other uncertainty exists the Planning Commission shall interpret the locations of zone boundaries upon said District Zoning Map.

4. DISTRICT REQUIREMENTS. The following rules apply to all districts contained herein:

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located, except as provided herein.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area regulations of the district in which the building is located, except as provided herein.
- D. The minimum yards and other open spaces, including lot area per family, required by this Zoning Regulation for each and every building existing at the time of passage of this Zoning Regulation or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements as provided herein.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on a lot unless otherwise provided.

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ARTICLE 16.204

"A" AGRICULTURAL DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Lot Size Requirements
5. Parking Requirements
6. Sign Regulations
7. Supplemental Development Standards

1. PURPOSE AND INTENT. The "A", Agricultural District is established for the purpose of providing areas for the furtherance of agricultural pursuits. The intent of this district is to retain areas of land for agricultural uses exclusively.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the "A" District:

- A. All agricultural uses including farm dwellings and accessory buildings.
- B. Utility substations or pumping stations.
- C. Water and sewage treatment plants.
- D. Water Reservoirs.
- E. Telephone Exchanges.
- F. Public Parks and Recreation Areas.
- G. Cemeteries.
- H. Riding Stables.
- I. Churches.
- J. Dog Kennels.
- K. Fur bearing animal farms.
- L. Gas and Oil exploration and operations.
- M. Sand and Gravel Quarries.
- N. State approved solid waste disposal sites.

- O. Schools, public or private, primary, intermediate, and secondary.
- P. Public facilities operated by a public agency.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Commercial Feed Lots.

4. LOT SIZE REQUIREMENTS. Except as otherwise provided in Article 16.218 of this zoning regulation, all lots in the “A” District shall meet the following minimum standards:

	Lot Size	Front Yard	Side Yard	Rear Yard
Farming Activities	None	None	None	None
Other Permitted Uses	40,000 Sq Ft	50 feet	20 feet	50 feet

5. PARKING REQUIREMENTS.

- A. Farming Activities: none
- B. All uses shall conform to the requirements of Article 16.220.

6. SIGN REGULATIONS. See Article 16.219.

7. SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 16.218.

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OR MAPS. PLEASE CONTACT THE NEIGHBORHOOD & DEVELOPMENT SERVICES DEPARTMENT AT 620-276-1170 WITH ANY QUESTIONS.

ARTICLE 16.205

“R-1” SINGLE FAMILY DWELLING DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Zoning Use Permit
5. Lot Requirements
6. Lot Coverage
7. Height Regulations
8. Projections into Yards
9. Parking Requirements
10. Sign Regulations
11. Supplemental Development Standards

1. PURPOSE AND INTENT. The “R-1” Single Family Dwelling District is established for the purpose of single-family dwelling. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or to interfere with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to provide an environment conducive for family life in a district characterized by attractively landscaped lots and open spaces.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “R-1” District.

- A. Single Family Dwelling – Detached, including residential design manufactured homes compatible with the neighborhood.
- B. Vegetable and flower gardens, trees, shrubs and lawns, noncommercial orchards, and other landscaping as it relates to residential use.
- C. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 16.217.
- D. Group home for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.
- E. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 16.217. Basements and cellars may not be occupied for residential purposes until the building is completed.
- F. Off-Street parking as required by Article 16.220.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Licensed Day Care Homes or Child Care Centers licensed by the State.
- B. Golf courses, except miniature golf courses and driving tees.
- C. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
- D. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
- E. Metal construction private garages and metal construction accessory buildings over one hundred (100) square feet, complying with the requirements of the Building Code, as amended.
- F. Bed and Breakfast.
- G. Private Museum or Library.
- H. Non-Commercial towers exceeding thirty-five (35) feet in height above the ground including wind generation, television and radio for onsite residences.

4. ZONING USE PERMIT. A Zoning Use Permit is a request to allow a use which is generally compatible with a Zoning District provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a Zoning Use Permit by the Neighborhood & Development Services Director or her/his designee. The Director must find two (2) conditions exist in order to rule favorably on a Zoning Use Permit request. The burden of proof is with the applicant and the granting of the Zoning Use Permit is at the Directors discretion. The two (2) conditions are as follows: (a) The use will not cause an adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and (b) the use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Holcomb, County of Finney County (if applicable), the State of Kansas and the United States of America.

A Zoning Use Permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a Conditional Use Permit as outlined in the Zoning Regulations, including but not limited to the following:

- A. Home Occupations as explained in Article 16.222.
- B. Group Day Care Home.

- C. Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- D. Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- E. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- F. Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and provided that there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Police and Fire Stations.
 - (4) Water Towers.

5. LOT REQUIREMENTS. Except as otherwise provided in Article 16.218 of this Zoning Regulation, all lots in the “R-1” District shall meet the following minimum standards:

	Lot Size	Lot Depth	Lot Width	Front Yard	Side Yard	Rear Yard
Single Family Homes	7,500 Sq Ft	100 feet	60 feet	25 feet*	8 feet when abutting an alley, otherwise 5 feet	25 feet or 20% of Depth
Other Permitted Uses	12,000 Sq Ft					

* Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets.

6. LOT COVERAGE. The maximum lot coverage of impermeable surfaces shall not exceed fifty percent (50%). Not more than one (1) single family dwelling may be placed on a lot.

7. HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 16.218. Chimneys, flagpoles, church towers, and similar structures not used for human occupancy shall be excluded in determining height.

8. PROJECTIONS INTO YARDS.

- A. The following elements may project into or be erected into any required yard.
 - (1) Landscaping elements.
 - (2) Fences and walls in conformance with City Ordinances.

(3) Necessary elements for the delivery of Utility Services.

B. The following structures may project into a minimum front or rear yard no more than four (4) feet.

(1) Chimneys and fireplace structures provided they are not wider than ten (10) feet.

(2) Eaves, sills, cornices, and similar architectural features.

(3) Stairways, balconies, and awnings.

C. All side yard setbacks shall be measured from the building overhang and not the building wall.

9. PARKING REQUIREMENTS. Two (2) spaces shall be provided for each dwelling unit, which shall be located behind the front building line of each unit.

10. SIGN REGULATIONS. See Article 16.219.

11. SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 16.218.

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ARTICLE 16.206

“R-1A” SINGLE FAMILY DWELLING DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Zoning Use Permit
5. Lot Requirements
6. Lot Coverage
7. Height Regulations
8. Projections into Yards
9. Parking Requirements
10. Sign Regulations
11. Supplemental Development Standards

1. PURPOSE AND INTENT. The “R-1A”, Single Family Dwelling District is established for the purpose of single family dwelling control. This District takes into account areas which were platted into smaller lots during early years of City’s growth. It is intended that no uses be permitted in this District which will devalue property for residential purposes or to interfere with the health, safety, and order, or general welfare of persons residing in the District. Regulations are intended to provide an environment conducive for family life in a district characterized by attractively landscaped lots and open spaces.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “R-1A” District.

- A. Single Family Dwelling – Detached, including residential design manufactured homes compatible with the neighborhood.
- B. Vegetable and flower gardens, trees, shrubs and lawns, noncommercial orchards, and other landscaping as it relates to residential use.
- C. Customary accessory uses and structures located on the same lot with the principle use as explained in Article 16.217.
- D. Group home for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.
- E. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 16.217. Basements and cellars may not be occupied for residential purposes until the building is completed.
- F. Off-Street parking as required by Article 16.220.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Licensed Day Care Homes or Child Care Centers licensed by the State.
- B. Golf courses, except miniature golf courses and driving tees.
- C. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulation.
- D. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
- E. Metal construction private garages and metal construction accessory buildings over one hundred (100) square feet, complying with the requirements of the Building code, as amended.
- F. Bed and Breakfast.
- G. Private Museum or Library.
- H. Non-Commercial towers exceeding thirty-five (35) feet in height above the ground including wind generation, television and radio for onsite residences.

4. ZONING USE PERMIT. A Zoning Use Permit is a request to allow a use which is generally compatible with a Zoning District provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a Zoning Use Permit by the Neighborhood & Development Services Director or her/his designee. The Director must find two (2) conditions exist in order to rule favorably on a Zoning Use Permit request. The burden of proof is with the applicant and the granting of the Zoning Use Permit is at the Directors discretion. The two (2) conditions are as follows: (a) The use will not cause an adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and (b) the use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Holcomb, County of Finney County (if applicable), the State of Kansas and the United States of America.

A Zoning Use Permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a Conditional Use Permit as outlined in the Zoning Regulations, including but not limited to the following:

- A. Home Occupations as explained in Article 16.222.
- B. Group Day Care Home.

- C. Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- D. Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- E. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- F. Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Police and Fire Stations.
 - (4) Water Towers.

5. LOT REQUIREMENTS. Except as otherwise provided in Article 16.218 of this Zoning Regulation, all lots in the “R-1A” District shall meet the following minimum standards:

	Lot Size	Lot Depth	Lot Width	Front Yard	Side Yard	Rear Yard
Single Family Homes	6,000 Sq Ft	100 feet	60 feet	25 feet*	8 feet when abutting an alley, otherwise 5 feet**	25 feet or 20% of Depth
Other Permitted Uses	10,000 Sq Ft					

* Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets.

** Wherever a lot of record, existing at the time of the passage of this regulation, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.

6. LOT COVERAGE. The maximum lot coverage of impermeable surfaces shall not exceed fifty percent (50%). Not more than one single family dwelling may be placed on a lot.

7. HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 16.218.

8. PROJECTIONS INTO YARDS.

- A. The following elements may project into or be erected into any required yard.
- (1) Landscaping elements.
 - (2) Fences and walls in conformance with City Ordinances.
 - (3) Necessary elements for the delivery of Utility Services.
- B. The following structures may project into a minimum front or rear yard no more than four (4) feet.
- (1) Chimneys and fireplace structures provided they are not wider than ten (10) feet.
 - (2) Eaves, sills, cornices, and similar architectural features.
 - (3) Stairways, balconies, and awnings.
- C. All side yard setbacks shall be measured from the building overhang and not the building wall.

9. PARKING REQUIREMENTS. Two (2) space shall be provided for each dwelling unit, which shall be located behind the front building line of each unit.

10. SIGN REGULATIONS. See Article 16.219.

11. SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 16.218.

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ARTICLE 16.207

“R-2” LIMITED MULTIPLE FAMILY DWELLING DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Zoning Use Permit
5. Lot Size Requirements
6. Lot Coverage
7. Height Regulations
8. Projections into Yards
9. Parking Requirements
10. Sign Regulations
11. Supplemental Development Standards

1. PURPOSE AND INTENT. The “R-2”, Multiple Family Dwelling District is established for the purpose of allowing a higher density than in “R-1” and “R-1A” Districts. This District allows duplex, triplex, and four-plex uses as well as condominium and townhouse uses that do not exceed four units. The goal of this District is to provide a district suitable for family living in an area characterized by medium density residential uses. Said District should only be established in areas where street and utility systems are adequate to accommodate medium density development.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “R-2” District.

- A. Two Family Dwelling – Duplex.
- B. Three Family Dwelling – Triplex.
- C. Four Family Dwelling – Four-plex.
- D. Condominiums – Not to exceed four units.
- E. Townhouses – Not to exceed four units.
- F. Vegetable and flower gardens, trees, shrubs and lawns, noncommercial orchards, and other landscaping as it relates to residential use.
- G. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 16.217.
- H. Group Home for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.

- I. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 16.217. Basements and cellars may not be occupied for residential purposes until the building is completed.
- J. Off-Street parking as required by Article 16.220.
- K. The renting of not to exceed two (2) sleeping rooms with a total occupancy of not to exceed three (3) persons for whom board may be furnished, but with the prohibition of separated culinary accommodation for such tenants.
- L. Institutions of an educational, philanthropic, or eleemosynary nature; except penal institutions.
- M. Dormitories, fraternities and sororities.
- N. Hospital and medical clinics (for people only).

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Day Care Centers and Nursery Schools.
- B. Boarding and Lodging Houses.
- C. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
- D. Barber or beauty shops when located within a dwelling and operated by a member or members of the family residing in said dwelling, providing said use does not occupy more than twenty-five percent (25%) of the floor area of one floor in said dwelling.
- E. Golf courses, except miniature golf courses and driving tees.
- F. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
- G. Public and private parking on lots adjacent, contiguous, or across the alley from the property in question, providing said parking lot be paved to city specifications and shall not extend beyond two hundred (200) feet from the structure the parking lot is intended to serve.

4. ZONING USE PERMIT. A Zoning Use Permit is a request to allow a use which is generally compatible with a Zoning District provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a Zoning Use Permit by the Neighborhood & Development Services Director or her/his designee. The Director must find two (2) conditions exist in order to rule favorably on a Zoning Use Permit request. The burden of proof is with the applicant and the granting of the Zoning Use Permit is at the Directors discretion. The two (2) conditions are as follows: (a) The use will not cause an

adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and (b) The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Holcomb, County of Finney County (if applicable), the State of Kansas and the United States of America.

A Zoning Use Permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a Conditional Use Permit as outlined in the zoning regulations, including but not limited to the following:

- A. Home Occupations as explained in Article 16.222.
- B. Licensed Day Care Home.
- C. Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- D. Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- E. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- F. Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Police and Fire Stations.
 - (4) Water Towers.

5. LOT SIZE REQUIREMENTS. Except as otherwise provided in Article 16.218 of this Zoning Regulation all lots in the “R-2” District shall meet the following minimum standards:

	Lot Size*	Lot Depth	Lot Width	Front Yard	Side Yard	Rear Yard
Two Family Homes	2,500 Sq Ft per Family	100 feet	55 feet	25 feet**	8 feet when abutting an alley and for a building 3 or more stories high, otherwise 5 feet***	For a building 3 or more stories high 30 feet, otherwise 25 feet or 20% of Depth
Multi Family Homes	1,500 Sq ft per Family					

* Where a lot has less area than therein required and is a lot of record at the time of the passage of this regulation, that lot may be used only for non-dwelling uses permitted in this Article.

** Where platted lots have a double frontage or located at the intersection of two (2) streets, the required front yard shall be provided on both streets.

*** Wherever a lot of record, existing at the time of the passage of this regulation, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.

6. LOT COVERAGE. For limited multiple family dwellings, the maximum lot coverage of impermeable surfaces shall not exceed fifty percent (50%).

7. HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 16.218.

8. PROJECTIONS INTO YARDS.

A. The following elements may project into or be erected on any required yard.

- (1) Landscaping elements.
- (2) Fences and walls in conformance with City Ordinances.
- (3) Necessary elements for the delivery of Utility Services.

B. The following structures may project into a minimum front or rear yard not more than four (4) feet.

- (1) Chimneys and fireplace structures provided they are not wider than ten (10) feet.
- (2) Eaves, sills, cornices, and similar architectural features.
- (3) Door steps, stairways, balconies, awnings, and planter boxes.

C. All side yards shall be measured from the building overhang and not the building wall.

9. PARKING REQUIREMENTS. One and one-half (1½) spaces shall be provided for each dwelling unit containing one (1) bedroom, and two (2) spaces shall be provided for each dwelling unit containing two (2) or more bedrooms. All parking shall be located behind the front building line of each structure.

10. SIGN REGULATIONS. See Article 16.219.

11. SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 16.2.

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ARTICLE 16.208

“R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Zoning Use Permit
5. Lot Size Requirements
6. Lot Coverage
7. Height Regulations
8. Projections Into Yards
9. Parkin Requirements
10. Sign Regulations
11. Supplemental Development Standards

1. PURPOSE AND INTENT. The “R-3”, Multiple Family Residential District is established to provide a district suitable for family living in an area characterized by medium to high residential uses. This District allows all the uses permitted in the “R-2” District. Said District should only be established in areas where street and utility systems are adequate to accommodate high density development.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “R-3” District:

- A. Two Family Dwelling – Duplex.
- B. Three Family Dwelling – Triplex.
- C. Four Family Dwelling – Four-plex.
- D. Condominiums.
- E. Townhouses.
- F. Apartment Buildings.
- G. Vegetable and flower gardens, trees, shrubs and lawns, noncommercial orchards, and other landscaping as it relates to residential use.
- H. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 16.217.
- I. Group Home for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.

- J. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 16.217. Basements and cellars may not be occupied for residential purposes until the building is completed.
- K. Off-Street parking as required by Article 16.220.
- L. The renting of not to exceed two (2) sleeping rooms with a total occupancy of not to exceed three (3) persons for whom board may be furnished, but with the prohibition of separated culinary accommodation for such tenants.
- M. Institutions of an educational, philanthropic, or eleemosynary nature; except penal institutions.
- N. Dormitories, fraternities and sororities.
- O. Hospital and medical clinics (for people only).

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Licensed Day Care Centers and Nursery Schools.
- B. Boarding and Lodging Houses.
- C. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
- D. Barber or beauty shops when located within a dwelling and operated by a member or members of the family residing in said dwelling, providing said use does not occupy more than twenty-five percent (25%) of the floor area of one floor in said dwelling.
- E. Golf courses, except miniature golf courses and driving tees.
- F. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
- G. Public and private parking on lots adjacent, contiguous, or across the alley from the property in question, providing said parking lot be paved to city specifications and shall not extend beyond two hundred (200) feet from the structure the parking lot is intended to serve.

4. ZONING USE PERMIT. A Zoning Use Permit is a request to allow a use which is generally compatible with a Zoning District provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a Zoning Use Permit by the Neighborhood & Development Services Director or her/his designee. The Director must find two (2) conditions exist in order to rule favorably on a Zoning Use Permit request. The burden of proof is with the applicant and the granting of the Zoning Use Permit is at the Directors discretion. The two (2) conditions are as follows: (a) The use will not cause an

adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and (b) The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Holcomb, County of Finney County (if applicable), the State of Kansas and the United States of America.

A Zoning Use Permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a Conditional Use Permit as outlined in the zoning regulations, including but not limited to the following:

- A. Home Occupations as explained in Article 16.222.
- B. Group Day Care Home.
- C. Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- D. Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- E. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- F. Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Police and Fire Stations.
 - (4) Water Towers.

5. LOT SIZE REQUIREMENTS. Except as otherwise provided in Article 16.218 of this Zoning Regulation all lots in the “R-3” District shall meet the following minimum standards:

	Lot Size	Lot Depth	Lot Width	Front Yard	Side Yard	Rear Yard
Per Unit	2,500 Sq Ft per Family	100 feet	60 feet	25 feet*	8 feet when abutting an alley and for a building 3 or more stories high, otherwise 5 feet**	For a building 3 or more stories high 30 feet, otherwise 25 feet or 20% of Depth
Other Permitted Uses	10,000 Sq Ft					

* Where platted lots have a double frontage or located at the intersection of two (2) streets, the required front yard shall be provided on both streets.

** Wherever a lot of record, existing at the time of the passage of this regulation, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.

6. LOT COVERAGE. The maximum lot coverage of impermeable surfaces shall not exceed fifty percent (50%). Apartment dwellings may be allowed to exceed the fifty percent (50%) lot coverage, provided proper setbacks are maintained and provided parking areas conform to the provisions of Article 16.220.

7. HEIGHT REGULATIONS. No building shall exceed forty-five (45) feet in height, except as otherwise provided in Article 16.218.

8. PROJECTIONS INTO YARDS.

A. The following elements may project into or be erected on any required yard.

- (1) Landscaping elements.
- (2) Fences and walls in conformance with City Ordinances.
- (3) Necessary elements for the delivery of Utility Services.

B. The following structures may project into a minimum front or rear yard not more than four (4) feet.

- (1) Chimneys and fireplace structures provided they are not wider than ten (10) feet.
- (2) Eaves, sills, cornices, and similar architectural features.
- (3) Door steps, stairways, balconies, awnings, and planter boxes.

C. All side yards shall be measured from the building overhang and not the building wall.

9. PARKING REQUIREMENTS. One and one-half (1½) spaces shall be provided for each dwelling unit containing one (1) bedroom, and two (2) spaces shall be provided for each dwelling unit containing two (2) or more bedrooms. All parking shall be located behind the front building line of each structure.

10. SIGN REGULATIONS. See Article 16.219.

11. SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 16.218.

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ARTICLE 16.209

“MHP” MOBILE HOME PARK DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Site Plan Requirements
5. Development Standards For Manufactured Home Parks
6. Development Standards for Manufactured Home Lots
7. Non-Conforming Manufactured Home Parks

1. PURPOSE AND INTENT. The “MHP” Manufactured Home Park District is established for the purpose of providing residential environments within the City for the accommodation of Manufactured Homes within a Manufactured Home Park under one ownership, or one parcel designated as a Manufactured Home Park. Manufactured homes shall not be used for dwelling purposes, except in a Manufactured Home Park as authorized in these regulations. Manufactured Home Parks are prohibited in any district other than those authorized in these regulations.

As a prerequisite to the development of an MHP a detailed site plan shall be prepared. A Development Agreement between the Developer and the City shall spell out specifics as it relates to the project may also be required. In any District where a manufactured home is either a permitted or conditional use, the regulations and minimum standards shall apply as contained herein.

A manufactured home may be permitted by the City Administrator or his/her designated agent for purposes of temporary relief from a local disaster such as fire, wind, or flood damage, provided such manufactured home shall be removed as ordered by the City Administrator after the disaster.

The following definitions apply to this Article:

Manufactured Home – A factory built home or structure federally regulated by the HUD Code placed on a site upon a permanent foundation unless located in a Manufactured Home Park which may be placed according to manufacturer’s specifications.

Modular Home or Structure – A home or structure modular in nature and may be partially or completely fabricated off site designed and constructed to the currently adopted building code of the City or County placed on a site upon a permanent foundation, to be used for residential, commercial, educational or industrial purposes.

Mobile Home or Structure – A factory built home or structure built prior to June 15, 1976.

2. PERMITTED USES. The following uses and structures and no others are permitted in the Manufactured Home Park District:

- A. One (1) manufactured home per manufactured home lot.

- B. Manufactured homes located in an approved Manufactured Home Park (not transient trailer courts or recreational vehicle parks) used exclusively for single-family occupancy.
- C. Park Offices and attendant/manager residence.
- D. Recreation and service facilities (e.g. club house, storage rental units, swimming pool, laundromat, storm shelters, sanitary facilities, maintenance buildings, etc.) for the occupants of the park.
- E. Licensed Day Care Homes, Group Day Care Homes, Child Care Centers, schools, and Preschools.
- F. Accessory structures such as garages, carports, greenhouses, storage buildings and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.

3. CONDITIONAL USES. The following may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Transient trailers and RV's allowed with a minimum number of fifty (50) units all located within a centralized location on a site plan.

4. SITE PLAN REQUIREMENTS.

- A. Name and address of the owner.
- B. Location and legal description of the Manufactured Home Park.
- C. Topographic survey of the property with contour intervals of two (2) feet, natural features and existing utilities identified, both on site and off site (within one hundred (100) feet of the boundaries of the project).
- D. The area and dimensions of the tract of land proposed for the Manufactured Home Park.
- E. The number, location and dimensions of all manufactured home lots, including proposed setbacks of manufactured homes from the Park's exterior property lines and setbacks on individual lots; location of riser pipes and other utilities.
- F. The location and width of roadways and walkways.
- G. The number, location and size of all parking stalls and parking areas.
- H. Plans for emergency shelter facilities.
- I. Plans for the water supply, refuse and sewage disposal facilities (include appropriate State Agency Approvals, i.e. KDHE, etc.), electrical service and gas service.
- J. Plans for controlling surface drainage to be approved by the City Engineer.

- K. The location of recreation areas, storage areas, laundry areas, emergency shelter facilities, sanitation facilities, and other facilities and/or service buildings common to the Manufactured Home Park.
- L. The location and description of the lighting system.
- M. Plans for screening through the use of fencing, the use of landscape material (organic and inorganic) and other landscape structures and features. The design of the Park shall preserve natural features such as large trees, outcropping, etc., when feasible.
- N. Submit a copy of property/park covenants and park rules.
- O. Other information as provided herein and as may be requested by the Governing Body or the Planning Commission.
- P. A complete site plan shall be prepared by a State of Kansas licensed architect or engineer to be submitted for approval by the Neighborhood and Development Services Department, and/or Planning Commission.

5. DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.

- A. Community sewer or approved onsite sewage disposal and water systems are required, as are other urban services. For the development all private on site water and sewer systems will be reviewed and approved by and to KDHE and the Environmental Code of the City of Holcomb. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy state and local codes, regulations, and specifications. All utilities for the park will be in platted easements.
- B. Minimum Park Frontage: Three hundred (300) feet.
- C. Maximum Density of Units per Gross Acre: Seven (7).
- D. Minimum Number of Lots Completed and Ready for Occupancy Before First Occupancy is Permitted: Twenty (20) manufactured home lots.
- E. Setbacks Adjacent to Public Streets: Thirty (30) feet.
- F. Setbacks Adjacent to Private Streets within the Park: Fifteen (15) feet.
- G. Access: To be designed for safe and convenient movement of traffic into and out of the park, with minimization of marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances or exits. No manufactured home shall have direct access to a public street.
- H. Utilities: Landscaped utility easements may be provided along the rear or front of each manufactured home lot. Easements shall be no less than ten (10) feet in width. No permanent structures shall be located within utility easements, and permitted structures

shall be located so as not to impede the maintenance of underground facilities. Such utilities shall be underground. Streetlights shall be provided on all streets and may be overhead or low level, but must reflect onto the street.

- I. Streets and Drainage: Internal collector streets shall have a minimum pavement width of twenty-eight (28) feet back-to-back of gutter. All streets in a Manufactured Home Park shall be private and shall comply with applicable City pavement and drainage standards; an adequately engineered drainage plan is required. The City will adopt pavement standards for Manufactured Home Parks.
- J. Sidewalks shall be at least forty-eight (48) inches in width that lead from manufactured home spaces to service and recreational areas. Pedestrian walkways shall connect with walkways in surrounding recreational areas (picnic areas, playgrounds, ball fields).
- K. Recreation Facilities: Five (5) percent of gross land area shall be developed for recreational purposes (picnic areas, playgrounds, ball fields) and such percentage shall not include setbacks, buffers, utility easements or storage areas.
- L. Storage Areas: While not required, storage areas may be provided for travel trailers, campers and boats; such equipment shall be permitted only in such areas, and the use of such storage areas is limited to park residents. Such storage areas shall not be visible from streets or front setbacks and shall be buffered with a six (6) foot high, ten (10) foot wide planted area or a six (6) foot high structure in a five (5) foot wide planted area.
- M. Buffers and Required Setbacks: All required setbacks shall be landscaped. Where the boundary of a Manufactured Home Park abuts a public street, there shall be provided a six (6) foot wall constructed of wood, vinyl, block, brick, stone or approved concrete wall design in addition to a landscaped area on the street side of the wall. This area shall be planted with a mixture of grass (or other approved cover material), trees, and shrubs to provide an attractive landscaped appearance. Where the boundaries of a manufactured home park do not abut on a public street, there shall be constructed a decorative six (6) foot high wall or fence of suitable materials along these boundaries, except where these boundaries abut a public park or dedicated open space in which case, suitable screening shall be accomplished by appropriate landscaping. The interior of the Manufactured Home Park shall have adequate grass, trees, and shrubs to provide a dust-deterrent, shades, and park-like atmosphere.
- N. Signs: One non-animated or non-flashing identification sign shall be allowed in conformance with state and local codes, Ordinances, and specifications.
- O. Except as hereinafter provided, it shall be unlawful for any person to park, set up, and /or reside in any individually sited manufactured homes on any street, alley, highway or other public place, or on any land whether owned by the person their self or by others, within the City of Holcomb which is not property zoned for manufactured homes.

- P. No space shall be rented for residential use of a manufactured home in any park except for periods of thirty (30) days or more.
- Q. Storm Shelters: Further, each new Manufactured Home Park will provide a storm shelter for the park residents or a storm shelter for each individual lot. The storm shelter shall be constructed to accommodate the population of the park, which is established as three (3) persons per household/manufactured home space, times four (4) square feet per person. The facility shall have adequate fresh air change during occupancy and be accessible to the park residents during all storm notices involving the emergency siren notification system or the emergency broadcast notification system where the citizens are instructed to take shelter.
- R. Refuse Collection: Disposal systems may be used as approved by the Governing Body. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow. Larger containers with lids may be set in recreation areas or storage areas, and shall be properly screened from view.
- S. Management: Each Manufactured Home Park or non-conforming Mobile Home Park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated manufactured homes, or mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the manufactured homes shall be continually enforced by Manufactured Home Park owners. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the City. All portions of the Manufactured Home Park shall be open and accessible to fire, law enforcement, and other emergency and protective vehicles and personnel, including City, state inspectors and utility meter readers.

6. DEVELOPMENT STANDARDS FOR MANUFACTURED HOME LOTS - All home lots in Manufactured Home Parks shall conform to the following standards:

- A. Minimum Lot Size: Five thousand six hundred (5,600) square feet.
- B. Minimum Lot Width: Fifty (50) feet.
- C. There shall be no more than one (1) manufactured home per park space.
- D. Setbacks: Manufactured homes shall be so located on each space such that there shall be clearance between manufactured homes; provided, however, that manufactured homes parked end-to-end, the end-to-end clearance may not be less than ten (10) feet. No manufactured home shall be located closer than ten (10) feet to any building or manufactured home within the park. No manufactured home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30) feet or such other distance as may be established by regulation as a front yard or setback

requirement with respect to conventional buildings in the district in which the Manufactured Home Park is located. On private streets, a manufactured home may be placed no closer than fifteen (15) feet from the front property line. In cases where no utility easement exists along the rear line of two (2) adjoining lots situated end-to-end, the manufactured homes may be set to the rear property line so long as they maintain an offset distance of ten (10) feet from each other. There shall be a minimum side yard setback of five (5) feet.

- E. Off-Street Parking: There shall be provided at least two (2) off-street parking spaces to be located on the manufactured home space. There shall be no on street parking within the park except for moving trucks/vans, emergency vehicles or for temporary (15 minute) loading/unloading of vehicles. In addition, there shall be provided one and a half (1 ½) visitors' off-street parking spaces for every five (5) manufactured homes. Visitor parking spaces shall be located within convenient walking distances to home spaces. On street parking will need to be increased if visitor parking is eliminated.
- F. Concrete Slab: Each lot shall have one (1) concrete slab for carport, patio use, or other approved accessory structure of no less than ten (10) feet by twenty (20) feet. Such slab is not required until after the manufactured home is in place.
- G. Lot Identification: Each lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a sequence and consistent manner throughout the Manufactured Home Park as approved by the City. The lot number and address shall be displayed on the lot and be visible at all times from the street, minimum size of lettering shall be six (6) inch.
- H. Every manufactured home controlled by this regulation shall meet all installation requirements including but not limited to anchoring, foundation, tie-down and support requirements as per Kansas State law and/or Federal Law, or as required by local Building Code.
- I. Alterations, additions, foundations, tie-downs and anchorage of manufactured homes which are affected by provisions herein, within, without, or to a park and facilities, shall be made only after application to the Building Official in conformity with all local, state, and federal regulations.
- J. For new Manufactured Home Parks, the minimum number of lots required shall be twenty (20).
- K. The maximum lot coverage shall be forty percent (40%).
- L. A storm shelter shall be provided by the park owner.
- M. Every manufactured home within the park shall have skirting made of fire-resistant material and matching the primary structure; or there shall be screening (landscaping or fencing) around the entire park.

- N. All manufactured home parks shall be subject to annual inspections to confirm compliance with these regulations. (Manufactured homes and manufactured home parks are unlike single family or multi-family homes in Residential Districts due to their temporary nature and construction).

7. NONCONFORMING MANUFACTURED HOME PARKS.

- A. Existing Manufactured Home Parks shall be considered as nonconforming and shall be allowed to continue under the provisions as stated within this section. A Manufactured home may be replaced, however no nonconforming Mobile Home Park shall be expanded, enlarged, or extended or rearranged from its current condition in any way unless it is done in conformance of the standards of new Manufactured Home Parks. This will include a detailed site plan prepared by a licensed architect or engineer with the State of Kansas. No manufactured home may be installed in a space which has been vacant for one (1) year. If a nonconforming Mobile Home Park is discontinued the use of the land shall thereafter conform to a use permitted in the zone in which it is located.
- B. Nonconforming manufactured home parks as they exist may be permitted so long as minimum health and life safety codes permit and any manufactured home replaced must be 1986 model year or newer (or according to title or registration): Improvements that do not exceed \$25,000.00 or thirty percent (30%) of the value of the park, whichever is greater, may be made on an annual basis without a Conditional Use Permit. Manufactured homes of like size or meeting the following setback requirements shall be replaced: minimum side to side clearance between manufactured units is no less than ten (10) feet; Minimum end to end clearance between manufactured units is no less than ten (10) feet; Minimum clearance of manufactured unit to front property line shall be no less than ten (10) feet. However no manufactured home park shall be expanded enlarged or extended from its current condition in any way.
- C. Annual Inspection: All Nonconforming Manufactured Home Parks must undergo an annual audit by the Inspection Department to determine compliance.
- D. All other nonconforming issues as previously addressed and required must be adhered to.

All items listed above shall comply, where applicable, with all other rules and regulations governing any portion of the development of said Manufactured Home Park.

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ARTICLE 16.210

“P-F” PUBLIC FACILITIES DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Lot Size Requirements
5. Lot Requirements
6. Parking Requirements
7. Sign Regulations
8. Supplemental Development Standards

1. PURPOSE AND INTENT. The Public Facilities District is established for the purpose of providing areas for the location of public and quasi-public uses which utilize relatively large tracts of land. This district is intended to provide recognition of such areas upon the Official District Zoning Map of the City, and to reduce the impact of these facilities.

2. PERMITTED USES. Those uses or categories of uses as listed herein, and no others, are permitted in the P-F District:

- A. Community College.
- B. Recreational Activities (Public Only).
- C. Parks.
- D. Golf Courses.
- E. Fair Grounds.
- F. Cemeteries.
- G. Schools.
- H. Zoos.
- I. Governmental Services
- J. Public Libraries, Museums, or similar Public Buildings.
- K. Accessory Structures and Uses to the Above Listed Uses.

3. CONDITIONAL USES. The following uses and structures may be permitted in the P-F District only after they have been reviewed and approved as required by Article 16.225.

- A. Mining and Quarrying.
- B. Heliports.
- C. Private Parks (over five (5) acres).

4. LOT SIZE REQUIREMENTS. Any care taker dwelling established in conjunction with a permitted use shall have a land area of at least five thousand (5,000) square feet.

5. LOT REQUIREMENTS.

- A. Front Yard: Each lot shall have a twenty-five (25) foot setback, except those lots or parcels adjacent to Residential Districts along the same street frontage shall conform to the requirements of the Residential District.
- B. Side Yard: There shall be no requirements, except when the lot in the P-F District abuts the side or rear yard of a lot in a Residential District, in which case the side yard shall be a minimum of ten (10) feet. Corner lots and double frontage lots require front yard setbacks off all adjoining streets.
- C. Rear Yard: There shall be no requirements, except when the lot in the P-F District abuts the side or rear yard of a lot in a Residential District, in which case the rear yard shall be a minimum of twenty-five (25) feet.

6. PARKING REQUIREMENTS. See Article 16.220.

7. SIGN REGULATIONS. See Article 16.219.

8. SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 16.218.

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ARTICLE 16.211

“C-1” NEIGHBORHOOD SHOPPING DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Sales and Storage
5. Height Regulations
6. Lot Requirements
7. Parking Requirements
8. Sign Regulations
9. Supplemental Development Standards

1. PURPOSE AND INTENT. The Neighborhood Shopping District is established to provide an area in which convenience goods and services are provided to a group of neighborhoods.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “C-1” District:

- 1) Accessory uses to those listed above.
- 2) Apartments above ground floor level.
- 3) Bakery shops (retail only).
- 4) Banks and financial institutions.
- 5) Barber shops.
- 6) Beauty shops.
- 7) Candy and ice cream stores (except drive-ins).
- 8) Churches.
- 9) Cleaning and laundry pickup stations.
- 10) Convenience store.
- 11) Custom dressmaking, furrier, millinery, and tailor shops employing less than five persons on the premises at one time.
- 12) Drug stores.
- 13) Duplicating, stenographic, and office services.

- 14) Electric and telephone substations.
- 15) Employment services.
- 16) Fix-it shops (radio, television, and small appliances).
- 17) Flower and gift shops.
- 18) Food stores (grocery, meat, and delicatessen).
- 19) Hardware stores.
- 20) Hobby and craft shops.
- 21) Jewelry stores.
- 22) Key shops and locksmiths.
- 23) Laundry (self-service).
- 24) Libraries.
- 25) Medical and dental offices and clinics (for people only).
- 26) Messenger and telegraph stations.
- 27) Newsstands.
- 28) Offices for professional, commercial, industrial, religious, instructional, public, or semi-public purposes, providing no goods, wares, or merchandise shall be prepared for sale, stored, or sold on the premises
- 29) Parking lots (public or private).
- 30) Parks, playgrounds, and community buildings owned and operated by the City of Holcomb.
- 31) Photographers and/or artists.
- 32) Quick print shops.
- 33) Restaurants and tea rooms.
- 34) Retail stores.
- 35) Shoe repair and shoe shine shops.
- 36) Sporting goods stores.
- 37) Tailors.

38) Theatres (indoor only).

39) Travel agents.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

A. Micro-wave towers.

B. Radio towers.

C. Retail sales and storage of merchandise in excess of ten (10) feet of the front of the building.

D. Mobile Vender Operations

4. SALES AND STORAGE. All retail sales and storage of merchandise shall be conducted entirely within the building or buildings of each retail or business establishment or within ten (10) feet of the front of the building unless a Conditional Use Permit is issued.

5. HEIGHT REGULATIONS. No building shall exceed three (3) stories or forty (40) feet in height, except as otherwise provided in Article 16.218.

6. YARD REQUIREMENTS.

A. Front Yard: Each lot in the "C-1" District shall have a front yard of not less than thirty (30) feet unless otherwise provided in Article 16.220. Where platted lots have a double frontage or located at the intersection of two (2) streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.

B. Side Yard: No side yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10) foot side yard on the side of the lot which abuts the Residential District.

C. Rear Yard: A five (5) foot rear yard shall be required except where such use is adjacent to a Residential District, in which case there shall be a ten (10) foot rear yard setback.

7. PARKING REQUIREMENTS. See Article 16.220.

8. SIGN REGULATIONS. See Article 16.219

9. SUPPLEMENTAL DEVELOPMENT STANDARDS.

A. Buffer Strip: Whenever the "C-1" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least ten (10) feet wide and shall contain an approved permanent fence to serve as a screen between it and the residentially zoned property.

B. For other requirements see Article 16.218.

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ARTICLE 16.212

“C-2” GENERAL COMMERCIAL DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Zoning Use Permit
5. Lot Size Requirements
6. Height Regulations
7. Yard Requirements
8. Parking Requirements
9. Sign Regulations
10. Supplemental Development Standards

1. PURPOSE AND INTENT. The “C-2” General Commercial District is established for the purpose of providing a District primarily for the accommodation of commercial uses. This District will not be used to promote further development of commercial strip development along major streets.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “C-2” General Commercial District:

- 1) Amusement places.
- 2) Animal hospitals or clinics for small animals with runs and pens entirely within the building.
- 3) Antique shops and stores, providing all merchandise is enclosed in a building.
- 4) Apparel and accessory stores.
- 5) Armories.
- 6) Art and art supply stores.
- 7) Artist studios.
- 8) Auditorium and similar places of public assembly.
- 9) Automatic Car Wash.
- 10) Auto supply stores.
- 11) Automobile parking lots and storage garages (public and private).

- 12) Awning sales.
- 13) Bakeries.
- 14) Banks and other savings and lending institutions.
- 15) Barber and beauty shops.
- 16) Bicycle shops.
- 17) Books and stationary stores.
- 18) Bowling alleys and recreation buildings.
- 19) Business machine repair, sales, and services.
- 20) Candy and ice-cream stores.
- 21) Carpenter and cabinet shops employing five (5) or less persons.
- 22) Cigar and tobacco stores.
- 23) Clothing and costume rental.
- 24) Commercial recreation uses (including golf driving ranges and driving tees).
- 25) Custom dressmaking, furrier, millinery, and other tailor shops employing five or less persons.
- 26) Delicatessens and catering establishments.
- 27) Department stores.
- 28) Drug stores.
- 29) Dry cleaning and laundry establishments (non-industrial/commercial).
- 30) Dry goods and notion stores.
- 31) Electric and telephone substations.
- 32) Electric repair shops (household appliances).
- 33) Field crops, nurseries, tree crops, and truck gardens.
- 34) Fix-it shops (radio and TV repair).
- 35) Florist and gift shops.
- 36) Furniture and home furnishing stores.

- 37) Garages (public and private).
- 38) Golf courses (including miniature golf and driving tees).
- 39) Government administration buildings.
- 40) Grocery stores (including retail meat markets and produce stores).
- 41) Hardware stores.
- 42) Hobby, stamp, and coin shops
- 43) Hotels and motels.
- 44) Household appliance stores.
- 45) Interior decorator's shops.
- 46) Jewelry and metal craft stores.
- 47) Key shops and locksmiths.
- 48) Leather goods and luggage stores.
- 49) Libraries and museums.
- 50) Lock and key shops.
- 51) Mail order catalog stores.
- 52) Medical and dental offices and clinics.
- 53) Medical and orthopedic equipment stores.
- 54) Meeting halls and auditoriums.
- 55) Monument sales.
- 56) Music instrument sales and repair shops and music studios.
- 57) Newspaper offices.
- 58) Newsstands.
- 59) Nurseries.
- 60) Office supply and office equipment stores.
- 61) Offices and office buildings.

- 62) Optician and optometrist shops.
- 63) Package liquor stores.
- 64) Paint stores.
- 65) Parking lots and garages (commercial, public, and private).
- 66) Parks and recreation areas.
- 67) Pawn shops.
- 68) Pet shops.
- 69) Photographic equipment and supply stores and photographic studios.
- 70) Picture frame shops.
- 71) Post office and court buildings.
- 72) Prescription shops.
- 73) Printing and publishing houses (including newspapers) and printing supply stores.
- 74) Professional offices.
- 75) Public and parochial schools (elementary through high schools).
- 76) Radio and television studios.
- 77) Radio and television stores.
- 78) Railway, taxi, and bus passenger stations.
- 79) Restaurants and tea rooms (including drive-ins).
- 80) Self-service laundries.
- 81) Service stations.
- 82) Sewing machine stores.
- 83) Shoe repair and shoeshine shops.
- 84) Shoe stores.
- 85) Sporting and athletic goods stores.
- 86) Tailor shops employing five (5) or less persons.

- 87) Theaters (in-door only).
- 88) Tinsmith shops employing five (5) or less persons.
- 89) Toy stores.
- 90) Travel bureaus.
- 91) Undertaking establishments.
- 92) Used furniture, when entire stock is stored within the building.
- 93) Utility company offices.
- 94) Variety stores and shops.
- 95) Wallpaper stores and shops.
- 96) Watch repair shops.
- 97) Wholesale establishments.
- 98) Other uses, similar or accessory, customary incidental to the above uses.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Auto repair shops, but not including auto body and fender work or auto painting.
- B. Automobile sales and service.
- C. Business and technical schools and schools for photography, music, and dancing.
- D. Car rental establishments.
- E. Plumbing and heating shops employing five (5) or less persons.
- F. Private clubs, fraternities, sororities, and lodges.
- G. Rest homes.
- H. Sheet metal shops employing five (5) or less persons.
- I. Taverns.
- J. Tire repair shops.
- K. Used car lots.

4. ZONING USE PERMIT. A Zoning Use Permit is a request to allow a use which is generally compatible with a Zoning District provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a Zoning Use Permit by the Neighborhood & Development Services Director or her/his designee. The Director must find two (2) conditions exist in order to rule favorably on a Zoning Use Permit request. The burden of proof is with the applicant and the granting of the Zoning Use Permit is at the Directors discretion. The two (2) conditions are as follows: (a) The use will not cause an adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and (b) The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Holcomb, County of Finney County (if applicable), the State of Kansas and the United States of America.

A Zoning Use Permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a Conditional Use Permit as outlined in the zoning regulations, including but not limited to the following:

- A. Home Occupations as explained in Article 16.222.
- B. Licensed Day Care Home.
- C. Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- D. Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- E. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- F. Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Police and Fire Stations.
 - (4) Water Towers.

5. LOT SIZE REQUIREMENTS. There shall be no requirements for minimum lot size except as may be dictated by off-street parking and loading requirements, adequate circulation, and proper site utilization.

6. HEIGHT REGULATIONS. No building shall exceed five (5) stories or sixty (60) feet in height, except as otherwise provided in Article 16.218.

7. YARD REQUIREMENTS:

- A. Front Yard: Each lot in the “C-2” District shall have a front yard of not less than thirty (30) feet unless otherwise provided in Article 16.220.
- B. Side Yard: No side yard shall be required, except where such use is adjacent to a Residential District in which case there shall be a ten (10) foot side yard on the side of the lot which abuts the Residential District.
- C. Rear Yard: Ten (10) foot rear yard setback hard surfaced.

8. PARKING REQUIREMENTS. See Article 16.220.

9. SIGN REGULATIONS. See Article 16.219.

10. SUPPLEMENTAL DEVELOPMENT STANDARDS.

- A. Buffer Strip: Whenever the “C-2” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least ten (10) feet wide and shall contain an approved permanent fence to serve as a screen between it and the residentially zoned property.
- B. For other requirements see Article 16.218.3.

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ARTICLE 16.213

“I-1” LIGHT INDUSTRIAL DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Lot Coverage
5. Yard Requirements
6. Height Regulations
7. Parking Requirements
8. Sign Regulations
9. Supplemental Development Standards

1. PURPOSE AND INTENT. The “I-1” Light Industrial District is established to provide areas in the City in which light industrial or manufacturing firms can engage in processing, assembling, manufacturing, warehousing and storage, and for related incidental service facilities. The activities conducted in this district will create no obnoxious sounds, glare, dust, or odor.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “I-1” District.

- 1) Animal Hospitals or Clinics.
- 2) Automatic Car Wash.
- 3) Express storage and delivery services.
- 4) Bottling works.
- 5) Building material sales (except for ready-mix concrete and similar uses which emit dust, odor, or smoke).
- 6) Carpenter, cabinet, plumbing, or sheet metal shops.
- 7) Contractor’s office and equipment storage yards, providing the storage yard is completely enclosed with a six (6) foot fence or wall.
- 8) Convenience store.
- 9) Dog Kennels.
- 10) Dry Cleaning and/or laundry plants.
- 11) Frozen food lockers.

- 12) Greenhouses (retail and wholesale).
- 13) Light manufacturing operations – where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
- 14) Lumber Yards.
- 15) Machinery sales or storage lots.
- 16) Manufactured home sales and service.
- 17) Monument and burial vault sales.
- 18) Motor vehicle sales, automobile and truck.
- 19) Mobile home sales and services.
- 20) Moving company, storage and terminal.
- 21) Offices and office buildings.
- 22) Public utility and public service uses as follows:
 - (a.) Substations.
 - (b.) Railroads.
 - (c.) Telephone exchanges.
 - (d.) Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- 23) Service stations.
- 24) Storage rental units.
- 25) Truck and rail terminals.
- 26) Upholstery Shops.
- 27) Warehouses.
- 28) Wholesale merchandise sales and storage.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Micro-wave towers.
- B. Radio towers.
- C. Television towers.
- D. Telephone transmission buildings.

4. LOT COVERAGE. There shall be no requirements except as may be dictated by off-street parking and set back requirements. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as provided by the more restrictive requirements of this Zoning Regulation.

5. YARD REQUIREMENTS.

- A. Front Yard: Each lot in the “I-1” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 16.220.
- B. Side Yard: No side yard shall be required for uses permitted in this district except where such use abuts a Residential District, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the Residential District.
- C. Rear Yard: No rear yard shall be required for uses in this district except where the district abuts a Residential District, in which case there shall be a twenty (20) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10) feet.

6. HEIGHT REGULATIONS.

- A. Maximum height for structures shall be seventy-five (75) feet.
- B. When a building or structure is within one hundred fifty (150) feet of a Residential District zone, said building or structure shall not exceed forty-five (45) feet in height.

7. PARKING REQUIREMENTS. See Article 16.220.

8. SIGN REGULATIONS. See Article 16.219.

9. SUPPLEMENTAL DEVELOPMENT STANDARDS.

- A. Buffer Strip: Whenever the “I-1” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least ten (10) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned properties.
- B. For additional requirements see Article 16.218.

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ARTICLE 16.214

“I-2” MEDIUM INDUSTRIAL DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Lot Coverage
5. Yard Requirements
6. Height Regulations
7. Parking Regulations
8. Sign Regulations
9. Supplemental Development Standards

1. PURPOSE AND INTENT. The Medium Industrial District (I-2) is established to provide areas in the City where Medium Industrial manufacturing and other firms can engage in processing, manufacturing and related activities protected from the encroachment of commercial and residential uses. Uses occurring in this District will create moderate obnoxious sounds, glare, dust or odor.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “I-2” District.

- 1) Animal hospitals or clinics.
- 2) Automatic car wash.
- 3) Auto repair and painting.
- 4) Body shops.
- 5) Bottling works.
- 6) Building material sales (except for ready-mix concrete and similar uses which emit dust, odor, or smoke).
- 7) Carpenter, cabinet, plumbing, or sheet metal shops.
- 8) Contractor’s office and equipment storage yards, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
- 9) Convenience store.
- 10) Dog kennels.
- 11) Dry cleaning and/or laundry plants.

- 12) Express storage and delivery services.
- 13) Feed mill.
- 14) Feed store.
- 15) Foundry and light casting (light casting and foundry products of which the heaviest casting shall not weigh more than fifty (50) pounds.
- 16) Frozen food lockers.
- 17) Greenhouses (retail and wholesale).
- 18) Light manufacturing operations – where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
- 19) Lumber yards.
- 20) Machine shop.
- 21) Machinery sales or storage lots.
- 22) Manufactured Home sales and service.
- 23) Monument sales.
- 24) Motels and hotels.
- 25) Motor vehicle sales, automobile and truck.
- 26) Printing shops.
- 27) Public buildings.
- 28) Public utility and public service uses as follows:
 - (a.) Substations.
 - (b.) Railroads.
 - (c.) Telephone exchanges.
 - (d.) Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- 29) Storage rental units.

- 30) Restaurants.
- 31) Service stations.
- 32) Truck and rail terminals.
- 33) Upholstery shops.
- 34) Warehouses.
- 35) Wholesale merchandise sales and storage.
- 36) Other uses, similar or accessory, customary incidental to the above uses.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

- A. Micro-wave towers.
- B. Radio towers.
- C. Television towers.
- D. Telephone transmission buildings.
- E. Electric power plants.

4. LOT COVERAGE. There shall be no requirements except as may be dictated by off-street parking and set back requirements. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as provided by the more restrictive requirements of this Zoning Regulation.

5. YARD REQUIREMENTS.

- A. **Front Yard:** Each lot in the “I-2” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 16.220.
- B. **Side Yard:** No side yard shall be required for uses permitted in this district except where such use abuts a Residential District, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the Residential District.
- C. **Rear Yard:** No rear yard shall be required for uses in this district except where the district abuts a Residential District, in which case there shall be a twenty (20) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10) feet.

6. HEIGHT REGULATIONS.

- A. Maximum height for structures shall be seventy-five (75) feet.

- B. When a building or structure is within one hundred fifty (150) feet of a Residential District zone, said building or structure shall not exceed forty-five (45) feet in height.

7. PARKING REQUIREMENTS. See Article 16.220.

8. SIGN REGULATIONS. See Article 16.219.

9. SUPPLEMENTAL DEVELOPMENT STANDARDS.

- A. Buffer Strip: Whenever the “I-2” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least ten (10) feet wide and shall contain an approved permanent fence to serve as a screen between it and the residentially zoned property.
- B. For additional requirements see Article 16.218

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ARTICLE 16.215

“I-3” HEAVY INDUSTRIAL DISTRICT

SECTIONS:

1. Purpose and Intent
2. Permitted Uses
3. Conditional Uses
4. Lot Coverage
5. Yard Requirements
6. Height Regulations
7. Parking Requirements
8. Sign Regulations
9. Supplemental Development Standards

1. PURPOSE AND INTENT. The “I-3” Heavy Industrial District is established to provide areas in the City where Heavy Industrial manufacturing and other firms can engage in processing, manufacturing and related activities protected from the encroachment of commercial and residential uses. Uses occurring in this District will create moderate obnoxious sounds, glare, dust or odor. Certain extremely obnoxious or hazardous uses will require special permission to locate in this District.

2. PERMITTED USES. The following uses and structures, and no others, are permitted in the “I-3” District.

- 1) Animal hospitals or clinics.
- 2) Automatic car wash.
- 3) Auto repair and painting.
- 4) Body shops.
- 5) Bottling works.
- 6) Building materials and storage.
- 7) Carpenter, cabinet, plumbing, and sheet metal shops.
- 8) Contractor offices and equipment storage yards.
- 9) Dog kennels.
- 10) Dry cleaning and laundry plants.
- 11) Express storage and delivery services.

- 12) Feed mill.
- 13) Feed and seed stores.
- 14) Foundry and light casting.
- 15) Frozen food lockers.
- 16) Grain elevators.
- 17) Greenhouses, wholesale.
- 18) Light manufacturing.
- 19) Lumber yards.
- 20) Machine shop.
- 21) Machinery sales and storage lots.
- 22) Manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
- 23) Manufactured home sales and service.
- 24) Monument sales.
- 25) Motor vehicle sales and storage.
- 26) Public utility and public service uses as follows:
 - (a.) Substations.
 - (b.) Railroads.
 - (c.) Telephone exchanges.
 - (d.) Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- 27) Printing shops.
- 28) Radiator repair shops.
- 29) Storage rental units.
- 30) Truck and rail terminals.
- 31) Upholstery shops.

32) Warehouses.

33) Wholesale houses.

3. CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 16.225.

A. Auto wrecking yards, junk yards, and scrap processing yards subject to the following:

- (1) Located on a tract of land at least three hundred (300) feet from a Residential District zone.
- (2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid noncombustible fence or wall. The fence or wall shall be of uniform height (at least eight (8) feet high), uniform texture and color and shall be so maintained, by the proprietor, as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
- (3) No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence, or wall, or within the public right-of-way.
- (4) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department and Governing Body. Said burning, when permitted, shall be done during daylight hours only.

B. Manufacturing or storage of bulk oil, gas, and explosives.

- (1) Petroleum refining.

C. Micro-wave towers, radio towers, television towers

D. Electric power plants, telephone transmission buildings.

E. Ready-mix concrete and asphalt mix plants.

F. Stock yard and slaughter houses.

G. Poultry storage or slaughtering.

H. Other uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, noise, or vibration.

4. LOT COVERAGE. There shall be no requirements except for the area required for off-street parking, off-street loading and unloading, and the access roads. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then

the building or structure may cover the entire lot, except as otherwise required by this Zoning Regulation.

5. YARD REQUIREMENTS.

- A. Front Yard: Each lot in the “I-3” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 16.220.
- B. Side Yard: No side yard shall be required for uses permitted in this district except where such use abuts a Residential District, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the Residential District.
- C. Rear Yard: No rear yard shall be required for uses in this district except where the district abuts a Residential District, in which case there shall be a twenty (20) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10) feet.

6. HEIGHT REGULATIONS.

- A. Maximum height for structures shall be seventy-five (75) feet.
- B. When a building or structure is within one hundred fifty (150) feet of a Residential District zone, said building or structure shall not exceed forty-five (45) feet in height.

7. PARKING REQUIREMENTS. See Article 16.220.

8. SIGN REGULATIONS. See Article 16.219.

9. SUPPLEMENTAL DEVELOPMENT STANDARDS.

- A. Buffer Strip: Whenever the “I-3” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least ten (10) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned properties.
- B. For additional requirements see Article 16.218.

ARTICLE 16.216

“PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SECTIONS:

1. Purpose
2. Use in Combination
3. Development Standards
4. Preliminary Development Plan
5. Public Hearing Requirements
6. Final Plan Approval
7. Processing of Applications
8. Disapproval
9. Filing and Recording
10. Permit Issued
11. Amendments
12. Extension or Reversion

1. PURPOSE. The purpose of the Planned Unit Development designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units.

2. USE IN COMBINATION. The Planned Unit Development designation may be used in combination with existing conventional residential zones and the “C-1” and “C-2” zones as designated herein, and the provisions of the Planned Unit Development designation shall supplement or supersede the provisions of the district regulations. The Planned Unit Development designation shall not be applied to a land area as an independent district. When shown on the District Zoning Map, the letters PUD shall become a suffix to the district classification. For example, a Planned Unit Development “PUD” in an “R-1” Single Family district would be shown on the District Zoning Map as “R-1 PUD”.

3. DEVELOPMENTS STANDARDS.

- A. A Planned Unit Development established under the provisions of this Article shall be reviewed by the Planning Commission.
- B. The total number of dwelling units permitted in a Planned Unit Development shall be determined by dividing the net development area by the minimum lot area requirement of the district in which the development is proposed to be located, minus the land used for commercial purposes.
- C. The area of land set aside for common open space or recreational use shall be included in the net development area. Where an area of fifty (50) acres or more is being developed with the intent of mixed Residential Districts (R-1/R-2/R-3), a maximum of fifty percent (50%) of the dwellings may be multiple family dwellings.

- D. The minimum lot area of single-family dwelling lots established within the development shall not be less than one thousand five hundred (1500) square feet. The minimum lot width and depth of such lots shall not be less than thirty by fifty (30x50) feet.

4. PRELIMINARY DEVELOPMENT PLAN.

- A. All preliminary development plans shall be submitted to the Secretary of the Planning Commission at least twenty (20) days prior to the Planning Commission meeting.
- B. All applications for a Planned Unit Development District shall be accompanied by a preliminary plan and three (3) paper copies and one (1) electronic copy of the proposed development showing:
- (1) The area to be included in said development and abutting property lying within three hundred (300) feet drawn to a scale of not less than two hundred (200) feet to the inch;
 - (2) North point, scale, and date of preparation;
 - (3) Name of proposed development (to coincide with name of consequent subdivision plat);
 - (4) A legal description of the property;
 - (5) Names and addresses of the developer, surveyor, landscape architect, architect, engineer, or any other persons involved in the development;
 - (6) Existing conditions in the plan area showing sewers, water mains, gas mains, bridges, streets, alleys or drives, and existing structures;
 - (7) Existing grade and contour (and proposed grade and contour) with contour intervals of not more than five (5) feet (referred to U.S.G.S. datum); also existing water courses, wooded areas, lades, ravines, and such other features as may be pertinent;
 - (8) The location of proposed buildings, streets, parking facilities, signs, landscaped buffer strips, fences, or screens, and other open places or facilities which may be applicable to the nature of the development;
 - (9) All buildings and uses shall be clearly labeled as to proposed use.

5. PUBLIC HEARING REQUIREMENTS. Not less than twenty (20) days notice of any such proposed Planned Unit Development shall be published in the official newspaper. After such notice, a hearing shall be granted to any person interested at a time and place specified in said notice. The Planning Commission shall approve or disapprove the preliminary plan according to requirements established in this Article, but may impose additional requirements deemed reasonable and necessary. If approved, the applicant shall then revise the preliminary sketch plan

to meet the requirements established by the Planning Commission and submit the final Planned Unit Development Plan.

6. FINAL PLAN APPROVAL. Following approval of the preliminary Planned Unit Development Plan, the applicant shall plat the land according to the Subdivision Regulations, however, the approved preliminary plan shall be considered to be the approved preliminary subdivision plat. Therefore, the platting process shall commence with the submission of a final subdivision plat.

- A. The final Planned Unit Development plan and three (3) paper copies and one (1) electronic copy thereof shall be submitted concurrently with the filing of the final subdivision plat so that both may be considered simultaneously by the Planning Commission. Submittal of the final development plan and plat shall be made to the Secretary of the Planning Commission ten (10) days prior to the Planning Commission Meeting.
- B. The final Planned Unit Development plan shall be the approved preliminary Planned Unit Development plan prepared on Mylar or similar material providing space for the date and signatures of the following, certifying approval;
 - (1) Owners and developers of subject property;
 - (2) Chairman and Secretary of the Area Planning Commission;
 - (3) The Mayor and City Clerk.

7. PROCESSING OF APPLICATIONS.

- (1) Health Department.
- (2) Fire Department.
- (3) Building Inspector.
- (4) Water Department.
- (5) All Public Utilities.
- (6) Engineering Department.
- (7) School Board.

- A. The preceding agencies shall be given seven (7) days following their receipt of the application to submit a report to the Planning Commission. If said report has not been returned to the Planning Commission within seven (7) days, it shall be considered as an affirmative report.
- B. The proposed development shall be designed to produce an environment of a stable and desirable character not out of harmony with its surrounding

neighborhood, and shall not conflict with the Comprehensive Plan or any parts thereof.

- C. Dwelling units may be relieved of district Zoning Regulations concerning yard size, setback, height, bulk, and other plot requirements where such requirements interfere with the overall development. However, the buildings at the perimeter of such development must maintain the requirements as established for the district.
- D. Off-street parking shall be in accordance with Article 16.220.
- E. Signs shall be in accordance with Article 16.219.
- F. Before final approval of a Planned Unit Development Plan, the Governing Body shall require a Development Agreement with safeguards guaranteeing completion of the development in a period to be specified by the Governing Body.

8. DISAPPROVAL. If in the event the proposed Planned Unit Development is disapproved by the Planning Commission, the applicant shall be notified and presented a written report setting forth the Planning Commission's reasons.

9. FILING AND RECORDING. The signed and recorded Planned Unit Development linen shall be made part of the permanent file of the Neighborhood and Development Services Director and the District Zoning Maps shall be corrected to show the attachment of Planned Unit Development.

10. PERMIT ISSUED. Subsequent to the filing and recording of the final Planned Unit Development plan and subdivision plat, the Planning Commission shall notify the Neighborhood and Development Services Director in writing to issue a zoning permit letter for a Planned Unit Development.

11. AMENDMENTS. A Building Permit shall not be issued for any building within a Planned Unit Development which does not conform to the development plan as approved and recorded.

12. EXTENSION OR REVERSION. If due cause for extension of time is not shown, the Planning Commission shall commence action to revert any zoning established in connection with a Planned Unit Development to its zoning classification prior to such amendment.

ARTICLE 16.217

ACCESSORY, TEMPORARY AND NONCONFORMING USES

SECTIONS:

1. Accessory Uses - Definition
2. Accessory Uses Permitted
3. Accessory Use Restrictions
4. Temporary Uses - Purpose
5. Temporary Uses Permitted
6. Temporary Uses - Prior Approval Required
7. Nonconforming Uses - Definition
8. Nonconforming Uses Permitted to Continue
9. Nonconforming Uses to be Discontinued
10. Maintenance and Repair

1. ACCESSORY USES - DEFINITION. An accessory use is a use or structure which is incidental and subordinate to the principle structure or use on a lot or group of lots. Accessory uses are subordinate in area, bulk, height, and purpose and are intended for the convenience or necessity of the occupants, business, or industry in the principal building or use.

2. ACCESSORY USES PERMITTED. Accessory uses and structures may be permitted in any Zoning District provided such uses or structures conform to the definition in Section 16.217.1. Permitted accessory uses and structures include but are not limited to the following:

- A. Buildings such as garages, carports, bath houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.
- B. Children's playhouses provided they shall be in keeping with the principle structure.
- C. Swimming pools.
- D. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.
- E. Barbecue stoves, flagpoles, fences, walls, trellises, statuary, arbors, gazebos, and green houses.
- F. Fallout shelters provided that they shall not be used for any other purpose.
- G. Storage of boat trailers, boats, campers, camp trailers, and similar recreation equipment provided no part of such storage area is located in the front yard setback within Residential Districts.

- H. Off-street parking and loading in conformance with Article 16.220.
- I. Satellite TV reception dish located in rear yards only.
- J. In R-1 and R-1A Districts: Mother-in-Law/Guest Houses to be detached and subordinate in area and height to the main house.
- K. Uses incidental to permitted hotels or motels such as clubs, gift shops, restaurants, etc.

3. ACCESSORY USE RESTRICTIONS. The following is a list of restrictions on accessory uses and structures:

- A. In Residential Zoning Districts there shall be no storage or overnight parking of trucks, buses, or other vehicles as specified in Article 16.218.
- B. No accessory structure shall be constructed within the front yard setback.
- C. In Residential Zoning Districts, no accessory building shall be constructed upon a lot until the construction of the main building is substantially completed.
- D. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
- E. Vision clearance areas shall be free of obstructions.

4. TEMPORARY USES - PURPOSE. Temporary use regulations are provided to accommodate uses or structures which are temporary in nature. The character of these uses is such that they would not be proper conditions imposed to protect adjacent properties and the general health, safety, and welfare of the citizens of Holcomb.

5. TEMPORARY USES PERMITTED. The following land uses and structures are permitted unless otherwise restricted by the district regulations on a temporary basis as follows:

- A. Residential Districts: rummage sales, contractor offices, equipment and sheds, real estate offices.
- B. Public Facilities District: carnivals, circuses, and political rallies.
- C. All other Districts: carnivals, circuses, Christmas tree lots, flower stands, rummage sales, promotional displays, contractors office and equipment sheds, real estate offices, trailers or vehicles for temporary sales, political rallies, and temporary signs.

6. TEMPORARY USES - PRIOR APPROVAL REQUIRED. Prior to the establishment of any of the above uses, or similar temporary uses, a temporary use permit must be obtained from the Neighborhood and Development Services Director. In issuing said permit, the Neighborhood and Development Services Director shall consider the following:

- A. That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.

- B. That the requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
- C. That the applicant shall show a Certificate of Liability Insurance.
- D. That the applicant shall provide, at their own expense, for the restoration of the site of said use to its original condition, including such clean up, washing, and replacement of facilities as may be necessary.
- E. Contractors' offices, real estate offices, or other promotional offices shall not contain sleeping accommodations.
- F. Time limits on temporary uses:
 - (1) Christmas tree lots shall be used for a period not to exceed 45 days.
 - (2) Contractor's office equipment is permitted for the duration of construction.
 - (3) Real estate offices incidental to new housing developments shall continue only until ninety percent (90%) of the housing units are sold.
 - (4) Campaign headquarters are permitted for the duration of a campaign.
 - (5) All other uses shall occupy a site for a period not to exceed ten (10) days.

7. NONCONFORMING USES - DEFINITION. Any building or land lawfully occupied by a use, at the time of the effective date of this Zoning Regulation or amendments hereto, which does not conform to the regulations of the district in which it is situated.

8. NONCONFORMING USES PERMITTED TO CONTINUE Nonconforming uses as defined herein may be permitted to continue, provided that no structural alterations except those required by law or Ordinance are made therein, the nonconforming use is not discontinued or abandoned for a period of one (1) year, and was:

- A. Legally established at the time of the adoption of Zoning Regulations by the City;
- B. Legally established at the time of annexation of a particular area of the corporate limits of the City;
- C. Legally established at the time an amendment was made to the Zoning Regulations so as to transfer the land to a more restricted district; or
- D. Legally established at the time of adoption of the current Zoning Regulations, and amendments thereto.

9. NONCONFORMING USES TO BE DISCONTINUED. No building which has been damaged by any casualty, act of God, or public enemy, to the extent of more than fifty percent (50%) of the fair market value, shall be restored, except in conformity with all Zoning and City Regulations. Should there be a question as to the structural value, the same shall be determined by three (3)

appraisers, one of whom shall be selected by the Governing Body, one by the owner and a third by the two so appointed and the decision of the appraisers or a majority of them shall be final and conclusive and binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

10. MAINTENANCE AND REPAIR.

- A. Routine maintenance and repair may be permitted unless the property is deemed or declared to be unsafe by the Building Official. Such repairs shall not be construed to mean major remodeling, restoration or replacement. Such repairs will not usually extend the life of the structure and will not exceed \$2,500 or 10% of the total appraised value by the Finney County Appraiser whichever is greater, nor increase the degree of nonconformance.
- B. Remodeling may be permitted for residential structures by the Neighborhood and Development Services Director or his/her designee as long as it does not increase the degree of nonconformance; and/or conforms to all applicable City Codes and Regulations. Remodeling may be permitted for commercial and industrial uses by Conditional Use Permit only after authorized by the Board of Zoning Appeals in accordance with Article 16.224.3.C.

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ARTICLE 16.218

SUPPLEMENTAL DEVELOPMENT STANDARDS

SECTIONS:

1. Purpose
2. Establishment of Uses Not Specified
3. Clarification of Ambiguity
4. Location of Boats, Boat Trailers, Campers, and Travel Trailers
5. Abandoned, Wrecked, or Junked Vehicles
6. Storage of Commercial Vehicles - Residential Districts
7. Swimming Pools
8. Additional Height Requirements
9. Temporary and Accessory Uses
10. Fence Regulations
11. Prior Recorded Plats
12. Vision Clearance Area
13. Fuel Pumps and Fuel Pump Canopies

1. PURPOSE. The purpose of this Article is to provide for the several miscellaneous development standards which will qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning regulation. The requirements of this Article shall be in addition to the development standards contained within the provisions of the district regulations. The provisions of this article shall prevail over conflicting provisions of any other Articles.

2. ESTABLISHMENT OF USES NOT SPECIFIED. When a use is not specifically contained in the list of permitted uses in any commercial or industrial district, but is of the same character as other uses listed in these districts, the Neighborhood and Development Services Director may allow the establishment of that use, upon request, if the following findings are made:

- A. That the establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
- B. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
- C. That the use will not be detrimental to the public health, safety, or welfare.
- D. That the use shall not adversely affect the character of that district in which it is proposed to be established.
- E. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that district.
- F. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

The Neighborhood & Development Services Director shall prepare an amendment to this Zoning Regulation which is to be added to the list of permitted uses in the respective district said use was allowed.

3. CLARIFICATION OF AMBIGUITY. If ambiguity or uncertainty arises concerning the appropriate classification of a particular use within the meaning and intent of the Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

4. LOCATION OF BOATS, BOAT TRAILERS, CAMPER, AND TRAVEL TRAILERS. Boats, boat trailers, campers, or travel trailers shall not be placed, kept, stored, or maintained within the front yard areas of any Residential Districts. Boats and such recreational equipment shall not be located within the clear vision zone of any corner lot. The front yard area may be used for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona-fide guest of the occupants of the premises.

5. ABANDONED, WRECKED, OR JUNKED VEHICLES. It shall be unlawful, without prior authorization of the Governing Body, to park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is inoperable, upon any private property within the city limits of Holcomb unless the same is completely enclosed within a building or unless it is in connection with a business enterprise properly operated in the appropriate business zone. For additional requirements and removal procedure, see Article 8-301 of the City Code of Ordinances.

6. STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL DISTRICTS. No truck, motor vehicle, or commercial trailer which has a weight of sixteen thousand (16,000) pounds or greater, or is greater than any of the following dimensions of eight (8) feet wide, eight (8) feet high, or twenty (20) feet long, shall be stored or parked on any lot or parcel within any residential zone; nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone.

7. SWIMMING POOLS. Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all property lines and shall be completely surrounded by a fence or wall having a height of at least six (6) feet. There shall be no opening larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices.

8. ADDITIONAL HEIGHT REQUIREMENTS.

- A. 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.
- B. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, wireless towers, or necessary mechanical

appurtenances, may be erected to a height in accordance with existing or hereafter adopted regulations by the Governing Body.

9. TEMPORARY AND ACCESSORY USES.

A. Accessory Buildings - Refer to Figure 16.218(1) – Accessory Buildings.

- (1) Accessory buildings which are equal to or less than one-hundred-eighty (180) square feet may be built in a yard adjacent to the side and rear property lines.
- (2) Accessory buildings in excess of one-hundred-eighty (180) square feet shall not be closer than four (4) feet to any adjacent private property line, except when a carport or garage is entered perpendicularly from an alley it shall not be located closer than twenty (20) feet from an alley line. However, carports and garages may be located four (4) feet from the alley line when a thirty (30) foot long driveway approach is provided, in which case, the approach shall be measured linearly or curvilinearly on the centerline of the drive way between the driveway entrance at the alley and the main entrance to the carport or garage.
- (3) Accessory buildings shall not be closer than ten (10) feet to the main structure.

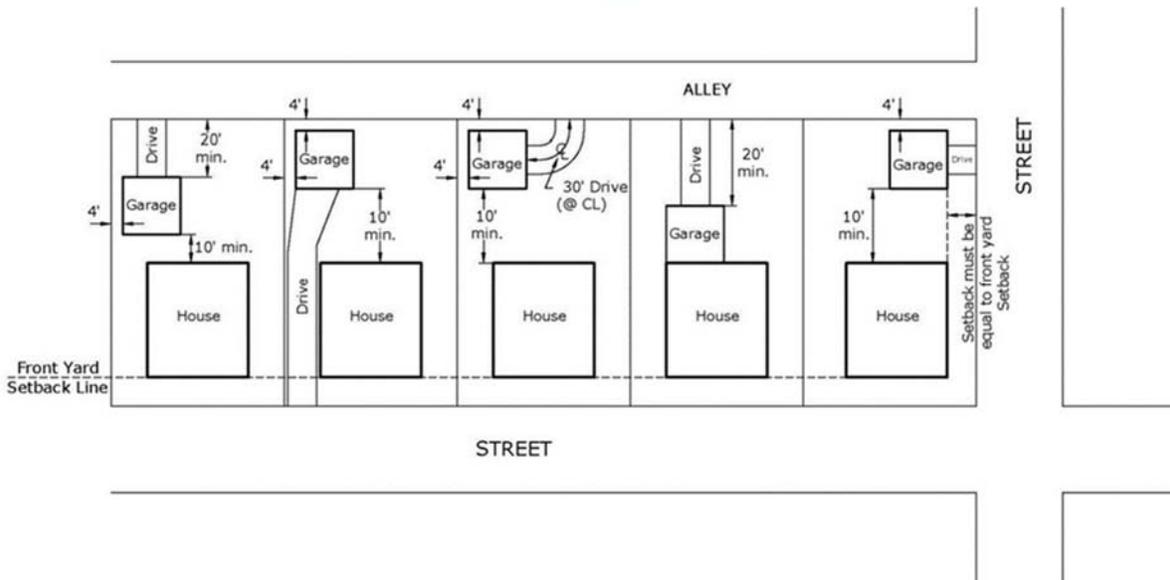


Figure 16.218(1)

- B. A Building Permit may be issued for an accessory building if the proposed structure is or has been a wheeled vehicle or a portion of a wheeled vehicle or a metal container of any**

kind, under the following provisions:

- (1) In Residential Districts, no Building Permit will be issued for an accessory building if the proposed building is or has been a wheeled vehicle or a portion of a wheeled vehicle, or a metal container of any kind, except when the accessory building is to be used on a temporary basis for thirty (30) days only in connection with other temporary projects not related to building construction. The applicant may seek up to two (2) thirty (30) day extensions to the initial permit to be approved by the Director of the Neighborhood and Development Services Department or his/her designee. In no case shall the permit exceed ninety (90) days.
- (2) In Commercial or Industrial Districts, accessory buildings which are or have been a wheeled vehicle or a portion of a wheeled vehicle or a metal container of any kind, may be issued a Building Permit and become a permanent accessory structure if they are or will be used in excess of ninety (90) days, under the following provisions:
 - a) The accessory structure shall require a Conditional Use Permit.
 - b) Shall not exceed fifteen (15%) of the total lot area.
 - c) Shall conform to the general character of the neighborhood including but not limited to the height, color, texture and materials of the main structure and to the location requirements for accessory structures.
 - d) Shall be placed on a permanent foundation as required by the current adopted Building Code.
 - e) Shall meet all requirements to protect the safety of the public as outlined by the Zoning Regulations and Building Codes of the City.

C. Temporary buildings or trailers that are used in conjunction with construction work may be permitted in any district with the approval of the Director of the Neighborhood and Development Services Department or his/her designee during the period that a building is being constructed, but such temporary building or trailer shall be removed within ten (10) days after completion of the construction work.

10. FENCE REGULATIONS.

A. Permit & Fee:

- (1) Building Permits are required for all fences constructed, altered, or repaired within the City. The permit fee will be based on the building permit and inspection fees schedule and shall be included with the application. Permit applications shall include type of materials, sketch plan of fence location and other pertinent information as required by the Building Inspector. Construction

without a permit, and the subsequent investigative fee, and re-inspection fee shall be assessed as outlined in the building code.

B. General Provisions:

- (1) All fencing shall be constructed of brick, wood, metal, concrete block, chain link, vinyl, or other material normally intended to be used for fencing. Electric and Razor wire fences are prohibited in all Zoning Districts.
- (2) No fence shall be constructed that may constitute a hazard to traffic or a danger to persons or animals.
- (3) On any corner lot that abuts another street a sight triangle shall be required if the fence is greater than three (3) feet in height or seventy (70) percent or more visually closed. Sight triangles are measured twenty-five (25) feet along the property lot lines from the point of intersection, the third line being a diagonal line connecting the first two (2) lines. See Figure 16.219.2(B). At the intersection of a collector or arterial street, the sight triangle may be increased to provide adequate sight distance as determined by the City Engineer. A fence shall not be placed adjacent to a driveway without providing a sight triangle.
- (4) A fence may be located along any property line as long as the fence is no closer than ten (10) feet behind the back of the curb of any street excluding alleys and shall not be placed on any right-of-way.
- (5) Solid or privacy type fences three (3) feet or less in height shall be permitted in any yard.
- (6) Solid or privacy type fences exceeding three (3) feet shall be permitted in any side or rear yard as long as sight triangles are maintained.
- (7) Seventy percent (70%) visually open fences may be permitted in any yard.
- (8) Fences on public property, school grounds and parks may be constructed of a height greater than six and one half (6 1/2) feet, but in no case higher than ten (10) feet.

C. Fences- Residential Districts:

- (1) No fence shall exceed eight (8) feet in height.
- (2) Barbwire fences are prohibited in all Residential Districts.

D. Fences- Agricultural, Commercial, and Industrial Districts:

- (1) All fences constructed in agricultural, commercial, and industrial districts shall be included in the site plan approval process.

- (2) Barbwire fences may be placed in agricultural districts.
- (3) Barbwire fencing may be used in commercial and industrial districts for security purposes only.
- (4) No fence shall exceed ten (10) feet in height.

11. PRIOR RECORDED PLATS. Platted lots of record in the Register of Deeds Office in Finney County, Kansas prior to the adoption of these regulations may be used for any purpose permitted in the district in which it is located, provided however, that no residential Building Permit shall be issued for construction on a lot or group of lots that do not provide minimum area requirements until the proposed location of the building is approved by the Board of Zoning Appeals.

12. VISION CLEARANCE AREA. A triangular area on a corner lot formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of thirty (30) inches in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets, the vision clearance area is created by points forty (40) feet from the intersection of the property lines. Due consideration shall be given for vision clearance areas at the intersection of alleys and streets.

13. FUEL PUMPS AND FUEL PUMP CANOPIES. Fuel pumps shall be set back at least twenty (20) feet from all property lines. Fuel pump canopies shall maintain a free clearance to grade of sixteen (16) feet and shall be set back at least twelve (12) feet from all property lines, provided that no support for fuel pump canopies shall be located within a required vision clearance area, provided further that all fuel tank vents within the canopy area shall terminate above the canopy.

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ARTICLE 16.219

SIGNS AND OUTDOOR ADVERTISING (Ord.#421, 11/14/18) (Ord. #423, 01/26/19)

SECTIONS:

1. Purpose and Intent
2. Definitions
3. General Requirements
4. Location Standards
5. Exceptions
6. Temporary Signs
7. Special Purpose Signs
8. Signs Permitted In Residential Districts
9. Signs Permitted In Commercial and Industrial Districts – for “C-I”, “C-2”, “I-1”, “I-2” & “I-3” Districts
10. Signs Prohibited
11. Nonconforming Signs

1. PURPOSE AND INTENT. It is the intent of this regulation to control the construction, size, and uses of signs and outdoor advertising to prevent the needless cluttering of the appearance and skyline of the City by unreasonable number, location, size, and illumination of signs. The purpose of this Article is to further the goals of enhancing the aesthetics and improving traffic safety in the City.

2. DEFINITIONS. The following words and phrases whenever used in this Title shall be construed as defined in this Section. Where there is a question as to the interpretation of a term, word, classification or definition of a sign, the Neighborhood and Development Services Director or his/her designee shall make the final determination on the term, category, classification, and/or definition applicable.

- A. Electronic Message Boards (EMB) – A sign with a fixed or changeable display composed of a series of lights or composed of electronically illuminated segments that may be changed through electronic means.
- B. Flashing – When artificial light is not maintained stationary or constant in intensity and/or color at all times, i.e. any revolving, moving, sequential, animated or intermittent sign shall be considered flashing.
- C. Immediate Adjacent Grade – the established final grade of the ground surface at the base of the sign within one and a half (1.5) times the radius of the sign length. This area shall be no steeper than a three percent (3%) grade. See Figure 16.219.2(A).

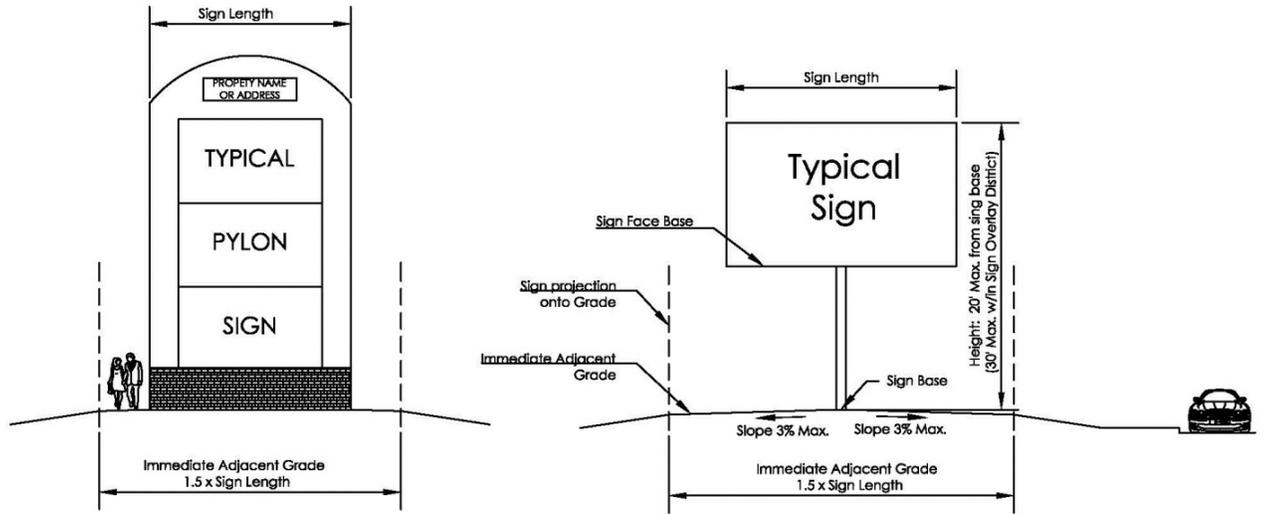


Figure 16.219.2(A) – Immediate Adjacent Grade

- D. Intense Illumination – Illumination to an extreme degree which may materially or practically tend to create traffic hazard as determined by the City.
- E. Sight Triangle (Also, Vision Clearance Area) – A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five (25) feet from the intersection of the street lines, as defined in Section 16.218.12 of these zoning regulations. See Figure 16.219.2(B).

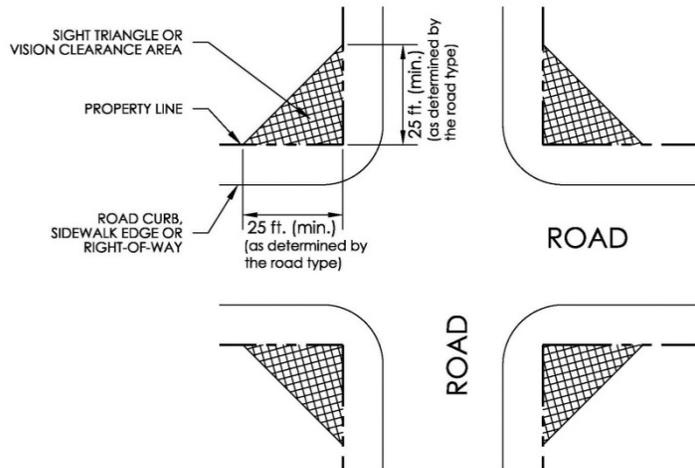


Figure 16.219.2(B) – Sight Triangle

- F. Sign – A communication device, structure, or fixture that incorporates words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, design, picture, trade names or trademarks, graphics by which anything is made known, used to designate a firm, an association, a corporation, a profession, a business, a service, commodity or

product, an event, or any type of publicity or propaganda, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public highway, or public road right-of-way. For the purpose of this Title, the term “sign” does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a nonprofit organization. It shall not include any official notice issued by any court, public body or officer or directional warning, information sign, or structure required or authorized by law.

- (1) Sign, “A” Frame – Any portable sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces, consisting of two (2) panels of equal size or a two (2) sided single paneled display, made of painted, decay-resistant wood, marker-board or chalkboard which are placed on the ground so as to be self-supporting and properly weighted for the wind loads in the area.



Figure 16.219.2(C) – Typical “A” Frame Signs

- (2) Sign, Abandoned – Any sign that advertises an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.
- (3) Sign, Animated – Any sign, or any portion thereof which changes physical characteristics, position or depicts visual perception of movement which is set in motion or that gives the impression of movement whether it be by mechanical, thermal, pneumatic, electrical or by any other force or physically moves back and forth, or rotates, revolves, spins, whirls or turns.
- (4) Sign, Back-to-back - Signs constructed back-to-back with faces on parallel planes not more than twenty-four (24) inches apart from face-to-face surface shall count as a single sign both as to the number and to area. Thus, only one (1) side of such signs shall be counted in computing the sign area.
- (5) Sign, Banner – A sign composed of lightweight, all weather material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere. Banner signs shall be considered temporary, except if it meets the following conditions:

- (a.) Fixed Banner – Shall be firmly affixed or secured to the side of a building within a wooden or metal frame, or with eyelets, or may be placed in a wooden or metal frame permanently affixed to the ground as to allow for minimal movement of air behind the banner.
- (i) One fixed banner sign may be permitted per frontage.
 - (ii) No fixed banner shall be considered permanent if it is less than thirty-two (32) square feet in area.
 - (iii) On wall mounted banner signs, the eyelet support cables shall not exceed twelve (12) inches in length, and shall be firmly tight.

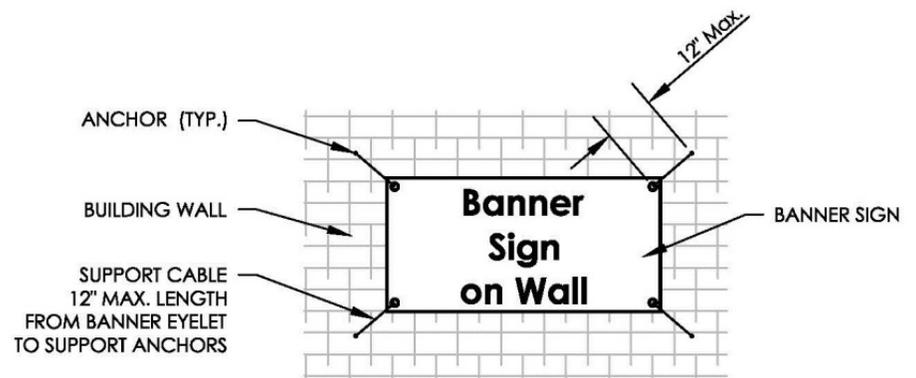


Figure 16.219.2(D) – Wall Mounted Banner Sign

- (b.) Upright Banner - Shall be firmly affixed to at least one (1) side of a rigid mounting permanently affixed to the ground.
- (i) Interchangeable upright banners shall be allowed.
 - (ii) The upright banner mounting and location shall be permanently affixed to the ground, and shall be approved by the Neighborhood and Development Services Director or his/her designee, prior to any signs erected.
 - (iii) Upright banners shall not exceed three (3) feet by six (6) feet total banner area, and shall not be taller than ten (10) feet from the base to the highest point of the sign.
 - (iv) Upright banners may only be permitted in the “C-1”, “C-2”, “I-1”, “I-2” and “I-3” Districts.
 - (v) Two (2) free standing upright banners may be permitted per property.

- (vi) No upright banner sign may be located closer than twenty-five (25') feet from another upright banner sign, free standing sign or any temporary sign.

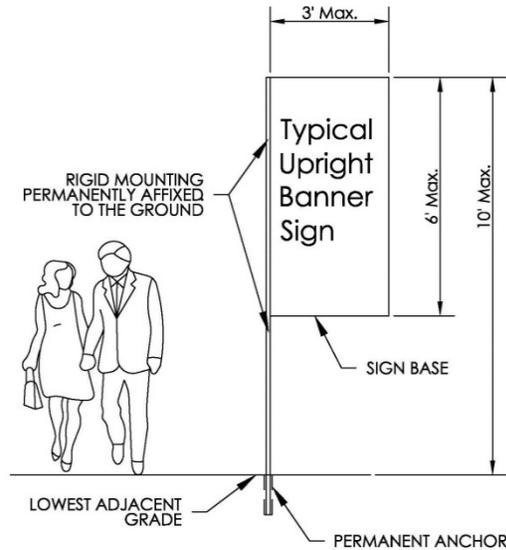


Figure 16.219.2(E) - Typical Upright Banner Sign

- (6) Sign, Construction Project – A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of structures or projects only during the construction period and only on the premises on which the construction is taking place.
- (7) Sign, Directional – Any sign which serves exclusively to direct pedestrian or vehicular traffic flow. Directional signs shall not exceed six (6) square feet in area.
- (8) Sign, Identification – A sign giving the name and address of a building, business, development or establishment on the premises where the sign is located or to which it is affixed. Such signs may be wholly or partly devoted to a readily recognized symbol.
- (9) Sign, Illuminated – Any sign designed to give forth artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- (a.) All electrical components shall be enclosed within the sign structure.
 - (b.) Illuminated signs shall be properly grounded.
 - (c.) Illuminated awning signs may be permitted.

- (d.) All electrical components and/or lighting equipment shall be labeled and rated for outdoor use.
 - (e.) Ceilings (soffits) are required and may consist of “egg crate,” mesh fabric or solid plastic material. Removable panels may be provided to allow access for service and cleaning.
 - (f.) Minimum clearance to grade shall be eight (8) feet unless projecting over a vehicular right-of-way in which case minimum clearance must be sixteen (16) feet.
 - (g.) The maximum luminance from Electronic Message Boards between sunrise and sunset shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All EMB must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign’s luminance.
- (10) Sign, Inflatable- A temporary display, object or sign that is intended to be filled with air or other gas that depicts any container, figure, product, object, or message.
- (11) Sign, Metal – Any sign constructed of metal.
- (12) Sign, Monument – A free standing sign, permanently affixed to the ground, supported primarily by an internal structural framework or other solid structural feature, which may be integrated into the landscape. The maximum height from the immediate adjacent grade to the highest point of the structure shall not exceed fifteen (15) feet. The maximum width of the sign shall not exceed thirty (30) feet.

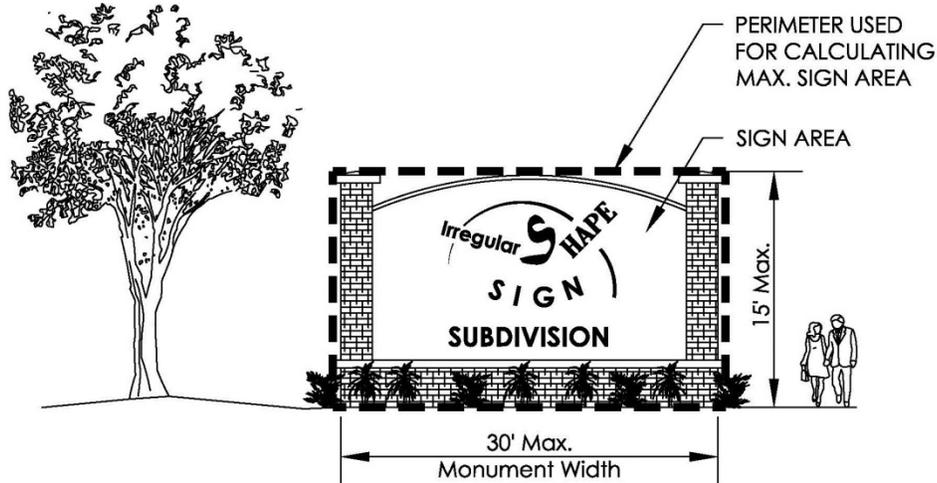


Figure 16.219.2(F) – Monument Sign

- (13) Sign, Non-conforming – A sign lawfully erected and maintained prior to the adoption or amendment of this Ordinance that does not conform, or fails to comply with the requirements set herein.
- (14) Sign, Pole – A sign that is mounted on a freestanding pole. No pole sign shall have a height greater than twenty (20) feet above the curb, except those signs within the “Sign Overlay Zone”. Pole signs are limited to one (1) per lot regardless of the number of businesses or professions on the lot. Minimum clearance to grade shall be eight (8) feet unless projecting over a vehicular right-of-way in which case minimum clearance must be sixteen (16) feet. The minimum distance between pole signs shall be fifty (50) feet from other monument or pole signs.

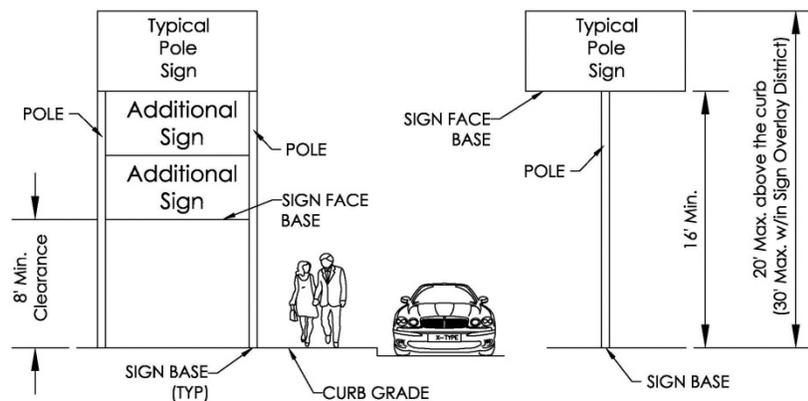


Figure 16.219.2(G) – Typical Pylon Sign

- (15) Sign, Pylon – A free standing vertical sign, permanently affixed to the ground, typically supported by two columns or similar structures and independent of support from any building(s). The maximum height (H) shall be twenty (20) feet from the immediate adjacent grade, except those signs within the “Sign Overlay Zone”, and the base (B) shall be at least one third the height ($1/3 H$). Each column shall be at least one fourth the base ($1/4 B$) of the structure. Pylon signs are limited to two (2) per lot regardless of the number of businesses or professions on the lot. The minimum distance between pylon signs shall be one thousand (1000) feet from other pylon signs, and one-hundred (100) feet from other pole or monument signs; and shall not be placed within the sight distance triangle area.

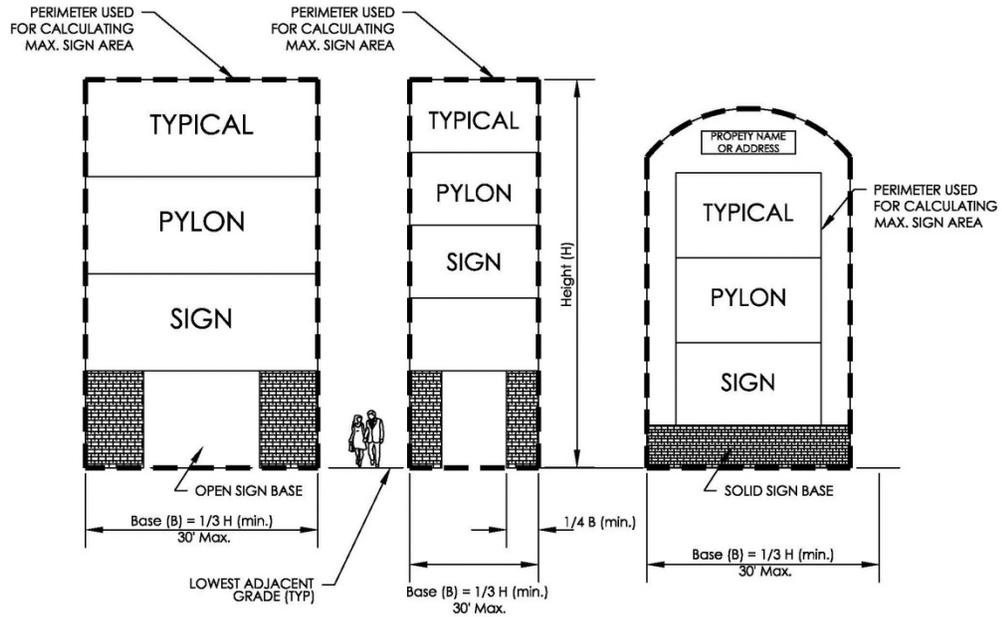


Figure 16.219.2(H) – Typical Pylon Sign

- (16) Sign, Projecting – Any sign attached to a building or structural wall and extending horizontally outward from such wall more than twelve (12) inches.
- (17) Sign, Prohibited – Any sign not expressly permitted by this chapter or as stated by each district is prohibited. For more information regarding prohibited signs, refer to Section 16.219.10 in this article.
- (18) Sign, Public Service Information – Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, traffic control, etc.
- (19) Sign, Real Estate – A temporary sign that relates to the sale, lease or rental of the property or building or a portion thereof, or to construction activities directly related to the property on which it is located. These signs do not include subdivision signs and are used solely for the purpose of displaying the property for sale, lease, or rent.
- (20) Sign, Roof – Any sign that is erected upon or over the roof or over a parapet of any building or structure shall not exceed six (6) inches above the roofline or parapet.

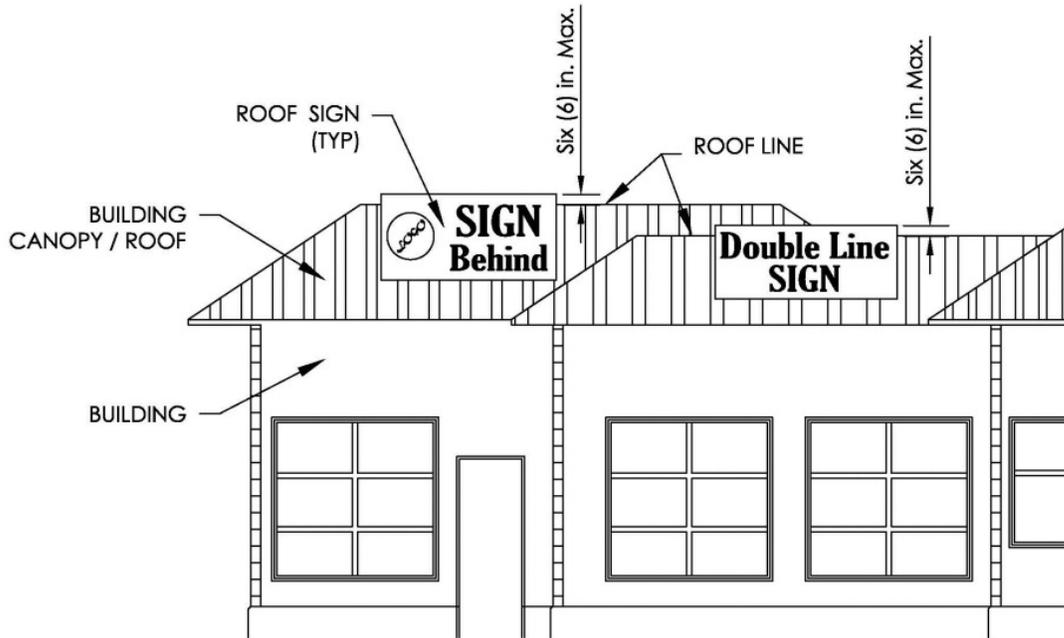


Figure 16.219.2(I) – Roof Sign

- (21) Sign, Off-Site Advertising – A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than at the property on which the sign is erected.
- (22) Sign, Off-Site Directional – A sign that assists in locating the access point to a business, a building or group of buildings, which do not have direct access to an arterial road, at a location other than at the property on which the sign is erected. These types of signs shall not exceed six (6) square feet in area.

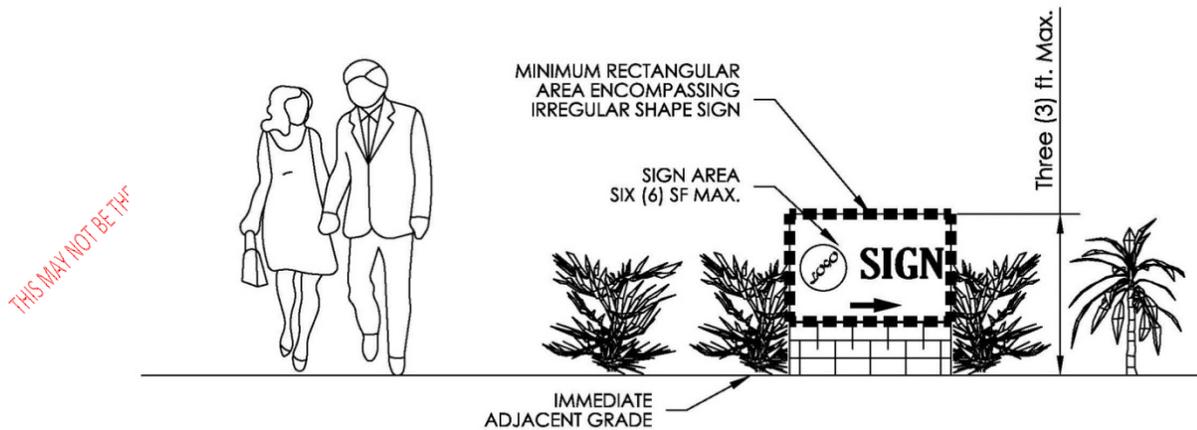


Figure 16.219.2(J) – Off-Site Directional Sign

- (23) Sign, On-Site Advertising – A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at the premises on which the sign is located or to which it is affixed.
- (24) Sign, Temporary – Any sign constructed of paper, cloth, canvas, or other similar light weight or expendable material with or without frames, or either nailed, clamped, or attached to a pole or other structure and intended to be displayed for thirty (30) days or less. Search lights, balloons or other gas filled objects or portable signs may also be considered temporary signs.
- (25) Sign, Vehicle – Shall apply to signs mounted upon or painted upon vehicles or trailers which are parked for a period of three (3) or more days expressly and exclusively for the purpose of calling attention to or advertising a specific business establishment or product, i.e. the principal use of the equipment, as determined by the Neighborhood and Development Services Director, is advertising.
- (26) Sign, Wall – Any sign posted or painted upon, suspended from or otherwise affixed to a building, wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign plane approximately parallel with the wall or fascia upon which it is attached.

G. Sign Area – Sign area shall mean and be determined as follows:

- (1) Integral background areas: the area of a sign containing a clearly defined background area. The area as defined herein shall be expressed as the area of the smallest standard geometric shape capable of encompassing the perimeter of the background area of the sign, including the frame. In the case of signs in which multiple background areas are separated by open space, the sign area shall be expressed as the sum of each individual background area, calculated as referenced above, but without regard for any open space between the separate background areas.

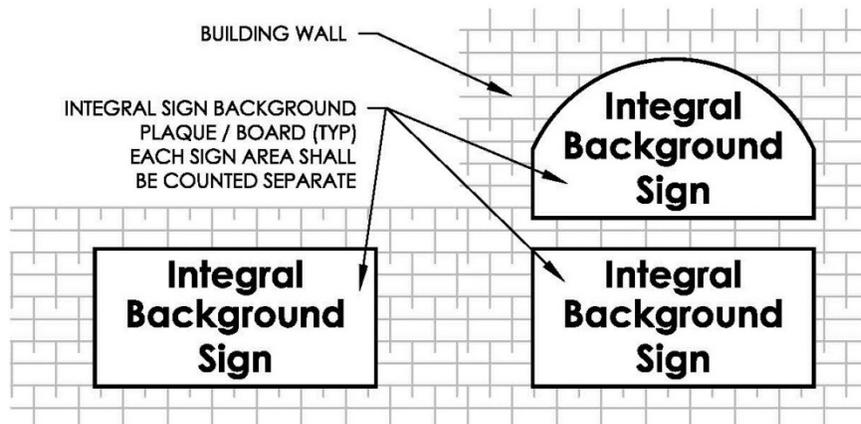


Figure 16.219.2(K) Integral Background Signs

(2) Signs without integral background area; consist of individual or a combination of elements such as letters, symbols, graphic objects or other forms of representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, architectural projection, or to any surface not specifically designed to serve as a sign background. The sign area shall be expressed as the sum of the individual areas of the smallest geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign. Where the lettered or illustrated material is composed either vertically, horizontally, diagonally, or otherwise, essentially in the form of a rectangle, parallelogram, or any basic shape thereof shall be considered as the sign area; except where the distance between the sign elements (D) exceeds the average height or width of the sign elements (A) by one and one-half times ($D \geq 1.5A$), then the area of the elements shall be measured separately, as provided in Figure 16.219.2(L) below.

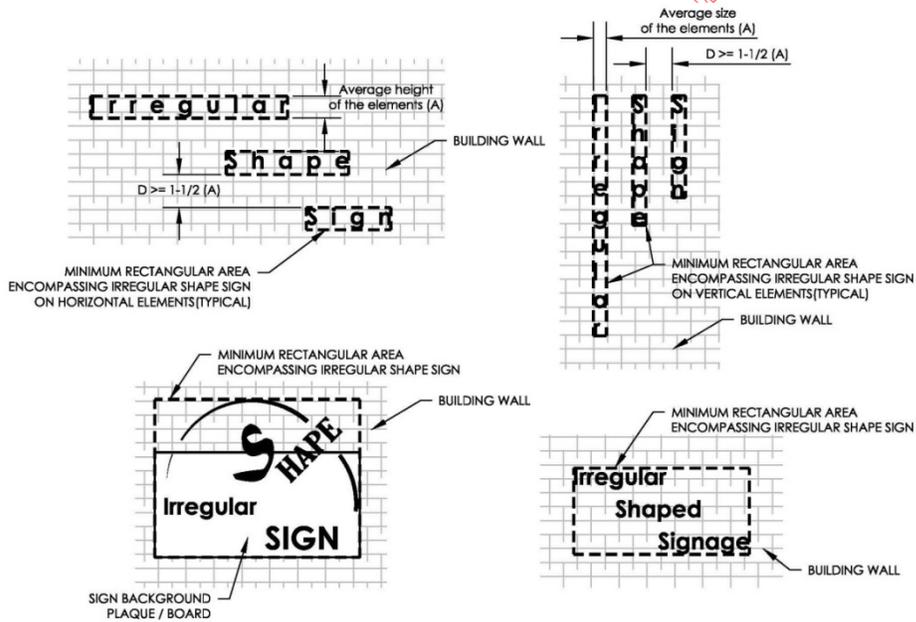


Figure 16.219.2(L) - Irregular Shaped Signs

(3) Time and temperature devices will not be included in determining sign area if said devices do not contain advertising materials. Advertising signs attached to such devices, however, shall be counted in determining permitted sign area.

- H. Sign Overlay Zone – An area which allows for greater sign heights in the “C-2”, “I-1”, “I-2”, and “I-3” districts as described by the official sign overlay map.
- I. Sign resurfacing – Shall mean the repairing or replacement of defective parts, painting, or repainting, cleaning, and other acts required for the maintenance of the sign face.
- J. Time and Temperature Device – Any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

- K. Window Area – The area of transparent surface, door, window or transom that is continuous and not separated by more than four (4) inches of non-transparent material.
- L. Window Sign – A sign affixed to the interior or exterior of a window, or placed behind a window pane up to three (3) feet, so as to attract the attention of the public. This definition does not include merchandise in a window display.

3. GENERAL REQUIREMENTS. The following general requirements shall apply to all signs and outdoor advertising structures erected within the City of Holcomb, unless otherwise provided by this Zoning Regulation.

A. PERMITS - No persons shall erect, alter, construct, rebuild, remodel, relocate, resurface, or expand any sign or outdoor advertising structure in the City of Holcomb without first obtaining a sign permit from the City in accordance with the provisions of the Building Code and these regulations.

- (1) Electrical permits shall be obtained for electric signs.
- (2) No permit shall be issued by the Neighborhood and Development Services Director until an application has been filed showing the plans and specifications, and materials and details of conditions, locations, and method of anchoring the proposed sign.
- (3) Sign resurfacing shall require a sign permit.
- (4) Permit Fees. In addition to fees for electrical and other permits, any person, firm or corporation designing a sign permit which is required under the provisions of this Article shall at the time of receiving such permit pay to the City a fee as follows:
 - (a.) For all permanent on-site signs, excluding EMB's: \$75.00
 - (b.) For all permanent off-site signs and any EMB signs: Fees will be based on the Commercial and Industrial Permit Fee Schedule.
 - (c.) For sign resurfacing: No fee required.

B. SIGNS ON PREMISES - Except as provided within the provisions of the respective Zoning Districts, and unless otherwise expressly provided in this Article, no signs shall be permitted which are not used exclusively to advertise the ownership, sale, or lease of property upon which said sign is placed, or to advertise a business conducted, services rendered, or goods produced or sold upon such premises or to advertise or identify any other lawful activity conducted upon such premises, except as specified in these Zoning Regulations.

C. MAINTENANCE AND REPAIR - Any sign erected in the City of Holcomb shall be maintained in a safe, presentable, and sound structural condition at all times, including the replacement of defective parts, painting, or repainting, cleaning, and other acts

required for the maintenance of said sign. The Neighborhood and Development Services Director or his/her designee shall require compliance with all standards of this Article. If the sign is not made to comply with adequate safety standards, the Neighborhood and Development Services Director shall require its removal in accordance with this Section.

4. LOCATION STANDARDS. All signs and outdoor advertising structures shall comply with the following location requirements:

- A. FIRE ESCAPES, ETC. - No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
- B. TRAFFIC, ILLUMINATION, SIGHT TRIANGLE CLEARANCE –
 - (1) No signs shall be erected to obstruct vision within the sight triangle at any intersection improved for vehicular traffic.
 - (2) No sign may obscure or physically interfere with an official traffic control sign, signal device, decorative light pole or district banner.
 - (3) Where a sign is illuminated, the light sources shall be shielded from all adjacent buildings and streets.
 - (4) Illuminated signs in direct vision of traffic shall not be of red, green or amber illumination.
 - (5) No signs shall be erected within the City which are so designed and operated to have rotating parts, flashing or sequence lighting, or create an illusion of movement, or that will materially or practically tend to create a traffic hazard.
- C. TREES AND POLES - No sign shall be attached to a tree or utility pole whether on public or private property, except for official municipal signage.
- D. UTILITY LINES – No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Kansas or rules and regulations duly promulgated by agencies thereof.

5. EXCEPTIONS. The following signs shall be exempt from the requirements of this Article:

- A. The display of official notices used by any court, or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
- B. Any official flag pennant or insignia of any nation, state, city, or other political unit, civic, educational, or religious organization.

- C. Barber poles not to exceed three (3) feet in height located on private property and bearing no advertising copy or message.
- D. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public or to provide direction, warning, or information of a public or semi-public nature that is directed and maintained by an official body or public utility. (e.g. railroad crossing, no dumping, no parking, etc.)
- E. Small signs, not exceeding five (5) square feet each in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, and the like.
- F. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - (1) Said signs may be erected not earlier than sixty (60) days prior to said election and shall be removed within ten (10) days following said election.
 - (2) No sign shall be located within or over the public right-of-way.
- G. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the signs do not exceed the requirements of such law, order, rule, or regulation.
- H. Scoreboards in athletic stadiums.

6. TEMPORARY SIGNS. All temporary signage is permitted and subject to the following regulations:

- A. Within a calendar year, temporary signage may be displayed no more than thirty (30) days consecutively.
- B. No temporary signage shall be located within or over the public right-of-way.
- C. Temporary signage must meet the standards of the Zoning District.

7. SPECIAL PURPOSE SIGNS. In addition to any other permitted sign or signs, signs for special purposes set forth in this section shall be permitted as provided herein.

- A. **REAL ESTATE SIGNS – For Sale, Rent, or Lease Signs** in all Zoning Districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs may be limited to one (1) sign per one hundred feet of frontage per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential Zoning Districts. Said signs shall be exempt from site plan approval. No sign shall be located within or over the public right-of-way, and shall be removed within fifteen (15) days after the date of closing.

- B. OPEN HOUSE SIGNS – Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owners, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six (6) square feet in area and shall be exempt from the Site Plan Approval. No sign shall be located within or over the public right-of-way.
- C. CONSTRUCTION PROJECT SIGNS – Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, the architects, the engineers, and construction organizations participating in the project, and such other information as may be approved by the Site Plan Review Committee. In Residential Districts no such signs shall exceed thirty-two (32) square feet in area. In other districts no such sign shall exceed an area of sixty (60) square feet and no freestanding signs shall exceed ten (10) feet in height. All such signs shall be removed before the Building Inspector grants a final inspection.
- D. CHURCH AND QUASI-PUBLIC ORGANIZATIONS SIGNS – In all districts a church or quasi-public organization may erect up to three hundred (300) square feet of wall or monument signage. Any sign combination exceeding three hundred (300) square feet of signage will be required to obtain a Conditional Use Permit as outlined in Article 29 of these zoning regulations.
- E. APARTMENT HOUSE IDENTIFICATION SIGNS – Apartment houses of five (5) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy.
- F. NURSERY, REST HOMES, ASSISTED LIVING FACILITIES (approved and licensed by the State of Kansas), HOSPITAL AND MEDICAL CLINICS (for people only) - In approved districts may erect signage in accordance with Commercial District Sign Regulations on Article 16.219.9.
- G. DEVELOPMENT PROMOTIONAL AND DIRECTIONAL SIGNS - In all residential zones one development promotional sign may be placed on the premises of each subdivision or planned development having five (5) or more lots or approved dwelling unit sites. Said promotional sign may have an area of sixty (60) square feet, plus five (5) additional square feet for each lot or dwelling unit in said development in excess of five (5), up to a maximum area of one hundred (100) square feet.
- H. PENNANT FLAGS OR RIBBON STRINGERS - May be used if they are located eight (8) feet above the lowest adjacent grade.
- I. PROMOTIONAL SIGNS - In Commercial or Industrial Districts temporary promotional signage shall be limited to the windows or in “*framed areas*” located on the building exterior walls. Sales signage in the form of small “*teepee*” types located on top of fuel pumps or banners under roofed areas will be authorized as long as they do not cause movement that would draw attention to passing drivers to the property causing a traffic safety issue. These are not considered temporary signs.

8. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS - "R-1", "R-1A", "R-2", "R-3", "MHP", "P-F". Signs in the "R-1", "R-1A", "R-2", "R-3", "MHP", "P-F" Districts are subject to sign construction regulations set forth in the Building Code, other City Ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED in this Section, or where prohibited by these regulations.

A. NUMBER OF SIGNS ALLOWED:

- (1) Only one (1) permanent sign shall be allowed per street frontage.
- (2) Only one (1) temporary sign shall be allowed per property, as outlined in these zoning regulations.

B. SIZE:

- (1) For non-residential uses:
 - (a.) The gross surface area of all signs on a lot shall not exceed three (3) times the lineal feet of frontage of the lot.
 - (b.) The total area of wall signs shall not exceed five (5) percent of the wall or face of the building to which they are attached or twenty (20) square feet whichever is greater, unless specified otherwise in section 16.219.8 (F) SPECIAL SIGN TYPES ALLOWED.
- (2) For residential uses:
 - (a.) The gross surface area of all signs on a lot at any one time shall not exceed six (6) square feet.

C. HEIGHT:

- (1) No sign shall exceed twenty (20) feet in height, or unless specified otherwise on section 16.219.8 (F) SPECIAL SIGN TYPES ALLOWED.

D. LOCATION: For general location standards refer to section 16.219.4 LOCATION STANDARDS.

- (1) No sign shall be constructed or located in the vision clearance area or obstruct the vision of motorists in any way.

E. SIGN DESIGN:

- (1) Signs shall only show the name and or address of the occupant.
- (2) No sign shall attract attention as to become a traffic hazard (no obtrusive designs or colors).

- (3) No illuminated sign shall exceed three-tenths (.30) foot candles above ambient light levels as measured by a preset distance of fifteen (15) feet measured from the face of the sign.

F. SPECIAL SIGN TYPES ALLOWED in “R-1”, “R-1A”, “R-2”, “R-3”, “MHP”, and “P-F” the Districts:

- (1) ELECTRONIC MESSAGE BOARDS (EMB): EMB may be allowed as a conditional use with the following conditions:

- (a.) EMB may not be used for offsite advertising.
- (b.) EMB may not be placed on a lot which is less than one half (.5) acre in area,
- (c.) EMB may not be placed on a lot which has been platted for a single family residence or multifamily development.
- (d.) EMB must be equipped with an automatic dinner control or other mechanism that automatically controls the sign’s brightness between sunset and sunrise to comply with the maximum luminance of two hundred fifty (250) nits.
- (e.) EMB shall be monument signs only and may not exceed a twenty-five (25) square feet display area.
- (f.) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds.

- (2) MONUMENT SIGNS:

- (a.) There shall be no more than two (2) Monument Signs per subdivision frontage.
- (b.) There shall be no more than one (1) Monument Sign per property.

- (3) NAMEPLATE OR IDENTIFICATION SIGNS:

- (a.) There shall be no more than one (1) Nameplate or Identification Sign for each dwelling unit.
- (b.) No sign shall exceed one (1) square foot in area.
- (c.) Signs shall only indicate the name or address, or both, of a building or tenant.

- (4) FENCE SIGNS - Signs may be placed upon fences when they have been approved on a temporary basis with a sign permit or when they have been

approved as permanent signs by a Conditional Use Permit, except in “R-1” and “R-1A” Single Family Residential Districts.

G. SIGNS PROHIBITED: Signs prohibited in “R-1”, “R-1A”, “R-2”, “R-3”, “P-F”, and “MHP” Districts, include but are not limited to:

- (1) “A” Frame Signs.
- (2) Banner Signs.
- (3) Pole Signs.
- (4) Pylon Signs.
- (5) See also Section 16.219.10 SIGNS PROHIBITED.

9. SIGNS PERMITTED IN COMMERCIAL DISTRICTS – “C-1”, “C-2” AND INDUSTRIAL DISTRICTS “I-1”, “I-2”, and “I-3”. Signs in the “C-1”, “C-2”, “I-1”, “I-2” and “I-3” District are subject to sign construction regulations set forth in the Building Code, other City Ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED in this section, or where prohibited by these regulations.

A. NUMBER OF SIGNS ALLOWED:

- (1) Where a property abuts more than one street, each side of the lot may be considered a separate frontage and signs may be located on each additional frontage of the lot, except for additional free standing EMB, pole or pylon signs.
- (2) Only one (1) free standing EMB, pole or pylon sign may be permitted per property.
- (3) Only one (1) temporary sign shall be allowed per property, as outlined in these zoning regulations.

B. SIZE:

- (1) Each side of a lot which abuts upon a street shall be considered as a separate frontage, the gross surface area of all signs in square feet on a lot shall not exceed three (3) times the total lineal feet of frontage of the lot.
- (2) For Wall Signs: The total permitted area of all wall signs shall be calculated based on ten (10%) percent of the area of the building façade on which the signs are proposed to be affixed.
- (3) For Window Signs: The gross surface area shall not exceed twenty-five percent (25%) of the window area on which it is located or attached.

- (4) On corner lots the number of wall signs on the building shall be in character with the size and scale of the building.

C. HEIGHT:

- (1) No sign shall have a height greater than twenty (20) feet above the immediate adjacent grade, except those signs within the "Sign Overlay Zone".

D. LOCATION: For general location standards refer to section 16.219.4 LOCATION STANDARDS.

- (1) Signs shall not be placed in the right-of-way.
- (2) Any sign located within three (3) feet of a driveway, or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level, or a maximum height of four (4) feet above the curb and no part of its means of support shall have a single or joined horizontal dimension exceeding twelve (12) inches as to maintain clearance within the sight distance triangles.
- (3) No sign may be located closer than fifty (50) feet from another sign.

E. SIGN DESIGN:

- (1) All signs shall be permanently affixed to the ground, buildings, or other permanent structures.
- (2) Individual elements with no background shall be measured by the minimum rectangular area necessary to encompass such elements and by a combination of rectangles as are necessary to encompass irregular shapes and dimensions.
- (3) Sign copy shall be limited to the primary name of the business, trademark, logo, slogan, and street address number.
- (4) Where multiple-tenants exist, sign copy shall be limited to one (1) primary name of the business complex or shopping center and may list individual uses and tenants provided such lettering for the listing is a maximum of one (1) foot in height, limited to the name of the businesses, trademarks, logos, and slogans.
- (5) Changeable sign copies shall be limited to advertising events, items, pricing, announcements, specials and slogans directly related to the business.

F. OFF-SITE ADVERTISEMENT: A lot or parcel of land may have one (1) off-site advertising sign as long as it meets the following:

- (1) The lot shall not contain any existing structures.

- (2) The lot shall have a minimum of two hundred (200) lineal feet of street frontage on the side that the off-site advertising sign is located.
- (3) Off-site advertising signs shall be located no closer than thirty (30) feet from any side yard or front yard.
- (4) Off-site advertising signs shall not be permitted if the lot or parcel of land has an existing pole sign, free-standing sign or an on-site advertising sign.
- (5) No more than one (1) off-site advertising sign shall be permitted on any specific lot or parcel of land.
- (6) Off-site advertising signs shall be removed upon development of the lot or parcel.
- (7) Off-site advertising signs shall not exceed four-hundred fifty (450) square feet in size.
- (8) Off-site advertising signs above sixty-four (64) square feet up to four-hundred (450) square feet shall not be permitted within the city limits of the City of Holcomb.
- (9) Off-site advertising signs shall be placed no closer than one thousand three-hundred twenty (1320) feet (1/4 mile) from another pole or pylon sign.
- (10) Off-site advertising signs shall not be closer than one hundred (100) feet from any building.
- (11) Off-site advertising signs shall be located no closer than five hundred (500) feet to land that is zoned residential.
- (12) Off-site advertising signs shall be located no closer than five hundred (500) feet to any intersection. The distance is measured from the beginning or ending of the pavement widening at the exit, or if there is no pavement widening, then from the midpoint of the intersection.
- (13) All other regulations of the Kansas State Highway Beautification Act not met or exceeded by this regulation shall be enforced as stated in State Statute 68-2234 et seq.

G. OFF-SITE DIRECTIONAL SIGN: An off-site directional sign may be permitted for a lot or parcel not having direct access to a principal arterial right-of-way and is located within five hundred fifty (550) feet from said principal arterial right-of-way being advertised upon, as long as it meets the following criteria:

- (1) Only one (1) off-site directional sign shall be allowed per business which does not have direct access to a principal arterial right-of-way.

- (2) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontage along the Highway 50/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
- (3) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.
- (4) The maximum size of the off-site directional sign shall be six (6) square feet in area.
- (5) The maximum height of the off-site directional signs shall be three (3) feet, as measured from the immediate adjacent grade to the highest point of the sign.
- (6) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.

H. ELECTRONIC MESSAGE BOARDS (EMB): In “C-1”, “C-2”, “I-1”, “I-2” and “I-3” District EMBs are subject to the following restrictions:

- (1) Limit of one (1) free standing sign per property, and one (1) wall sign per unit frontage.
- (2) Display areas:
 - (a.) On-site: Shall not exceed eighty (80) square feet.
 - (b.) Off-site: Shall not exceed four-hundred fifty (450) square feet.
- (3) EMB may be mounted only on monument, wall, pylon, or pole signs.
- (4) All plans for proposed EMB monument, pylon, and pole signs must include a landscaping plan. Minimum landscaping requirements for all EMB pole and monument signs must have at least a five (5) foot square radius around the sign reserved for a landscaping bed, to include native species of trees, shrubs, and grasses.
- (5) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds.

I. FENCE SIGNS - Signs may be placed upon fences when they have been approved on a temporary basis with a sign permit or when they have been approved as permanent signs by a Conditional Use Permit.

J. SIGNS PROHIBITED: Signs prohibited in “C-1”, “C-2”, “I-1”, “I-2” and “I-3” District, include but are not limited to:

(1) Vehicle Signs.

(2) See also Section 16.219.10 SIGNS PROHIBITED.

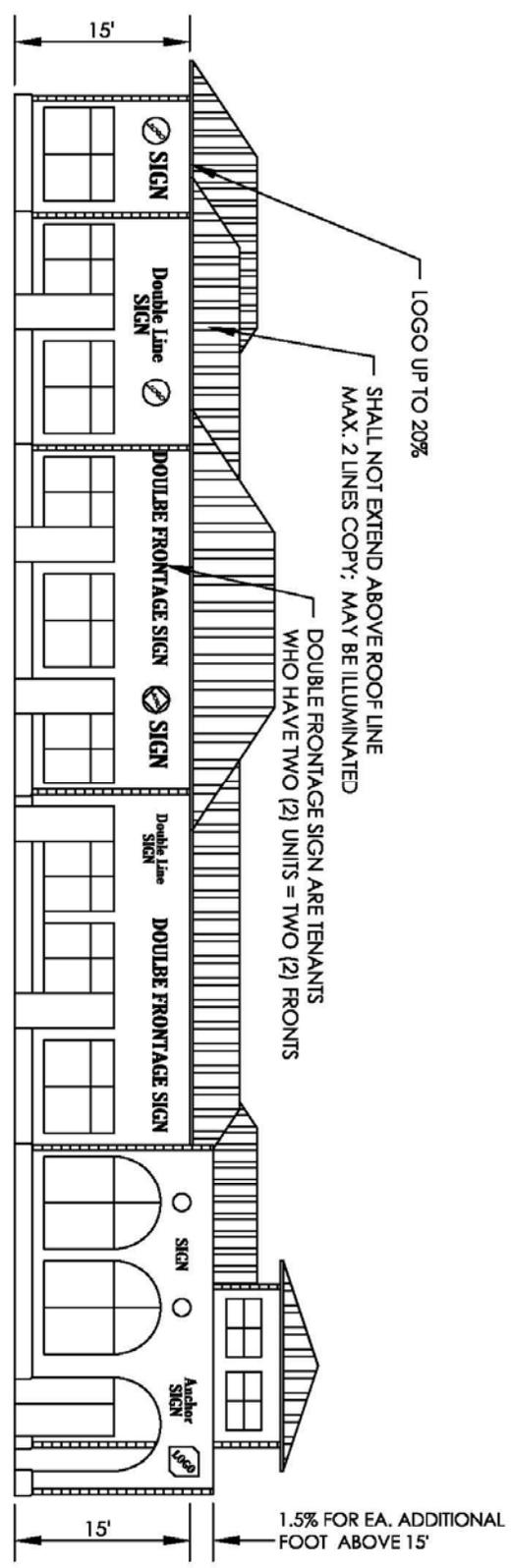
K. SIGN OVERLAY ZONE- In the “C-2”, “I-1”, “I-2”, and “I-3” districts signs may be permitted to be taller if they are located in the sign overlay zone subject to the following requirements:

- 1) The number of signs are limited as to the number outlined in the sign regulations.
- 2) The increase in height is limited to pole and pylon signs.
 - a) Pole signs- may be a maximum sign height of ninety five (95) feet, measured from the highest adjacent elevation or base of the sign, whichever is greater in elevation.
 - b) Pylon signs- may be a maximum sign height of forty (40) feet, measured from the highest adjacent elevation or base of the sign, whichever is greater in elevation.
- 3) The Sign Overlay Zone- is described as an area within five hundred (500) feet of the intersection of public right-of-ways adjacent to major intersections where the high-speed highways would predicate taller signage as shown in Figure 16.219.9 (A).



Figure 16.219.9 (A)

2



SHALL BE MEASURED BY THE MINIMUM RECTANGULAR AREA NECESSARY TO ENCOMPASS SUCH LETTER AND BY A COMBINATION OF RECTANGLES AS ARE NECESSARY TO ENCOMPASS IRREGULAR SHAPES AND DIMENSIONS. SIGN COPY SHALL BE LIMITED TO THE PRIMARY NAME OF THE BUSINESS, TRADEMARK, LOGO AND SLOGAN.

WALL SIGN - ELEVATION DIAGRAM
N.T.S.

THE TOTAL PERMITTED SQUARE FEET AREA OF ALL WALL SIGNS SHALL BE CALCULATED BASED ON TEN (10%) PERCENT OF THE AREA OF THE BUILDING FACADE WHERE THE SIGN IS PROPOSED TO BE AFFIXED.

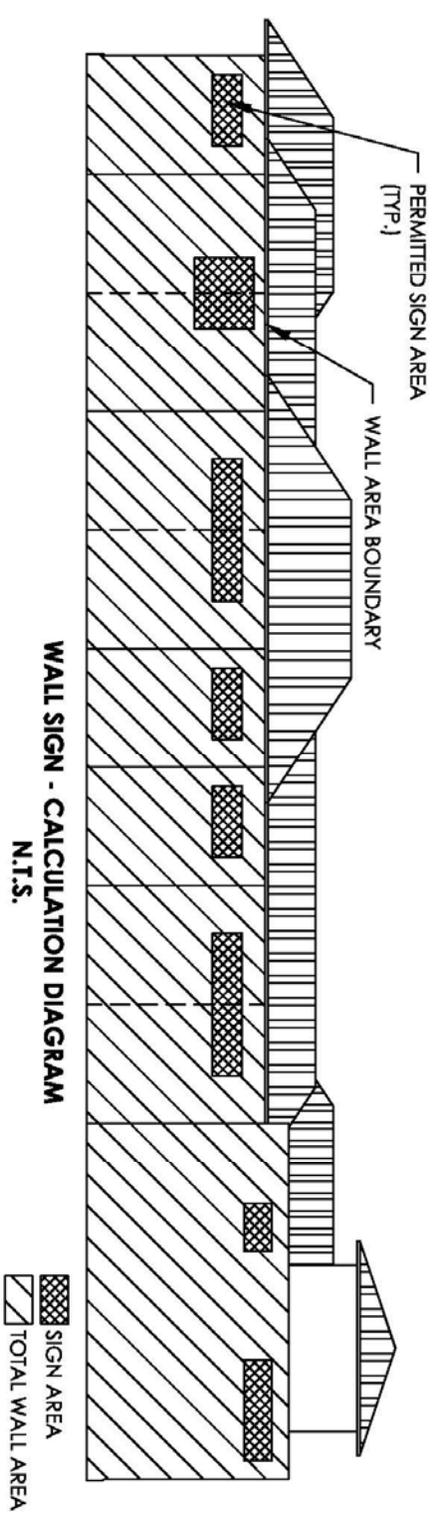


Figure 16.219.9 (B) – Wall Signs in Commercial Districts

10. SIGNS PROHIBITED. The following signs shall be strictly prohibited in all districts (This is not an all-inclusive list, and whenever there is doubt as to the classification of a use not specifically listed or mentioned in these regulations the determination shall be made by the Neighborhood and Development Services Director within a reasonable time, but not to exceed thirty (30) days.):

- (A) Abandoned signs.
- (B) Animated or intensely lighted signs.
- (C) Movable free standing signs.
- (D) Searchlights, balloons or other gas filled objects, or portable signs shall not be used on permanent basis.
- (E) Signs which have visible moving parts or any portion of which moves or gives the illusion of motion including but not limited to swinging or twirling signs.
- (F) Sound - No signs shall be designed for the purpose of emitting sound.
- (G) Vehicle signs.
- (H) Other signs also prohibited are those that incorporate elements which:
 - (1) Affect traffic safety in any manner.
 - (2) Are attached to a tree or utility pole.
 - (3) Emit an odor.

11. NONCONFORMING SIGNS.

- (A) No nonconforming sign shall be in any manner enlarged, altered, reconstructed, or moved without being made to comply in all respects with the provisions of this Article provided, however, that nothing herein shall prohibit the normal maintenance and repair, painting or repairing of the face, or the replacement of a removable face of said nonconforming sign.
- (B) Permits shall be required to replace a nonconforming sign with a sign that conforms to current regulations, however all fees normally associated shall be waived.

ARTICLE 16.220

OFF-STREET PARKING AND LOADING

SECTIONS:

1. Off-Street Parking
2. Permanent Parking to Be Provided
3. Nonconforming Facilities
4. Parking Spaces Provided
5. Parking Requirements for Uses Not Specified
6. General Provisions for Off-Street Parking
7. Parking Exceptions
8. Loading and Unloading Regulations

1. OFF-STREET PARKING. The number of off-street parking spaces required in connection with any particular land use shall not be less than that set forth in this Article. All Zoning Districts shall comply with the parking requirements established in this Article.

2. PERMANENT PARKING TO BE PROVIDED. Whenever a structure is erected, converted, or structurally altered, there shall be provided on the same lot, adjacent lot, or group of lots, accessible off-street parking spaces, including drives. Said spaces may be provided in a garage or surfaced area. The parking area and its access to the street shall be surfaced with asphalt, concrete or similar dust free surface as recommended and approved by the Neighborhood and Development Services Director.

3. NONCONFORMING FACILITIES. Any use of property which, on the effective date of this Article, or of any subsequent amendment thereto, is nonconforming only as to the regulation relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. However, such existing parking facilities shall not be further reduced.

4. PARKING SPACES PROVIDED. Except as otherwise provided in this Zoning Regulation the number of off-street parking spaces for various uses will be as follows:

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
1. Auditorium	One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.
2. Automobile Sales and Service Garages.	One (1) space for each four hundred (400) sq. ft. of retail floor area.
3. Banks and Business and Professional Offices.	One (1) space for each two hundred (200) sq. ft. up to one thousand (1,000) sq. ft., and one (1) space for each four hundred (400) sq. ft. of additional space thereof.
4. Bowling Alleys.	Five (5) spaces for each lane or alley.

5. Churches.	One (1) space for each five (5) seats in the auditorium or one (1) space for each seventeen (17) classroom seats, whichever is the larger.
6. College or University.	One (1) space for each three (3) faculty, staff members and other employees, plus one (1) additional space for each fifteen (15) students enrolled.
7. Dance Halls, Assembly Halls, and Exhibition Halls, without fixed seats.	One (1) space for each one hundred (100) sq. ft. used for assembly.
8. Dormitory, Fraternity, or Sorority Houses	One (1) space for each three (3) active members or residents, plus one (1) space for each three (3) full time employees.
9. Dwellings, Single Family, and Two Family.	Two (2) spaces shall be provided for each dwelling unit. All parking shall be located behind the front building line of each structure..
10. Dwelling, Three, Four, and Multiple Family.	One and one-half (1 1/2) spaces shall be provided for each dwelling unit containing one (1) bedroom and two (2) spaces shall be provided for each dwelling unit containing two (2) or more bedrooms. All parking shall be located behind the front building line of each structure.
11. Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each one hundred (100) sq. ft. of floor area.
12. Furniture and Appliance Stores.	One (1) space for each eight hundred (800) sq. ft. of floor area.
13. Home Occupations.	One (1) space in addition to those required for dwelling purposes to be located behind the front building line in the side or rear yard.
14. Hospitals.	One (1) space per two (2) beds plus one (1) space per three (3) employees plus one (1) space per staff doctor.
15. Clinics with Beds, Nursing Homes, Rest Homes, and Institutional Homes.	One (1) space for each three (3) beds shall be located behind the front building line in the side or rear yard.
16. Hotel or Motel.	One (1) space for each living or sleeping unit. For a facility with a restaurant, see restaurant requirements.
17. Industrial Uses.	One (1) space per two (2) employees on maximum shift and one (1) space for each company vehicle.

18. Manufacturing Uses, Research Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc.	One (1) space per two (2) employees on maximum shift and one (1) space for each company vehicle.
19. Medical Clinics or Offices.	Three (3) spaces for each examination room plus one (1) for each doctor and employee.
20. Dental Clinics or Offices.	Two (2) spaces for each examination room plus one (1) for each dentist and employee.
21. Motor Vehicle and Machinery Repair, Sales or Wholesaling.	One (1) parking space for each eight hundred (800) sq. ft. of floor area.
22. Offices not providing customer services or sales on the premises.	One (1) parking space for each four hundred (400) sq. ft. of gross floor area.
23. Personal Services Establishments in Commercial Zones, including: a. Barber Shops. b. Beauty Shops. c. Shoeshine and Shoe Repair Shops d. Custom Dressmaking, Furrier, Millinery and Tailor Shops.	One (1) space for each two hundred (200) sq. ft. of floor area.
24. Professional Offices for Attorneys, CPA's, Architects, Engineers, Etc.	Four (4) spaces per one thousand (1000) sq. ft. of gross floor area. For offices less than one thousand (1000) sq. ft. the minimum requirement shall be four (4) spaces.
25. Public Buildings.	One (1) space for each three (3) employees, plus one (1) space for each one hundred (100) sq. ft. used for public assembly.
26. Restaurants, Taverns, and Night Clubs.	One (1) space for each three (3) seats.
27. Retail Stores, except as otherwise specified herein.	One (1) parking space four hundred (400) sq. ft. of retail floor area, including designated outdoor sales areas.
28. Rooming and Boarding Houses, Lodging Houses, Clubs, and Fraternity Housing having sleeping rooms.	One-half (1/2) parking space for each tenant or one (1) space for each vehicle kept by a roomer, boarder, or tenant which is being parked on the premises, whichever is greater.
29. Theaters.	One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.
30. Warehouses and Wholesale Storage Buildings (dead storage or high volume Distribution).	Two (2) parking spaces for each employee on the maximum shift.

5. PARKING REQUIREMENTS FOR USES NOT SPECIFIED. The parking requirements for land uses which are not specified in this Article shall be determined by the Neighborhood and Development Services Director. Said determination shall be based upon the requirements for the most comparable use specified herein.

6. GENERAL PROVISIONS FOR OFF-STREET PARKING. The following General Provisions shall apply to off-street parking requirements in this Article:

A. Location:

- (1) For any type of dwelling, parking facilities shall be located on the same lot or building site as the building which they are required to serve.
- (2) For other uses, off-street parking shall not be over two hundred (200) feet from the building they are required to serve.
- (3) No required off-street parking shall be permitted in any residential front yard set back.

B. Design Standards: All off-street parking facilities shall be so designed and constructed to meet the requirements set forth by the City Engineer.

C. Plans and Approval Required: The plans for any proposed parking area shall be submitted to the City Engineer at the time of the application for a Building Permit for the building to which the parking area is accessory. The plan shall clearly indicate the proposed development, including location, size, drainage, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot. Where required by the provisions of the respective zone, said plans shall also be submitted to and be approved by the Planning Commission. Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the City Engineer.

D. Maintenance: All areas used for parking shall be maintained in good condition free of holes, dust, and debris.

E. Lighting: Any lights provided to illuminate any parking area permitted by this Article shall be arranged so as to reflect the light away from adjacent properties.

F. Mixed Occupancies in the Building: In the case of mixed uses in the building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as provided required parking facilities for any other use, except as hereafter specified for joint use.

G. Joint Use: The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under conditions specified herein.

- (1) Up to fifty percent (50%) of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a night time use; up to fifty percent (50%) of the parking facilities required by this for a use considered to be a night time use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be contiguous, and the joint use of such facilities is assured by recording in the Office of the Register of Deeds of Finney County, Kansas, of a Covenant by such owner or owners of properties jointly used.
- (2) Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. If the common facilities are located on more than one lot, a covenant for the preservation of said parking facilities must be recorded in the Office of the Register of Deeds of Finney County, Kansas.

7. PARKING EXCEPTIONS. Off-street parking requirements in Districts “C-1”, “C-2”, “I-1”, “I-2”, or “I-3” may be waived by the Neighborhood and Development Services Director when it can be established that off-street parking to satisfy the above requirement is available, either private or public, on adjoining property or within two hundred (200) feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.

8. LOADING AND UNLOADING REGULATIONS. Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with traffic and public use of streets, alleys, and walkways. Such space shall include a twelve (12) foot by fifty (50) foot area for loading and unloading operations and shall have a minimum height clearance of fourteen (14) feet. The number of spaces shall be provided as follows:

<u>Number of Spaces</u>	<u>Square Feet of Building</u>
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF HOLCOMB, KS. PLEASE CONTACT THE NEIGHBORHOOD & DEVELOPMENT SERVICES DEPARTMENT AT 620-276-1170 WITH ANY QUESTIONS.

ARTICLE 16.221

BUILDING SETBACK LINES ON ARTERIAL, COLLECTOR AND LOCAL STREETS

SECTIONS:

1. Purpose
2. Arterial Street Setback
3. Collector Street Setback

1. PURPOSE. Building setback lines are hereby established for all arterial and collector streets in the City of Holcomb, Kansas, as shown on the major street plan of the Comprehensive Plan as adopted, and on all local streets not divided into lots and blocks as provided in the Subdivision Regulations. The setback lines as established in this section shall be held to be the minimum for the purpose of promoting the public health, safety, morals, order, convenience, and economy in the process of development in the City and shall conform to the requirements set forth herein.

2. ARTERIAL STREET SETBACK. No building or structure which fronts or sides on an arterial street shall be altered, constructed, enlarged, or erected closer than ninety (90) feet from the centerline of an arterial street right-of-way or easement.

3. COLLECTOR STREET SETBACK. No building or structure which fronts or sides on a collector street shall be altered, constructed, enlarged, or erected closer than eighty (80) feet from the centerline of any collector street.

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THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF HOLCOMB, KS. PLEASE CONTACT THE NEIGHBORHOOD & DEVELOPMENT SERVICES DEPARTMENT AT 620-276-1170 WITH ANY QUESTIONS.

ARTICLE 16.222

HOME OCCUPATIONS

SECTIONS:

1. Definition
2. Zoning Use Permit
3. Conditions
4. Home Occupations Permitted
5. Home Occupations Prohibited
6. Fees
7. Noncompliance
8. Appeal
9. Business License Required

1. DEFINITION. The term “Home Occupation” shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises.

2. ZONING USE PERMIT. To assure compliance with the provisions of this Zoning Ordinance and to protect the character of residential neighborhoods in the City of Holcomb, a Zoning Use Permit shall be obtained from Neighborhood & Development Services prior to commencing any “Home Occupation”. A Zoning Use Permit is a request to allow a use which is generally compatible with a Zoning District provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a Zoning Use Permit by the Neighborhood & Development Services Director or her/his designee. The Director must find two (2) conditions exist in order to rule favorably on a Zoning Use Permit request. The burden of proof is with the applicant and the granting of the Zoning Use Permit is at the Directors discretion. The two (2) conditions are as follows: (a) The use will not cause an adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and (b) The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Holcomb, County of Finney County (if applicable), the State of Kansas and the United States of America.

A Zoning Use Permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a Conditional Use Permit as outlined in the zoning regulations, including but not limited to the following:

3. CONDITIONS. Each of the following conditions must be observed at all times by the holder of a Zoning Use Permit:

- A. Persons who are not bona-fide residents of the premises shall not be employed on said premises.
- B. The Home Occupation shall be conducted wholly within the structure on the premises and shall not exceed twenty-five percent (25%) of the total floor area of said structures. The Home Occupation shall not occupy any area within said structures which is required for off-street parking by the provisions of this Zoning Regulation.
- C. Inventory and supplies for the Home Occupation shall not occupy more than fifty percent (50%) of the permitted area.
- D. There shall be no display, customer services, or sales of goods, wares, or merchandise made upon said premises.
- E. No sign or advertising shall be displayed on the premises except as may be expressly permitted by the Zoning Ordinance.
- F. No Display of any kind shall be visible from the exterior of the premises.
- G. No mechanical or electrical apparatus, equipment, or tools shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts.
- H. All maintenance or service vehicles and equipment, or any vehicle bearing any advertising related to the Home Occupation, or any other similar vehicle shall be garaged or stored entirely within a building or structure.
- I. The Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
- J. There shall be complete conformity with fire, building, plumbing, electrical, and health codes and to all State and City laws and Ordinances.
- K. The Home Occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
- L. The Home Occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, or vibrations.
- M. Any special condition established by the Board of Zoning Appeals and made of record in the Zoning Use Permit, as they deem necessary to carry out the intent of this Section, shall be met.

- N. No manufacturing or processing of any sort whatsoever shall be permitted.
- O. All Zoning Use Permits shall be valid so long as the applicant resides at the address provided and there are no reported violations, complaints, or detrimental characteristics which may, in the opinion of the Board of Zoning Appeals, require termination of said Home Occupation.

4. HOME OCCUPATIONS PERMITTED. Customary Home Occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirement of Section 16.220.

- A. Dressmakers, seamstresses, and tailors.
- B. Music teachers provided that instructions shall be limited to one (1) pupil at a time except for occasional groups.
- C. Artists, sculptors, authors, or composers.
- D. Ministers, rabbis, and priests.
- E. Office facilities for accountants, salesmen, sales representatives, and manufacturer's representatives; when no retail, wholesale, or exchange of goods are made or transacted on the premises.
- F. Home crafts, such as model making, rug-weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed, other than that which would customarily be found in the home. Machinery or equipment that would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit.
- G. Day care homes provided such homes meet KDHE requirements.
- H. Barber or beauty shops provided that the service is limited to one (1) chair and one (1) operator only.

5. HOME OCCUPATIONS PROHIBITED. Permitted home occupations shall not in any event be deemed to include:

- A. Dancing schools.
- B. Funeral homes.
- C. Nursery schools and Group Day Care Centers, unless specifically permitted by the District Regulations.
- D. Restaurants.
- E. Stables or kennels.

- F. Boarding House, unless specifically permitted by the District Regulations.
- G. Renting of trailers.
- H. Medical or dental clinics or hospitals.
- I. Animal kennels or hospitals.
- J. Barber and beauty shops employing more than one (1) chair and one (1) operator.

6. FEES. A fee of thirty dollars (\$30.00) shall accompany the initial application for a Zoning Use Permit.

7. NONCOMPLIANCE. Any Zoning Use Permit shall be revoked by the Neighborhood and Development Services Director upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within one (1) week of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Article, notwithstanding compliance to the violation notice.

8. APPEAL. In the event of denial of any permit, or of the revocation thereof, or of objection to the limitations placed thereon, appeal may be made to the Board of Zoning Appeals in accordance with the provisions of this Zoning Regulation.

9. BUSINESS LICENSE REQUIRED. A Zoning Use Permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the City or of any other public agency.

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ARTICLE 16.223

AMENDMENTS

SECTIONS:

1. Amendment Authority
2. Amendment Purpose
3. Amendment Procedure
4. Amendment Evaluation Criteria

1. AMENDMENT - AUTHORITY. The Governing Body of the City may from time to time on it's own motion or on petition of any party; amend, supplement, change, modify, or repeal, by Ordinance, the boundaries of any Zoning District or the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Planning Commission for its recommendation and report.

2. AMENDMENT - PURPOSE. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be a public policy that amendments shall not be made to the Zoning Regulations and Map except to promote more fully the Comprehensive Plan and the objectives and purposes of this Zoning Regulation or to correct manifest errors.

3. AMENDMENT - PROCEDURE.

A. Request for an amendment - Any person seeking an amendment to this Zoning Regulation or Map shall file with the Neighborhood and Development Services Director an application, provided by the City, and be accompanied by such data and information as may be prescribed. At the time of filing and application with the Neighborhood and Development Services Director, the applicant shall provide the Director with the names and addresses of all owners, residing in, or having an office in Finney County, Kansas, of any land located within the limits of the area as to which change is requested and within two hundred (200) feet of the outer limits of said area as to which the applicant desires change of zoning.

B. Fee - For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the Neighborhood and Development Services Department a fee in the amount of two hundred dollars (\$200.00).

C. Duties of the Planning Commission:

(1) Upon the filing of a complete application on or before the deadline established for submittal, the Neighborhood and Development Services Director shall refer the application to the Planning Commission for study and recommendation.

(2) Before the Planning Commission shall by proper action, formulate its recommendation to the Governing Body on any such proposed or requested

change of Zoning District boundary, whether initiated by the Governing Body or by others, the Planning Commission shall hold a public hearing on such proposal and such hearing shall be held only after notice of the hearing has been given as follows:

- (a.) One notice published as a legal notice in the official newspaper of the City of Holcomb, Kansas, said publication notice to be at least twenty (20) days prior to the date set for said hearing. Such notice shall fix the time and place for such hearing and, contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designed by legal description or a general description sufficient to identify the property under consideration. The notice shall also include a statement that a complete legal description of the property is available for public inspection and shall indicate where such information is available.
- (b.) A copy of said published notice mailed by first class mail, within seven (7) days after publication of said notice, to all owners whose addresses with reasonable diligence can be ascertained, residing in, or having an office in Finney County, Kansas, of land located within two hundred (200) feet of the outer limits of the area to which such proposal pertains, said list of said owners to be determined by the records in the office of the Register of Deeds as of 8:00 o'clock a.m. on the date on which said application is filed with the Neighborhood and Development Services Director.

D. In the event that a protest against such amendment, supplement, or change be filed in the Office of the Neighborhood and Development Services Director within fourteen (14) days after the said public hearing, duly signed and acknowledged by the owners of twenty percent (20%) or more of any land located within two hundred (200) feet of the area proposed to be altered, then, in such event, such amendment shall not be approved except by at least three fourths ($\frac{3}{4}$) vote of the Governing Body of the City.

4. AMENDMENT EVALUATION CRITERIA. Prior to taking any action on a request for an amendment which is not a general revision of the Zoning Regulations and which will affect specific property, the Planning Commission shall give consideration to the following evaluation criteria:

- A. The physical character of the neighborhood surrounding the property under consideration,
- B. The existing zoning and land uses of properties both adjacent and near the property under consideration,

- C. The suitability under existing conditions of the subject property for the land uses to which has been zoned,
- D. The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B.) above),
- E. The length of time the subject property has remained vacant as zoned (if applicable),
- F. The relative gain to the public health, safety and welfare by the change of value of the landowner's property compared to any hardship that may be imposed upon the landowner,
- G. The consideration of recommendations of permanent or professional staff (if applicable),
- H. The conformance of a proposed zoning change to the adopted or recognized Comprehensive Plan being utilized by the City of Holcomb, Kansas, and
- I. Other factors relevant or specific to a particular proposed zoning amendment.

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ARTICLE 16.224

THE BOARD OF ZONING APPEALS (Ord. #422, 01/09/19)

SECTIONS:

1. The Board of Zoning Appeals Established
2. Organization of the Board of Zoning Appeals
3. Powers and Jurisdiction
4. Appeals to the Board of Zoning Appeals
5. Decision of Appeals
6. Fee
7. Applications
8. Judicial Appeal

1. THE BOARD OF ZONING APPEALS ESTABLISHED. A Board of Zoning Appeals is hereby created by the Governing Body of the City as prescribed by law. Such Board of Zoning Appeals shall consist of five (5) members all of whom shall be taxpayers and residents of the City of Holcomb. They shall be appointed by the Mayor and with the consent of the Governing Body. Not less than one (1) or more than two (2) members of the board shall be members of the Planning Commission. One (1) member of said Board of Zoning Appeals shall be appointed to serve for a period of one (1) year, two (2) for a period of two (2) years, and two (2) for a period of three (3) years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board of Zoning Appeals serve without compensation.

2. ORGANIZATION OF THE BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall organize by electing annually one of its members as Chairman. The Board of Zoning Appeals may also select from among their members a Vice-Chairman and such other officers as the Board of Zoning Appeals shall consider necessary. The Board of Zoning Appeals shall appoint a Secretary, who need not be a member of the Board of Zoning Appeals, to maintain its records and keep minutes of all proceedings before the Board of Zoning Appeals. The Governing Body of the City shall have the power to remove any member of the Board of Zoning Appeals for cause. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in their absence, the Acting-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Secretary of the Board of Zoning Appeals in the Neighborhood and Development Services and shall be a public record.

3. POWERS AND JURISDICTION. The Board of Zoning Appeals shall have the following powers and jurisdiction:

- A. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance.

- B. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purposes of the plan, as shown upon the map (fixing the several districts) accompanying and made a part of this Ordinance.
- C. To permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God, or the public enemy, to the extent of more than fifty percent (50%) of the structural value of the building and the land upon which it is located, where the Board of Zoning Appeals finds some compelling public necessity requiring continuance of the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided in Section 16.217.10 of this Article.
- D. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare of the neighborhood or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this Ordinance.
- E. To authorize variances to the district regulations upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, will impose upon him practical difficulties or particular hardship, and that such variations of the strict applications of the terms of this Ordinance as are in harmony with its general purpose and intent, (but only when the Board of Zoning Appeals is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty too great as to warrant a variation from the Comprehensive Plan as established by this Ordinance) and at the same time the surrounding property will be properly protected.
- F. To hear and grant exception to District Zoning Regulations subject to the requirements of Article 16.225.

4. APPEALS TO THE BOARD OF ZONING APPEALS.

- A. *Who May Appeal* - Appeals to the Board of Zoning Appeals may be taken by any person or persons aggrieved or by an officer, department, any board, other than the Board of Appeals, or bureau of the City of Holcomb affected by a decision of the Neighborhood and Development Services Director. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Neighborhood and Development Services Director and with the Board of Zoning Appeals a Notice of Appeal specifying the grounds thereof. The Neighborhood and Development Services Director shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from is taken.

- B. *Time for Appeal* - The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give not less than five days' notice thereof, as well as due notice to the parties in interest, and decide the same within thirty days. Upon the hearing, any party may appear in person, by agent, or by attorney.
- C. *Stay of Proceedings* - An appeal stays all proceedings in furtherance of the action appealed from, unless the Neighborhood and Development Services Director certifies to the Board of Zoning Appeals after the Notice of Appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record, on application or notice to the Neighborhood and Development Services Director on good cause shown.
- D. *Hearing And Notice* - The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, place, date, and subject of such hearing shall be published once in the official city newspaper at least twenty (20) days prior to the date of the hearing. A copy of such notice shall be mailed by the Board of Zoning Appeals to each party in interest and to the Planning Commission; and if action directly affecting specific property in the subject of the appeal, then to owners of all property within two hundred (200) feet of the boundaries thereof. The Board of Zoning Appeals may give such additional notice as appear and be heard at the hearing in person, by agent, or by attorney.

5. DECISION OF APPEALS. The Board of Zoning Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administration, and may issue or direct the issuance of a permit. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Neighborhood and Development Services Director, or to decide in favor of the applicant upon any matter which it is required to pass under any such Ordinance, or to affect any variation in such Ordinance. Upon the hearing, any party may appear in person, by agent, or by attorney.

6. FEE. Fees for all variance requests shall be two-hundred (\$200) dollars. The conditional use fee shall be two-hundred fifty (\$250.00) dollars. The Conditional Use Permit shall be limited to the property, and may be transferred two (2) times to two (2) separate entities if the transfer is for the same use. The conditional use transfer fee shall be two-hundred (\$200.00) dollars. The burden of proof is with the applicant and the granting of the Conditional Use Transfer Permit shall be at the Directors discretion. A requirement for the granting of the Conditional Use Transfer Permit shall be that no more than ten percent (10%) of the building footprint may change. Fees shall be paid to the Neighborhood and Development Services at the time the Notice of Appeal is filed and be credited to the General Revenue Fund of the City of Holcomb.

7. APPLICATIONS. Applications to the Board of Zoning Appeals shall be on forms furnished by Neighborhood and Development Services. All Conditional Use Permits shall be valid for one

(1) year from the date it was approved by the Board of Zoning Appeals; if the project has not been substantially completed within one (1) year of approval, the Conditional Use Permit shall expire.

8. JUDICIAL APPEAL. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or of any officer, department, board or bureau of the City of Holcomb may bring an action in the District Court having jurisdiction in Finney County, to determine the reasonableness of any such order or determination. Provided, any action brought in the District Court shall be within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

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ARTICLE 16.225

VARIANCES AND EXCEPTIONS TO THE DISTRICT REGULATIONS

SECTIONS:

1. Variance-Procedure
2. Allowable Variance
3. Written Findings
4. Exceptions-Procedure
5. Consideration of a Conditional Use
6. Performance: Letter of Credit Required

1. VARIANCE - PROCEDURE. The Board of Zoning Appeals may authorize, upon appeal, such variances from the terms of this Zoning Regulation as will not be contrary to the public interest, where owing to special conditions the literal enforcement of the provisions of this Zoning Regulation will result in unnecessary hardship; provided, that the spirit of the Ordinance be observed and substantial justice done. Before any variance may be authorized however, it shall be shown that:

- A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same Zoning District, and is not created by an action or actions of the property owner or the applicant.
- B. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- C. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- D. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- E. Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

2. ALLOWABLE VARIANCE. Variances shall include yard and height regulations only and are limited to the following:

- A. A yard regulation variance shall not encroach upon the required setback for adjacent buildings.
- B. One story in height may be allowed for each five (5) foot of additional building setback required by the district regulation in which the property is located.
- C. The alternate front yard on a corner lot shall not be reduced to less than twenty (20) feet.

3. WRITTEN FINDINGS. Every variation granted or denied by the Board of Zoning Appeals shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation, a copy of which shall be filed in the office of the Neighborhood and Development Services, there to be available for perusal by the public.

4. EXCEPTIONS - PROCEDURE. The Board of Zoning Appeals may authorize, as an exception to the provisions of these Zoning Regulations, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular Zoning District or in one or more Zoning Districts. No conditional use shall be authorized as an exception to these regulations unless the Board of Zoning Appeals is specifically authorized to grant such conditional use and unless such grant complies with all of the applicable provisions of these regulations.

The purpose of the Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations, and may have potentially detrimental characteristics if not properly designed, located, and conditioned. A Conditional Use Permit may be granted only for uses listed as conditional uses in respective zones, and for such other uses as are set forth in various provisions of this Title.

The following requirements and procedures shall apply in the issuance of a Conditional Use Permit:

- A. Application for a Conditional Use Permit must be filed with the Secretary of the Board of Zoning Appeals in the office of the Neighborhood and Development Services Department at least twenty-eight (28) days prior to the date of the Board of Zoning Appeals meeting. Application forms are available at the Neighborhood and Development Services Department. The application shall contain the following information:
 - (1) Plots, plans, or drawings, drawn to scale, as may be required to clearly show how a conditional use will occupy a site and/or buildings; and what the effect of said conditional use will be upon adjacent properties.
 - (2) Legal dimension of the tract to be used.
 - (3) Location of all proposed improvements, including curb-cut access, off-street parking, and other such facilities as the applicant proposed to install.
 - (4) Grade elevations.
 - (5) Building setback from all property lines.
 - (6) Such perspective drawings, of the proposed improvements, in such detail as the Board of Zoning Appeals may require to clearly show the finished appearance of the improvements proposed.
 - (7) Location and type of planting, screening, or walls.

(8) Such other items as the Board of Zoning Appeals shall deem reasonably necessary to properly process the application.

B. The Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

5. CONSIDERATION OF A CONDITIONAL USE. In considering an application for a Conditional Use Permit hereunder, the Board of Zoning Appeals shall give consideration to the Comprehensive Plan of the City, the health, safety, morals, comfort, and general welfare of the inhabitants of the City, including but not limited to the following factors:

A. The stability and integrity of the various Zoning Districts to include:

- (1) Conservation of property values.
- (2) Protection against fire and casualties.
- (3) Observation of general police regulations.
- (4) Prevention of traffic congestion.
- (5) Promotion of traffic safety and the orderly parking of motor vehicles.
- (6) Promotion of the safety of individuals and property.
- (7) Provision for adequate light and air.
- (8) Prevention of over-crowding and excessive intensity of land uses.
- (9) Provision for public utilities and schools.
- (10) Invasion by inappropriate uses.
- (11) Value, type, and character of existing or authorized improvements and land uses.
- (12) Encouragement of improvements and land uses within overall planning.
- (13) Provisions for orderly and proper urban renewal, development, and growth.

6. PERFORMANCE: LETTER OF CREDIT REQUIRED. The Board of Zoning Appeals shall require a letter of credit for improvements such as parking lot surfacing, landscaping, etc. The amount of the letter shall be based on a general estimate of cost for the improvements as determined by the City Engineer and shall be enforceable by or payable to the City in the sum equal to the cost of constructing the required improvements.

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ARTICLE 16.226

ENFORCEMENT AND PENALTIES

SECTIONS:

1. Enforcement
2. Abatement
3. Occupancy Permit
4. Penalty

1. ENFORCEMENT. It shall be the duty of the Neighborhood and Development Services Director to enforce the provisions of this Zoning regulation. All department officials and public employees of the City of Holcomb vested with the duty or authority to issue permits shall conform to the provisions of this Zoning Regulation and shall issue no permit, certificate, or license for use or building that would be in conflict with the provisions of the Zoning Regulation.

2. ABATEMENT. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Zoning Regulation, and any land use or structure established, the same is hereby declared to be unlawful and a public nuisance; and the City Attorney of the City of Holcomb shall immediately commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner as provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such buildings or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this Zoning Regulation. The remedies provided for herein shall be cumulative and not exclusive.

3. OCCUPANCY PERMIT. No permit of excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a Certificate of Occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

A record of all Certificates of Occupancy shall be kept on file in the office of the Neighborhood and Development Services Director, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such Certificate of Occupancy.

4. PENALTY. Any person, firm, or the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each and every day that such violation continues shall constitute a separate offense.