



**CITY OF GOODLAND
PLANNING COMMISSION AGENDA**

TUESDAY, April 8th 2025 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 - Adult Entertainment Establishments – Proposed Zoning Ordinance Changes**
- 4. Site Plan Review – 1933 Caldwell Ave. Addition**
- 5. Adult Entertainment Establishments - Review of Licensing Ordinance**
- 6. Vacant Building Ordinance Example - Discussion**
- 7. Reports**
 - A. Planning Commissioners
 - B. Staff –
 - a. Board terms
- 8. Minutes**
 - a. March 11, 2025 Minutes
- 9. 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: April 8, 2025
SUBJECT: Agenda Report

3. Public Hearing - Adult Entertainment Establishments – Proposed Zoning Ordinance 1796

- A) Open the public hearing as was approved and set by the Building Official for April 8, 2025.
- B) Receive comments on the proposed text amendment for Chapter 19, Section 202 Definitions, Section 501 Use Table and Section 502 Use Standards.
- C) Staff will review the proposed amendment with the board.
- D) Close the public hearing.

After the Public Hearing is complete:

Recommendation to the City Commission on the Ordinance Amending the Text for Chapter 19 Section 202 Definitions, Section 501 Use Table and Section 502 Use Standards

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), Ordinance 1796, AN ORDINANCE ADOPTING AND AMENDING SECTIONS 19-202, 19-501 and 19-502 OF CITY OF GOODLAND MUNICIPAL CODE TO ADOPT AN AMENDED DEFINITION, USE TABLE AND USE STANDARD FOR ADULT ENTERTAINMENT ESTABLISHMENT to the City Commission.”

4. Site Plan Review – 1933 Caldwell Ave. Addition

Discussion on Site Plans. Sec. 19-1302. – Applicability - The Building Official shall require that all applications for building permits for new buildings or expansion of any existing buildings in multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations.

The building official has completed the site plan review with his assessment and included in the agenda packet. Staff will request the planning commission to make a motion to APPROVE or DENY the site plan form as submitted and reviewed by the Building Official.

There has been some discussion on the lot line for the property on the east side adjacent to Pioneer Park. There is a discrepancy in the GIS mapping provided by EBH and the Map that is utilized from the Open Records for Kansas Appraisers regarding the lot line. Staff will update the Commission at the meeting.

RECOMMENDED MOTION: “I move that we approve the site plan review for the addition to the Advanced Auto Body property at 1933 Caldwell Av. as completed by the Building Official.”

5. Adult Entertainment Establishments - Review of Licensing Ordinance

Planning Commission to review revised copy from suggestions, recommendations and requests by the Commission towards staff at last meeting and if sufficient with or without amendments to forward Ordinance for consideration to the City Commission.

6. Vacant Building Ordinance Example – Discussion continued.

Staff has included an example of a vacant building program at the last meeting. Zach will present additional information and other examples that fit the Goodland community.

7. 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. 3-11-2025 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 March 11, 2025.”

ORDINANCE NO. 1796

AN ORDINANCE ADOPTING AND AMENDING SECTIONS 19-202, 19-501 and 19-502 OF CITY OF GOODLAND MUNICIPAL CODE TO ADOPT AN AMENDED DEFINITION, USE TABLE AND USE STANDARD FOR ADULT ENTERTAINMENT ESTABLISHMENT.

WHEREAS, after a public hearing was held, the Planning Commission has recommended to approve and adopt the amendments to Section 19-202, 19-501 and 19-502 of the Municipal Code; and

WHEREAS, the Governing Body finds it is in the best interest of the City to adopt and approve the amendments to Section 19-202, 19-501 and 19-502 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 be amended as follows:

Sec. 19-202 – Definitions.

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 arcade, adult bookstores, adult novelty store, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets and/or adult live performance theaters.

"adult arcade" means any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

"adult bookstore", "adult novelty store" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (B) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities;

"adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (A) Persons who appear in a state of nudity or semi-nudity; or
- (B) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

"adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

"adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

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.

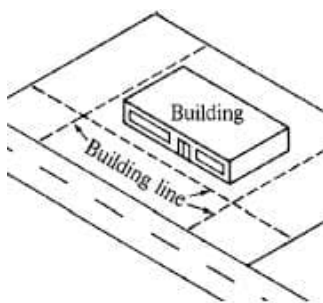
Brewery means a building or establishment that creates ales, beers, meads, wines, spirits, and/or similar beverages on site or for wholesale production.

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 a 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.

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.

Heliport 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.**

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.

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.

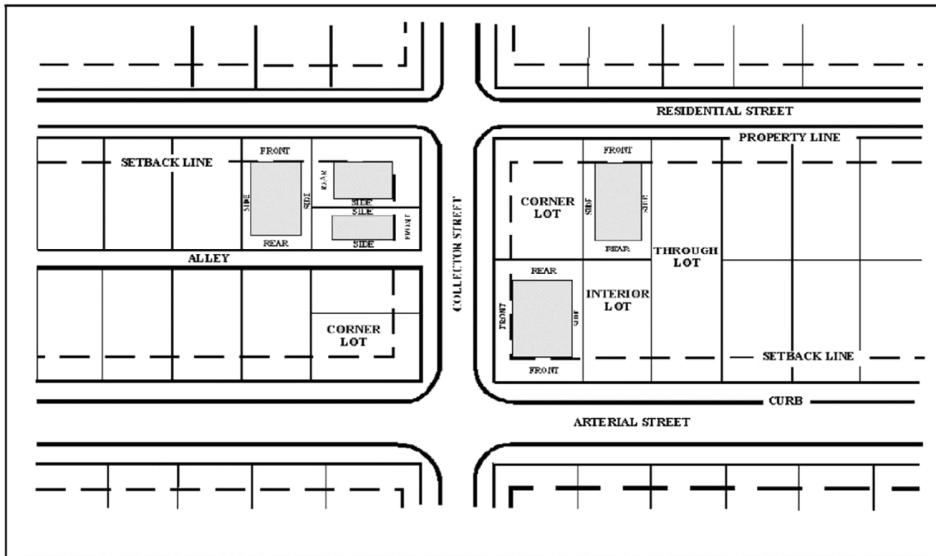
Lot line, rear. The line opposite the front lot line.

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.

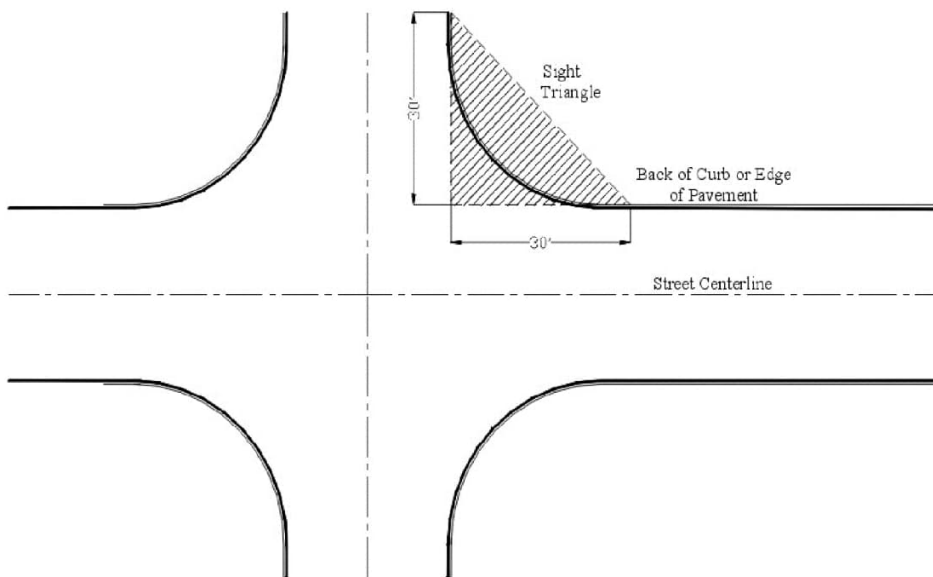
Service Station, Automotive: A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment 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 or 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. The City of Goodland Municipal Code Section 19-501 Use Table be amended as follows:

Use Regulations	Zoning Districts								
	Residential				Non-Residential				
	R-1	R-2	M-P	A-P	C-1	D-MU	I-1	I-2	Use Standards
COMMERCIAL USES									
Adult Entertainment Establishment					C				

Section 3. The City of Goodland Municipal Code Section 19-502 be amended as follows:

(C) Adult Entertainment Establishments may only in a C-1 (General Business District) zoning classification under the Zoning Ordinances of the City, and only in such locations within such a zoning classification that complies with the following requirements and restrictions.

(1) No adult entertainment establishment may be located within 1,000 feet of any of the following:

- (A) A licensed day care center;
- (B) A public or private educational facility (although not including any building owned or occupied by an educational institution that is not used principally for student instruction or activities);
- (C) A public park or playground, including but not limited to nature, hiking or biking trails, swimming pools, athletic fields or athletic playing surfaces, picnic areas and wilderness areas;
- (D) Religious institutions including a church, synagogue, mosque, temple or other building that is used primarily for religious worship and related religious activities;
- (E) A boundary of a residential district;
- (F) Any other sexually oriented business as to which a license is required under this ordinance.

SECTION 4. This ordinance shall be in force and take effect after its publication in the Goodland Star News.

PASSED AND ADOPTED this ____ day of _____, 2025, by the Governing Body of the City of Goodland, Kansas.

Jason Showalter, Mayor

ATTEST:

Mary P. Volk, City Clerk



City of Goodland Building Inspection/Code Enforcement

P.O. box 59

Goodland, Kansas 67735

Phone: 785-890-4552

Fax: 785-890-4532

Zach.Hildebrand@goodlandks.gov

Site Plan Review SPR2025-0401

Date reported: April 07, 2025

Address: 1933 Caldwell Avenue a/k/a/ GOODLAND CITY TRACTS, S20, T08, R39, ACRES 0.75, BEG 35 E & 213.04 N SW COR SW4 TH N 330 TH E 100 TH S 100 TH E 100 TO RD R/W TH SWLY ALG R/W TO POB.

The application appears to be complete. The proposed project is to add an additional 4,200 square feet addition to the existing dwelling to house a new paint booth and also establish a wash bay area that can be separated from the other projects inside the shop.

Abutting Property Owners:

North - GOODLAND MACHINE & MOTORSPORTS LLC 419 E 19TH ST; DLT RENTALS LLC 403 E 19TH ST and 409 E 19TH ST

East - CITY OF GOODLAND Pioneer Park

South - CITY OF GOODLAND Pioneer Park

West - BAUMAN, GEORGE J; 310 E. HWY 24

Distances from GIS Property Lines per plans:

Closest point on the 30' by 30' portion of addition is approximately 15 feet from the fence.

Closest point on the 60' x 55' portion of the addition is approximately 15 feet from the fence

The following are my findings during the review.

A, 2 – The name and address of the owner and contractor have been identified. The engineer stamp is not on this set of plans, but will be required before a permit can be issued for the project to start.

A,4 – Existing lot lines, easements, and rights-of-way. Due to a discrepancy in the GIS mapping provided by EBH and the Map that is utilized from the Open Records for Kansas Appraisers the lot line that runs SE and NW along the South East boundary of the property has not been established at this point.

A, 8 – The location and type of illumination was not included in the plans. The structure is located in a C-1 district. All surrounding property is zoned C-1 as well. The lighting will not adversely effect the neighbors.

A, 9 – There is no signage proposed to the addition.

A,10 no landscape plan was include due to the property already being established

A,11,C & D -There are no overhead electrical lines where the proposed addition will be placed. 811 will be contacted to ensure no other underground lines will be in the way. The property Owner and Neal have spoken about the water line that would run directly under the building according to the GIS Images. That water line that is shown was abandoned and moved to roughly a foot north of the fence that separates the applicants property from 409 E 19th Street and 419 E 19th Street. A Pre-Con meeting will be held to establish a date to turn off the water service to move the water meter from its current location.

A, 12 – There is nothing on the plans that indicate there is a plan for runoff due to the change of the current elevation of the property. There will be additional water shed due to the building being in place and not having the ground to absorb any of it, but it is already directed to run into the retention pond at Pioneer Park.

A, 14 – The current zoning of the surrounding properties were not show on the site plan, but have been included by the Building Official.

A, 15 & 16 – No traffic study was required due to there already being one for the current use of the property.

B – This project is not proposed to be located in the Downtown Mixed-Use District.

C, 6, b – There is no pedestrian access on the surrounding properties other than around Pioneer Park which is separated by a fence.

C, 6, d – There is no perimeter public sidewalk to connect pedestrian access to.

C, 9, d – The structure does not face the street with the store front. The portion of the building that faces the street is part of their work area inside.

C, 9, e – No portion of this property is abutting a residential district.

*Pictures included on the next page

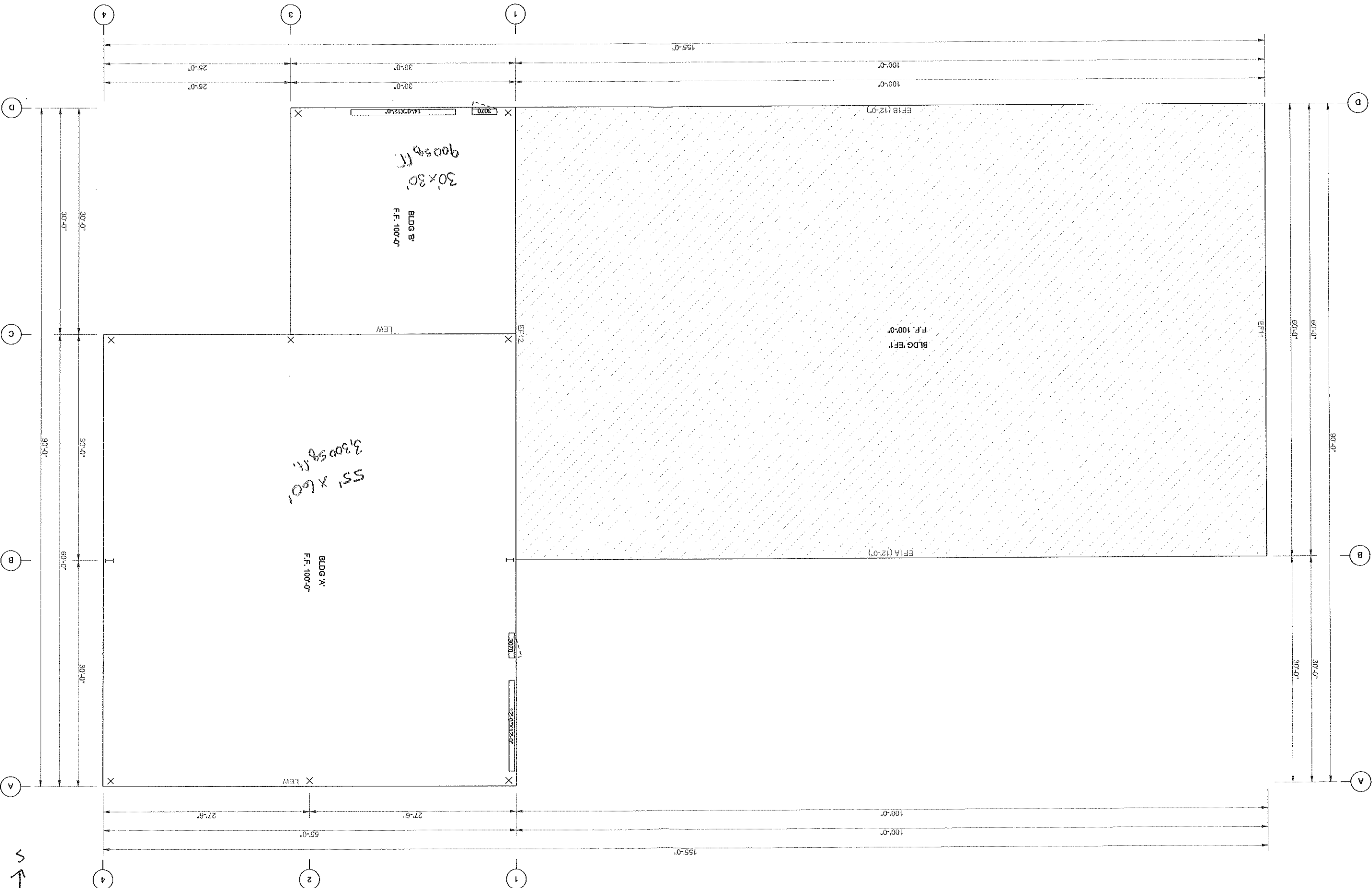


* Dark Blue line that runs east to west is the water line described in item A, 11, C & D. The meter is still where it is shown on this image. It will need to be relocated.

* Property line is shown on the fence line in this picture

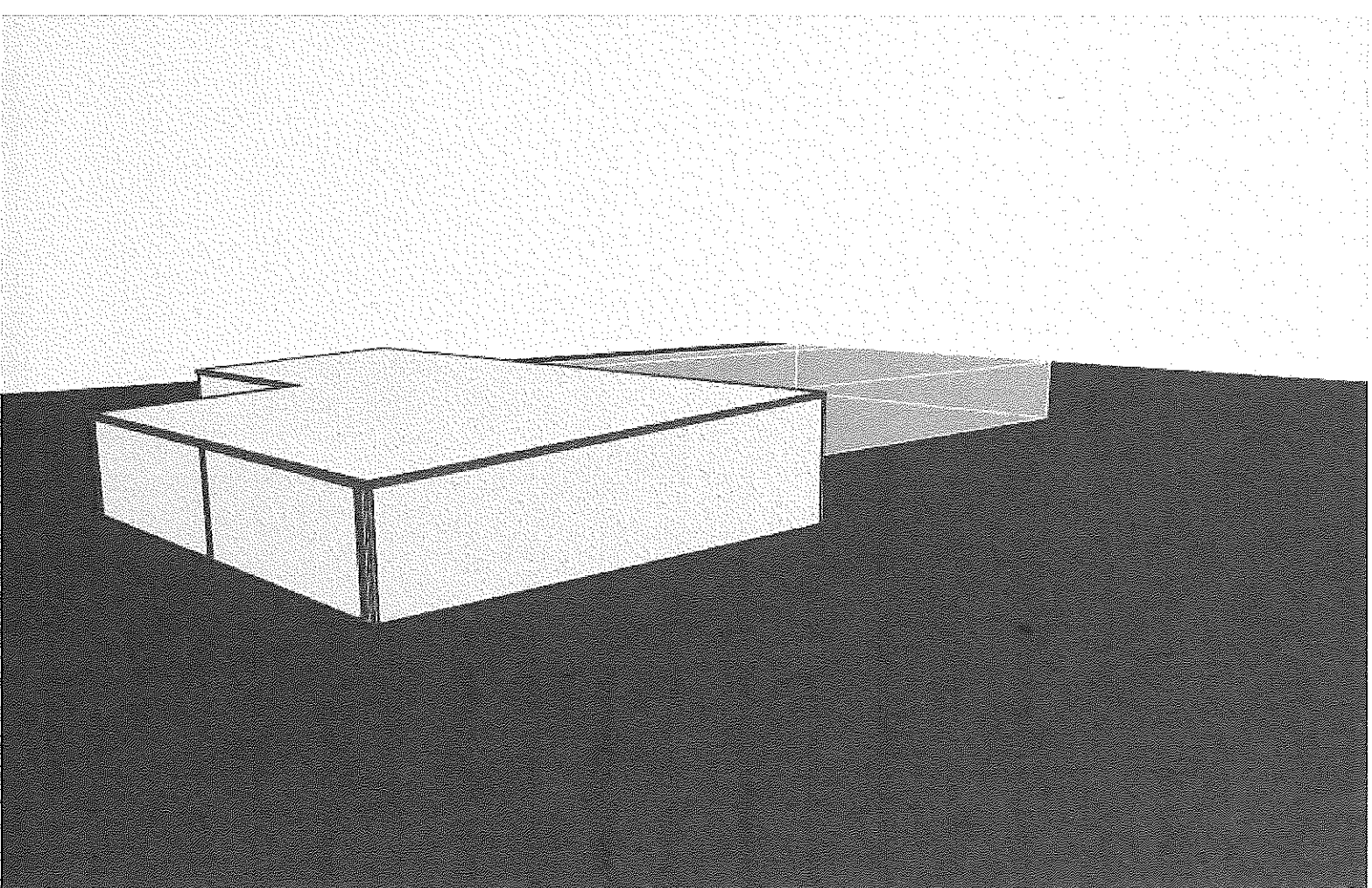
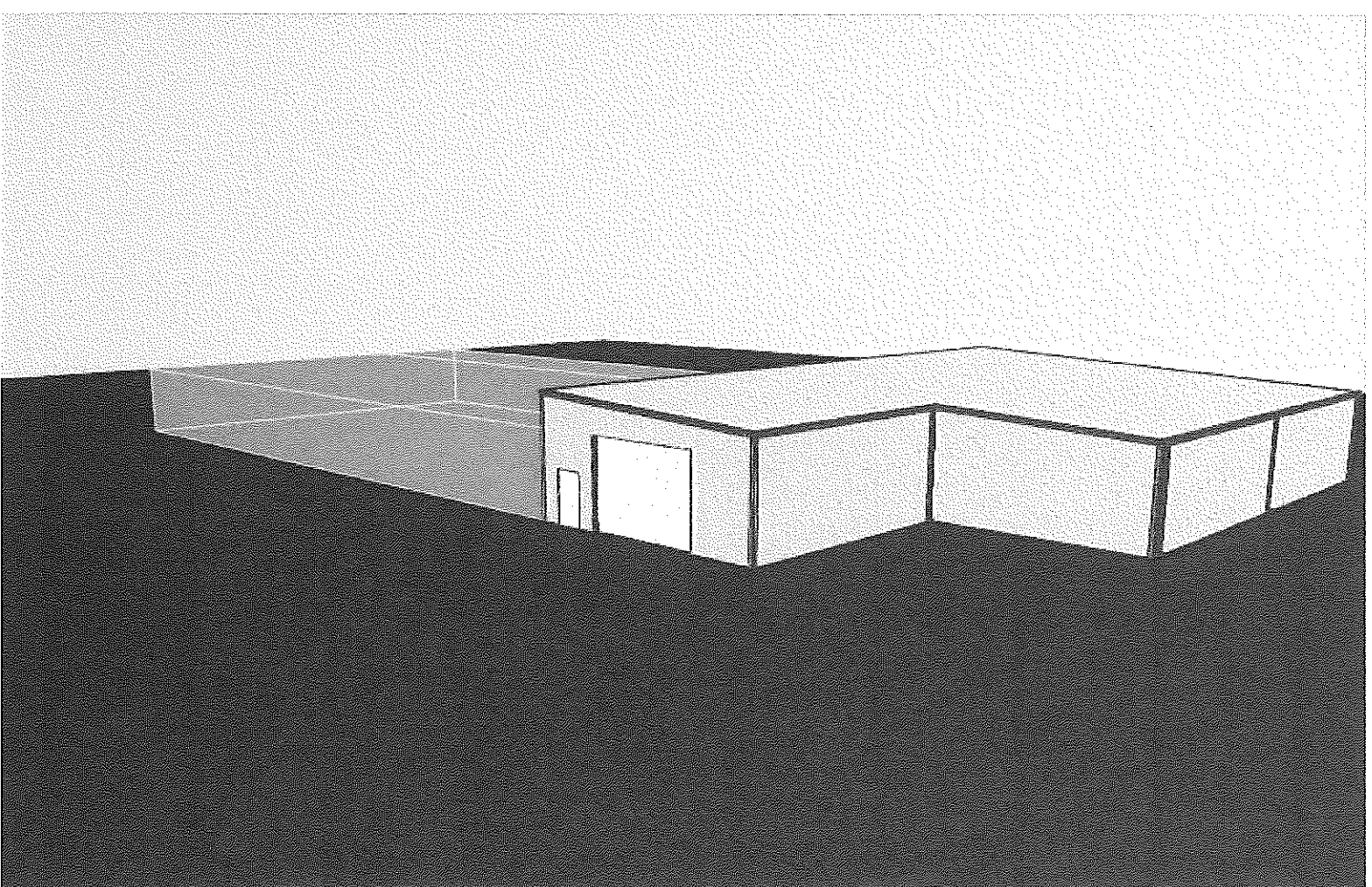
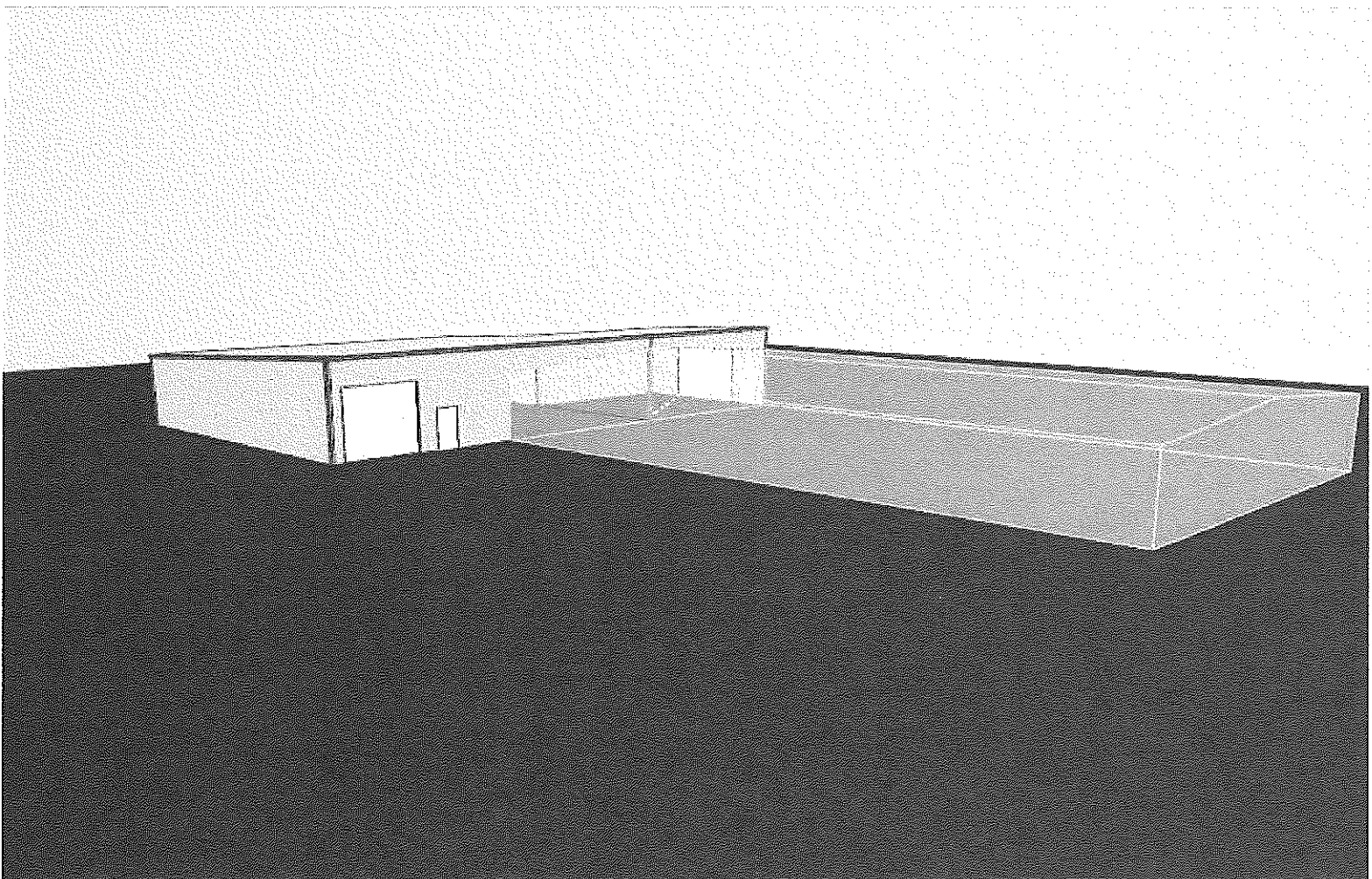
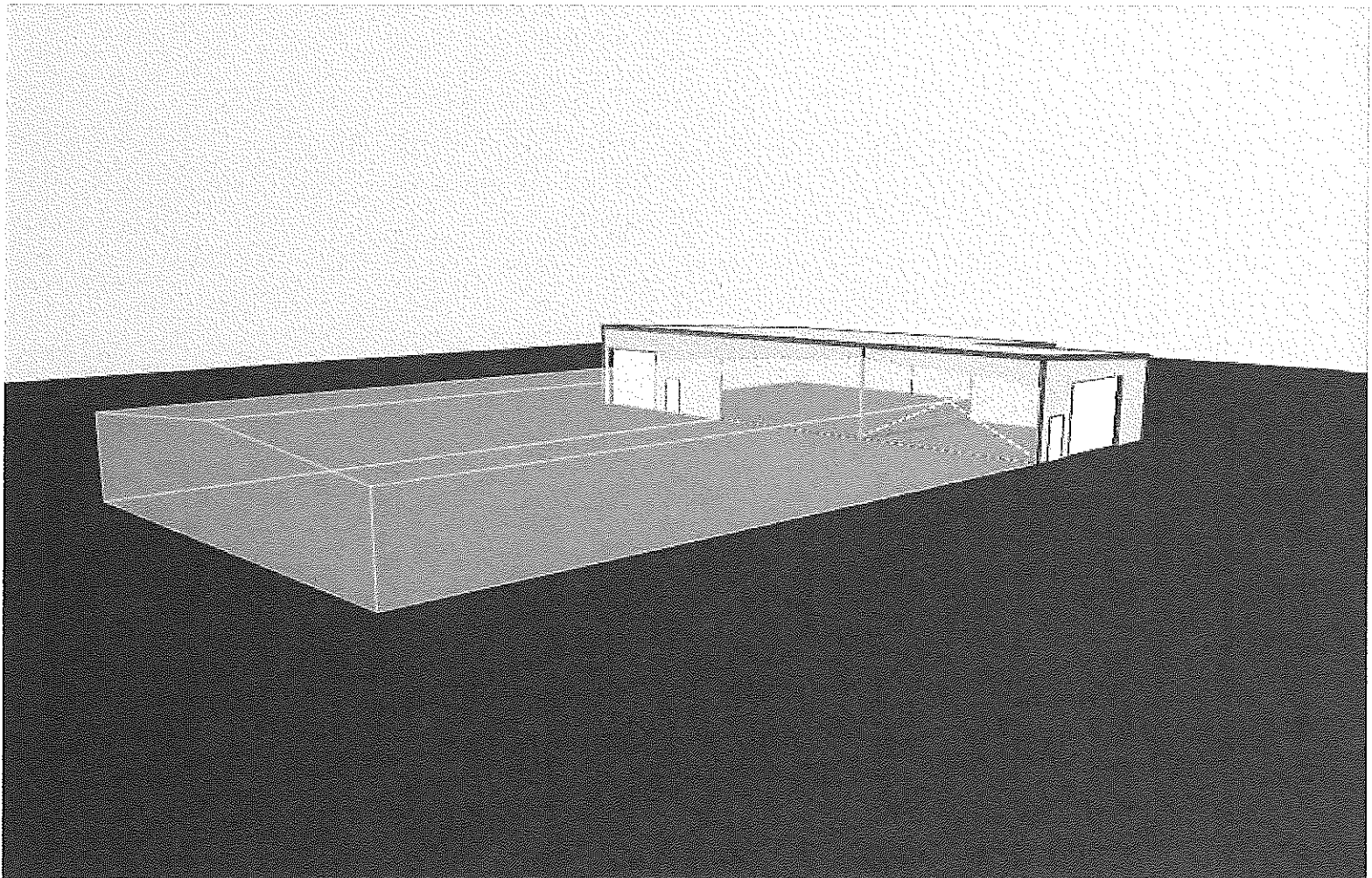


* Property Line (outlined in red) of concern is shown to the west of the fence line.



B3025602
PROJECT
GB01901
MILLER CONSTRUCTION SERVICES, LLC
ADVANCED AUTO BODY 1933 Caldwell Ave.
GOODLAND, KS

NOT FOR CONSTRUCTION
DRAWING FOR QUOTE & ORDER PURPOSES ONLY
ORDER REQUEST



ORDINANCE NO. 17__

AN ORDINANCE PERTAINING TO THE LICENSING OF ADULT ENTERTAINMENT ESTABLISHMENTS WITHIN CORPORATE LIMITS OF THE CITY OF GOODLAND, KANSAS AND AMENDING CHAPTER 8 OF THE GOODLAND CITY CODE

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

Chapter 8 – Licenses and Business Regulations is hereby amended to add and establish a new Article 5. Adult Entertainment Establishments to read as follows:

ARTICLE 5. – ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 8-501 - Definitions.

“Adult Entertainment Establishments” shall mean any business, premises or establishment as defined in Article 19 Zoning Regulations, Section 19-202 Definitions in the Municipal Code.

Sec. 8-502 – License—Required for adult retail business.

It shall be unlawful for any person to operate or maintain an adult retail business in the city unless the owner, operator or lessee thereof has obtained an adult retail business license from the city, or to operate such business after such license has been revoked or suspended by the city.

(b) It is unlawful for any employee, manager, operator or owner to knowingly perform any work or service directly related to the operation of an unlicensed adult retail business.

(c) The failure to post an adult business license in the manner required in this article shall be prima facie evidence that an adult retail business has not obtained such a license. In addition, it shall be prima facie evidence that any employee, manager or owner who performs any business, service or entertainment in an adult business in which an adult business license is not posted in the manner required in this article had knowledge that such business is not licensed.

(d) Any business that engages in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate city officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an adult retail business as defined in this article. This entry and inspection shall take place during hours when such business is open to the public, unless

otherwise requested by the business, and shall not unreasonably interfere with the conduct of such business.

Sec. 8-503 - Adult retail business license application. (Winfield example)

All persons desiring to secure a license to operate an adult business as required by this article shall make a verified application with the city clerk. All applications shall be submitted in the name of the person who owns the adult business. The application shall be signed by the applicant. If the applicant is a corporation, the application shall be signed by its president. If the applicant is a partnership, the application shall be signed by a partner. In all other instances where the owner is not an individual, where applicable, the application shall be signed by an authorized representative of the owner. The city clerk may require proof of authorization before accepting an application. All applications shall be submitted on a form supplied by the city clerk and shall require all of the following information:

(1) The name, residence address, home telephone number, occupation, date, place of birth and social security number of the applicant.

(2) The tax identification number and registered agent if the owner is required to have a tax identification number or registered agent.

(3) The name of the adult retail business, a description of the type of adult business to be performed on the licensed premises, and the name of the owner of the premises where the adult business will be located.

(4) The names, residence addresses, social security numbers and dates of births of all partners, if the applicant is a partnership or limited liability partnership; and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors and stockholders or members who own more than 25 percent interest in the corporation.

(5) A statement from the applicant whether the applicant, or any corporate officer or director, or stockholder, partner or member who owns more than 25 percent interest in such entity in previously operating in this or another city, county or state, has had an adult business license of any type revoked or suspended, and if so, the reason for the suspension or revocation and the business activity subjected to the suspension or revocation.

(6) A statement from the applicant, all partners or each corporate officer and director that each such person has not been convicted of, or released from confinement for conviction of, or diverted from prosecution on, any felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of, or diverted from prosecution on, a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography or related offenses, or controlled substances or illegal drugs or narcotics offenses as defined in the state, statutes or municipal ordinances. The statement shall also indicate that the applicant, each partner or each corporate officer and director has not been convicted of a

municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

(7) If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Kansas secretary of state.

(8) A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this article regulating adult businesses.

(b) Manager, employee or independent contractor license. All persons desiring to secure a license to be a manager, employee or independent contractor shall make a verified application with the city clerk. All applications shall be submitted in the name of the person proposing to be a manager, employee or independent contractor. All applications shall be submitted on a form supplied by the city clerk and shall require all of the following information:

(1) The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used.

(2) If applicable, the name and address of each adult retail business where the applicant intends to work as a manager, employee or independent contractor.

(3) A statement from the applicant that the applicant has not been convicted of, or released from confinement for conviction of, or diverted from prosecution on, any felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of, or diverted from prosecution on a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or controlled substances or illegal drugs or narcotics offenses as defined in the state statutes or municipal ordinances. The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

(4) The applicant shall present to the city clerk, who shall copy documentation that the applicant has attained the age of 18 years at the time the application is submitted. Any of the following shall be accepted as documentation of age:

a. A motor vehicle operator's license issued by any state, bearing the applicant's photograph and date of birth.

b. A state-issued identification card bearing the applicant's photograph and date of birth.

c. An official and valid passport issued by the United States of America.

d. An immigration card issued by the United States of America.

e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the city clerk.

f. Any other form of identification deemed reliable by the city clerk.

Failure to provide the information required by this article shall constitute an incomplete application. The city clerk shall notify the applicant whether or not the application is complete within ten working days of the date the application was received by the city clerk.

(c) Application processing. Upon receipt of an application for an adult business, manager, employee or independent contractor, the city clerk shall immediately transmit one copy of the application to the chief of police for investigation of the application. In addition, the city clerk shall transmit a copy of the application to the director of public works and the fire inspector. It shall be the duty of the chief of police or his designee to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements of this article for issuance of the license for which the application is made. The chief of police shall report the results of the investigation to the city clerk not later than ten working days from the date the application is received by the city clerk. It shall be the duty of the director of public works and the fire inspector to determine whether the structure where the adult business will be conducted complies with the requirement and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the city. The fire inspector shall report the results of his investigation to the city clerk no later than ten working days from the date the application is received by the city clerk. Upon receipt of the reports from the chief of police, the director of public works and the fire inspector, the city clerk shall schedule the application for consideration by the governing body at the earliest meeting consistent with the notification requirements established by law, provided the license application for an adult business, manager, employee or independent contractor license shall be approved or disapproved within 30 days from the date the application is received by the city clerk. The applicant shall be notified in writing of the date when the governing body will consider the application and shall be afforded an opportunity to be heard at that meeting.

Sec. 8-503 – 2nd EXAMPLE from Newton.
License required; application.

(a) It shall be unlawful for any person to establish, to operate, to be an operator of, or to cause to be operated any sexually oriented business in the City of Newton, Kansas, without a valid license issued by the City for the particular type of business, or to employ a person who is not licensed as a sexually oriented business employee as provided by

subsection (b) of this section or who is not authorized to work or perform services pursuant to subsection (c) of this section.

(b) Except as provided in subsection (c) of this section, it shall be unlawful for any person to be an employee of a sexually oriented business without a valid license; provided, however, that the provisions of this subsection shall not apply to an employee of an adult bookstore, adult novelty store or adult video store unless such bookstore; and provided, further, no person in whose name a license is issued to operate a sexually oriented business shall also be required to have a sexually oriented business employee license.

(c) Upon receipt by the City Clerk of a complete application for a sexually oriented business employee license, the City Clerk shall issue the applicant a temporary work permit and the applicant may work or perform services without an employee license until such time as the license is granted or the decision to deny the license becomes final pursuant to Section 12-1210. The applicant shall keep the temporary work permit on his or her person or on the premises where the applicant is then working or performing services, and shall produce such permit for inspection upon request by a law enforcement officer or other authorized city official.

(d) An application for a sexually oriented business license or a sexually oriented business employee license must be filed at the office of the City Clerk on an application form prescribed and provided by the City Clerk, and must include one or more addresses at which the applicant agrees to accept any notices hereunder. If the applicant resides or maintains a residential or business address in the city, then at least one of the addresses provided for notice must be a local address. An application shall not be considered complete until it includes all of the information and satisfies all of the requirements of this Section and until the license fee is paid in full.

(e) A sexually oriented business employee license may be issued only to an individual who is not less than 18 years of age and who has submitted a complete application which provides all of the information set forth in subsection (g) below and which meets all of the requirements and qualifications herein.

(f) A sexually oriented business license may be issued to any of the following:

(1) To an individual, if:

(A) Such person is the sole owner of the business;

(B) Such person is not less than 18 years of age;

(C) Such person and such person's spouse has submitted a complete application which provides all of the information as to each such person as set forth in subsection (g) below; and

(D) Such person and such person's spouse meet all of the requirements and qualifications herein;

(2) To two or more individuals jointly or as members of a general partnership if:

(A) All of the persons joining in the application constitute all of the owners of the business;

(B) Each such person is not less than 18 years of age;

(C) Each such person and each such person's spouse has submitted a complete application which provides all of the information as to each such person as set forth in subsection (g) below; and

(D) Each such person and each such person's spouse meets all of the requirements and qualifications herein;

(3) To a corporation, limited partnership, limited liability company or other legal entity if:

(A) Each person who is a stockholder or holder, directly or indirectly, of any other ownership or equitable interest in the entity constituting not less than a twenty-five percent (25%) ownership or equitable interest is not less than 18 years of age, these provision applying also to each person who owns or holds in joint ownership a twenty-five percent (25%) or more ownership or equitable interest;

(B) The complete application includes all of the information as to each such person and each such person's spouse as set forth in subsection (g) below; and

(C) Each such person and each such person's spouse meets all of the requirements and qualifications herein.

(g) The application shall include all of the following as to each individual described in subsection (f) above:

(1) The full true name of the individual and the individual's spouses, and any other names used by any such person and such person's spouse in the preceding five years, and the current residential mailing address and phone number of each.

(2) The Social Security number of the individual and the individual's spouse.

(3) Documentary proof of the individual's identity and age, with must include a current driver's license with the person's picture or other picture identification document issued by a governmental agency, and which may include a copy of a birth certificate. The City Clerk shall be entitled to make and retain a copy of such documentary proof.

(4) A photograph of the individual and a set of the individual's complete fingerprints suitable for conducting necessary background checks pursuant to this ordinance. At the City Clerk's option, the City Clerk may provide for the taking of the photograph and/or the

fingerprints at the office of the City Clerk or at any other city location; provided, however, that at the City Clerk's option a photograph and fingerprints taken within the preceding one month by a law enforcement agency and accompanied by a notarized verification by that agency may be accepted.

(5) Sufficient identifying information regarding any prior application by the individual in any jurisdiction, or any prior or existing license or permit of the individual from any jurisdiction, relating to the conduct of any business which would constitute a sexually oriented business as defined herein, and whether any such application, license or permit has been denied, revoked or suspended. If any such application, license or permit has been denied, revoked or suspended, the reason or reasons therefor shall be provided.

(6) All pending criminal charges, complaints, informations or indictments against the individual in any jurisdiction for any offense described in Section 12-1204(a)(6), and all convictions within the preceding five years in any jurisdiction for any offense described in Section 12-1204(a)(6). Any offense committed or alleged to have been committed outside of the State of Kansas shall be reportable hereunder if the elements of such an offense would constitute an offense described in Section 12-1204(a)(6) if committed in the State of Kansas.

(7) If the application is for a sexually oriented business license, the operating name, business location, business mailing address and phone number of the proposed sexually oriented business, and the classification of sexually oriented business for which the license is sought.

(8) Each such individual shall provide a signed and notarized verification that all of the information provided above is true, correct and complete.

(9) Each such individual shall provide a written release or releases in such form as will permit the City Clerk to conduct the necessary criminal and civil background checks to confirm the information provided in the application.

(h) If the license is to be issued to a corporation, limited partnership, limited liability company or other legal entity, the application shall include all of the following as to the entity:

(1) The entity's full legal name, and any prior legal name and any other name in which it has done business in the preceding five years.

(2) The entity's taxpayer identification number as issued by the Internal Revenue Service, current mailing address and telephone number for the entity's principal place of business, and local mailing address and telephone number.

(3) Each State under whose laws the entity's organizational documents are recorded or in which it has authorization to do business.

(4) The name of each person who is a stockholder or holder, directly or indirectly, of any other ownership or equitable interest in the entity constituting not less than a twenty-five percent (25%) ownership or equitable interest, including the name of each person who owns

or holds in joint ownership a twenty-five percent (25%) or more ownership or equitable interest.

(5) Sufficient identifying information regarding any prior application by the entity or by any parent company or subsidiary in any jurisdiction, or any prior or existing license or permit of the entity, its parent or subsidiary from any jurisdiction, relating to the conduct of any business which would constitute a sexually oriented business as defined herein, and whether any such application, license or permit has been denied, revoked or suspended. If any such application, license or permit has been denied, revoked or suspended, the reason or reasons therefor shall be provided.

(6) All pending criminal charges, complaints, informations, or indictments against the entity or against any parent company or subsidiary in any jurisdiction for any offense described in Section 12-1204(a)(7), and all convictions within the preceding five years in any jurisdiction for any offense described in Section 12-1204(a)(7). Any offense committed or alleged to have been committed outside of the State of Kansas shall be reportable hereunder if the elements of such an offense would constitute an offense described in Section 12-1204(a)(7) if committed in the State of Kansas.

(7) The business operating name, business location, mailing address and phone number of the proposed sexually oriented business, and the classification of sexually oriented business for which the license is sought.

(8) The application must be signed by a duly authorized officer or official of the entity, whose signature must be notarized and must contain a verification that all of the information provided above is true, correct and complete.

(i) The information provided pursuant to subsections (g) and (h) above shall be supplemented by written notice conveyed by certified mail, return receipt requested, to the City Clerk within 10 working days of any changes which would render the information originally submitted to be no longer current or complete, including any changes as to or in the individuals who are described in subsection (f) above. If such change includes there being a new or different individual involved in the entity meeting the description in subsection (f) above, then all of the information and requirements as to such individual as in an original application must be provided and satisfied within 10 working days after the conveyance of such written notice.

(j) The application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with Section 12-1213 shall submit a diagram meeting the requirements of Section 12-1213.

(k) A person who possesses a valid business license of any other type than that provided under this ordinance is not exempt from the requirement of obtaining a sexually

oriented business license or from complying with the requirements and provisions of this article.

(l) The information provided by an applicant in connection with the application for a license under this ordinance shall be maintained by the City Clerk on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with law enforcement, public safety or other administrative investigative or adjudicative functions, or as may otherwise be required or provided by law.

**Sec. 8-504 –
Fees.**

(a) The annual nonrefundable licensing fee for an adult entertainment establishment or for the renewal thereof is \$2,000.00.

(b) The first year's application fee for an adult entertainment establishment shall be an additional \$250.00.

Sec. 8-505- License limited to one identifiable type of adult use.

Adult entertainment establishment business licenses may be issued only for the one identifiable type of adult entertainment establishment use listed on the application. Such use must be either as an "adult arcade", "adult bookstore" or "adult novelty store" or "adult video store", "adult cabaret", "adult motion picture theater" or "adult theater" as defined in Section 19-202 of the zoning code. As to any adult entertainment establishment holding a single license, any change in the type of adult entertainment establishment use shall invalidate the adult entertainment establishment business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult entertainment establishment use. All adult retail business licenses shall be issued only for the one adult business use listed on the application.

Sec. 8-506- Examination of application; issuance of license; disapproval.

(a) The City Manager, or his or her authorized representative, shall examine each complete application for a adult entertainment establishment license, including all investigation reports, within 30 days of the date such complete application was received by the City Manager. After such examination, the City Manager shall approve the issuance of a license only if the appropriate license fee has been paid, the applicant is qualified, and all the applicable requirements set forth herein are met. No license shall be approved for any person ineligible pursuant to the provisions herein. All incomplete applications shall be denied.

(b) The City Manager's report on license examination shall be in writing and show the action taken on the application. If the license is granted, the City Manager shall issue the proper license.

(c) If an application for a license is disapproved, the applicant shall be immediately notified by certified mail, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may appeal the denial to the governing body by submitting a request for the appeal, in writing, to the

City Manager. An appeal shall be considered by the governing body at a regular or special meeting to be held within 15 days of receipt of the appeal. Any applicant aggrieved by the governing body's disapproval of a license application may seek judicial review in a manner provided by law.

Sec. 8-507- Renewal.

(a) A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on December 31 of each calendar year, and renewal applications for such licenses shall be submitted between November 1 and December 10.

(b) Upon timely application and review as provided for a new license, a license issued under the provisions of this ordinance shall be renewed by issuance of a new license in the manner provided herein.

(c) If the application for renewal of a license is not made during the time period provided herein, the expiration of such license shall not be affected and a new application shall be required. If a license is issued pursuant to such an application treated as a new application, the license fee shall include the first year's application fee and the annual nonrefundable license fee as stated in Section 8-504 (a) and (b).

Sec. 8-508 Transfer of license.

No license issued under this ordinance shall be transferable to another person or property. No license issued under this ordinance shall serve to permit the conduct of any licensed business activities at any business location other than the location designated in the application. No license issued under this ordinance shall serve to permit the conduct of any sexually oriented business activities other than those within the classification for which application was made and for which the license was issued. Any change in the classification of sexually oriented business to be conducted at a location shall first require that a new license application for such other classification be submitted and approved, with the prior license then being revoked upon the granting of such approval.

Sec. 8-509- Penalty for violation.

Any person, partnership or corporation who violates any provision of this article shall be punished by a fine of not more than \$500.00 for each violation. Each day's violation of, or failure, refusal or neglect to comply with, any provision of this article shall constitute a separate and distinct offense.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

**PASSED AND APPROVED by the Governing Body of the City of Goodland, Kansas,
on this ____ day of _____, 2025.**

JASON SHOWALTER, Mayor

ATTEST:

MARY VOLK, City Clerk

City of Goodland Planning Commission Minutes

3/11/2025

1. CALL TO ORDER:

The March 11, 2025 meeting of the Planning Commission was called to order at 6:02 p.m. Planning commissioners in attendance: Matt McKenzie, Grady Bonsall, Dennis Snethen, Wallace Hanson and Mary Coumerilh. Staff in attendance: Zach Hildebrand, Building Official, Kent Brown, City Manager and Joshua Jordan, IT Director.

2. Public Comment

There was no public comment.

City Manager Brown requested to add an item to the agenda for Land Use – Large Animals or livestock for discussion.

3. Review of Proposed Zoning Ordinance Changes and Review of Licensing Ordinance for Adult Entertainment Establishments

Kent stated that there is two ordinances. One is just the zoning ordinance which covers definitions, use standards and use table. The second ordinance is about the licensing. Kent stated that Section 1 of the zoning ordinance amended the definition. However, it just had the categories listed and did not have a definition for each of those categories. Staff started to discuss if there might be a gap. Staff had printed out a sheet for the Commissioners that shows the categories already in state statute. Kent stated he asked Jake Kling, city attorney, whether we could adopt those definitions from state statute in reference or would we have to copy and paste the definitions into Goodland's city code. City Attorney Kling it would be better to copy and paste the information into the city code. Since it is in state statute, McKenzie stated we don't have to reinvent the wheel. Kent stated if that change can be made to Section 1, it would make for a short discussion.

Kent said that staff had a discussion with Barb from Community Matters, Inc. on the ordinance as a whole. Barb had some grammatical corrections; but, no other issues with the ordinance as presented. She was fine with the use table in Section 2 of the ordinance and the conditional use requirement. She did have a question on Section 3 and the 1,000 feet from certain types of activities. She wanted to know how it fit on the map of the city. She did ask whether 1,000 feet from a bar or tavern should be included. Kent replied that if that was included, the adult entertainment establishment would basically be prohibited because of the liquor store on K-27. Barb immediately answered no, you can't include bar or liquor store in the distance limitations. Zach stated that Barb didn't have any other questions regarding that part of the zoning ordinance.

Commissioner Coumerilh joined the meeting at 6:09 p.m.

Chairman McKenzie asked if Commissioner Bonsall could go through his email. Commissioner Bonsall was concerned about the age limit. If it could be bumped up to 21, he would like to do that. But, there was some concern whether that was legal or not. The other item that he would

like to bring up is more about the licensing ordinance. Bonsall stated he was concerned about the number of years from a conviction. If somebody has a record or a conviction, they should not have the opportunity to apply. Chairman McKenzie stated we would need legal advice on that. Kent stated he would hand out an answer once we get to the licensing ordinance. If we could get the legal answer, that would be good. Commissioner Bonsall stated he had concerns through the whole ordinance and that his recommendations may have been too harsh. But, he was just trying to be protective of the city. Commissioner Coumerilh agreed with that assessment. McKenzie summarized that the Commission wants to be as restrictive as the law will allow.

Kent stated the 3 items on the zoning ordinance are the definitions, the use table and the use standards. McKenzie advised Commissioner Coumerilh that City Attorney Kling's advice was to cut and paste the definitions of each category of Adult Entertainment from the state statutes instead of the city creating new definitions. Chairman McKenzie moved, seconded by Commissioner Bonsall to set the public hearing for Ordinance 1796 for next meeting on April 8 to amend Section 19-202, 19-501 and 19-502 regarding Adult Entertainment Establishments. Motion carried unanimously.

Kent stated that the second ordinance is on licensing and it has a number of different things. Kent asked was the Planning Commission agreeable on the base procedures that were shown in the example. Two of the sections had examples from two different cities. Commissioner Coumerilh looked at the Newton example in the proposed Section 8-503 and it talks about licensing for the person and their spouse. Chairman McKenzie was surprised at that requirement as well and it is something that could get challenged. Further discussion ensued. Kent referred to CMB licensing and how the corporations complete the licensing applications. The owners will be in another state. Kent stated we might be able to use that wording. In addition, the Newton example might be more fitting for the person to person establishment instead of the books, materials or equipment type of establishment. Commissioner Coumerilh stated that our intent is that the person that is answerable or responsible would be the manager and the similarity to a food service license. If they hire a person with no integrity, they have to be the person responsible. Chairman McKenzie stated that the wording could just be eliminated wherever it says and their spouse. The inclusion of the spouse becomes a gray area. Commissioner Coumerilh that it was discussed at the last meeting about requiring every single person at Walmart to be licensed. That requirement is ridiculous. Kent stated that in the situation that is coming before us, the manager is the one that is responsible. Similar to liquor licensing, the manager is responsible. And if there is some discrepancy, then that is a cause for revocation or suspension of the license.

Kent stated the other situation that we have is that Walmart is technically within 1000 feet of the ballfields. It may be that it will no longer be in a valid location. McKenzie asked how far is Walmart from the ballfields. Zach replied that it is approximately 550 feet. Commissioner Bonsall said that is what it is. Walmart is not going to shut down their store because they can't sell these items. They may fight it. You might have to give them an option for a variance. I don't think we want to change everything just for that situation. McKenzie stated that is ok. I just wanted to make sure that we know what we are saying. Kent stated the requirement for licensing

employees in the category of adult media; I don't know what we are gaining. McKenzie stated as long as there is a manager that has accountability and if there is a violation their license can be revoked. Commissioners Snethen and Coumerilh agreed. Commissioner Bonsall stated that while reading it, the scenario of a spouse having a criminal record causing the other spouse to file for the license.

Kent stated that a spreadsheet was included in the packet that identified all the sections that are in the licensing ordinance. Chairman McKenzie stated the highlighted sections are the minimum sections identified to be included in the licensing ordinance. There were several additional sections included based on the other city's examples. Kent reviewed what was included as examples. Commissioners agreed they wanted a license required as stated in Section 502. Section 503 had 2 examples and asked if the Commissioners had a preference. Section 504 had the classification of fees and had 2 examples. Planning Commission members discussed the fee structure. Commissioner Coumerilh stated an application fee could be included in the first year and a licensing fee every year including the first year. Kent stated it works better if it is the same amount each year. Less confusion. After further discussion, McKenzie asked whether an amount should be recommended. Kent stated it would be better to have an amount as a starting point for the city commission. After reviewing the fees for a liquor license and discussing fees from \$750 to \$2,000, the consensus of the Commission was to recommend \$2,000. Commissioner Bonsall stated that even though it is legal; we do not have to make it easy. McKenzie directed staff to put \$2,000 for licensing fee and \$250 for the first year application as a starting place. Commissioner Snethen asked about the fees for managers, servers and entertainers further on down the section. Kent stated that would apply more in the category of person to person adult establishment. Not in the adult bookstore or adult media sales category of license.

In the next section, Section 505, it limits the license to only one category at one time. Commission agreed on that requirement. Kent stated that Section 506 deals with the internal approval process whether it is administrative or a City Commission approval. The example given is an administrative process but it can be appealed to the City Commission. Chairman McKenzie stated that seem a logical process to use the chain of command. Commissioner Coumerilh agreed and said that was fair. Commissioner Bonsall asked about the timing of the application. Kent stated that sometimes there is an adjustment if it is close to the end of the year. The question is asked whether the applicant wants to wait 6 weeks or not. Section 507 talks about the application renewal time period. Section 508 is the non transfer of the license. Section 509 is the penalty for violation of the ordinance and that each day is a separate offense.

After talking with Barb with Community Matters, Inc., staff had completed an additional couple items for the Commission to consider. First is a section on the age requirement. The first example states it separately. No person under the age of 18 employed and then no person under the age of 18 permitted to enter or remain in the adult establishment. This was identified in the general regulations. The second item is for exterior observation. Kent review the regulation which stated that the interior of the premises is not observable from the exterior of the building. Kent said Zach and him were of mixed opinion. No exterior observation is good for some uses; however, just like convenience stores when the windows are all blocked. It is hard to see if any

criminal activity or other issues are occurring inside. Commissioner Coumerilh stated it is creepy. McKenzie stated that it is not a good idea to have all windows blocked because the police officers do night checks and he wants them to see inside his businesses. Commissioner Coumerilh stated the thought process was more along the lines of no exterior signage. Chairman McKenzie stated the next subsection listed identifying no exterior display was better. Kent said the section on no exterior display is more prohibiting direct live performance through an exterior display. After further discussion on signage and exterior display, Kent said staff has to come up with a better answer on signage. The commission will be able to review one more time next month. One other item that staff wanted to clarify. When we are measuring distance for this section, the measurement will start from the property line, not from the building.

Chairman McKenzie confirmed with the Commission that there were no more items to include in the licensing ordinance. Commissioner Hansen stated the City did not need to open this can of worms. That's what the city is doing if it is going to allow this type of business under certain circumstances. Commissioner Hansen stated he was going to vote no on this Ordinance no matter what.

4. Vacant Building Ordinance Example – Discussion

Zach stated the example ordinance is from Urbana, Ohio. It's pretty close to how Goodland could have an ordinance. The ordinance includes registration and then different criteria for owners within 60 miles and those outside the 60 miles. The next part of the ordinance goes over inspections of the properties. As part of the registration documents, the owners need to state a plan for the property. Whether the building will be torn down or what type of projects will be done on the property and the reason for the vacancy. The fees would be minimal for the first year and then would increase each year. There are some exemptions allowed or how it is for sale under certain conditions. Finally, there is a penalty section.

Chairman McKenzie asked how close this ordinance would be to cut and paste as a proposed ordinance here in Kansas. Zach stated we would have to match Kansas Statutes. Fines would have to match our code. The Ohio ordinance states they are able to put liens on properties. Zach stated we would have to use special assessments. McKenzie stated he liked the idea of a registration and inspection process and a progressive penalty. Commissioner Coumerilh expressed concern that the ordinance was too restrictive and a concern with calling a portion of the city as blight. Coumerilh stated that the homes are often abandoned and that the County's poverty rate is pretty high. Working poor families can only dedicate so many resources to fixing a house. Coumerilh stated our property taxes are high enough. Zach replied that this is regarding houses that are not occupied. For example, when the occupants have passed away and the next generation doesn't do anything with the house and is just waiting for the city to come and tear it down. McKenzie stated that all we are trying to do here is speed up the process and not have to wait years to have something done with the property.

Commissioner Coumerilh asked if it includes commercial buildings. Commissioner Bonsall and Chairman McKenzie brought up the OYO building. Zach stated it did include commercial buildings. Zach continued that the fees contribute to a separate fund that assists with the cost for

demolition. Commissioner Coumerilh asked what happens if they don't come back or don't respond. Zach stated it just makes it easier for him to start the process on unfit structures with the registration and contact being made.

Commissioner Bonsall stated we get excited about people putting up new things. But, if they leave and it is not finished; maybe this is a way to control some of those things. The Commission was generally in favor of this. McKenzie stated that this could just be a cut and paste type of Ordinance for Goodland.

5. Land Use and Large Animals

Kent stated that this is an inquiry the City has received a couple times regarding the vet clinic building. People are trying to recruit a professional to start a small animal vet clinic. But in order to make that successful, each candidate asks whether they could shelter a horse, mule or cow at the clinic building because that is a money maker for them. But Goodland has a code that prohibits any livestock. The code section is not exactly under the Planning Commission's purview; but, there may be a zoning question for the Planning Commission to consider. There was an ordinance passed in 2009 that prohibited livestock from anywhere in town. It does make it difficult for this building which is right next to the fairgrounds.

Chairman McKenzie asked how do we handle the fairgrounds. Kent stated it is short term use and we don't enforce it for the fair. Commissioner Coumerilh stated the vet clinic would be short term use as well. Commissioner Bonsall asked if the fairgrounds is city property. Zach stated it is county property that is in city limits. Kent said staff wanted to make it absolutely clear in the code regarding the fair as well as short term use at the clinic. Chairman McKenzie recommended language that would include something for showing animals at the fair but not allow someone to bring a goat or other livestock to their residence for 30 days and call it short term use. Zach suggested lot size requirements. Kent stated that it is proceeding on other fronts to recruit the veterinarian and all they need to know is that it isn't an absolute no to shelter animals temporarily at the clinic. Commissioners agreed that they want to figure it out. It is a much needed business. Kent said staff will work something up to present to the Planning Commission if it is within your purview as far as the code language. Chairman McKenzie stated that we do not want to be a barrier to the vet coming to set up business.

6. Reports

A. Planning Commissioners

Commissioner Bonsall had nothing to report.

Commissioner Snethen had nothing to report.

Commissioner Coumerilh just wanted to thank Zach for his hard work and what he does for us, Kent, the City Commission and the City.

Commissioner Hansen had nothing to report.

Chairman McKenzie had nothing to report.

B. Staff

Zach had nothing to report.

City Manager Kent Brown stated that we are going to have renewals of board applications for Chairman McKenzie and Commissioners Bonsall and Snethen. Please review the documents. Kent stated it will be interesting on the set of questions for planning commissioners. The answers will certainly change after serving for 3 years on the board. Commissioner Bonsall agreed.

7. Minutes

a. February 11, 2025 Minutes

Commissioner Coumerilh moved, seconded by Chairman McKenzie, to approve the February 11 minutes as presented. Motion carried unanimously.

8. Adjournment

Commissioner Bonsall moved to adjourn, seconded by Commissioner Snethen. Motion passed unanimously. The meeting was adjourned at 7:14 p.m.