



CITY OF GOODLAND
PLANNING COMMISSION AGENDA
TUESDAY, November 12th 2024 AT 6:00P.M.
CITY HALL, 204 W. 11th ST., GOODLAND, KS

- 1. Call to Order**
 - a. Roll Call
- 2. Public Comment**
- 3. Public Hearing - An Ordinance adopting and amending Section 19-202 Definitions of City of Goodland Municipal Code.**

After conclusion of Public Hearing - Recommendation to City Commission - Ordinance Amending the Text for Chapter 19 Section 202 Definitions.
- 4. Proposed Plat Amendment and Plat Correction Procedures to be added to Subdivision Regulations**
- 5. Reports**
 - A. Planning Commissioners
 - B. Staff –
- 6. Minutes**
 - a. October 8, 2024 Minutes
- 7. Adjournment**



City of Goodland
204 W. 11th Street
Goodland, KS 67735

MEMORANDUM

TO: Planning Commissioners
FROM: Kent Brown, City Manager
Zach Hildebrand, Building Official
DATE: November 12, 2024
SUBJECT: Agenda Report

3. Public Hearing - An Ordinance Amending the Text for Chapter 19 Section 202 Definitions.

- A) Open the public hearing as was approved and set by the Building Official for November 12, 2024.
- B) Receive comments on the proposed text amendment for Chapter 19 Section 202 Definitions.
- C) Staff will review the proposed amendment with the board.
- D) Close the public hearing.

Recommendation to the City Commission on the Ordinance Amending the Text for Chapter 19 Section 202 Definitions

Once the public hearing is completed, staff will request whether the Planning Commission will recommend the proposed Ordinance for approval, approval with changes or approval not to proceed at this time along with an accurate record of the public hearing.

RECOMMENDED MOTION: "I move that we recommend for approval (or approval with amendments) AN ORDINANCE AMENDING THE TEXT FOR CHAPTER 19 SECTION 202 Definitions to the city commission."

4. Proposed Plat Amendment and Plat Correction Procedures to be added to Subdivision Regulations

Was briefly presented at the July 9, 2024 Planning Commission meeting. This would add sections to the Subdivision process for a plat amendment and a plat correction process. A plat amendment does not create additional lots but . . . lot lines that may be relocated as part of a boundary line adjustment, or lots may be merged as part of a lot consolidation. The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission.

A **plat correction** is a one (1) phase administrative process and may be used only to correct errors on an existing approved subdivision plat.

Planning Commissioners will be asked to review and come to a consensus on whether to make any changes, additions or deletions. If there are minor changes or none at all, staff will request the Planning Commission to make a motion to set a public hearing date on December 10, 2024 to allow for the proper timing for notice for the proposed ordinance.

5. Reports:

A. Planning Commissioners

The Chair will ask each Planning Commissioner for their comments or questions for staff on any other topic not on the agenda at this time.

B. Staff

6. Minutes:

A. 10-8-2024 Planning Commission Meeting Minutes

Staff recommends approval of the Meeting Minutes with any changes requested by the commission.

RECOMMENDED MOTION: "I move that we approve the planning commission meeting minutes of October 8, 2024."

ORDINANCE NO.

AN ORDINANCE ADOPTING AND AMENDING SECTION 19-202 OF CITY OF GOODLAND MUNICIPAL CODE TO ADOPT THE DEFINITION FOR ACCESSORY DWELLING UNIT AND OMITTING DESIGN STANDARDS FOR MODULAR AND MANUFACTURED HOMES IN RESIDENTIAL DISTRICTS.

WHEREAS, the City of Goodland Construction Board has recommended to approve and adopt the amendments to Section 19-202 of the City of Goodland Municipal Code.

WHEREAS, the Governing Body finds it is in the best interest of the City to adopt and approve the amendments to Section 19-202 of the City of Goodland Municipal Code.

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

SECTION 1. The City of Goodland Municipal Code Section 19-202 as follows:

Accessory use or structure. A use or structure (exceeding two hundred 200 square feet) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal structure or use and normally is incidental to a use by right and complying with all the following conditions:

- a. Is clearly subordinate, incidental, and customary to and commonly associated with the operation of the use by right.
- b. Is operated and maintained under the same ownership as the use by right on the same zone lot.
- c. Includes only those structures or structural features consistent with the use by right.
- d. Fences, gates, walls and utility poles are exempt from dimensional requirements and the number of allowed structures in each zone district.

Accessory Dwelling Unit. A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside and may or may not be attached to or integrated within the same structure as the primary dwelling unit, including a basement, addition, floor, or portion of a floor.

Acreage, Gross: Gross acreage is the total area of land within a given boundary, including any proposed rights of way, easements, and open space.

Acreage, Net: Net Acreage means the remaining ground area of a parcel after deleting all land areas for proposed and existing public rights-of-way and easements.

Adjacent means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, lake, stream, or open space.

Adjacent property owner is an owner of record of any estate, right, or interest in real property abutting the subject property.

Adult: A person 18 years of age or older.

Adult Entertainment Establishment: Any business, premises or establishment including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult live performance theaters which has any of the following:

(1) Thirty percent (30%) or more of its annual gross receipts derived from:

(a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or

(b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or

(2) Thirty percent (30%) or more of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or

(3) Thirty percent (30%) or more of its floor area at any time allocated to

(a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or

(b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as

herein defined, and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.

Agriculture, crop shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products;

Agriculture, livestock the grazing or raising of livestock (except in feedlots); nurseries, tree farms, aquaculture; sod production; orchards; nurseries; and the cultivation of products commonly grown in Sherman County.

Agricultural Processing: The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

Agricultural Sales and Service: An establishment primarily engaged in the sale, purchase, or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Airport or Airstrip: Any public or privately owned or operated ground facility designed to accommodate landing and takeoff operations of aircraft, including all taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: minor or secondary way that is used primarily for utility access and secondarily for vehicular access to the back or side of properties otherwise abutting on a street.

Alteration: Any addition, removal, extension, or change in the location of any wall of a main building or accessory building.

Animal Care, General: A use providing animal care, veterinary services, daycare, grooming, or boarding, including outside animal runs.

Animal Care, Limited: A use providing animal care, boarding, and veterinary services for household pets, with no outside animal runs. **See "Kennel."**

Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a conditional permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

Asphalt or Concrete Plant: An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

Assisted living means a residential facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing for the elderly or adults who are unable to manage these activities themselves.

Auditorium or Stadium: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Automated Teller Machine (ATM): A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. Automatic Teller Machines (ATM) located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

Bank or Financial Institution: Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. "Banks and Financial Institutions" also include automated teller machines.

Bar or Tavern: An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and night clubs.

Basement: A story below the first story as defined under "Story," counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Basic Industry: An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials. Typical uses include distilleries, pulp processing and paper products manufacturing; glass manufacturing; brick manufacturing; steel works; tanneries; acid manufacturing; cement, lime, gypsum, or plaster of Paris manufacturing; fertilizer or chemical manufacturing; and petroleum refineries.

Bed and Breakfast: A private home, converted multifamily *dwelling*, or other such similar land use operated on a fee basis as a *business* by providing overnight lodging for a period of less than thirty days and provides food service for guests only.

Block: means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision plat. **In cases where the platting is incomplete or disconnected, the Building Official shall determine the outline of the block.**

Boarding and rooming house. A building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation shall include compensation in money, services, or other things of value.

Board of Zoning Appeals: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulation.

Brew pub or microbrewery means a restaurant or tap room that sells beverages (beer and other malt liquors) brewed on the premises up to 1,000 barrels of beer and 3,000 gallons of hard cider pursuant to Kansas House Bill 2421.

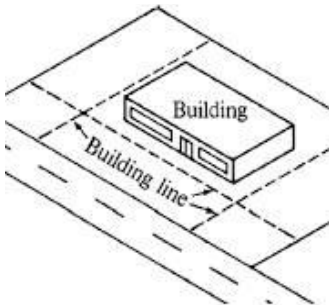
Brewery means a building or establishment that creates ales, beers, meads, wines, spirits, and/or similar beverages on site or for wholesale production.

Building. Any enclosed structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Building Code: The various codes of the City that regulate construction and require building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by [Chapter 4](#) of City Code pertaining to building and building regulations.

Building coverage. Any area of a portion of a lot, which is covered by all buildings or structures on that lot.

Building Line: The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, fire escapes, and other ornamental features such as masonry ledges, cornices, and architectural features projecting from the walls of the building or structure.



Building Line (established): The average setback between existing structures within 100 ft of any new structure measured from the edge of pavement of the street on which the structures front to the closest front corners of each adjacent structure

Building Official: Is the person or persons designated by the governing body to administer this zoning ordinance, whether such person or persons titled Building Official, Building Inspector, Administrative Official, City Engineer, City Clerk, or Zoning Official.

Building, Temporary: A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other

community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Camping space is an area designated for the construction and use of a tent or temporary apparatus of similar nature intended for recreation.

Canopy: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Carport: A roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicle.

Car Wash: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Catering: An establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in "Food/Bakery Product Manufacturing."

Cellar: A structure having more than one-half (½) of its height below grade and which is not designed or intended for human habitation.

Cemetery, Crematory, Mausoleum: Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

Churches, Chapels, Temples and Synagogues: See the definition of "Religious Assembly."

City Commission: The elected Governing Body of the City of Goodland.

Cluster development: The arrangement of buildings or structures in groups around common courts, driveways, parks or other unique features of the land permitting more latitude and flexibility in placement and design. The lots, buildings or structures in a cluster development must meet the requirements of the appropriate planned districts.

College or University: An institution of higher education offering undergraduate or graduate degrees.

Commission: The Planning Commission of the City of Goodland, Kansas.

Common open space: An area of land or water or combination thereof planned for passive or active recreation. The term shall not include space devoted to streets, parking areas, loading areas and accessory buildings.

Communication Tower: Commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

Composting Facility: A facility that is designed and used for transforming food, yard wastes and other organic material into soil or fertilizer by biological decomposition.

Comprehensive Plan: The duly adopted comprehensive plan for the development of the community which includes maps, charts, illustrations and texts for the following:

- a. Land use studies;
- b. Goals and objectives;
- c. Population study and forecasts;
- d. Economic base study;
- e. Housing study;
- f. Major Street plan;
- g. Future Land Use Development.

Concentrated Feeding Operation: A lot, yard, corral, or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter.

Conditional Use: means a use that is generally compatible with the other uses permitted in a zone district, but which requires site-specific review of its location, design, configuration, density, intensity, and operating characteristics, and may require the imposition of appropriate conditions to ensure compatibility of the use at a particular location, to mitigate its potentially adverse impacts and to ensure that it complies with all of the standards of this Chapter.

Condominium unit means a physical portion of a common interest community which is designated for separate ownership or occupancy and the boundaries of which are described or determined in the declaration.

Congregate Residence: Any building or portion thereof which contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

Construction Sales and Service: An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

Convalescent Care: An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental

illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

Correctional Facility: A facility providing housing and care for individuals confined for violations of law.

Court: An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Cultural Service: A facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

Curb level: The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Day care home means the premises on which care is provided for a maximum of 10 children under 16 years of age, with a limited number of children under five years of age in accordance with K.A.R. 28-4-114(e). Kan. Admin. Regs. § 28-4-113(d)

Day care home, Group means the premises on which care is provided for a maximum of 12 children under 16 years of age, with a limited number of children under five years of age in accordance with K.A.R. 28-4-114(f). Kan. Admin. Regs. § 28-4-113(k).

Dedication, land: Intentional transfer by the developer to the public of ownership of, or an interest in, land for public purpose. Dedication may be affected by compliance with statutes relating to dedication of land, by formal deed by conveyance or by any other method recognized by the laws of the State of Kansas.

Density: The number of dwelling units that may be constructed per the gross acreage of all the land within the boundaries of the development but shall not include land previously dedicated, purchased, or acquired for any public use or land devoted to nonresidential uses such as commercial, office, and industrial or civic uses.

Department of Health and Environment: The Kansas Department of Health and Environment (KDHE).

Development. The act of carrying out any building activity or land excavation operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development. Development shall also include:

- a. Any construction, placement, reconstruction, or alteration of the size of a structure on land;

- b. Any increase in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in the use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- e. The commencement of mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing or grading of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;

District: A section or sections of the zoning area for which uniform regulations governing the use of land, open space, the height of buildings, the size of yards, and the intensity of use are herein established.

Driveway: A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Dwelling, multifamily. A building or portion thereof, designed for or occupied by three or more families, living independently of one another and having separate entrances for each dwelling unit. This definition includes townhouses, apartments, and condominiums, but not motels or hotels.

Dwelling, single family. A detached principal building arranged, designed, and intended to be occupied by not more than one family.

Dwelling, two-family or duplex. A detached principal building arranged, designed, and intended to be occupied by not more than two families, living independently of one another and having separate entrances for each dwelling unit.

Dwelling unit. "Dwelling unit" means one room or rooms with internal connections providing complete independent living facilities for residential occupancy, including permanent provisions for bathroom and kitchen facilities. The word "dwelling unit" shall not include tents, recreational vehicles, trailer coaches, hotels, motels, guest house, or other structures designed or used primarily for transient residents.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, a utility, or particular persons for specified uses other than the legal fee owner(s) of the property. Unless otherwise specified on the plat, a platted easement shall be permitted for use under, on or above said platted property.

Eating and drinking establishment means a permanent building containing a restaurant, bar, tavern or brewery which serves food and/or beverages, prepared, or consumed on the premises, within a building or on an outdoor patio, served to the customer at tables or counters.

Educational institution. Public schools, non-public schools, and schools administered and operated by the state. The following definitions shall apply to the various types of educational institutions:

1. Public schools include those schools administered by legally organized school districts;
2. Non-public schools include all private, parochial, and independent schools which provide education of compulsory school age pupils comparable to that provided in the public schools of the state.

Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than six (6) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis. However, this shall not include group homes as regulated by K.S.A. 12-736. Additionally, family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.

Kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:

1. Cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills, microwave ovens, dishwashers or similar appliances, 240 volt electrical outlets or any gas lines; or
2. A sink less than eighteen (18) inches in depth with a waste line drain 1-½ inches or greater in diameter and a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.

Notwithstanding the criteria above, the following shall not be considered to be a kitchen for zoning purposes:

1. An "outdoor kitchen" that is placed in an unenclosed area that may be roofed but is open on at least two sides and exposed to weather;
2. Gas lines and/or electrical outlets of 240 volts in a residential garage, barn, workshop, artist's studio or similar structure, if an operable garage door is provided and the space is unconditioned as defined in the adopted model codes. A garage may contain a refrigerator or freezer but cannot contain any cooking appliances.

Fence: An enclosure or barrier such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

Fence Height: The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.

Final Development Plan: A plan submitted for site plan review as required by these regulations for single-family, two-family, multifamily, commercial, and industrial development proposals.

Floor Area (For computing off-street parking requirements): Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- The basement floor area.
- The area of each floor of the structure.
- Attic space having headroom of 7' 10" or more.

Floodplain Administrator: Is the person or persons designated by the governing body or City Administrator to administer the Floodplain regulations, whether such person or persons be entitled Building Official, Building Inspector, Administrative Official, City Engineer, City Clerk or Zoning Official.

Floodway Fringe: Are those portions of a floodplain outside of the boundaries of a regulating floodway and within stream reaches where such a floodway has been established.

Floor area: The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

Food Store: An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed, such as a delicatessen or bakery.

Food/Bakery Product Manufacturing: A use engaged in the manufacture of food and food products, including non-retail bakeries, canning facilities and creameries.

Freight Terminal: A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

Funeral Home: An establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Garage:

Public: A building or portion thereof, other than a private or repair garage, providing storage for motor vehicles, but no other services.

Private: An accessory building or portion of a main building used for storage only of automobiles.

Repair: A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles and which is operated for commercial purposes.

Storage: A building or portion thereof, except those defined as a private, a repair or a community garage providing storage for motor vehicles, with facilities for washing but no other services.

Gas and Fuel Sales/Storage: The use of a site for bulk storage and distribution and sales of flammable liquid, gas or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed principal use on the site.

General Plan: The declaration of purposes, policies and programs for the development of the jurisdiction. Also called the Comprehensive Plan.

Golf Course: A facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See "Recreation and Entertainment, Outdoor."

Golf Course, Miniature: A theme-oriented recreational facility, typically comprised of nine or eighteen (18) putting greens. Accessory use may include batting cages and video arcades. See "Recreation and Entertainment, Outdoor."

Governing Body: The Mayor and City Commission of the City of Goodland, Kansas.

Government Service: Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, and utility billing offices.

Grade, (Adjacent Ground Elevation) is the lowest point of elevation of the existing surface of the ground, within the area between the building and a line five (5) feet from building.

Grain Elevator: A tall building for storing grain.

Greenhouse, Nursery: An establishment where flowers, trees, and other products that are commonly used as landscaping in and around buildings are grown and sold.

Gross leasable floor area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of joint partitions and from the exterior surface of outside walls.

Group home, general: A residential home providing 24-hour care in a protected living environment for more than eight persons with physical or mental disabilities and any number of caregivers.

Group home, limited: A residential home providing 24-hour care in a protected environment for eight (8) or less unrelated persons with mental or physical disabilities; further, and pursuant to KSA 12-736, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

Group Residential: The use of a site for occupancy by groups of more than five persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses. The term "group residential" does not include "group homes."

Hard Surfaced Road: An all-weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Goodland street standards.

Hazardous Operation: Activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

Health Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Height, Building The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Helipad or Helipad: An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

Home occupation means a permitted accessory use entirely within a dwelling or a permitted accessory structure, and carried on by the occupants, which is clearly incidental and secondary to the primary use of the dwelling and does not change the basic residential character of the neighborhood and is subordinate to the residential use of the dwelling unit.

Hospital: An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

Hotel, Motel, or Tourist Court: A structure which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests for periods of not more than 28 consecutive days; and having more than two bedrooms furnished for the accommodation of such guests.

Household pet. A **domestic** animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose.

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

Kennel: An establishment where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other domestic animals. **for more than four (4) domesticated animals, commonly considered to be household pets that are more than three (3) months old.**

Landfill: A disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

Landscaping: The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

Laundry: An establishment where commercial laundry and dry cleaning work is undertaken.

Laundry (self-service): An establishment equipped with individual coin-operated washing, drying or dry cleaning machines.

Library: A publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, area, and to provide such yards and other open spaces as are required by this Code. Such lot shall have frontage on an improved public street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
4. A parcel of land described by metes and bounds.

Lot area. The area of a horizontal plane bounded by the front, side, and rear lot lines.

Lot depth. The distance between the midpoints of the front lot line and the mid-point of the rear lot line.

Lot line, front. The boundary of a lot that abuts a dedicated public street.

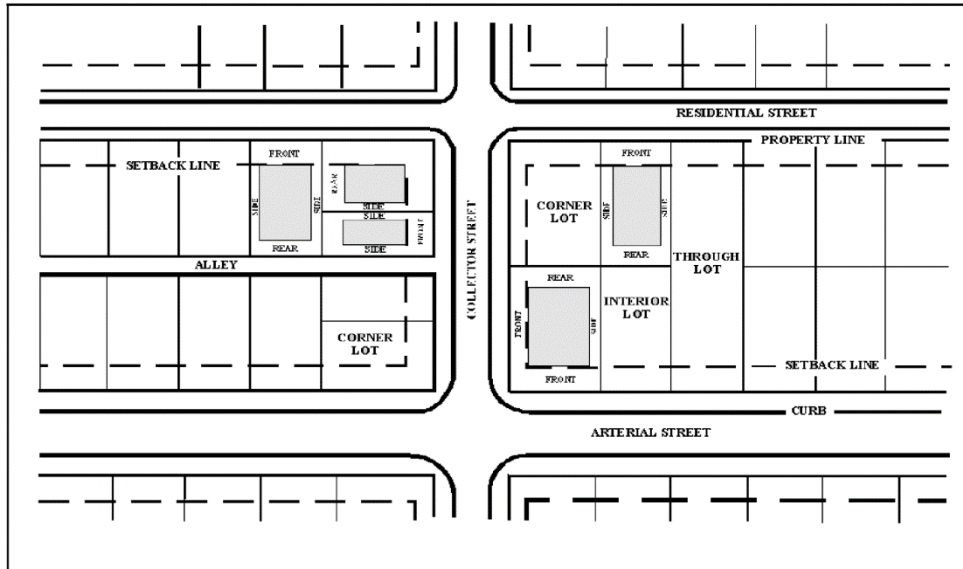
Lot line, rear. The line opposite the front lot line.

Lot line, side. Any lot lines other than the front lot line or rear lot line.

Lot of record. A lot, which is part of a subdivision recorded in the office of the Sherman County Clerk and Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot width. The distance parallel to the front lot line, measured between side lot lines at the front building setback line.

Figure 1 - Lot Types & Setbacks



Manufactured home. A structure that is designed primarily for long-term occupancy as a residence, is partially or wholly manufactured in a factory or at a location other than the site of the completed home, contains sleeping areas, a flush toilet, a tub or shower bath and kitchen facilities, has plumbing and electrical connections provided for attachment to outside systems, is transportable in one or more sections, can be installed on a permanent foundation, and meets all established snow loads. "Manufactured home" does not include park trailers, camper trailers, travel trailers, or other similar vehicles.

- 1) *Type I:* A manufactured home that is transportable in two or more sections, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, is not less than 24 feet wide at its narrowest dimension and 36 feet long and has a minimum floor area of 1,000 square feet, and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended, and all regulations enacted pursuant thereto or is certified by the State of Colorado as being in compliance with the requirements of the uniform building code as adopted by the State of Kansas.
- 2) *Type II:* A single-section manufactured home which is designed to be transported on its own or detachable wheels or on a trailer, is eight feet or more in width at its narrowest dimension and 32 feet or more in length, and bears a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Except where the context requires a different interpretation, "type II manufactured home" shall be deemed synonymous with "mobile home."

Manufactured housing park. A parcel of land containing two or more spaces with required improvements and utilities that are owned or leased for the long-term placement of manufactured homes.

Manufactured Home Sales: An establishment primarily engaged in the display and sale of manufactured housing units.

Manufacturing and Assembly: Establishments engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding "Basic Industry."

Massage Shop, Professional: An establishment which has a fixed place of business having a source of income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Kansas.

Materials Recovery Facility: A facility in which source separated co-mingled recyclable materials, such as newspapers, glass, metals and plastic containers, are stored, flattened, crushed and/or bundled prior to shipment to others who will use those materials to manufacture new products.

Medical Service: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists, blood banks and medical laboratories.

Military Service: A facility used or intended to be used by a branch of the U.S. Armed Forces, including military reserves.

Mining or Quarrying: The extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.

Mobile Home: A transportable, factory-built structure designed to be used as a single dwelling unit that was manufactured prior to June 15, 1976 and that does not bear a seal as provided by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401).

Mobile Home, Special Care: A mobile home used as a temporary dwelling for a family member who is in need of special, frequent and routine care by reason of advanced age or ill health.

Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials and Code Administrators International, Inc. (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures, as required of a manufactured home—residential design, and shall be permanently situated on a concrete foundation.

Multifamily Residential: The use of a site for three or more dwelling units within a single building. Typical uses include triplexes, four-plexes, apartments and residential condominiums.

Natural Waterways: Are those areas, varying in width along streams, creeks, spring, gullies or washers, which are natural drainage channels as determined and identified by the jurisdiction.

Non-conforming use, building or yard: A use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of the adoption of Ordinance # 1467 or any amendment thereto.

Office, General: An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Oil or Gas Drilling/Refining: The subsurface extraction or refining of oil or natural gas.

Parcel: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

Park or Parking: The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Parking Lot, Commercial: Area used or intended to be used for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

Parking Area, Off-Street: A permanently surfaced, dust-free area (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed for the short-term storage of automobiles.

Parking Area, On-Street: Parking provided in the public right-of-way.

Parking Space: An area surfaced for all weather for the purpose of storing one parked automobile.

Parks and Recreation: A park, playground or community facility, owned by or under the control of a public agency or homeowners' association, that provides opportunities for active or passive recreational activities.

Permanent Foundation: A foundation of formed and poured-in place concrete, masonry or all-weather wood units laid up with such reinforcing materials as may be required for quality construction.

Planned Unit development (PUD). *Planned Unit Development* means an area of land controlled by one or more landowners to be developed under unified control or a unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, density, lot coverage, open space, or other restrictions of the conventional land use regulations of the Goodland Municipal Code. The related group of buildings and associated uses are planned as an entity and developed and regulated as one complex land unit rather than as an aggregation of individual buildings located on separate unrelated lots.

Planning Commission: The Planning Commission for the City of Goodland, Kansas.

Post Office: A facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

Preliminary Development Plan: A preliminary site plan that may be submitted at the option of the developer to the Building Official prior to submission of the final site plan.

Printing and Publishing: The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services.

Property Line: A dividing line between a lot, tract or parcel of land and the contiguous street.

Recreation and Entertainment, Indoor: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades. Does not include those uses considered as parks and recreation.

Recreation and Entertainment, Outdoor: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses. Does not include those uses considered as parks and recreation.

Recreational Vehicle: Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor-home (as a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).

Recreational Vehicle Park or RV Park: Land used or intended to be used for occupancy by recreational vehicles for the short-term (30 days) occupancy of transient living purposes, including the use of camping spaces for tents.

Recycling collection center: A facility which is not larger than 1,000 square feet in size and is designed for the collection of aluminum and steel cans, glass, plastic containers, papers and other usable materials for their redistribution for sale or reutilization. This definition does not include processing equipment or storage.

Recycling processing center: A facility designed for the purpose of collecting, redistributing and processing recyclable materials. Activities may include the receipt, separation, storage, conversion, bailing and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable materials. Hazardous and biodegradable materials, as determined by the Kansas Department of Health and Environment, including, but not limited to, food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other similar materials, shall not be brought into or handled by a recycling processing center.

Religious institution. An establishment primarily for the conduct of religious activities, limited to sanctuary, educational classrooms, daycare, committee and office work, a single parsonage/rectory, or religious camp. This term includes the terms church, temple, seminary, retreat, monastery, and similar terms.

Repair Service: An establishment primarily engaged in the provision of repair services to individuals and households, but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.

Research Service: An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Restaurant, Fast Food: A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken

at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

Retail: Refers to the sale of commodities and services directly to customers, when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale.

Retail Sales and Service: An establishment engaged in the sale or rental of goods and services, including, but not limited to, antique shops, apparel and accessory stores, art and supply stores, bicycle shops, book and stationary stores, barber and beauty shops, candy and ice cream stores, cigar and tobacco stores, dressmakers and tailors, flower and gift shops, hobby shops, interior decorators, jewelry stores, key shops, leather goods and luggage stores, music instrument sales and repair, photocopying services, shoe repair and shoe shine stores, sporting and athletic goods, toy stores and department stores; excluding uses more specifically defined.

Safety Service: A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

Salvage Yard: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include automobile salvage yards and junk yards.

Service floor area: The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by visitors, clients, customers, patients, or patrons in their normal everyday use of the building.

Setback. The shortest distance between a front property line and the building line or structure projected to the side lot lines.

Setback, corner lot. Required front setbacks from a corner lot are measured from the shortest property line abutting the street right-of-way.

Setback, front means the distance between the front lot line and the front wall of the main structure.

Setback, rear means the distance between the rear lot line and the back wall of the main structure.

Setback, side means the distance between any wall and the lot line other than the front and rear setbacks.

Service Station, Automotive: A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel

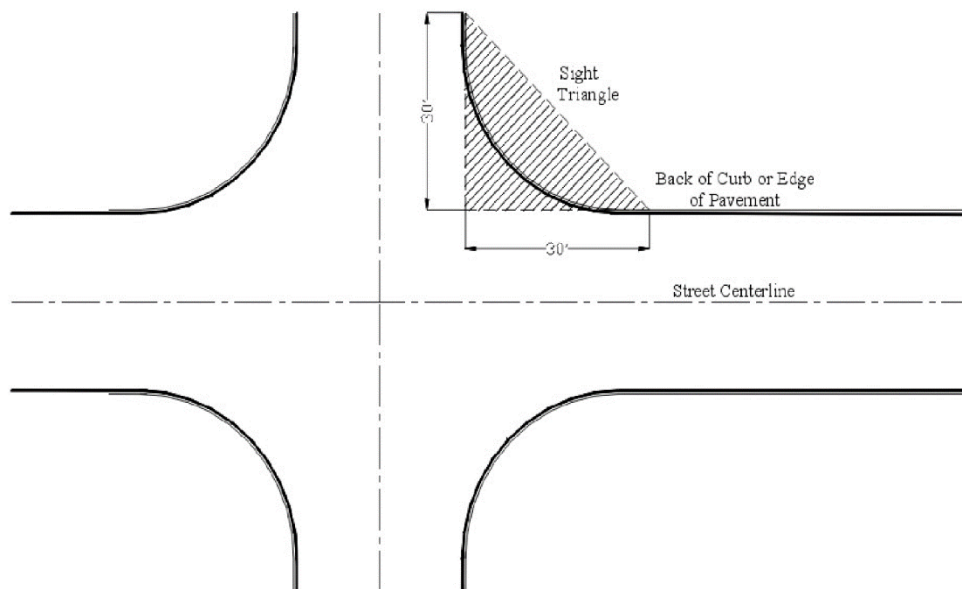
fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi-trailers shall be classified as "Truck Stop Service Stations."

Service Station, Truck Stop: A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi-trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi-trailers.

Shooting Range: A facility used or intended to be used for the discharge of firearms at targets.

Sight Triangle: A triangular area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2½ feet and 8 feet above the grades of the outside edges of the street surface or the edge of the maintained surface of the road of the intersecting streets, measured from the point of intersection of the back side of the curb or maintained surface, thirty feet in each direction.

Figure 4 - Sight Triangle Minimum Standards



Sign: Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

Single-Family Residential, Detached: The use of a lot for only one principal dwelling unit that is not connected to any other dwelling unit.

Single-Family Residential, Attached: The use of a site for two or more dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Typical uses include townhouses

Solid Waste Collection/Processing: Recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where municipal solid wastes are salvaged, sorted, processed or treated.

Solid Waste Transfer Station: A facility where solid waste or recyclable material is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.

Specified Sexual Activities: (1) Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast; (2) Sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or (3) Sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

Stockyard: A non-farm-based facility used or intended to be used for selling or holding livestock.

Street: A right-of-way which affords principal means of vehicular access to property abutting thereon.

Street line: The dividing line between the street and the abutting property, also commonly known as the front property line.

Street Network:

Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.

Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.

Collector: A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Local: A street which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

Structure: That which is built or constructed, to meet the City Building Codes, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structural Alterations: Any change or rearrangements of 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.

Studio, Radio, Television, Film or Music: An establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

Subdivider means any applicant, developer, person, group, corporation, or other entity acting as a unit or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision for the purpose of sale or disposal of land as defined herein.

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided.

Tent is a collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.

Townhouse: A dwelling unit located in a group of three or more attached dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.

Transit Facility: A facility used or intended to be used as an area for loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations and passenger related mass transit facilities.

Transitional Living Facility: A state licensed group-care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement, and residential rehabilitation treatment centers which also may provide outpatient rehabilitation for alcohol and other drug abuse.

Utility, Major: Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term "utility" shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities or other uses defined in this section.

Utility, Minor: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

Variance: An authorization, by the board of Zoning Appeals, of a variance from the specific terms of this zoning ordinance. Variances are limited to those authorized in the powers and duties of the Board of Zoning Appeals as defined in this chapter.

Vehicle and Equipment Sales: An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, moving trailer rental, and farm equipment and machinery sales and rental.

Vehicle/Equipment Storage Yard: An outdoor area used or intended to be used for long-term storage of vehicles and equipment, other than a "Commercial Parking Lot" or accessory parking to a principal use.

Vehicle Repair, General: An establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle Repair, Limited: A use providing automobile repair or maintenance services within completely enclosed buildings, but not including "General Vehicle Repair" services.

Vocational School: A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School."

Warehouse, Residential Storage: An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.

Warehousing and Wholesale: An establishment primarily engaged in the storage or sale of materials, equipment, or products or sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude "Residential Storage Warehouses" and sale of goods to the general public.

Welding or Machine Shop: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

Wind Turbine: A machine by which mechanical energy supplied by the wind is changed to electric energy.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, private means that portion of the open area on a lot extending open and unobstructed that is owned by the homeowner of a single-family detached Town home or two-family dwelling unit.

Yard, Rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side: A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear lot line.

Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.

Zoning Area: The area to be zoned as set out on the official Zoning Map filed of record.

Zoning Regulations: The term "zoning regulations" or "these regulations" shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning regulations of the City of Goodland.

SECTION 2. This ordinance shall be in force and take effect after its publication in the Goodland Star News.

PASSED AND ADOPTED this _____ day of _____, _____,
by the Governing Body of the City of Goodland, Kansas.

Aaron Thompson, Mayor

ATTEST:

Mary P. Volk, City Clerk

Sec. 18-401. - General procedure.

A. Classification of Subdivisions. Land proposed to be subdivided shall be classified according to one of the following:

ADD THE FOLLOWING TO THE LIST (determine if you want this at the beginning of the subdivision classification list or at the end after staged subdivision) :

1. **Plat Amendment.** The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission. Plat amendments shall not create additional lots or interests in property but are subdivision actions allowed when an existing plat meets current code requirements and where no public improvements are required to the extent that lot lines may be relocated as part of a boundary line adjustment, or lots may be merged as part of a lot consolidation. Multiple plat amendments cannot be pursued by one or more property owners to circumvent the resubdivision (replat) process.
2. **Plat Correction.** Plat Correction is a one (1) phase administrative process and may be used only to correct errors on an existing approved subdivision plat.

B. Procedure by Classification. Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

1. Plat Amendment or Plat Correction

a. Copy of current recorded **Plat**

b. Final Plat.

Official Submission Dates. For the purpose of these regulations, for major subdivisions, minor subdivisions, **plat amendments**, **plat corrections**, and staged subdivisions, the date of the Planning Commission meeting at which the application is first considered, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the Preliminary or Final Plat shall begin.

Commented [MD1]: If this is intended as the beginning of a list of submittal requirements, that list would be better placed in the more detailed section below in this outline.

Commented [BC2R1]: Zach and Kent this is your decision- if you think it will be used often, I would put it first, if you want applicants to understand their choices, then last.

Sec. 18-404. - Final plat

Drafting Note: Insert after final plat because a plat amendment must meet requirements of a final plat.

Sec. 18-404.5 Plat Amendment. *(note- either go with the numbering as suggested or renumber entire code -e.g. Drainage 18.405 becomes 18.406)*

- A. **Type of Review.** Plat amendments require review by the City staff and the Planning Commission.
- B. **Purpose.** Plat amendments are intended to provide a prompt, efficient process to approve minor lot line adjustments in cases meeting the requirements of Subsection (C) below.
- C. **Criteria.** For the purposes of this Section, plat amendment means a subdivision of lands already in an approved plat that meets all of the following criteria:
 - (1) The amendment involves minor lot line adjustments which do not increase the number of lots previously included within the area involved in the amendment, and which meet the requirements of the zoning district in which the lots are located.
 - (2) The lots must be under the same ownership and shall not be separated by non-owned lots.
 - (3) No public improvements are required.
 - (4) The amendment affects minor adjustments in the boundaries of street right-of-way or utility easements.
 - (5) The plat amendment does not result in any lot or lots that cannot be built upon in accordance with the requirements of this Code.
 - (6) The requirements of any utility companies serving the property have or will be satisfied, and any required utility easements are properly maintained or granted in the deed(s) effecting the plat amendment; and
 - (7) The plat amendment will not change the overall perimeter boundary of the lots.

- D. **Procedure.** The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission. All plat amendments shall adhere to the Final Plat procedures in Sec. 18-404 (C).
- E. **Submittal Requirements.** All Final Plats shall be prepared and stamped by a professional surveyor licensed in the State of Kansas and shall adhere to the Final Plat preparation standards in Sec. 18-404 (D).

18.40X. Plat Correction.

- A. Type of Review. Plat corrections use an administrative process with review by staff.
- B. Purpose. The purpose of the plat correction is to amend minor errors on a plat including, but not limited to:
1. typographical and spelling errors or transpositions,
 2. incorrect seal,
 3. incorrect dates,
 4. monumentation incorrectly noted or drawn,
 5. missing or incorrectly displayed arrows or symbols.
- C. Criteria. The plat correction is limited to those items in subsection B. above.
- D. Procedure. The plat correction is submitted to the Building Department and if necessary the City Engineer/Consultant.
- E. Submittal requirements. The existing plat and the corrected plat must meet the requirements of Sec. 18-115. - Plat preparation.

City of Goodland Planning Commission Minutes

10/9/2024

1. CALL TO ORDER:

The October 9, 2024 meeting of the Planning Commission was called to order at 6:01 p.m. Planning commissioners in attendance: Matt McKenzie, Grady Bonsall, Mary Ellen Coumerilh and Wallace Hansen. Dennis Snethen was absent. Staff in attendance: Zach Hildebrand, Building Official, Kent Brown, City Manager and Joshua Jordan, IT Director.

2. Public Comment

There was no public comment

3. An Ordinance Amending the Text for Chapter 19 Section 202 Definitions.

City Manager Kent Brown stated that this is an Ordinance amending Section 19-202, an Ordinance adopting and amending Section 19-202 of the City of Goodland municipal code to adopt the definition for accessory dwelling unit and omitting design standards for modular and manufactured homes in residential districts. There are some other things that are included; but, this is the whole list of definitions within Section 202. Kent stated we have reviewed the ordinance before. In this final form, there are some comments to the side. What would you like us to do to review the ordinance? Chairman McKenzie stated that let's just look at the comments. That is what I focused on in the review of the ordinance just to see what the edits were. Let's hit on the ones that have comments.

First one with comments is accessory dwelling units.

***Accessory Dwelling Unit.** A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside and may or may not be attached to or integrated within the same structure as the primary dwelling unit, including a basement, addition, floor, or portion of a floor.*

Commissioner Coumerilh asked if it covers a rental in a basement as well as a mother in law apartment that's not paying rent? Zach stated it covers nearly everything. Whether it is just a house split with separate entrances to being detached in the back yard. Coumerilh asked if renting or money changing hands – it has nothing to do with it. Zach replied yes.

Commissioner Bonsall stated that it doesn't require a separate power source. It can use the same power. Zach stated when they're detached is when it really comes into play. Especially if they're going to be used as rentals because if the person in the house doesn't pay their utilities, the person in the ADU shouldn't lose utilities. McKenzie saw in the comments to confirm whether there needs to be a separate tap. McKenzie asked does that need to be in the definition or is that outside of the definition. Zach stated that is in 19-502 and does not need to be in the definition here.

Kent stated that Zach brought up Sections 501 and 502 which is the use table and the uses. And Barb with Community Matters recommended strongly to wait to have the city approve 501 and 502 and do that at the same time that 202 would be approved. Because the definitions kind of go hand in hand with the table and with the uses.

Kent stated that the next one is agriculture. The definition of agriculture in the current code is not good. Zach read the current definition of agriculture.

Agriculture, General: The use of land for the production of livestock, dairy products, poultry or poultry products.

Agriculture, Limited: The use of land for the production of row crops, field crops, tree crops or timber.

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In the proposed ordinance:

Agriculture, crop shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products;

Agriculture, livestock the grazing or raising of livestock (except in feedlots); nurseries, tree farms, aquaculture; sod production; orchards; nurseries; and the cultivation of products commonly grown in Sherman County.

Kent asked if that made sense. Bonsall asked about people having chickens in their backyard, is it affected by prohibiting livestock. Kent stated it is covered in another ordinance. McKenzie said this way we got more general to define livestock but not go down and define the actual rules. Zach affirmed that we don't want rules in our definitions.

Kent stated there was a minor addition to the definition of alley.

Alley: minor or secondary way that is used primarily for utility access and secondarily for vehicular service access to the back or side of properties otherwise abutting on a street.

McKenzie stated that he liked that it specifically calls out secondary for vehicular service access.

Kent stated on the next page is animal care, general:

Animal Care, General: A use providing animal care, veterinary services, daycare, grooming, or boarding, including outside animal runs.

Animal Care, Limited: A use providing animal care, boarding, and veterinary services for household pets, with no outside animal runs.

Zach stated that the reason they are separated is basically where they are allowed according to the zoning.

Kent then stated that the definition for apartment was eliminated. Zach stated that the reference is eliminated while the use standards will be the rule. The definition provided complications.

The next item per Kent was Bed and Breakfast:

Bed and Breakfast: A private home, converted multifamily *dwelling*, or other such similar land use operated on a fee basis as a *business* by providing overnight lodging for a period of less than thirty days and provides food service for guests only.

If it's more than 30 days, it becomes a rental. Then it gives an amended definition of boarding house.

Boarding and rooming house. A building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation shall include compensation in money, services, or other things of value.

Kent stated apparently there were 2 different definitions in the current code. The next definition is brew pub, microbrewery and brewery.

Brew pub or microbrewery means a restaurant or tap room that sells beverages (beer and other malt liquors) brewed on the premises up to 1,000 barrels of beer and 3,000 gallons of hard cider pursuant to Kansas House Bill 2421.

Brewery means a building or establishment that creates ales, beers, meads, wines, spirits, and/or similar beverages on site or for wholesale production.

They have to follow state statutes which are very difficult but that might change. Zach stated the next definition is building:

Building: Any structure which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed. A trailer as herein defined shall not be classified as a building .

OR

Building. Any enclosed structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Zach stated that there are 2 options and staff is asking the planning commission with which definition they are more comfortable. McKenzie stated he liked the shorter definition.

Coumerilh asked about the trailer definition. Zach stated that he thinks it is defined further down. The reason it is taken out is to not have rules in the definition. Zach reviewed the rules for a trailer and when it can be on the property. Bonsall asked about carports. Zach stated that carports have their own definition. As long as it is open on 2 sides, it is a carport.

Kent stated the next one was building line (established):

Building Line (established): The average setback between existing structures within 100 ft of any new structure measurement from the edge of pavement of the street on which the structures front to the closest front corners of each adjacent structure.

Zach pointed out that the Building Line (established) is different from Building Line. If you're building and there's nothing within that 100 feet, then you just going off the building line and

that's what you follow per code which would be the 25 feet is what we settled on (for the front yard setback). If it's established, there's some places around town that are 17 feet or even 15 feet.

Zach commented on Common Open Space. The current definition starts including parts that should be covered under the zoning rules. McKenzie stated that when we start seeing shall and shall not in the definition; it is actually referring to rules versus a true definition. Commissioner Hansen asked about communication towers and the remodeled Pizza Hut building for the radio station. He asked if the Commission was going to get involved. Zach stated it was allowed under the zoning district where the radio station is located. There was a discussion on the setbacks to the property lines for communication towers.

Kent stated the next item is dwelling. Zach reviewed the current definition which included subcategory definitions for single family, two family and multiple family.

Density: The number of dwelling units that may be constructed per the gross acreage of all the land within the boundaries of the development but shall not include land previously dedicated, purchased, or acquired for any public use or land devoted to nonresidential uses such as commercial, office, and industrial or civic uses.

Zach stated the next item is development:

Development. The act of carrying out any building activity or land excavation operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development. Development shall also include:

- a. Any construction, placement, reconstruction, or alteration of the size of a structure on land;
- b. Any increase in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in the use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- e. The commencement of mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing or grading of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;

Then on the definitions for dwelling single family, dwelling two family or dwelling multifamily as well as dwelling unit were identified separately.

Kent stated the next item was building height which involves a choice. After reviewing the choices, the consensus of the commission was the following:

Height, Building

The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Kennel: Any establishment where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other domestic animals. used for keeping for more than four (4) domesticated animals, commonly considered to be household pets that are more than three (3) months old.

Kent stated that there's a little bit modification on kennel. Moving on to the bottom of page 17, there is zoning lot. It is basically eliminated from the list of definitions. On the next page, there is manufactured housing park with the emphasis on 2 or more spaces.

Manufactured housing park. A parcel of land containing two or more spaces with required improvements and utilities that are owned or leased for the long-term placement of manufactured homes.

Kent stated that the next definition was changed from religious assembly to religious institution.

Religious institution. An establishment primarily for the conduct of religious activities, limited to sanctuary, educational classrooms, daycare, committee and office work, a single parsonage/rectory, or religious camp. This term includes the terms church, temple, seminary, retreat, monastery, and similar terms.

Commissioner Coumerilh had a question about the religious institution. Whether it would include a parsonage or whether it had to be a church building. Parsonage is not included currently. Zach read the current definition. Discussion continued on a building for what purpose and the zoning requirements. Commissioner Hansen mentioned a church and residence in the county. Kent stated that staff would check on the changes as listed.

Zach reviewed the definitions of subdivider and subdivision. Previously, there was only subdivision. Subdivider just explains who the applicant is. Kent then stated that the definition of twin home is removed. Kent then stated that yard is the next set of definitions and they are reformatted.

Chairman McKenzie asked even though we have a little followup; can the Commission go ahead and set the public hearing date on the proposed ordinance? Kent replied yes the public hearing date could be set and then a recommendation to the city commission on the ordinance could be completed. McKenzie stated that the best date would be the Commission's next meeting on November 12.

McKenzie moved to set a public hearing date on November 12 for An Ordinance Amending the Text for Chapter 19 Section 202 Definitions. Commissioner Coumerilh seconded the motion. Motion carried unanimously.

4. Discussion of rear yard setback requirements

Chairman McKenzie stated this came up because right after we set the new rule we had two variance requests. Zach asked the Construction Board for their viewpoint. Zach stated that the whole purpose of setting that setback further is to help prevent water from running down the

alleys and backing up into people's garages. In addition, if they want to put garage doors on a structure; it is not so close to the road and don't have turning room. It can still be modified in the future. Zach stated the Construction Advisory Board of Trades and Appeals were all in agreement it was still fair on the 10 foot setback. Then if someone wanted it closer; yes, you can ask to have it closer, but you can't have doors on it. Kent reminded the Commission what the code was for 20 years prior to this most recent change. If you were driving into the garage from the alley on a normal right turn or left turn, the setback was 10 feet. If you slid into the garage where the doors faced the same direction as the alley, the setback could be only 3 feet away. Kent stated that the city does have a couple garages that are right on the alley and other garages at various setbacks that somehow got built. But from this point forward, the Construction Board stated that having a 10 foot rear yard setback and then having any owner come to the Planning Commission to request a smaller setback; that was not too much of a requirement from their point of view.

Chairman McKenzie stated he thinks that is the right way to go. Kent stated that if there are more requests, the planning commission can always come back and review the requirement again. Zach pointed out that if it was less than 10 feet and you drove a pickup it could cause a sight issue. When you back the pickup into the alley, you would be in the alley before you were able to see if there was any other traffic. Commissioner Bonsall said a driver could take out gas meters in the alley. McKenzie related difficulties in parking next to the alley in a commercial district where the neighbor across the alley had to drive into his parking space in order to park in his own space across the alley. It was that tight.

Bonsall asked about the definition of an alley. Zach stated he will look it up again, it was presented at the very beginning of the meeting. Bonsall asked if the property line should include the alley. Kent reviewed the property lines and how the alley is not included in the property description.

Alley: minor or secondary way that is used primarily for utility access and secondarily for vehicular service access to the back or side of properties otherwise abutting on a street.

After further discussion, the consensus was to keep the rear yard setback at 10 feet. Coumerilh stated it was a good place to start. McKenzie stated he didn't mind hearing all the variance requests. Kent stated that all the neighbors are notified on any variance request; the building just doesn't show up without notification.

5. Reports

A. Planning Commissioners

Commissioner Bonsall had nothing to report.

Commissioner Coumerilh had nothing to report.

Commissioner Hansen asked about various properties in disrepair. Staff reviewed the status of a couple properties.

Chairman McKenzie had nothing to report.

B. Staff

Building Official Zach Hildebrand stated he had nothing to report.

City Manager Kent Brown stated he had nothing to report.

6. Minutes

a. August 13, 2024 Minutes

Chairman McKenzie moved, seconded by Commissioner Bonsall, to approve the August 13 minutes as presented. Motion carried unanimously.

7. Adjournment

Commissioner Bonsall moved to adjourn, seconded by Commissioner Coumerilh. Motion passed unanimously. The meeting was adjourned at 6:57 p.m.