

**ORDINANCE NO. 1791**

**AN ORDINANCE ADOPTING AND AMENDING SECTION 19-502 OF CITY OF GOODLAND MUNICIPAL CODE TO ADOPT AN AMENDED USE STANDARDS.**

**WHEREAS**, the City of Goodland Construction Advisory Board of Trades and Appeals has recommended to approve and adopt the amendments to Section 19-502 of the Municipal Code; and

**WHEREAS**, after a public hearing was held, the Planning Commission has recommended to approve and adopt the amendments to Section 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 19-502 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 19-502 as follows:

**Sec. 19-502. - Use standards.**

The conditional use standards of this section shall apply to permitted, conditional uses and accessory uses as noted.

A. Accessory Uses. Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise stated in this zoning ordinance.

(1) Residential Accessory Uses. Residential uses shall include, but not be limited to, the following accessory uses, activities and structures:

- (A) Dormitory style residences, when associated with a college or medical facility;
- (B) Fences and walls;
- (C) Garages, carports and off-street parking and loading areas, provided that a detached garage or carport with a maximum of 1,200 square feet; and no more than twenty (20) feet to the peak of the roof or structure;
- (D) Gates and guard houses;
- (E) Accessory dwelling units; provided they meet the use standards and district regulations;
- (F) Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- (G) Radio and television receiving antennas and support structures;
- (H) Recreational and play facilities for residents;
- (I) Storage and parking of recreational equipment such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided that storage and parking shall be limited to private garages, side or rear yards of private homes, and in the driveways of private homes. Stored or parked vehicles or equipment shall not protrude onto public property or obstruct any sidewalks. Recreational vehicles or equipment shall not be stored or parked within required off-street parking spaces.
- (J) Storm shelters and fallout shelters; and

(K) Gardens

(L) Other necessary and customary uses determined by the Planning Commission to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Planning Commission to ensure land use compatibility.

(M) Swimming pools deeper than 24 inches are subject to a setback of no less than four (4) feet from a protective fence no less than six (6) feet in height around the perimeter of the pool.

(2) Nonresidential Accessory Uses. Nonresidential uses shall include, but not be limited to, the following accessory uses, activities and structures:

(A) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use;

(B) Construction trailers, which will be removed within 30 days of the completion of or abandonment of construction;

(C) Dwelling units, other than manufactured homes, when used or intended to be used for security or maintenance personnel;

(D) Dwelling Units, when located in a commercial structure located in the "D-MU" district;

(E) Fences and walls;

(F) Gates and guard houses;

(G) Offices for allowed business and industrial uses when the office is located on the same site as the principal use;

(H) Parking garages and off-street parking areas;

(I) Radio and television receiving antennas and support structures;

(J) Restaurants, news stands, gift shops, swimming pools, tennis courts, clubs and lounges when in a permitted hotel, motel or office building;

(K) Sales of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use;

(L) Stands offering for sale agricultural products or commodities raised on the premises;

(M) Recycling Collection Stations, subject to the provisions of sub-section 19-502.A.(4)(E) of this Article;

(N) The storage of merchandise when located within the same building as the principal business; and

(O) Other necessary and customary uses determined by the Planning Commission to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standard imposed by the Planning Commission to ensure land use compatibility.

(3) Accessory Use Development and Operational Standards. The following standards shall apply to all accessory uses and structures unless otherwise specifically provided:

- (A) Exterior Setback: No accessory structure shall be located within a required exterior setback.
- (B) Interior (Rear) Setback: Accessory structures shall not be required to comply with the interior rear setback standard that applies to principal uses. Accessory structures shall, however, be set back at least ten feet from rear lot lines and shall not be closer to the side lot line than the applicable minimum interior side setback. Garages with entrances to an alley shall be set off a minimum of ten feet from the alley. Accessory structures of less than 200 square feet are exempt from side yard requirements.
- (C) Interior (Side) Setbacks: No accessory structure shall be located within a required interior side setback.
- (D) Setbacks from Easements: No accessory structure, other than a fence or wall, shall be located within any platted or recorded easement, or over any known utility.
- (E) Height: No accessory structure shall exceed twenty (20) feet in height.
- (F) Building Separation: Unless attached to the principal structure with a common roof line, accessory structures shall be located at least six (6) feet from any other structure.
- (G) Building Coverage: No detached accessory structure shall cover more than fifty (50) percent of the total lot area and not to exceed 1,200 square feet. All accessory structures and the principal use structure shall be included in the calculation of total building coverage.
- (H) Accessory structures shall not be larger than the principal use.

(4) Recycling Collection Stations. Recycling Collection Stations shall be allowed as an accessory use in accordance with the following standards:

- (A) Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved in accordance with Article XIII.
- (B) Screening: All collection stations shall be screened from public view of adjoining properties or any street right-of-way with a six (6) foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.
- (C) Separation from Residential: Recycling collection station structures shall be located at least 150 feet from adjacent property zoned R-1, R-2, or M-P.
- (D) Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from the property line of property zoned or used for residential purposes.
- (E) Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycled materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.

(F) Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

(G) Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

B. Concentrated Feeding Operation. The site plan review procedures should be used to assure compliance with all KDHE requirements to protect against water contamination from feedlots. All proposed Concentrated Feeding Operations that are designed to accommodate Class 1 and Class II concentration of animals should be subject to site plan review. The site plan submittal should demonstrate how the following conditions are met:

(1) All waste from a concentrated animal feeding operation should be controlled so that there is not discharge of waste (including stormwater runoff that comes in contact with animal waste) from the property; and no discharge of wastes, directly or indirectly, to surface or subsurface waters, including sinkholes, dry stream beds, flowing streams, wet weather tributaries, and drainage ditches.

(2) The no-discharge requirements of the KDHE, division of Environmental Quality, under the Kansas Clean Water Law, should be met.

(3) A copy of the KDHE "Letter of Approval", required, should be submitted with the Site Plan Review.

(4) Separation requirements of the KDHE for Concentrated Feeding Operations should be met.

Such reviews should be placed as an item on the regular meeting schedule of the Planning Commission. A notice of the meeting should be sent to landowners in the notification area as prescribed by the KDHE rules.

C. Adult Entertainment Establishments are hereby prohibited in all zoning district within the City of Goodland and the unincorporated planning area and no building, structure, premises or land shall be used, constructed, reconstructed, altered or expanded as or for an Adult Entertainment Establishment.

D. Bed and Breakfast and Airbnb. Bed and Breakfast and Airbnb facilities shall be allowed by conditional use permit in all residential and commercial districts. The following requirements shall apply to all bed and breakfast facilities:

(1) The structure in which the bed and breakfast facility is located shall contain no less than the minimum required area per building code of the City of Goodland

(2) The establishment is located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for not more than fourteen (14) consecutive nights.

(3) A time period may be established by the City Commission for each bed and breakfast establishment.

(5) No more than four bedroom units may be provided to guests. The City Commission may, however, further limit or further permit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located with a Conditional Use Permit.

E. Cemeteries, Crematories and Mausoleums. The following standards shall apply to cemeteries, crematories and mausoleums:

(1) Entrances: All cemeteries, crematories and mausoleums shall provide entrances on an arterial or collector street with ingress and egress so designed as to minimize traffic congestion.

(2) Landscape Buffer: A landscape buffer shall be provided along all property lines abutting any R-1, R-2, or M-P zoned property, pursuant to Article VIII.

F. Communication Towers. Communication towers shall be subject to the following standards:

(1) Principal Use: Communication towers shall always be considered a principal use. They may be located on lots occupied by another principal use.

(2) Setbacks:

(A) The minimum setback between communication towers and all property lines shall be equal to 20 percent of the height of the tower.

(B) Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way.

(C) Communication towers shall be set back a minimum of 100 feet from the lot line of any R-1, R-2, or M-P zoning district.

(D) Peripheral supports and guy anchors for communication towers may be located within the required setbacks, provided that they shall be located entirely within the boundaries of the property in which the tower is located and shall be located no closer than five feet from any lot line, and no closer than 10 feet from the lot line of a R-1, R-2, or M-P zoning district.

(3) Height: The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this section are complied with.

(4) Security Fences and Walls: A fence or wall not less than seven feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:

(A) Access to the tower shall be through a locked gate in the required fence or wall.

(B) If the communication tower is adjacent to a residential zoning district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted along the exterior of the fence or wall. At least one tree and one shrub shall be required for each 30 linear feet of fence or wall line.

(C) If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in a tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER".

(5) Airport Approach Paths: Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

(6) Removal of Obsolete and Unused Towers: All obsolete or unused communication towers shall be removed within 12 months of cessation of use.

(7) Electromagnetic Radiation: Communication towers shall comply with all applicable Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NER).

G. Composting Facility. The following standards shall apply to all Compost Facilities:

- (1) Landscape Buffer: Compost Facilities shall have a landscape buffer around its perimeter, pursuant to Article VIII. The decision-making body may require a greater buffer to protect adjacent property from adverse visual and other impacts associated with a specific compost facility.
- (2) Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each 660 feet of lot frontage on a public street. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. The Building Official may require a traffic report to be submitted with the Conditional Use Permit application.
- (3) Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be completely screened from view from off site.
- (4) Setbacks: Structures shall be set back at least 100 feet from all lot lines and at least 300 feet from the lot line of any property zoned R-1, R-2, or M-P.
- (5) Hours of Operation: Uses shall not operate before sunrise or after sunset. When located within 1,000 feet of an R-1, R-2, or M-P zoning district the use shall not operate after 7:00 p.m. or before 8:00 a.m.
- (6) Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and improved with all-weather material.
- (7) Stormwater Management: A stormwater management plan may be required at the discretion of the City Engineer.
- (8) Litter Control: The operation shall be attended on days of operation to maintain the property in a clean, litter-free condition.
- (9) Hazardous Material: Operations shall not involve the on-site holding, storage or disposal of hazardous substances, except for such substances used for the operation of the facility such as fuel and pesticides.
- (10) Material: No food scraps (except for vegetable scraps) or other vermin-attracting materials shall be processed, stored or disposed of on the site of the compost facility. Only yard/garden wastes are allowed as compost material.
- (11) Other Regulations: All operations shall be licensed if required, have proper permits from the Kansas Department of Health and Environment and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.

H. Convalescent Care. At least 100 square feet of usable open space shall be provided for each patient bed.

I. Day Care (Limited and Commercial).

(1) Day Care, Limited:

- (A) State Licensing: General Day Care uses shall be licensed by the State of Kansas and shall meet all City, County and State Health Department requirements pertaining to facilities, equipment, and other features.
- (B) Residential Districts: In the "R-1", "R-2" and "M-P" residential districts, Limited Day Care uses shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent

residence by the licensed day care provider, except that an assistant may provide care during necessary absences of the regular day care provider.

(2) Day Care, Commercial:

(A) State Licensing: Commercial Day Care uses shall be licensed by the State of Kansas and shall meet all City, County and State Health Department requirements pertaining to facilities, equipment, and other features.

(B) Vehicle Drop-Off Area: An off-street loading zone capable of holding one car per ten individuals cared for shall be provided, in addition to the required parking area, in order to provide for easy pickup and discharge of passengers.

J. Golf Courses.

(1) Location of Restaurants: Facilities such as restaurants and bars shall be allowed as an integral part of a principal club house building, provided there is no exterior display or advertising for the restaurant or bar.

(2) Location of Recreation Facilities: Buildings, swimming pools, tennis courts, and similar recreational facilities shall be set back at least 25 feet from the property line of any R-1, or R-2 zoning district.

K. Group Home (Limited or General). Group Homes shall be subject to the following standards only when located in a R-1, R-2, or M-P district:

(1) Spacing: A Group Home to be located within a residential zoning district shall not be located within 1,320 feet of another Group Home, measured as the shortest distance between any portion of the structure in which persons reside.

(2) Exterior Appearance: There shall be no alteration of the exterior of the Group Home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the Group Home is located that will change the character thereof as property within a single-family dwelling district.

(3) Neighborhood Character: A Group Home constructed in an R-1, or R-2 district shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

L. Home Occupations.

(1) Restrictions and Limitations:

(A) All materials or equipment used in the home occupation shall be stored within an enclosed structure.

(B) No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.

(C) No sign shall exceed two (2) square feet, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.

(D) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/hers residence, and not more than one non-resident employee on the premise at a time.

(E) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.

(F) No traffic shall be generated by the activity of the home occupation that is abnormal to a residential neighborhood.

(G) No fee to obtain a Home Occupation Permit. Permits shall be reviewed on a yearly basis by the Planning Commission.

(H) If the permitted home occupation is discontinued for more than six consecutive months a new permit will be required.

(I) Approval of home occupations shall follow the same procedures as required for a rezoning.

(J) The building official shall complete a site inspection after the application is completed and before the public hearing with the Planning Commission.

(2) Particular Home Occupations Permitted: Customary home occupations include, but are not limited to certain occupations that do not depend upon on-site commerce, and include the following list of occupations; provided, however, that each listed occupation is subject to the requirements of (A) through (L) above:

(A) Art, dancing, and music schools provided that instruction is limited to five pupils at one time.

(B) Barber Shops, Massage Shops, and Beauty Parlors, but not more than one work station.

(C) Ministers, rabbis, priests and other religious leaders.

(D) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.

(E) Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.

(F) Watch, clock, and jewelry repair services.

(G) Radio, television, phonograph, recorder, and small appliance repair services.

(H) Music teachers, provided that instruction shall be limited to five pupils at a time.

(I) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.

(J) Tailoring, alterations, and seamstresses.

(K) Tool sharpening and filing.

(L) Services not dependent on client visits to the site, such as computer-assisted services and graphic design.

(3) Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:

(A) Antiques - retail.

(B) Funeral services.

- (C) Groceries - retail.
- (D) Second-hand merchandise - retail.
- (E) Equipment rental.
- (F) Automobile and other motor vehicle repair services including small engine repair.
- (G) Physicians.
- (H) Dentists.
- (I) Chiropractors.
- (J) Restaurants.
- (K) Stables or Kennels.
- (L) Renting of trailers or equipment.

M. Hospitals. Hospitals and charitable institutions shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion.

N. Kennel. No kennel building or runs shall be located closer than 75 feet to any property line.

O. Landfills and Mining and Quarrying. Landfills and Mining and Quarrying uses shall be subject to the following standards:

- (1) Minimum Site Area: A minimum site area of 35 acres shall be required.
- (2) Entrances: There shall be no more than one entranceway from a public street for each 660 feet of street frontage. A traffic study shall be required.
- (3) Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of a R-1, R-2, or M-P zoned property.
- (4) Separation from Residential: No digging or excavating shall occur within 100 feet of any lot line or within 300 feet of the lot line of a R-1, R-2, or M-P zoned property.
- (5) Paving: All roads, driveways, parking lots and loading and unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
- (6) Slopes: The slope of material in any excavation shall not exceed the normal angle of repose of 55 degrees, whichever is less.
- (7) Buffers and Fences: When any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the edge of the excavation. Fences shall be adequate to prevent trespass and shall contain warning signs spaced no more than 100 feet apart to be visible along the entire length of said fences. A buffer shall be provided around the site, pursuant to Article VIII.
- (8) Stormwater Management: A stormwater management plan shall be required.

(9) Site Restoration: The following restoration requirements shall apply to all excavation uses, provided that landfills shall, instead, be subject to state and federal requirements:

(A) Restoration Plan: Before approval of a conditional use permit for an excavation use, the operation shall submit to the Building Official a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.

(B) The restoration plans shall be filed with and approved by the Planning Commission before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.

(C) Bonds: Before the issuance of any conditional use permit, the owner shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall also be approved by the City Commission as to form, sufficiency and manner of execution, and shall run for the same term as the term of the conditional use permit and any renewals.

(D) Water Quality: In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.

(E) Appearance: The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.

(F) Top Soil and Fills: Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the Planning Commission. Fill shall be of a suitable material approved by the Planning Commission.

(10) City, County, State and Federal Standards: All operations shall be licensed if required, have proper permits from the Kansas Department of health and Environment and shall meet all City, County and Federal Health Department requirements pertaining to facilities, equipment and other features.

P. Manufactured Home Residential-Design. Omitted

Q. Manufactured homes. All manufactured homes in any district shall be in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended.

(1) The exterior siding consists predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;

- (2) All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle code (K.S.A. 75-1211 et seq.) and installed so that the finished floor elevation is not more than 24 inches above finished grade;
- (3) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City building code and attached firmly to the primary structure and anchored securely to the ground; and
- (4) The moving hitch, wheels and axles, and transporting lights have been removed.
- (5) Blocking: All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code and in accordance with the manufacture's guidelines.
- (6) Pad Requirements: Shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials; or shall be of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.

R. Multifamily. All multifamily development shall be subject to the following design guidelines and standards:

- (1) Site Plan Review: Multifamily development shall be subject to site plan review requirements and procedures of Article XIII.
- (2) Natural Features and Environment: Each site should be designed to preserve natural features and environmental resources, such as:
  - (A) Floodplains and drainage ways.
  - (B) Bodies of water.
  - (C) Prominent ridges and rock ledges.
  - (D) Existing tree cover including tree masses, wind rows and significant individual trees.
- (3) Cut and Fill: Excessive cut and fill are unacceptable. The site plan should preserve the natural topography of the site.
- (4) Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways, and paths) shall be located and designed to provide physical separation from vehicles along all public and private streets and within any parking area.
- (5) Building Separation: All buildings shall be separated by a minimum distance of 15 feet.
- (6) Lot Coverage: Each site plan should be designed to reflect unique site characteristics and strong neighborhood environments without overcrowding the site.
- (7) Open Space: Open space should be provided to meet active and passive use requirements of the neighborhood.
  - (A) At least ten (10) percent of the total site area shall be set aside as common open space. The common open space shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space may include

pools, tennis courts, and tot lots. Common open space may not be counted toward nor located in required zoning district setbacks.

(B) A minimum of 60 square feet of private open space shall be provided for each ground-level dwelling unit and each dwelling unit that is accessible from a walk out basement. Private areas should allow only limited access and be enclosed to ensure privacy. Private areas typically include yards, balconies and patios.

(8) Building Clustering: Unusable and unassigned open space surrounding buildings should be reduced by clustering buildings. Buildings should be clustered around a central common area, and not have the primary orientation directed toward the parking area.

(9) Building Orientation.

(A) Individual Buildings: Individual buildings should be oriented in a way that established neighborhoods and sub-neighborhoods.

(B) Reduction of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

(10) Vehicular Circulation and Parking.

(A) Street Layout: The layout of streets should provide for safe operation of vehicles within the neighborhood. Excessively straight and wide streets encourage high speed traffic and should be avoided. Curvilinear designs, reduced street widths and cul-de-sacs create stronger neighborhood environments.

(B) Parking Area Layout: Double loaded parking areas along private streets or drives are generally not acceptable. Parking areas should be clustered and separated from the street.

(C) Parking Enclosures: Parking enclosures should be designed and sited so as to compliment the primary structures and to provide visual relief from extensive pavement area.

(11) Pedestrian Circulation.

(A) Pedestrian Linkages: Pedestrian access should be designed to provide reasonable linkages of dwelling units to neighborhood facilities such as recreation, services, mail and parking.

(B) Landscaping Details: Pedestrian systems should incorporate landscaping details to increase the visual interest and character of the neighborhood.

(C) Landscaping: Landscaping should be designed in sufficient form, quantity and location to reduce, to the greatest extent possible, negative impacts affecting the site and adjacent properties and to increase the sense of neighborhood scale, character and identify.

(D) Architectural Design: The architecture of multifamily housing is a key element in determining the character of a neighborhood. The architecture should create a strong feeling of identity through design principles of scale, harmony, rhythm and balance.

(E) Elongated sites with rectangular, double-loaded building footprints should be avoided. These designs typically lack interest and fail to create a strong sense of neighborhood.

(F) The architectural design of each unit or building should impart a feeling of neighborhood scale. Units should be designed with vertical and horizontal offsets to break up roof lines, define private

outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank wall surfaces should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest.

(G) The same level of architectural design and quality of materials should be applied to all sides of the building. The side and rear elevations, garages, carports, and all accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility.

(H) Screening from the street of all outdoor refuse areas, ground mounted mechanical equipment, utilities, and banks of meters shall be provided. The screening of these items is to be architecturally compatible with the major building components and may include landscaping.

#### S. Recreation and Entertainment, Outdoor.

(1) Establishments that offer recreation, entertainment or games of skill outdoors to the public for a fee or charge shall be located on arterials or collectors. Public activity areas shall be located at least 200 feet from any adjacent R-1, R-2, or M-P zoning district.

#### T. Recreational Vehicle Parks. Recreational Vehicle Parks shall be permitted subject to the following conditions:

(1) The site selected for recreational vehicle parks shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road that it has frontage on. Short-term occupancy shall not exceed 30 days, except as approved by the Building Official.

(2) Minimum tract size shall a minimum of two (2) acres and shall be in one (1) ownership.

(3) The maximum number of recreational vehicle spaces allowed within the permitted districts shall not be more than 20 per acre. Consideration shall be given to whether the recreational vehicle park and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type recreational vehicle park located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.

(4) All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained in compliance of this code.

(5) Minimum width of a recreational vehicle space shall be 25 feet. The space shall be so designed to provide space for parking both the recreational vehicle and towing vehicle off the roadway. No recreational vehicle unit shall be closer than 10 feet to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the development property lines, and the 10 feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area. RV parks shall contain a minimum of 1,000 square feet for each trailer and provide an area for the vehicle used to move it to park when unhooked. Camping space must be no less than 500 square feet.

(6) *Identification of roadways and spaces.* All park roadways recreational vehicle spaces shall be clearly identified with letters or numerals of a light reflecting material. Such letters or numerals are to be a minimum of two inches in height. Such identification shall be in complete agreement with the site plan

prepared under Article XIII of the Zoning Regulations. All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.

(7) *Lighting.* All RV park roadways shall be lighted from dusk to dawn in a proper and sufficient manner, as provided by the plat for construction and with approval of the planning commission and governing body of the city. All RV parks shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.

(8) *Service buildings.* Each park serving or intended to serve 10 or more recreational vehicles shall be provided with one or more service buildings which shall:

- (a) Be located no nearer than 17 feet from a recreational vehicle in a park;
- (b) Be so located that any recreational vehicle which it serves shall not be parked more than 500 feet from it;
- (c) Be of permanent type construction and be adequately lighted;
- (d) Be of moisture resistant material to permit frequent washing and cleaning;
- (e) Have one flush type toilet, one lavatory and one shower or bathtub for females; and one flush type toilet, one lavatory, one shower or bathtub for males for up to 20 recreational vehicles. One additional unit of the above plumbing facilities shall be provided for each sex for each 20 additional recreational vehicles served or major fraction thereof. All lavatories, bathtubs and showers shall be connected with both hot and cold running water;
- (f) Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit in the building and provide hot water (140° F.) at a minimum rate of eight gallons per hour for the required fixture units;
- (g) Have an accessible, adequate, safe and potable water supply of cold water;
- (h) Have all rooms well ventilated with all openings effectively screened;
- (i) Have at least one slop water closet or other facility suitable for cleaning and sanitizing waste receptacles located inside park premises;
- (j) Comply with all applicable ordinances of this code, regarding the construction of buildings and the installation of electrical, plumbing, heating and air conditioning systems;
- (k) Be maintained in a clean sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.

(9) *Water supply.* Provisions relating to the water supply in RV parks in the city shall be as follows:

- (a) *Required.* An accessible, safe and potable supply of water as approved by the health officer shall be provided in each park. If city water is available to the park it shall be used;
- (b) *Layout.* The size and location of water mains and fire hydrants shall be in accordance with the fire code of the city, and with approval of the city building official;
- (c) *Service connections.* Individual water service connections shall be provided at each RV space. Such connections shall be located at least four inches above ground surface, at least three-quarters inch in diameter and equipped with a three-quarters inch valve outlet. The outlet shall

be protected from surface water flooding and all pipes shall be protected against freezing. Below ground shutoff valves may be used but stop and waste valves shall not be used. When service connections are provided for recreational vehicle spaces they shall comply with the above requirements.

(10) *Sewage disposal.* Provisions relating to sewage disposal in RV parks shall be as follows:

(a) *Individual sewer connections.* Sewer connections shall be provided for each recreational vehicle space in accordance with this code. If individual connections are provided for recreational vehicles, they shall be of similar construction;

(b) *Design.* Any sewage system connection to the city sewer system shall be in accordance with all applicable requirements of this code;

(c) *RV parks.* Shall provide sanitary stations for the sole purposes of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.

(11) *Garbage and refuse.* Provisions for garbage and refuse storage, collection and disposal shall be maintained so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution, and all garbage and refuse storage areas that uses can or barrel type containers, shall be properly screened from public view, and shall comply with the requirements of the city.

(12) *Rodents and insects.* Provisions relating to infestation of rodents and insects in RV parks shall be as follows:

(a) *Maintenance free from infestation.* RV parks shall be maintained free of excessive insect or rodent infestation;

(b) *Preventive environmental maintenance.* The RV park management shall keep all areas outside of the confines of the individual recreational vehicle spaces reasonably free of breeding, harboring and feeding places for rodents and insects. Such areas shall be kept free of litter, trash, salvage material, junk and weeds or other obnoxious vegetation growths in excess of 8 inches in height.

(13) *Electricity.* A weather proof 50/30/20 amp surface mount RV power outlet box shall be provided for each recreational vehicle space. All electrical wiring shall comply with applicable provisions of the electrical code of the city. No power lines shall be permitted to lie on the ground. All electric wiring must be underground in RV parks.

(14) *Register.* It shall be the duty of a person operating each RV park to keep a register containing a record of all recreational vehicle owners and tenants located within each RV park. The register shall contain the name and address of each occupant, and the dates of arrival and departure of each recreational vehicle. The person operating each RV park shall keep the register available for inspection at all reasonable hours by law enforcement officers, assessor, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The original records of the register shall not be destroyed for a period of three years following the date of registration.

(15) A central office or convenience establishment with an attendant shall be provided within the recreational vehicle park to register guests and provide service and supervision to the camp for camps in excess of 5 acres.

(16) The applicant for a recreational vehicle park shall submit a development plan to the Planning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24" × 36" dimensions as a proposed development plan showing:

- (A) General layout of development with dimensions, depths, number of spaces and related sanitation accommodations;
- (B) Parking area location, sizes and capacity;
- (C) Ingress and egress points for the project;
- (D) Use of structures;
- (E) General layout of typical recreational vehicle space showing size of space and proposed improvements;
- (F) Layout of roadway within the camp;
- (G) Net density of proposed project, expressed in terms of units per acre;
- (H) General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system;
- (I) Plan and method of sewage disposal and water supply;
- (J) Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas;
- (K) Be provided with barriers to protect the utility service hookups, mounted to or set in concrete, including, but not limited to, bollard posts and/or guardrails to prevent damage;
- (L) The development shall provide a general refuse storage area or areas that shall be provided with a paved concrete surface and shall be enclosed to screen it from view.

#### U. Auditorium or Stadium.

(1) Any parking area used for the overnight parking of buses and vehicles shall be located at least 100 feet from the lot line of a lot zoned R-1, R-2, or M-P. Any such parking area shall be screened from view of adjacent R-1, R-2, or M-P districts by a landscape buffer as approved by the Planning Commission.

#### V. Salvage Yards. The following standards shall apply to salvage yards, scrap and waste material storage yards, auto wrecking and junk yards:

- (1) Separation from Residential: No salvage yard shall be located within 300 feet of a R-1, R-2, or M-P zoning district.
- (2) Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least six feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. Scrap, junk or other salvaged materials shall be piled or stored so that

they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall.

(3) Loading/Unloading: No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

W. Duplex development – Refer to the Zone District Requirements.

X. Solid Waste Collection/Processing Facilities. The following standards shall apply to Solid Waste Collection/Processing Facilities:

(1) Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least eight feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.

(2) Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. A traffic analysis shall be required.

(A) Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be screened as part of the operation.

(B) Loading/Unloading: No solid waste or junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or screened area or within the public right-of-way, except the use of storage bins placed on the outside an enclosed building for recycling. The operation shall be attended on days of operation to maintain the property in a clean, litter free condition.

(C) Separation for Residential: No structures shall be located within 300 feet a R-1, R-2, or M-P zoned property.

(D) Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of a R-1, R-2, or M-P zoned property.

(E) Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface.

(F) Stormwater Management: A stormwater management plan may be required at the discretion of the City Engineer.

(G) Other Regulations: All operations shall be licensed if required, have proper permits from the Kansas Department of Health and Environment and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.

(H) Time Limit and Renewal of Conditional Use Permit: The Conditional Use Permit shall be effective for one year, at which time it may be renewed in accordance with procedures applicable to the original approval. If renewed, a new time limit on the Conditional Use Permit shall be

established at the public hearing. The Conditional Use Permit shall be revoked by the Building Official if it is determined by the Building Official that the use is creating a nuisance for nearby residents or businesses or is failing to comply with the conditions imposed on the operation.

Y. Temporary Uses Permitted. The following uses shall be allowed on a lot for which the vendor has a property interest:

- (1) Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.
- (2) Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
- (3) Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
- (4) Carnivals and Circuses: A carnival or circus, but only in a commercial or industrial district, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.
- (5) Garage or Yard Sales: The sale of used or second-hand merchandise shall be permitted in any residential district providing that such use shall not exceed three consecutive days in duration, nor occur more than four-times, excluding city-wide sales, during a 12 month period at one residence.

Z. Fast Food Restaurant proposals shall present a site plan that allows adequate stacking of traffic on-site at any drive-through window to prevent conflicts with vehicular movement on public streets.

AA. Wind Turbines. Wind Turbines shall be subject to the following standards:

- (1) Permitted Use: Wind Turbines are a conditional use in the R-1, R-2, M-P, C-1, and D-MU districts and are permitted in I-1 and I-2 zoning districts and shall meet the following setback requirements:
- (2) Setbacks:
  - (A) Wind Turbines shall be setback a minimum of 50 feet from any existing or planned right-of-way.
  - (B) Wind Turbines shall be set back a minimum distance equal to the height of the principal support structure from the lot line of any R-1, R-2, or M-P zoning district.
  - (C) Peripheral supports and guy anchors for Wind Turbines may be located within the required setbacks, provided that they shall be located entirely within the boundaries of the property in which the tower is located and shall be located no closer than five feet from any lot line, and no closer than 10 feet from the lot line of a R-1, R-2, or M-P zoning district.
- (3) Height: The principal support structure for wind turbines shall be permitted to the height limit of the zoning district in which it is located, provided that the setback standards of this section are complied with.

A conditional use permit may be granted to authorize a wind turbine in excess of the permitted height, however, the applicant must be able to show that the wind turbine can meet the required setbacks.

(4) Airport Approach Paths: Wind Turbines shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

(5) Removal of Obsolete and Unused Wind Turbines: All obsolete or unused wind turbines shall be removed within 18 months of cessation of use.

BB. In the R-1 Residence District stables, sheds, pens or other places where horses, mules, asses, cattle, hogs, sheep, goats, fowl or other animals are kept shall be no closer than 50 feet to any property line.

CC. Garages may be considered a principal use in the R-1 District instead of a residential structure only if the following conditions are met:

(1) A garage shall not cover more than fifty (50) percent of the lot area combined with all other accessory structures and the principal use, be a maximum of 1,200 square feet; and no more than twenty (20) feet to the peak of the roof or structure.

(2) For lots 10,000 square feet and over, no garage shall be constructed or placed in such a manner as to restrict said lot from future construction of a single-family dwelling without having to first remove the garage.

(3) For lots under 10,000 square feet, garages can be constructed or placed without consideration for future construction. However, garages built on lots under 10,000 square feet without a residential structure must front a City street and cannot front an alley.

(4) Minimum Exterior Building Material Standards: A minimum of 50% of the garage's front exterior wall shall consist of one or more of the following:

(a) Stone material used for masonry construction, including but not limited to, granite, sandstone, slate, limestone, marble or other hard and durable all-weather stone.

(b) Brick material used for masonry construction composed of hard fired (kiln fired) all-weather common brick or other all-weather facing brick.

(c) Stucco or approved gypsum concrete/plaster materials.

(d) Glass.

(e) Other design components which create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes.

(5) Driveway Requirements: All parking areas, driveways, or any part of the property used for vehicle travel shall consist of hot mix asphalt, concrete paving, stone or brick, excepting that garages which front an alley shall not be subject to these requirements.

(6) Site Plan Review: All applicants seeking the construction of a garage as a principal use in the R-1 District shall submit a Site Plan to the Building Official which shall include the following:

(a) Approximate size and locations of all structures.

(b) Access from streets.

(c) Imagery or description of exterior building materials to be used.

(d) Imagery or description of driveway construction materials to be used.

DD. Accessory Dwelling Units are permitted to be placed on a lot subordinate to the principal structure in the R-1 or R-2 zoning district when the following conditions are met:

(1) Detached Accessory Dwelling Unit Conditions are as follows:

- a. Be smaller than the primary structure;
- b. Not be located within the setbacks of zone district the lot is located in;
- c. Have separate utility connections from the primary structure;
- d. Includes at least a kitchen, bathroom and a bedroom that are no smaller than the requirements set forth in the Building Code that is recognized by the City of Goodland;
- e. Have a unique postal address;
- f. No more than one on a lot;
- g. Be of similar design as the primary structure; and
- h. Be provided with one off-street parking area.

(2) Attached Accessory Dwelling Unit Conditions are as follows:

- a. Must be independent of the Primary Structure with a separate entrance;
- b. Include at least a kitchen, bathroom and bedroom;
- c. Have a unique postal Address;
- d. Be provided with one off-street parking area

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

**PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2024, by the Governing Body of the City of Goodland, Kansas.

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Aaron Thompson, Mayor

ATTEST:

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Mary P. Volk, City Clerk