



GARDEN CITY

— KANSAS —

ZONING REGULATIONS GARDEN CITY, KANSAS

Codified November 6, 2018

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CITY OF GARDEN CITY

ZONING REGULATIONS

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ARTICLE 1

GENERAL PROVISIONS

SECTIONS:

- 1.010 Title
- 1.020 Purpose
- 1.030 Intent
- 1.040 Conflicting Provisions
- 1.050 Licenses to Conform
- 1.060 Not a Licensing Regulation
- 1.070 Building Permits Required
- 1.080 Permits to Comply with the Zoning Regulations
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- 1.150 Use Limitations
- 1.160 Accessory and Temporary Structures or Uses
- 1.170 Home Occupations
- 1.180 Signs and Outdoor Advertising
- 1.190 Off Street Parking and Loading

1.010 TITLE. This Zoning Regulation and attached District Zoning Map shall be known and may be cited as the Zoning Regulation and District Zoning Map for Garden City, Finney County, Kansas.

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

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

- (G) To enhance the economic and cultural wellbeing of the inhabitants of Garden City.
- (H) To promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

1.030 INTENT. The intent of the regulations set forth herein shall be to further the purpose of the title and promote the objectives and characteristics of the respective zones.

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

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

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

1.070 BUILDING PERMITS REQUIRED. No building or structure shall be constructed, altered, or moved, nor shall the use of land be changed except after the issuance of a permit for the same by the Building Inspection Department.

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

1.090 BUILDING PERMITS - (SITE PLAN REQUIRED.) All applications for building permits shall be accompanied by a site plan.

- (A) Site Plan Requirements: The Site Plan submittal of three (3) sets of hard copy plans and applicable planning documents and one (1) set of electronically submitted plans and documents shall contain the following information as outlined on the Site Plan Review Application:
 - (1) A legal description and site address (available from the City Engineer, County or GIS).
 - (2) A Title Block including the Date of the submittal, Name and Contact information, North Arrow indicator, Scale of drawing and Key or Vicinity Map.
 - (3) Lot dimensions.
 - (4) Location and size of existing and proposed structure(s) on the site (with sufficient dimensions to indicate relationship between buildings, property lines, parking areas

and other elements of the site plan), and Building Elevations. Include a Building Code Footprint where applicable [(K.A.R) 22-1-7].

- (5) Identification of setbacks.
 - (6) Location and layout of parking areas- denote handicapped parking and curb stops, including parking calculations.
 - (7) Location of ingress and egress. A traffic impact study may be required where applicable.
 - (8) Location and size of sign(s), including elevations (attach additional concept drawing with dimensions).
 - (9) Location and size of Accessory Building(s).
 - (10) Landscape Plans (see Article 36).
 - (11) Utility easements conforming to all applicable zoning, fire and building codes (Show all recorded easements on drawing).
 - (12) Location of utility service lines and meter sizes servicing the structure(s) on the lot.
 - (13) Solid waste pickup locations with associated screening.
 - (14) Drainage in conformance with subdivision drainage plan (use arrows to indicate direction of proposed drainage for minor plans or present a detailed drainage plan for major development, City Engineer to review and approve). SWPPP plans and documentation may be required to meet City and KDHE standards.
 - (15) Additional documents may be required (e.g. Elevation Certificate, Development Agreement, Parking Lot Lighting or other additional permits as required on a case by case basis with respect to the development of the property).
- (B) Site plans for all commercial, industrial and multi-family units (larger than a Duplex) shall be stamped by an architect or engineer registered in the State of Kansas; and at the discretion of the Planning Commission Secretary shall be submitted to the Planning Commission at least ten (10) days prior to the Planning Commission meeting whereby review and approval is requested.
- (C) The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Zoning Regulations, Subdivision Regulations, Building Codes, and/or other regulations, which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent code, ordinances and regulations.
- (D) Process Timeline. Planning Staff will determine the completeness, accuracy, and sufficiency of the application. A typical site plan review process is seven to fourteen

(7-14) days, and may be longer dependent upon the complexity of the development proposal.

- (E) Approvals. Building permits for the project will not be issued until a site plan has been approved.
- (F) Time Limitations on Approvals. If the owner has obtained preliminary site plan approval, but fails to obtain a building permit within one (1) year from the date of approval of the site plan, the site plan approval shall be deemed to have expired, and the owner shall be required to resubmit a new plan for approval.
- (G) Adjacency Compatibility: Staff will review site plans for compatibility with adjacent properties.
- (H) Electronic Submittals. The submitted site plans are electronically distributed to various city departments and public utility companies and then convene for review and comment. The planner assigned to the project will contact the applicant to discuss the review comments and suggest any revisions, which may be needed before the site plan, can be processed for administrative action.

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

1.110 CONDITIONAL USES. No use of a structure or land that is designed as a conditional use in any zoning district shall hereafter be established and no existing conditional use shall hereafter be changed to another conditional use in such district unless a Conditional Use Permit is secured in accordance with the provisions of Article 29 in this Zoning Regulation.

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

1.130 LOT SIZE REQUIREMENTS. No structure, or part thereof, shall hereafter be built, moved, or remodeled and no structure or land shall hereafter be used, occupied or arranged, or designed for use of occupancy on a lot which is:

- (A) Smaller in area than the minimum area per dwelling unit required in the zoning district in which the structure or land is located;
- (B) Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or

- (C) Shallower than the minimum lot depth required in the zoning district in which the structure or land is located.
- (D) No existing structure shall hereafter be remodeled as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.

1.140 YARD REQUIREMENTS. No structure, or part thereof, shall hereafter be built, moved, or remodeled and all structures or land shall not be hereafter used, occupied or designed for use or occupancy:

- (A) So as to exceed the maximum lot coverage percentage or the maximum structure height specified for the zoning district in which the structure is located;
- (B) So as to provide any setback, or front, side or rear yard that is less than that specified for the zoning district in which such district or use of land is located or maintained; or
- (C) So that no side yard is smaller than five (5) feet, except when zero lot line development is permissible.

All yard requirements set forth herein are expressed in terms of maximum structure height, maximum lot coverage, and minimum setbacks.

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

1.160 ACCESSORY AND TEMPORARY STRUCTURES AND USES. No accessory or temporary structures or uses as defined in Article 21 shall hereafter be built, established, moved, remodeled, altered, or enlarged unless such uses are permitted by Article 21 of this Zoning Regulation.

1.170 HOME OCCUPATIONS. No home occupations as defined in Article 26 shall hereafter be established, altered, or enlarged in any residential district unless such home occupation is permitted, and complies with the conditions set forth in Article 26 of this Zoning Regulation.

1.180 SIGNS AND OUTDOOR ADVERTISING. No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the conditions set forth in Article 23.

1.190 OFF-STREET PARKING AND LOADING. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces are provided as required by Article 24. No structure or use already established on the effective date of these regulations shall be

enlarged unless the minimum off-street parking and loading spaces, which would be required by Article 24, are provided for the whole structure or use as enlarged.

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ARTICLE 2

DEFINITIONS (Ord. #2841-2019, 7/16/19)

SECTIONS:

- 2.010 Interpretation
- 2.020 Rules of Interpretation
- 2.030 Definitions
- 2.040 Words Not Defined Herein

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

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

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

2.030 DEFINITIONS. (Ord.#2927-2022, 05/17/22) For the purpose of this Zoning Regulation,

certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

1. Accessory Building or Use - A subordinate building located on the same lot or group of lots with the main building or a subordinate use of land. (See Article 21.)
2. Accessory Living Quarters- Living quarters within a building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.
3. Agricultural Uses - Farming operation, including dairying, agriculture, horticulture, viniculture, animal and poultry husbandry, including the structures necessary for carrying out farming operations. So long as such land and structures are used for such purposes, the regulations do not apply. The term agriculture as used in this Zoning Regulation shall not include commercial feed lots as defined by K.S.A. 47-1501.
4. Alley - A public or private thoroughfare, which affords only a secondary means of access to property abutting thereon.
5. Alteration - Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of any building or structure, or the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another.
6. Amateur - Means any individual holding a valid Federal Communications Commission Amateur Radio License.
7. Animal Hospital or Clinic - Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a doctor of veterinary medicine.
8. Antenna - Means any structure or device used for the purpose of collecting or transmitting, electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
9. Apartment - (See Dwelling, Multiple Family).
10. Apparel and accessory store – A retail store where new or repurposed clothing and related accessories are sold, including jewelry and timepieces.
11. Automobile and Trailer Sales Area - An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.
12. Automobile Wrecking and Salvage Yards - A lot, plot, or parcel of land where three (3) or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.
13. Board - Board of Zoning Appeals (BZA).
14. Boarding House - A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

15. Buildings - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by un-pierced walls, from the ground up, each part is deemed a separate building.
16. Building Height - The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the top story of a flat roof to the deck line of a mansard roof, and to the average height between the plat and ridge of a gable, hip, or gambrel roof.
17. Building Line - A line established, in general by plat or elsewhere in this ordinance, parallel to the front street line between which no building or portion thereof shall project except as otherwise provided in this Zoning Regulation.
18. Building Main - A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.
19. Canopy or Marquee - A roof-like structure which may project or be separate from a building for the purpose of protection to pedestrians from the weather, and in which no retail sales or business operation is performed without special permit from the Governing Body.
20. Channel - Shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.
21. Churches- A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
 - (A) Community Church- A church or religious institution with a seating capacity of greater than 600 persons in the sanctuary or main activity area.
 - (B) Neighborhood Church- A church or religious institution with a seating capacity of 600 persons or fewer in the sanctuary or main activity area.
22. Clinic, Dental or Medical - A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
23. Community Resource Center – A nonprofit resource facility that is organized and operated to provide assistance, instruction, guidance and outreach services to the members of a neighborhood who live within a quarter (1/4) mile of the facility’s location.
24. Condominium - Means a building containing two (2) or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the State Apartment Ownership Act. See K.S.A. 58-3102 for complete definition.
25. Convenience Store - Any building or premises used for the sale of food and other items as a “quick-service food/sundry store” which may include the dispensing of gasoline and oil, but which does not provide automotive maintenance or repair services.

26. Court - An area enclosed or partially enclosed on not more than three (3) sides by exterior walls, building, or group of buildings and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.
27. Curb Level - The officially established grade of the curb in front of the mid-point of the lot.
28. Licensed Day Care Home - Means the premises in which care is provided for a maximum of ten (10) children under sixteen (16) years of age with limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(e)(1). This total includes children less than eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.
29. Child Care Center - Means a non-residential facility in which care and educational activities are provided for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) hours and less than twenty-four (24) hours per day including day time, evening, and nighttime care, or which provides before and after school care for school-age children. A facility may have fewer than thirteen (13) children and be licensed as a center if the program and building meet child care center regulations.
30. Group Day Care Home - Means the premises located in a single family dwelling unit where care is provided by two (2) providers, one of whom shall be a bona-fide resident of the dwelling unit in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1). This total includes children under eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.
31. Department Store - A retail store where a variety of unrelated general merchandise and services is organized into departments. May include groceries and convenience items for on or off site consumption, key and lock services, rental equipment, automotive and tire repair, outdoor sales of farm, ranch and garden supplies equipment. May also dispense automobile fuel.
32. District - A section or sections of Garden City, Kansas for which the regulations governing the use of, the height of, and area of buildings and premises are uniform.
33. Dock (Loading) - A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles.
34. Drainage Course (Water Course) - Any natural depression, draw, or ravine which directs and facilitates the flow of water.
35. Drive - A private right-of-way which affords principle means of vehicular access to or through a mobile home park, and which is owned and maintained by the owner or operator of the park.
36. Dwelling - Any building designed or used for residential purposes.
37. Dwelling, Single-Family - A building designed for or occupied exclusively by one family.
38. Dwelling Two-Family - A building designed for or occupied exclusively by two (2)

families.

39. Dwelling, Multiple Family - A building, or portion thereof designed for or occupied by three (3) or more families, but which may have joint services or facilities for more than one family.
40. Easement - A portion or strip of land which is part of a lot, parcel tract which has been reserved or dedicated for specific use for access of persons, utilities, or services.
41. Exception - An exception shall always mean the allowance of otherwise prohibited use within a given district, such use and conditions by which it may be permitted being clearly and specifically stated within these Zoning Regulations, and the allowance being granted by conditional use permit from the Board of Zoning Appeals.
42. Educational Institution - A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education.
43. Fabrication - That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic raw materials.
44. Facade - That portion of a building facing public street right-of-way.
45. Family - The word “family” shall be two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit. For the purpose of this Title, paying tenants in excess of two (2) shall be considered as boarders or roomers, and the building in which they abide shall be considered as a boarding, or rooming house.
46. Feed Lot - The use of land for commercial dry lot livestock feeding operations where any number of livestock or poultry is confined in a concentrated area for the distinct purpose of meat, milk, or egg production, where the livestock or poultry are fed at the place of confinement and crop or foliage is not sustained in the area of confinement. Also included are any feeding endeavors which are operated on a contract basis. Not included in this definition are farm feeding operations which are an agricultural endeavor used for personal need, income supplement, and are a seasonal operation. Also not included are pasturing and grazing operations.
47. Fence - A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
48. Flood - Shall mean an overflow of water onto lands not normally covered by water. Floods have two (2) essential characteristics: The inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.
49. Floodplain - Shall mean the land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent (1%).
50. Floodway - Shall mean the channel of a watercourse and that portion of the adjoining floodplain required to provide passage of a 100-year flood with an insignificant increase in flood stage, above that of natural conditions. The limits of the floodway, as designated by order of the Planning Commission are delineated on the official

zoning map and the attachments to it.

51. Floodway Fringe Area - Shall mean the area between the limits of the floodway and the floodplain of the 100-year flood.
52. Floor Area - For computing off-street parking requirements, the floor area shall mean the gross floor area used or intended to be used by the owner or tenant for service to the public as customers, patrons, or clients including areas occupied by fixtures and equipment used for display. It shall not include areas used principally for maintenance of the building, rest room, or utility rooms.
53. Frontage - All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
54. Frozen Food Locker - A facility or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A frozen food locker is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.
55. Funeral Home - An establishment providing services such as preparing the human dead for burial or cremation and arranging and managing funerals, and may include limited caretaker facilities. Such buildings may contain space and facilities for (a) embalming and the performance of other services used in preparation of the dead; (b) the performance of autopsies; (c) the storage and sale of caskets, funeral urns, and other related funeral supplies; (d) the storage and cleaning of funeral vehicles; (e) facilities for cremation; (f) funeral chapels to perform funeral services.
56. Garage Private - An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.
57. Garage, Public - A building or portion thereof other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor driven vehicles.
58. Garage, Storage - A building or portion thereof designed or used exclusively for housing four (4) or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.
59. Grade :
 - (A) For buildings having walls adjoining one street only, the elevation of the curb at the center of the wall adjoining the street.
 - (B) For buildings having walls, adjoining more than one street, the average of the elevation of the curb at the center of all walls, adjoining the streets.
 - (C) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
 - (D) Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the

grade shall be established by the City Engineer.

60. Grocery - A retail store, including supermarkets, of any size, where most of the retail sales area is devoted to the sale of food products for off-site preparation or consumption, and which may also offer other household, convenience, sundries, and personal care products, and limited general merchandise. May include on-site food preparation and consumption for the general public as an accessory to the primary use. May also provide banking or other professional services. May also sell or dispense automobile fuel but may not conduct any automotive service, repair, or bodywork.
61. Height, Tower - shall be determined by measuring the vertical distance from the tower's point of contact with the ground or structure to the highest point of the tower.
62. Hardware Store - A retail store for home improvement products and indoor and outdoor furnishings, but without an outdoor lumberyard. May include key and lock services, paint and wallpaper, flooring, garden supplies, rental equipment, and small engine repair.
63. Home Occupation - The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold - except those which are produced on the premises. (See Article 26).
64. Home Improvement Center - A retail store normally larger than 50,000 square feet gross floor area for hardware, home improvement products, indoor and outdoor furnishings, garden and landscaping products, farm supplies and rental equipment. May include key and lock services, paint, wallpaper, flooring supplies, outdoor storage for lumber or other construction material.
65. Hotel - A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel inn, automobile court, motel, motor inn, motor, lodge, tourist cabin, tourist unit, or otherwise.
66. Institutional Home - A place where the specialized care of babies, children, pensioners, or older people - and those under care for drug or alcohol abuse, is provided, except those for correctional or mental cases. An Institutional Home shall in no way be interpreted to mean a Day Care Center.
67. Institutional Use - Shall include civic, service and fraternal organization buildings; cultural facilities; child care centers; dormitories; schools; group homes; nursing homes, rest homes and homes for the aged; government buildings; health institutions; religious institutions; stadiums, arenas and civic centers.
68. Junk Yard - A parcel of land used for the storage, keeping for sale, or abandonment of junk, including used metal, wood, building materials, household appliances, vehicles, machinery, or parts thereof.
69. Landscaping - The improvement of a lot, parcel or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary or other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.

70. Lodging House - A building or place where lodging is provided or which is equipped regularly to provide lodging, by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.
71. Lot - A parcel of platted land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Zoning Regulation.
72. Lot, Corner - A lot abutting upon two (2) or more streets at their intersection.
73. Lot Depth of - The mean horizontal distance between the front and rear lot lines.
74. Lot, Double Frontage - A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
75. Lot Line - Any line bounding a lot or separating one lot from another.
76. Lot of Record - A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds of Finney County, Kansas.
77. Manufacture - Any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.
78. Manufactured Home - "Manufactured Home" means a structure which:
- (A) Is transportable in one or more sections which, in the traveling mode is 8 body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet and which is built on a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
 - (B) Is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403.
79. Minimum Building Elevation - Shall mean the elevation to which uses regulated by this regulation are required to be elevated or flood proofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this regulation was passed, plus one foot to allow for encroachments permitted, by the establishment of a floodway.
80. Non-Conforming Mobile Home - Shall mean a structure which:
- a. Is transportable in one or more sections which, in traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
 - b. Is not subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403
81. Manufactured Home Park - A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on lease or rental basis, mobile homes, or manufactured homes, located therein permanently or semi-permanently.

82. Manufactured Home Space - That area of land within a manufactured home park set aside for use as a site for one manufactured home, including the open spaces around said home, as are required in this Zoning Regulation.
83. Manufactured Home, Double Wide - A manufactured or modular home which when assembled on the site has a width of not less than twenty-four (24) feet.
84. Manufactured Home Single Wide - Any residential structure assembled in total or in sections other than at the site of intended location and transported to such site.
85. Manufactured Home Subdivision - A subdivision developed for the purpose of selling individual lots on which manufactured homes or modular homes may be located.
86. Modular Home - Shall mean a structure which is:
- Transportable in one or more sections; and
 - Not constructed on a permanent chassis; and
 - Designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and
 - Certified by its manufacturer as being constructed in accordance with a nationally recognized building code.
87. Natural Obstruction - Shall mean any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a non-human cause.
88. (Reserved)
89. Physical Fitness Facility or Center – A facility where patrons use equipment or space for the purpose of physical exercise or related uses.
90. Non-Conforming Use - Same; existing uses; alterations; exception.
- Reasons adopted herein shall not apply to the existing use of any building or land, but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted. If a building is damaged by more than 50% of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations adopted.
 - Exception for flood plain regulations in areas designated as a flood plain, regulations adopted by the City pursuant to K.S.A. 12-715b, and amendments thereto, shall not apply to the use of land for agricultural purposes so long as such land and buildings are used for agricultural purposes and not otherwise.
91. Obstruction - Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

92. Parking Space - An area surfaced with concrete, bituminous, or similar permanent surface, for the purpose of storing one parked automobile. For the purpose of this Zoning Regulation, one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required, off-street, for access drives to each parking space.
93. Pasturage or Pasture - Shall be defined as land or a plot of land used for the grazing, feeding, and confinement of livestock.
94. Person - A person shall be understood in its broadest legal sense, including person, partnership, a company, corporation, or any other organized or unorganized group of persons acting together.
95. Physical Fitness Facility or Center – A facility where patrons use equipment or space for the purpose of physical exercise and related uses.
96. Planning Commission - The Holcomb-Garden City-Finney County Area Planning Commission.
97. Portable Storage Unit- An accessory structure that has been a wheeled vehicle, or a portion of a wheeled vehicle, or a metal container of any kind. This transportable unit is designed and used for the storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials.
98. Preschool - A non-residential facility which provides experiences for children who have not attained the age of eligibility to enter kindergarten and who are thirty (30) months of age or older; conducts sessions not exceeding three (3) hours per session; which does not enroll any child more than one session per day, and which does not serve a meal. (Ord. #1736, 7/8/91)
99. Professional Office - Any building used by one or more persons engaged in the practice of law, architecture, engineering, medicine, or in the business of real estate broker or agent.
100. Public Utility - Any business, the purpose of which is to furnish to the general public:
- a. Telephone Service
 - b. Telegraph Service
 - c. Electricity
 - d. Natural Gas
 - e. Water
 - f. Transportation of Persons
 - g. Solid Waste Disposal
 - h. Wastewater Treatment Plant
 - i. Any other business so affecting the public interests to be subject to the supervision or regulation by any agency or the State.
 - j. Community closed circuit telecast
101. Restaurant – Any eating establishment in which the primary function is the preparation and serving of food and beverages on the premises and whose sale of

cereal malt beverages or alcoholic liquor accounts for less than 50% of its gross receipts in sales.

102. Right-of-Way - A strip of land between property lines, dedicated to the public or private interest, which is intended for use as an alley, crosswalk, court, place, road, street, thoroughfare, or utility easement.
103. Residential Designed Manufactured Home - A manufactured home on a permanent foundation which has a minimum dimension of twenty-two (22) feet in body width, a pitched roof and siding and roofing material which are customarily used on site-built homes.
104. Rooming House - Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals.
105. Service Station - Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils, when the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
106. Setback - The minimum horizontal distance between the property line and the building line.
 - a. Front Yard - is determined from the face of the building, excluding steps, unenclosed porches, and eave overhang.
 - b. Rear Yard - is determined from the face of the building, excluding steps, unenclosed porches, and eave overhang.
 - c. Side Yard - shall be determined from face of the building, excluding steps, unenclosed porches, and eave overhang.
107. Sidewalk - A hard surfaced walk for pedestrians at the side of a street. (All sidewalks will be constructed as specified in the General Improvements Handbook 2017).
108. Sign - See Article 23, Section 23.020 of this Zoning Regulation for definitions.
109. Story - That portion of a building, other than a basement or cellar, included between the surface of any floor and surface of the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it.
110. Story, Half - A space under a sloping roof which has the fine intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.
111. Street - A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.
112. Street Classification
 - a. Arterial - A street which provides for through traffic movement between and around areas and across the City, with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
 - b. Collector - A street, which provides for traffic movement between arterials and local streets, with direct access to abutting property.
 - c. Local - A street, which provides for direct access to abutting land and for local

traffic movement whether in business, industrial or residential areas.

113. Street Level Floor - The first floor or floor level of any building or structure that is above or on the same plane as the surface of the sidewalk. This term shall not include any basement, cellar, or other floor that is below the plane of the surface of the sidewalk.
114. Street Line - A dividing line between a lot, tract, or parcel of land and the contiguous street.
115. Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but not including fences.
116. Structural Alterations - Any change in the supporting members of a building such as, bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Zoning Regulation the following shall not be considered structural alterations:
 - a. Attachment of a new front where structural supports are not changed and that does not encroach beyond building line.
 - b. Addition of fire escapes where lintels supports are not changed.
 - c. New, windows where lintels and support walls are not materially changed.
 - d. Minor repair or replacement of non-structural members.
117. Tavern/Class A Club/Class B Club/Private Club/Night Club/Fraternal Lodge/Drinking Establishment/Lodge - Any establishment that meets at least one of the following:
 - a. Any establishment whose primary function is the sale and on-site consumption of cereal malt beverages or alcoholic liquor.
 - b. Any establishment whose sale of cereal malt beverages or alcoholic liquor accounts for more than 50% of its gross receipts in sales.
 - c. A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, for the exclusive use of the corporate stockholders, partners, trust beneficiaries, associates, members, and their families and guests accompanying them.
 - d. A premises, which may be open to the general public, where alcoholic liquor by the individual drink is sold.
 - e. A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for consumption of food or any beverage and for entertainment.
118. Townhouse - Means one single-family townhouse residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof and/or foundation: Provided, however, that in any event, the term "townhouse" shall not mean a condominium as defined in K.S.A. 58-3102.

119. Tower - Means any ground or structure-mounted pole, spire, structure, or combination thereof taller than 15 feet including supporting lines, cable, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
120. Tower, Micro Wireless Facility - Means a wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches.
121. Tower, Small Wireless Facility - Means a wireless facility that meets each of the following qualifications:
- a. The antenna and its associated equipment that are used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services:
 - (1). Are mounted on structures fifty (50) feet or less in height including their antennas, or
 - (2). Are mounted on structures no more than ten (10) percent taller than other adjacent structures, or
 - (3). Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.
 - (4). Including but not limited to the requirements of the Garden City Zoning Regulations and the Code of Ordinances.
 - b. Each antenna associated with the deployment, excluding Associated Equipment is no more than three (3) cubic feet in volume;
 - c. All other wireless equipment associated with the structure, including the Associated Equipment with the antenna and any pre-existing Associated Equipment on the structure, is no more than twenty-eight (28) cubic feet in volume; and
 - d. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by the FCC.
122. Tract - An area or parcel of land other than a lot of record described and recorded in the Office of the Register of Deeds of Finney County as a single parcel of land under individual ownership.
123. Trailer - Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term "Trailer" shall include recreational vehicles.
124. Trailer Park - Means a tract of land containing sites for the overnight or short-term parking of two (2) or more camping trailers. Camping trailers may be parked in a campground or camper park provided such camp area is in conformance with the codes and ordinances of the City.

125. Trailer, Advertising - A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the purpose and use of the trailer.
126. Trailer, Camping - A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation, or other trips of short duration. Such camping trailers may also contain cooking, bath, and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this Zoning Regulation.
127. Trailer, Hauling - A trailer, as defined above, and designed and normally used for over-the-road transporting of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.
128. Transitional Supportive Housing- Housing with no limit on length of stay, that provides shelter for domestic violence survivors and their dependent children, that provides safe housing coupled with supportive services to assist residents and walk-in clients by providing skill-specific services and support as needed.
129. Variety Store – A retail store for gifts, food products for preparation off-site, general merchandise items including household, convenience, sundries, personal products, minor home furnishings, and clothing, and where no food products are prepared or consumed on-site.
130. Vision Clearance Area - A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five (25) feet from the intersection of the street lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of one (1) foot in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets, the vision clearance area is created by points forty (40) feet from the intersection of the property lines.
131. Watercourse - Shall mean any stream, arroyo, or drainway having a channel that saves to give direction to a flow of water.
132. Yard - A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Regulation.
133. Yard, Front (Primary Front) - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line.
134. Yard, Secondary Front- A yard on a corner lot which fronts a public or private right-of-way but on which the building on the lot does not have a primary entrance; extending from the front line of the building to the rear line of the building.
135. Yard, Rear – A yard extending across the full width of the lot between the rear of the building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building.
136. Yard, Side – A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be

measured horizontally, at ninety (90) degrees with the side lot line from the nearest part of the main building. (See Article 22, Supplemental Development Standards.)

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

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

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ARTICLE 3

DISTRICT ESTABLISHMENT

SECTIONS:

- 3.010 Declaration of Purpose
- 3.020 Location on Map
- 3.030 Determining District Boundaries
- 3.040 District Requirements

3.010 DECLARATION OF PURPOSE. (Ord #2943-2022 11/15/22) In order to accomplish the purposes of these Zoning Regulations, the City of Garden City, Kansas is hereby divided into districts (“districts”, “zones”, or “zoning districts”) in accordance with the Comprehensive Plan of the City as hereinafter set forth. The twenty (20) zoning districts of the City of Garden City, Kansas shall be known as:

- “A” AGRICULTURAL DISTRICT
- “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT
- “R-2” SINGLE FAMILY RESIDENTIAL DISTRICT
- “R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT
- “R-C” CONDOMINIUM - TOWNHOUSE DISTRICT
- “ZL” ZERO LOT LINE RESIDENTIAL OVERLAY DISTRICT
- “MHP” MANUFACTURED HOME PARK DISTRICT
- “MHS” MANUFACTURED HOME SUBDIVISION DISTRICT
- “P-F” PUBLIC FACILITIES DISTRICT
- “C-O” OFFICE AND SERVICE BUSINESS DISTRICT
- “C-1” NEIGHBORHOOD SHOPPING DISTRICT
- “C-2” GENERAL COMMERCIAL DISTRICT
- “C-3” CENTRAL BUSINESS DISTRICT
- “I-1” LIGHT INDUSTRIAL DISTRICT
- “I-2” MEDIUM INDUSTRIAL DISTRICT
- “I-3” HEAVY INDUSTRIAL DISTRICT
- “PCD” PLANNED COMMERCIAL DEVELOPMENT OVERLAY DISTRICT
- “PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
- “AO” AIRPORT OPERATIONS DISTRICT
- “AS” AIRPORT SERVICE AND SUPPORT DISTRICT

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

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

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

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

- (A) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- (B) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located, except as provided in Article 22.
- (C) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located, except as provided in Article 22.
- (D) The minimum yards and other open spaces, including lot area per family, required by this Zoning Regulation for each and every building existing at the time of passage of this Zoning Regulation or for any building hereafter elected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Regulation.

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot-unless otherwise provided.

ARTICLE 4

“A” AGRICULTURAL DISTRICT

SECTIONS:

- 4.010 Purpose and Intent
- 4.020 Permitted Uses
- 4.030 Conditional Uses
- 4.040 Lot Size Requirements
- 4.050 Yard Requirements
- 4.060 Parking Requirements
- 4.070 Sign Regulations
- 4.080 Supplemental Development Standards

4.010 PURPOSE AND INTENT. The “A”, Agricultural District is established for the purpose of providing areas for the furtherance of agricultural pursuits. The intent of said district is to retain areas of land for agricultural uses exclusively.

4.020 PERMITTED USES. The following uses and structures, and no others, are permitted in the “A” District.

- (A) All agricultural uses including farm dwellings and accessory buildings.
- (B) Utility substations or pumping stations.
- (C) Water and sewage treatment plants.
- (D) Water reservoirs.
- (E) Telephone exchanges.
- (F) Public parks and recreation areas.
- (G) Cemeteries.
- (H) Riding stables.
- (I) Neighborhood Churches.
- (J) Dog kennels.
- (K) Fur bearing animal farms.
- (L) Gas and Oil exploration and operations.
- (M) Sand and gravel quarries.
- (N) State approved solid waste disposal sites.
- (O) Schools, public or private, primary, intermediate, and secondary.
- (P) Public facilities operated by a public agency.

4.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Commercial feed lots.
- (B) Community Churches.
- (C) Reserved.

4.040 LOT SIZE REQUIREMENTS.

- (A) Minimum Lot Area
 - (1) Farming Activities: None
 - (2) Other Permitted Uses: Forty Thousand (40,000) sq. ft.

4.050 YARD REQUIREMENTS. The following minimum yard requirements shall apply in all “A” Districts.

- (A) Front Yard
 - (1) Farming Activities: None
 - (2) All Other Permitted Uses: Fifty (50) Feet
- (B) Side Yard
 - (1) Farming Activities: None
 - (2) All Other Permitted Uses: Twenty (20) Feet
- (C) Rear Yard
 - (1) Farming Activities: None
 - (2) All Other Permitted Uses: Fifty (50) Feet

4.060 PARKING REQUIREMENTS.

- (A) Farming Activities: None
- (B) All other uses shall conform to the requirements of Article 24.

4.070 SIGN REGULATIONS. See Article 23.

4.080 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

ARTICLE 5

“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT (Ord. #2797-2018, 8/7/18; #2436-2009, 03/24/09; #2989-2024, 08/06/24)

SECTIONS:

- 5.010 Purpose and Intent
- 5.020 Permitted Uses
- 5.030 Conditional Uses
- 5.035 Zoning Use Permit
- 5.040 Lot Size Requirements
- 5.050 Lot Coverage
- 5.060 Yard Requirements
- 5.070 Height Regulations
- 5.080 Reserved
- 5.090 Parking Requirements
- 5.100 Sign Regulations
- 5.110 Supplemental Development Standards

5.010 PURPOSE AND INTENT. The “R-1”, Single-Family Residential District is established for the purpose of new low-density single-family subdivision development of one-family detached dwellings and compatible uses, certain public facilities, and certain conditional uses. This district is also designed to protect and preserve existing development of similar character.

5.020 PERMITTED USES. In the “R-1” Single Family Residential District no building, structures, land, or premises shall be used and no building or structure shall hereafter be erected or altered unless otherwise provided for in these zoning regulations, except for the following.

- (A) Single-Family Dwelling – Detached, including residential design manufactured homes.
- (B) Vegetable and flower gardens, trees, shrubs and lawns, non-commercial orchards, and other landscaping as it relates to residential use.
- (C) Neighborhood Churches.
- (D) Customary accessory uses located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 21.
- (E) Group home for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.

5.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Child Care Center.
- (B) Group Day Care Home.

- (C) Golf courses, except miniature golf courses and driving tees.
- (D) Nursing Homes and Homes for the Aged.
- (E) Metal construction private garages and metal construction accessory buildings over one hundred (100) square feet, complying with the requirements of the Building Code, as amended.
- (F) Bed and Breakfast.
- (G) Private Museum or Library.
- (H) Non-Commercial towers exceeding thirty-five (35) feet in height above the ground including wind generation, television and radio for onsite residences.

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

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

- (A) Home Occupations as explained in Article 26.
- (B) Licensed Day Care Homes as explained in Article 26.
- (C) Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- (D) Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- (E) Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.

- (F) Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and provided that there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Water Towers.

5.040 LOT SIZE REQUIREMENTS. Six thousand (6,000) square feet of lot area with a minimum lot width shall not be less than sixty (60) feet and minimum lot depths shall not be less than one hundred (100) feet for single-family dwellings. For all other uses other than single-family dwellings, the lot area shall not be less than twelve thousand (12,000) square feet.

5.050 LOT COVERAGE. The following maximum lot coverage of impermeable surfaces shall not exceed seventy percent (70%) of the lot. Not more than one single-family dwelling may be placed on a lot.

5.060 YARD REQUIREMENTS. The following minimum yard requirements shall apply in all "R-1" Districts. All yard setbacks shall be measured from the finished exterior building wall to the property line.

- (A) Front Yard: The Front Yard is determined as the yard that has the front door facing the street right-of way.
 - (1) Fifteen (15) feet for dwelling units, all garages and accessory structures shall maintain twenty-five (25) feet, unless otherwise provided in Article 25.
- (B) Side Yard:
 - (1) Three and one half (3 1/2) feet, unless otherwise provided in Article 22. Wherever a side yard abuts an alley.
- (C) Rear Yard: The Rear Yard is determined as the yard parallel and opposite of the front yard, which is the location of the front door facing the street right-of-way.
 - (1) Ten (10) feet.

5.070 HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 22.

5.080 RESERVED

5.090 PARKING REQUIREMENTS. Any use within the "R-1" Single Family Residential District shall comply with the parking requirements set out in Article 24.

5.100 SIGN REGULATIONS. See Article 23.

5.110 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

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ARTICLE 6

“R-2” SINGLE FAMILY RESIDENTIAL DISTRICT (Ord. #2797-2018, 8/7/18; #2436-2009, 03/24/09; #2989-2024, 08/06/24)

SECTIONS:

6.010	Purpose and Intent
6.020	Permitted Uses
6.030	Conditional Uses
6.035	Zoning Use Permit
6.040	Lot Size Requirements
6.050	Lot Coverage
6.060	Yard Requirements
6.070	Height Regulations
6.080	Reserved
6.090	Parking Requirements
6.100	Sign Regulations
6.110	Supplemental Development Standards

6.010 PURPOSE AND INTENT. The “R-2”, Single-Family Residential District is established for the purpose of single-family detached dwellings and compatible uses, certain public facilities, and certain conditional uses. This district is also designed to protect the character of the neighborhoods of this district. This district takes into account areas which were platted into smaller lots during early years of City growth.

6.020 PERMITTED USES. In the “R-2” District no building, structures, land, or premises shall be used and no building or structure shall hereafter be erected or altered unless otherwise provided for in these zoning regulations, except for the following.

- (A) Single-Family Dwelling – Detached, including residential design manufactured homes. (All new construction shall meet “R-1” Setbacks).
- (B) Vegetable and flower gardens, trees, shrubs and lawns, non-commercial orchards, and other landscaping as it relates to residential use.
- (C) Neighborhood Churches.
- (D) Customary accessory uses located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 21.
- (E) Group home for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.
- (F) The renting of not to exceed two (2) sleeping rooms with a total occupancy of not to exceed two (2) persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.

6.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Child Care Center.
- (B) Group Day Care Home.
- (C) Golf courses, except miniature golf courses and driving tees.
- (D) Nursing Homes and Homes for the Aged.
- (E) Metal construction private garages and metal construction accessory buildings over one hundred (100) square feet, complying with the requirements of the Building Code, as amended.
- (F) Bed and Breakfast.
- (G) Private Museum or Library.
- (H) Non-Commercial towers exceeding thirty-five (35) feet in height above the ground including wind generation, television and radio for onsite residences.

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

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

- (A) Home Occupations as explained in Article 26.
- (B) Licensed Day Care Homes as explained in Article 26.
- (C) Church or similar place of worship and publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- (D) Schools, public or private, preschool, primary, intermediate, and secondary and related uses.

- (E) Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- (F) Variations up to 50% of the front and rear yards and parking requirements for existing dwelling structures and variations for lots less than 60 feet.
- (G) Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and provided that there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Water Towers.

6.040 LOT SIZE REQUIREMENTS. Five thousand (5,000) square feet of lot area so long as the lot does not exceed the 1:3 width to depth ratio outlined in the subdivision regulations. For all other uses other than single-family dwellings, the lot area shall not be less than ten thousand (10,000) square feet.

6.050 LOT COVERAGE. The maximum lot coverage of impermeable surfaces shall not exceed seventy percent (70%) of the lot. Not more than one single-family dwelling may be placed on a lot. Variations up to fifty percent (50%) of the front yard, rear yard parking requirements, and twenty-five percent (25%) of the side yard for lots less than sixty (60) feet.

6.060 YARD REQUIREMENTS. The following minimum yard requirements shall apply in all “R-2” Districts. All yard setbacks shall be measured from the finished exterior building wall to the property line.

- (A) Front Yard: The Front Yard is determined as the yard that has the front door facing the street right-of-way.
 - (1) Ten (10) feet, unless otherwise provided in Article 25.
- (B) Side Yard:
 - (1) Three (3) feet, unless otherwise provided in Article 22. Wherever a side yard abuts an alley.
- (C) Rear Yard: The Rear Yard is determined by the yard parallel and opposite of the front yard, which is the location of the front door facing the street right-of-way.
 - (1) Ten (10) feet.

6.070 HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 22.

6.080 RESERVED.

6.090 PARKING REQUIREMENTS. Any use within the “R-2” Single Family Residential District shall comply with the parking requirements set out in Article 24.

6.100 SIGN REGULATIONS. See Article 23.

SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

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ARTICLE 7

“R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT (Ord. #2797-2018, 8/7/18; #2436-2009, 03/24/09, #2840-2019 07/16/19; #2989-2024, 08/06/24)

SECTIONS:

- 7.010 Purpose and Intent
- 7.020 Permitted Uses
- 7.030 Conditional Uses
- 7.035 Zoning Use Permit
- 7.040 Lot Size Requirements
- 7.050 Lot Coverage
- 7.060 Yard Requirements
- 7.070 Height regulations
- 7.080 Reserved
- 7.090 Parking Requirements
- 7.100 Sign Regulations
- 7.110 Supplemental Development Standards

7.010 PURPOSE AND INTENT. The “R-3”, Multiple Family Residential District is established for the purpose of allowing a higher density than in “R-1” District. This District allows duplex, triplex, and fourplex, apartment uses, single-family homes, compatible uses, certain public facilities, and certain conditional uses. This district is also designed to protect the character of the neighborhoods of this district.

7.020 PERMITTED USES. In the “R-3” District no building, structures, land, or premises shall be used and no building or structure shall hereafter be erected or altered unless otherwise provided for in these zoning regulations, except for the following.

- (A) Apartments
- (B) Condominiums
- (C) Customary accessory uses located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 21.
- (D) Four Family Dwelling - Fourplexes
- (E) Group homes for no more than eight (8) persons with physical or mental disabilities. The structure shall be designed to match the character of the neighborhood.
- (F) Neighborhood Churches.
- (G) Single-Family Dwellings- Detached, including residential design manufactured homes. (All new construction shall comply with “R-1” setbacks).
- (H) The renting of not to exceed two (2) sleeping rooms with a total occupancy of not to exceed two (2) persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.

- (I) Three-Family Dwellings- Triplexes
- (J) Two Family Dwellings- Duplexes or Townhouses
- (K) Vegetable and flower gardens, trees, shrubs and lawns, non-commercial orchards, and other landscaping as it relates to residential use.

7.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Group Day Care Home.
- (B) Golf courses, except miniature golf courses and driving tees.
- (C) Child Care Center.
- (D) Nursing Homes and Homes for the Aged.
- (E) Metal construction private garages and metal construction accessory buildings over one hundred (100) square feet, complying with the requirements of the Building Code, as amended.
- (F) Bed and Breakfast.
- (G) Private Museum or Library.
- (H) Commercial towers exceeding thirty-five (35) feet in height above the ground including wind generation, television and radio for onsite residences.

7.035 ZONING USE PERMIT. A zoning use permit is a request to allow a use which is generally compatible with a zoning district, provided that the use will not cause an adverse impact on adjacent property or properties in the area but has operating or physical characteristics that certain conditions be placed on the use. The following two (2) conditions must exist in order to rule favorably on a zoning use permit request. The burden of proof is with the applicant, and the granting of the zoning use permit is at the Directors discretion. The two (2) conditions are as follows:

- a. The use will not cause an adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, and
- b. The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Garden City, County of Finney County (if applicable), the State of Kansas and the United States of America.

A zoning use permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation if at any time during the life of the use permit there is a violation of the stipulations of approval, the Zoning Ordinance, or any other statutes or laws. Appeals may be made to the Board of Zoning Appeals via a conditional use permit as outlined in the zoning regulations. The following uses may be permitted administratively with a zoning use permit by the Neighborhood & Development Services Director or her/his designee.

- (A) Home Occupations as explained in Article 26.
- (B) Licensed Day Care Homes as explained in Article 26.
- (C) Publicly owned community buildings, public museums, public libraries, public administrative buildings, police and fire stations.
- (D) Schools, public or private, preschool, primary, intermediate, and secondary and related uses.
- (E) Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
- (F) Utility uses, as set forth herein, provided that the location is approved by the Planning Commission and provided that there is a landscape and screening plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulation Stations.
 - (3) Water Towers.
- (G) Community Resource Centers

7.040 LOT SIZE REQUIREMENTS. For all uses other than listed below, the lot area shall not be less than ten thousand (10,000) square feet.

- (A) Single-Family Dwelling: Six thousand (6,000) square feet of lot area so long as the lot does not exceed the 1:3 width to depth ratio outlined in the subdivision regulations. Lots platted prior to December 1, 2010, may have these lot size reduced up to 20%.
- (B) Two Family Dwelling – Duplex or Townhouse: Eight thousand (8,000) square feet of lot area so long as the lot does not exceed the 1:3 width to depth ratio outlined in the subdivision regulations.
- (C) Three Family Dwelling – Triplex: Ten thousand (10,000) square feet of lot area.
- (D) Four Family Dwelling – Fourplex: Twelve thousand (12,000) square feet of lot area.
- (E) Apartments: Fifteen Thousand (15,000) square feet of lot area. (Ord#2507-2010, 12/21/10)

7.050 LOT COVERAGE. The maximum lot coverage of impermeable surfaces shall not exceed seventy percent (70%) of the lot.

7.060 YARD REQUIREMENTS. The following minimum yard requirements shall apply in all “R-3” Districts. All yard setbacks shall be measured from the finished exterior building wall to the property line.

- (A) Front Yard:
 - (1) Twenty (20) feet, unless otherwise provided in Article 25.

(2) Garage: Twenty-five (25) feet, unless otherwise provided in Article 25.

(B) Side Yard:

(1) Five (5) feet, unless otherwise provided in Article 22.

(C) Rear Yard:

(1) Twenty-five (25) feet or 20 percent of the depth of the lot whichever amount is smaller.

7.070 HEIGHT REGULATIONS. No building shall exceed Forty-five (45) feet in height, except as otherwise provided in Article 22.

7.080 RESERVED.

7.090 PARKING REQUIREMENTS. Any use within the “R-3” Multiple Family Residential District shall comply with the parking requirements set out in Article 24.

7.100 SIGN REGULATIONS. See Article 23.

7.110 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

ARTICLE 8

Reserved

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ARTICLE 9

“R-C” CONDOMINIUM - TOWNHOUSE DISTRICT

SECTIONS:

- 9.010 Purpose and Intent
- 9.020 Permitted Uses
- 9.030 Conditional Uses
- 9.040 Development Standards
- 9.050 Lot Average
- 9.060 Yard Requirements
- 9.070 Height Regulations
- 9.080 Projections into Yards
- 9.090 Parking Requirements
- 9.100 Sign Regulations
- 9.110 Supplemental Development Standards

9.010 PURPOSE AND INTENT. The “R-C” Condominium Townhouse District is established for the purpose of providing medium density residential areas for Condominium and townhouse structures. This district takes into account the differences between condominiums or townhouses and apartment buildings. It is intended that no uses be permitted in this district, which will devalue property for residential purposes or to interfere with the health, safety, order, or general welfare of persons residing in the district.

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

- (A) Condominiums.
- (B) Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 21.
- (C) Neighborhood Churches.
- (D) Off-street parking as required by Article 24.
- (E) Public parks, playgrounds, and recreation areas.
- (F) Schools, public or private primary, intermediate, and secondary.
- (G) Single-Family Dwellings- Detached.
- (H) Temporary structures incidental to construction work, only for the period of such work as permitted in Article 21. Basements and cellars may not be occupied for residential purposes until the building is completed.
- (I) Towers not to exceed fifty (50) feet in height above a ground support or fifteen (15) feet in height above a roof support. (Ord. #2074, 10/27/98)
- (J) Townhomes.

- (K) Vegetable and flower gardens, trees, shrubs and lawns, non-commercial orchards, and other landscaping as it relates to residential use.

9.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Public libraries, museums, or similar public buildings.
- (B) Licensed day Care Home, Group Day Care Home or Child Care Center licensed by the State.
- (C) Golf Courses, except miniature golf courses and driving tees.
- (D) Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
- (E) Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
 - (1) Electric and Telephone Substations.
 - (2) Gas Regulator Stations.
 - (3) Police and Fire Stations.
 - (4) Water Towers.
 - (5) Etc.
- (F) Home occupations in conformance with Article 26.
- (G) Towers exceeding fifty (50) feet in height above a ground support or Fifteen (15) feet in height above a roof support. (Ord. # 2074, 10/27/98)

9.040 DEVELOPMENT STANDARDS: Condominium or townhouse structures as herein defined shall not exceed three hundred (300) feet in length. All condominium dwelling houses shall be developed under the condominium statute, 58-3101, Kansas Statutes Annotated. The declaration and all details or covenants, by-laws, and administrative provisions pertinent to the maintenance of all buildings, structures, land, and other physical facilities shall be reviewed and approved by the Planning Commission.

9.050 LOT COVERAGE. Shall be determined by setback and parking requirements. There shall be 1,500 square feet of land for every dwelling unit.

9.060 YARD REQUIREMENTS. The following minimum yard requirements shall apply in all “R-C” Districts.

- (A) Front Yard:
 - (1) Each lot in the “R-C” District shall have a front yard of not less than twenty-five (25) feet, unless otherwise provided in Article 25.
 - (2) Where platted lots have a double frontage or located at the intersection of two (2) streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions. (Ord. #1566, 7/18/84)

(B) Side Yard:

- (1) Except as otherwise provided in the following paragraph and in Article 22, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.
- (2) Wherever a lot of record, existing at the time of the passage of this regulation has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than five (5) feet.
- (3) Wherever a side yard abuts an alley, the side yard shall not be less than eight (8) feet.

(C) Rear Yard:

- (1) Each lot in the "R-C" District shall have a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

9.070 HEIGHT REGULATIONS. No building shall exceed forty-five (45) feet in height, except as otherwise provided in Article 22.

9.080 PROJECTIONS INTO YARDS.

- (A) The following elements may project into or be erected into any required yard.
 - (1) Landscaping elements.
 - (2) Fences and walls in conformance with City Ordinances.
 - (3) Necessary elements for the delivery of Utility Services.
- (B) The following structures may project into a minimum front or rear yard not more than four (4) feet.
 - (1) Chimneys and fireplace structures provided they are not wider than ten (10) feet.
 - (2) Eaves, sills, cornices, and similar architectural features.
 - (3) Stairways, balconies, and awnings.
- (C) All side yard setbacks shall be measured from the building overhang and not the building wall.

9.090 PARKING REQUIREMENTS. One and one-half spaces shall be provided for each dwelling unit containing one bedroom, and two (2) spaces shall be provided for each dwelling unit containing two (2) or more bedrooms. All parking shall be located behind the front building line in the side or rear yard.

9.100 SIGN REGULATIONS. See Article 23.

9.110 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

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ARTICLE 10

“ZL” ZERO LOT RESIDENTIAL OVERLAY DISTRICT

SECTIONS:

- 10.010 Purpose and Intent
- 10.020 Use in Combination
- 10.030 Development Plan Approval Required
- 10.040 Permitted Uses
- 10.050 Development Standards
- 10.060 Area of Overlay District
- 10.070 Parking Requirements
- 10.080 Sign Regulations
- 10.090 Supplemental Development Standards

10.010 PURPOSE AND INTENT. The “ZL” Zero Lot Line Residential Overlay District is established for the purpose of providing Areas for the development of single-family structures at a greater density than provided for in this regulation as permitted under the Single-Family Districts.

10.020 USE IN COMBINATION. The Zero Lot Line Residential Overlay District may be used only in combination with the “R-1”, “R-2”, “R-3”, and “R-4”, Residential Dwelling Districts. The provisions of the Zero Lot Line Residential Overlay District shall become supplementary to the provisions of the zone with which it is combined.

When used in combination with the “R-1”, “R-2”, “R-3”, or “R-4” Districts, the Zero Lot Line Residential Overlay District Designation (ZL) shall become a suffix to the designation of the “R-1”, “R-2”, “R-3”, or “R-4” District and shall be shown in parenthesis.

10.030 DEVELOPMENT PLAN APPROVAL REQUIRED. Use of the Zero Lot Line Residential Overlay District shall only be permitted upon the review and approval of a development plan by the Planning Commission.

10.040 PERMITTED USES.

- (A) Zero Lot Line Dwellings.
- (B) Accessory structures and uses to the above listed use.

10.050 DEVELOPMENT STANDARDS.

- (A) Minimum lot area – Four thousand eight hundred (4,800) square feet for zero lot line dwellings.
- (B) Minimum lot width - Forty (40) feet.
- (C) Minimum front yard setback - Twenty-five (25) feet. Corner lots shall observe the required setback on both street fronts.

- (D) Minimum side yard depth - There shall be no minimum on one side and ten (10) feet on the opposite side. However, in no case shall a dwelling structure be located closer than ten (10) feet from another structure.
- (E) Minimum rear yard depth - Twenty-five (25) feet for townhouses and zero lot line houses.
- (F) Maximum height - Thirty-five (35) feet.
- (G) Maximum lot coverage - Zero lot line dwelling including accessory structures shall not occupy more than sixty percent (60%) of the lot area including patio areas.
- (H) Zero lot line dwellings shall be constructed against the lot line on one side of a lot and no windows, doors, or other openings shall be permitted on this side. Where adjacent zero lot, line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot, and parallel with such wall.
- (I) Perpetual wall easements shall be shown on all plats for zero lot line developments and shall be set forth in restrictive covenants that run permanently with the land.
- (J) Regulations for conventional single-family and two-family dwellings shall be the same as in the district regulations used in combination.

10.060 AREA OF OVERLAY DISTRICT. The Zero Lot Line Resident Overlay District shall not be applied to a land area of less than one and one-half (1 ½) acres unless otherwise approved by the Planning Commission.

10.070 PARKING REQUIREMENTS. One space shall be provided for each dwelling unit, which shall be located behind the front building line of each unit.

10.080 SIGN REGULATIONS. See Article 23.

10.090 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

ARTICLE 11-A

“MHP” MANUFACTURED HOME PARK DISTRICT (Ord. #2392, 11/09/07)

SECTIONS:

11-A.010	Purpose and Intent
11-A.020	Permitted Uses
11-A.030	Conditional Uses
11-A.040	Site Plan Requirements
11-A.050	Development Standards for Manufactured Home Parks
11-A.060	Development Standards for Manufactured Home Lots
11-A.070	Grandfathered Manufactured Home Parks
11-A.075	Non-Conforming Manufactured Home Parks
11-A.080	Reserved

11-A.010 PURPOSE AND INTENT. The MHP Manufactured Home Park District is established for the purpose of providing residential environments within the City for the accommodation of Manufactured Homes within a Manufactured Home Park under one ownership, or one parcel designated as a Manufactured Home Park. Manufactured homes shall not be used for dwelling purposes, except in a manufactured home park as authorized in these regulations. Manufactured home parks are prohibited in any district other than those authorized in these regulations.

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

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

The following definitions apply to this Article:

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

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

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

11-A.020 PERMITTED USES IN THE MHP DISTRICT. The following uses and structures and no others are permitted in the Manufactured Home Park District:

- (A) Accessory structures such as garages, carports, greenhouses, storage buildings and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.
- (B) Licensed Day Care Homes, Group Day Care Homes, Child Care Centers, schools, and Preschools.
- (C) Manufactured homes located in an approved Manufactured Home Park (not transient trailer courts or recreational vehicle parks) used exclusively for single-family occupancy.
- (D) Neighborhood Churches.
- (E) One (1) manufactured home per manufactured home lot.
- (F) Park offices and attendant/manager residence.
- (G) Recreation and service facilities (e.g. club house, storage rental units, swimming pool, laundromat, storm shelters, sanitary facilities, maintenance buildings, etc.) for the occupants of the park.
- (H) Schools, public or private primary, intermediate, and secondary.

11-A.030 CONDITIONAL USES

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

11-A.040 SITE PLAN REQUIREMENTS

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

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

11-A.050 DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.

- (A) Community sewer or approved onsite sewage disposal and water systems are required as are other urban services all private on site water and sewer systems will be reviewed and approved by and to KDHE and the Environmental Code of Garden City. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy state and local codes, regulations, and specifications. All utilities for the park will be in platted easements.
- (B) Minimum Park Frontage: Three hundred (300) feet.
- (C) Maximum Density of Units per Gross Acre: Seven (7).
- (D) Minimum Number of Lots Completed and Ready for Occupancy Before First Occupancy is Permitted: Twenty (20) manufactured home lots.
- (E) Setbacks Adjacent to Public Streets: Thirty (30) feet.
- (F) Setbacks Adjacent to Private Streets within the Park: Fifteen (15) feet.
- (G) Access: To be designed for safe and convenient movement of traffic into and out of the park, with minimization of marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances or exits. No manufactured home shall have direct access to a public street.
- (H) Utilities: Landscaped utilities easements may be provided along the rear or front of each manufactured home lot. Easements shall be no less than ten (10) feet in width. No permanent structures shall be located within utility easements, and permitted structures shall be located so as not to impede the maintenance of underground facilities. Such utilities shall be underground. Streetlights shall be provided on all streets and may be overhead or low level, but must reflect onto the street.
- (I) Streets and Drainage: Internal collector streets shall have a minimum pavement width of twenty-eight (28) feet back-to-back of gutter. All streets in a manufactured home park shall be private and shall comply with applicable City pavement and

drainage standards; an adequately engineered drainage plan is required. The City will adopt pavement standards for manufactured home parks.

- (J) Sidewalks shall be at least forty-eight (48) inches in width that lead from manufactured home spaces to service and recreational areas. Pedestrian walkways shall connect with walkways in surrounding recreational areas (picnic areas, playgrounds, ball fields).
- (K) Recreation Facilities: Five (5) percent of gross land area shall be developed for recreational purposes (picnic areas, playgrounds, ball fields), and such percentage shall not include setbacks, buffers, utilities easements or storage areas.
- (L) Storage Areas: While not required, storage areas may be provided for travel trailers, campers and boats; such equipment shall be permitted only in such areas, and the use of such storage areas is limited to park residents. Such storage areas shall not be visible from streets or front setbacks and shall be buffered with a six (6) foot high, ten (10) foot wide planted area or a six (6) foot high structure in a five (5) foot wide planted area.
- (M) Buffers and Required Setbacks: All required setbacks shall be landscaped. Where the boundary of a mobile home park abuts a public street, there shall be provided a six (6) foot wall constructed of wood, vinyl, block, brick, stone or approved concrete wall design in addition to a landscaped area on the street side of the wall. This area shall be planted with a mixture of grass (or other approved cover material), trees, and shrubs to provide an attractive landscaped appearance. Where the boundaries of a manufactured home park do not abut on a public street, there shall be constructed a decorative six (6) foot high wall or fence of suitable materials along these boundaries, except where these boundaries abut a public park or dedicated open space in which case, suitable screening shall be accomplished by appropriate landscaping. The interior of the manufactured home park shall have adequate grass, trees, and shrubs to provide a dust-deterrent, shades, and park-like atmosphere.
- (N) Signs. One non-animated or non-flashing identification sign shall be allowed in conformance with state and local codes, ordinances, and specifications.
- (O) Except as hereinafter provided, it shall be unlawful for any person to park set up and /or reside in any individually sited manufactured homes on any street, alley, highway or other public place, or on any land whether owned by the person himself or by others, within Garden City which is not property zoned for manufactured homes.
- (P) No space shall be rented for residential use of a manufactured home in any park except for periods of thirty (30) days or more.
- (Q) Storm Shelters. Further, each new manufactured home park will provide a storm shelter for the park residents or a storm shelter for each individual lot. The storm shelter shall be constructed to accommodate the population of the park, which is established as three (3) persons per household/manufactured home space, times four (4) square feet per person. The facility shall have adequate fresh air change during occupancy and be accessible to the park residents during all storm notices involving the emergency siren notification system or the emergency broadcast notification system where the citizens are instructed to take shelter.

- (R) Refuse Collection. Disposal systems may be used as approved by the Governing Body. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow. Larger containers with lids may be set in recreation areas or storage areas, and shall be properly screened from view.
- (S) Management. Each manufactured home park or non-conforming mobile home park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated manufactured homes, or mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the manufactured homes shall be continually enforced by manufactured home park owners. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the City. All portions of the manufactured home park shall be open and accessible to fire, law enforcement, and other emergency and protective vehicles and personnel, including City, state inspectors and utility meter readers.

11-A.060 DEVELOPMENT STANDARDS FOR MANUFACTURED HOME LOTS.

All home lots in manufactured home parks shall conform to the following standards:

- (A) Minimum Lot Size. Five thousand six hundred (5,600) square feet.
- (B) Minimum Lot Width. Fifty (50) feet.
- (C) There shall be no more than one (1) Manufactured Home per park space.
- (D) Setbacks. Manufactured homes shall be so located on each space such that there shall be clearance between manufactured homes; provided, however, that manufactured homes parked end-to-end, the end-to-end clearance may not be less than ten (10) feet. No manufactured home shall be located closer than ten (10) feet to any building or manufactured home within the park. No manufactured home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30) feet or such other distance as may be established by regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the manufactured home park is located. On private streets, a manufactured home may be placed no closer than fifteen (15) feet from the front property line. In cases where no utility easement exists along the rear line of two (2) adjoining lots situated end-to-end, the Manufactured homes may be set to the rear property line so long as they maintain an offset distance of ten (10) feet from each other. There shall be a minimum side yard setback of five (5) feet.
- (E) Off-Street Parking. There shall be provided at least two (2) off-street parking spaces to be located on the manufactured home space. There shall be no on street parking within the park except for moving trucks/vans, emergency vehicles or for temporary (15 minute) loading/unloading of vehicles. In addition, there shall be provided 1 ½ visitors' off-street parking spaces for every five (5) manufactured homes. Visitor parking spaces shall be located within convenient walking distances

to home spaces. (On street parking will need to be increased if visitor parking is eliminated).

- (F) Concrete Slab. Each lot shall have one (1) concrete slab for carport, patio use, or other approved accessory structure of no less than ten (10) feet by twenty (20) feet. Such slab is not required until after the manufactured home is in place.
- (G) Lot Identification: Each lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a sequence and consistent manner throughout the Manufactured Home Park as approved by the City. The lot number and address shall be displayed on the lot and be visible at all times from the street, minimum size of lettering shall be six (6) inch.
- (H) Every manufactured home controlled by this regulation shall meet all installation requirements including but not limited to anchoring, foundation, tie-down and support requirements as per Kansas State law and/or Federal Law, or as required by local building code.
- (I) Alterations, additions, foundations, tie-downs and anchorage of manufactured homes, which are affected by provisions herein, within, without, or to a park and facilities, shall be made only after application to the Building Official in conformity with all local, state, and federal regulations.
- (J) For new Manufactured Home Parks, the minimum number of lots required shall be twenty (20).
- (K) The maximum lot coverage shall be forty percent (40%).
- (L) A storm shelter shall be provided by the park owner.
- (M) Every manufactured home within the park shall have skirting made of fire resistant material and matching the primary structure; or there shall be screening (landscaping or fencing) around the entire park.
- (N) All manufactured home parks shall be subject to annual inspections to confirm compliance with these regulations. (Manufactured homes and manufactured home parks are unlike single family or multi-family homes in residential districts due to their temporary nature and construction).

11-A.070 GRANDFATHERED MANUFACTURED HOME PARKS

- (A) The following manufactured home parks existing prior to November 6, 2007, Prairie Wind, East Garden Village, Countryside, Wilson, with a minimum number of four (4) manufactured home pad sites, with each site having separate existing and operable electric and gas meters shall be grandfathered as they exist so long as minimum health and life safety codes permit and any manufactured home replaced must be 1986 model year or newer (or according to title or registration):. Improvements may be made on an annual basis that do not exceed \$25,000.00 or thirty percent (30%) of the value of the park, whichever is greater, without a Conditional Use Permit. Manufactured homes of like size or meeting the following setback requirements shall be replaced: minimum side to side clearance between manufactured units is no less than ten (10) feet; Minimum end to end clearance between manufactured units is no less than ten (10) feet; Minimum clearance of manufactured unit to front property line shall be no less than ten (10) feet.

However, no manufactured home park shall be expanded, enlarged or extended from its current condition in any way.

11-A.075 NONCONFORMING MANUFACTURED HOME PARKS

- (A) Existing manufactured home parks, which have not been grandfathered under Section 070 of these regulations, and/or manufactured home parks that do not conform to these regulations and conditions shall be considered as nonconforming and shall be allowed to continue under the provisions as stated in Article 21, Section 21.080(B) “Nonconforming uses permitted to continue”. A Manufactured home may be replaced; however, no nonconforming mobile home park shall be expanded, enlarged, or extended or rearranged from its current condition in any way unless it is done in conformance of the standards of new manufactured home parks. This will include a detailed site plan prepared by a licensed architect or engineer with the State of Kansas. No manufactured home may be installed in a space, which has been vacant for one (1) year. If a nonconforming mobile home park is discontinued the use of the land shall thereafter conform to a use permitted in the zone in which it is located.
- (B) Annual Inspection – All Non-Conforming Manufactured Home Parks must undergo an annual audit by the inspection department to determine compliance with Article 11.070.
- (C) All other non-conforming issues as previously addressed and required must be adhered to.

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

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ARTICLE 11-B

“MHS” MANUFACTURED HOME SUBDIVISION DISTRICT (Ord. #2392, 11/09/07)

SECTIONS:

11-B.010	Purpose and Intent
11-B.020	Permitted Uses
11-B.030	Conditional Uses
11-B.040	Lot Size Requirements
11-B.050	Lot Coverage
11-B.060	Yard Requirements
11-B.070	Height Regulations
11-B.080	Projections into Yards
11-B.090	Parking Requirements
11-B.100	Sign Regulations
11-B.110	Supplemental Development Standards
11-B.120	Reserved

11-B. 010 PURPOSE AND INTENT. Manufactured Home Subdivision (MHS). This district is designed to reflect development between one (1) and five (5) units per acre if lots are served by public water and sewer services, as are other urban services. Manufactured Home Subdivisions will be developed exclusively with single-family homes. A minimum lot size of 80 feet by 100 feet (or 8,000 square feet) is required. Two (2) acres minimum lot sizes are required for a private on site water and sewer systems and must be approved according to the approved Environmental Code of Garden City.

The following definitions apply to this Article:

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

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

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

11-B.020 PERMITTED USES IN THE MHS DISTRICT. The following uses and structures and no others are permitted in the Manufactured Home Subdivision District:

The following uses and structures and no others, are permitted in the "MHS" District.

- (A) Customary accessory uses and structures located on the same lot with the principle use and which do not include activity or use unrelated principle use as explained in Article 23.
- (B) Licensed Daycare Homes licensed by the State.

- (C) Neighborhood Churches.
- (D) Off-street parking as required by Article 25.
- (E) Public parks, playgrounds, and recreation areas and related buildings operated by a public agency.
- (F) Schools, public or private primary, intermediate, and secondary.
- (G) Single-Family Dwellings.
- (H) Temporary structures incidental to construction work only for the period of such work as permitted in Article 23.
- (I) The renting of not to exceed two (2) sleeping rooms with a total occupancy of not to exceed two (2) persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.
- (J) Vegetable and flower gardens, trees, shrubs and lawns, non-commercial orchards, and other landscaping as it relates to residential use.

11-B. 030 CONDITIONAL USES

- (A) Public libraries, museums or similar public buildings.
- (B) Group Day Care Home or Child Care Center licensed by the State, and preschools.
- (C) Golf courses, miniature golf courses and driving ranges.
- (D) Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
- (E) Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
- (F) Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
 - (1) Electric and telephone substations
 - (2) Gas regulator stations
 - (3) Police and Fire Stations
 - (4) Water towers
 - (5) Etc.
- (G) Home occupations.

11-B. 040 LOT SIZE REQUIREMENTS. Subject to the City Environmental Code and except as otherwise provided in Article 23, of this Zoning Regulation, no building shall be erected or altered on a lot, which makes provisions for less than 8,000 square feet of lot area. Minimum lot widths shall be not less than 80 feet and minimum lot depths shall not be less than 100 feet.

11-B. 050 LOT COVERAGE. The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty percent (40%) not more than one single-family dwelling may be placed on a lot.

11-B. 060 YARD REQUIREMENTS. The following minimum yard requirements shall apply in all "MHS" Districts.

- (A) Front Yard: Each lot in the "MHS" Districts shall have a front yard of not less than sixty (60) feet measured from the center of the road, unless otherwise provided in Article 23. Where platted lots have a double frontage or located at the intersections of two (2) streets, the required front yard shall be provided on both streets.
- (B) Side Yard: Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.
- (C) Rear Yard: Each lot in the "MHS" District shall have a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is greater.

11-B. 070 HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23.

11-B. 080 PROJECTIONS INTO YARDS.

- (A) The following elements may project into or be erected into any required yard.
 - (1) Landscaping Elements.
 - (2) Fences and walls in conformance with City Resolution.
 - (3) Necessary elements for the delivery of Utility Services.
- (B) The following structures may project into a minimum front or rear yard not more than four (4) feet.
 - (1) Chimneys and fireplace structures.
 - (2) Eaves, sills, cornices and similar architectural features.
 - (3) Stairways, balconies and awning.
- (C) All side yard setbacks shall be measured from the building overhang and not the building wall.

11-B. 090 PARKING REQUIREMENTS. See Article 25.

11-B.100 SIGN REGULATIONS. See Article 24.

11-B.110 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 23. (Ord. #7-2005 04/04/05)

11-B.120 (RESERVED)

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ARTICLE 12

“P-F” PUBLIC FACILITIES DISTRICT

SECTIONS:

- 12.010 Purpose and Intent
- 12.020 Permitted Uses
- 12.030 Conditional Uses
- 12.040 Lot Size Requirements
- 12.050 Yard Requirements
- 12.060 Parking Requirements
- 12.070 Sign Regulations
- 12.080 Supplemental Development Standards

12.010 PURPOSE AND INTENT. The Public Facilities District is established for the purpose of providing areas for the location of public and quasi-public uses, which utilize relatively large tracts of land. This district is intended to provide recognition of such areas upon the Official District Zoning Map of the City and to reduce the affect, which these facilities may have upon zoning and land use statistics in Residential, Commercial, or Industrial Districts.

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

- (A) Accessory structures and uses to the above listed uses.
- (B) Cemeteries.
- (C) Community Colleges.
- (D) Fair grounds.
- (E) Golf courses.
- (F) Governmental services.
- (G) Neighborhood Churches.
- (H) Parks.
- (I) Public libraries, museums, or similar public buildings.
- (J) Recreational activities (Public Only).
- (K) Schools.
- (L) Towers.
- (M) Zoos.

12.030 CONDITIONAL USES. The following uses and structures may be permitted in the “P-F” District only after they have been reviewed and approved as required by Article 29.

- (A) Community Churches.
- (B) Heliports.
- (C) Mining and quarrying.

- (D) Private parks (over 5 acres)
- (E) Temporary accessory uses.
- (F) Transitional Supportive Housing.

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

12.050 YARD REQUIREMENTS.

- (A) Front Yard. Each lot shall have a twenty-five (25) foot setback, except that those lots or parcels adjacent to Residential Districts along the same street frontage shall conform to the requirements of the Residential District.
- (B) Side Yard. There shall be no requirements, except when the lot in the “P-F” District abuts the side or rear yard of a lot in a Residential District, in which case the side yard shall be a minimum of five (5) feet. Corner lots and double frontage lots require front yard setbacks off all adjoining streets.
- (C) Rear Yard. There shall be no requirements, except when the lot in the “P-F” District abuts the side or rear yard of a lot in a Residential District, in which case the rear yard shall be a minimum of twenty (20) feet.

12.060 PARKING REQUIREMENTS. See Article 24.

12.070 SIGN REGULATIONS. See Article 23.

12.080 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

ARTICLE 13

“C-O” OFFICE AND SERVICE BUSINESS DISTRICT

SECTIONS:

13.010	Purpose and Intent
13.020	Permitted Uses
13.030	Conditional Uses
13.040	General Requirements
13.050	Lot Size Requirements
13.060	Height Requirements
13.070	Yard Requirements
13.080	Sign Regulations
13.090	Parking Requirements
13.100	Supplemental Development Standards

13.010 PURPOSE AND INTENT. The Office and Service District is established to provide a district for those institutional and commercial uses that require separate buildings or building groups. Land, space, and aesthetic requirements of this district are intended to be compatible with adjoining Residential Districts. This district should not be established in a “strip” zoning fashion along major streets, but should be concentrated to provide convenience and accessibility to the public.

13.020 PERMITTED USES. Those uses of categories of uses as listed herein, and no others, are permitted in the “C-O” District.

1. Accessory building and uses customarily incident to the uses permitted in “C-O” Office and Service Business Districts.
2. Artist and photography.
3. Banking and financial institutions.
4. Barber shops, beauty shops, chiropody.
5. Boarding and lodging houses.
6. Duplicating stenographic, and office services.
7. Employment services.
8. Fraternities, sororities, and dormitories.
9. Miscellaneous business services.
10. Multiple-Family Dwellings.
11. Neighborhood Churches.
12. Offices for professional, commercial, industrial, religious, instructional, public, or semi-public purposes, providing no goods, wares, or merchandise shall be prepared for sale, stored or sold on the premises.
13. Parks, playgrounds, and community buildings owned and operated by the City of Garden City.

14. Public libraries.

15. Tattoo and Massage Facilities licensed with the Kansas Department of Cosmetology (Ord.#2430-2009, 02/05/09)

16. Two-Family Dwellings.

17. Variety Store

13.30 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Community Churches.
- (B) Licensed Day Care Home, Group Day Care Home or Child Care Center.
- (C) Towers. (Ord. #2074, 10/27/98)

13.40 GENERAL REQUIREMENTS.

- (A) The tract for such use or uses shall not be less than five thousand (5,000) square feet in area.
- (B) The location shall be on property, which has an acceptable relationship to major streets.
- (C) The applicant shall prepare and submit preliminary development plans showing:
 - (1) Building or building locations.
 - (2) Parking area and number of spaces.
 - (3) Access from streets.
 - (4) Interior drives.
 - (5) Landscaped areas. (See Section 13.090).

13.050 LOT SIZE REQUIREMENTS. Except as otherwise provided, every dwelling hereafter erected enlarged, relocated, or reconstructed shall be located upon lots, tracts, or parcels containing the following areas:

- (A) A lot on which a two-family dwelling is erected shall contain an area of not less than two thousand five hundred (2,500) square feet per family unit.
- (B) A lot on which a multiple-family dwelling is permitted shall contain not less than one thousand five hundred (1,500) square feet of area per family unit. This area requirement shall not apply to dormitories or similar places, where no cooking is done in individual rooms or apartments. Office and other uses permitted in this district shall not occupy more than forty-five percent (45%) of the lot area.

13.060 HEIGHT REQUIREMENTS. No building shall exceed two and one-half (2 1/2) stories or shall not exceed forty (40) feet in height.

13.070 YARD REQUIREMENTS.

(A) Front Yard:

- (1) Each lot in the “C-O” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 25.

(B) Side Yard:

- (1) Except as otherwise provided in the following paragraph and in Article 22, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.
- (2) Wherever a lot of record existing at the time of the passage of this regulation has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.

(C) Rear Yard:

- (1) Except as otherwise required in Article 22, there shall be a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot; whichever amount is smaller.

13.080 SIGN REGULATIONS. Except as otherwise specified in Article 23, the following sign regulations apply to Office and Service Business Uses only.

- (A) Only one sign or bulletin board shall be permitted per office or service business use.
- (B) All signs shall be affixed flat against the building.
- (C) Signs shall not exceed twenty-four (24) square feet in area.
- (D) If sign is illuminated, lights shall be directed away from adjoining residential uses.

13.090 PARKING REQUIREMENTS. See Article 24.

13.100 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- (A) Buffer Strip- Whenever land or buildings are to be occupied for other than residential purposes in the “C-O” District and said land adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
- (B) For other requirements - See Article 22.

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ARTICLE 14

“C-1” NEIGHBORHOOD SHOPPING DISTRICT

SECTIONS:

14.010	Purpose and Intent
14.020	Permitted Uses
14.030	Conditional Uses
14.030	Sales and Storage
14.040	Height Regulations
14.050	Yard Requirements
14.060	Parking Requirements
14.070	Sign Regulations
14.080	Supplemental Development Standards

14.010 PURPOSE AND INTENT. The Neighborhood Shopping District is established to provide an area in which convenience and services are provided to a group of neighborhoods. This district was originally established for the purpose of making present uses and existing Neighborhood Shopping Zones conforming.

14.020 PERMITTED USES. (Ord.#2927-2002,05/17/22) The following uses and structures, and no others, are permitted in the “C-1” District:

1. Accessory uses to those listed above.
2. Bakery shops (retail only).
3. Banks.
4. Barber shops.
5. Beauty shops.
6. Candy and ice cream stores (except drive-ins).
7. Cleaning and laundry pickup stations.
8. Convenience stores (Ord. #1687, 2/10/88).
9. Custom dressmaking, furrier, millinery, and tailor shops employing less than five persons on the premises at one time.
10. Drug stores.
11. Dwellings on floors above the street level floor.
12. Electric and telephone substations.
13. Fix-it shops, (radio, TV, and small appliances).

14. Flower and gift shops.
15. Food stores (grocery, meat, and delicatessen).
16. Hardware stores.
17. Hobby and craft shops.
18. Jewelry stores.
19. Key shops and locksmiths.
20. Laundries (self-service).
21. Libraries.
22. Medical and dental offices and clinics (for people only).
23. Messenger and telegraph stations.
24. Mobile vendors licensed with a City of Garden City Local or Non-Local Itinerant Business License. See Article 22 for other requirements.
25. Neighborhood Churches.
26. Newsstands.
27. Offices- businesses, professional, and public.
28. Parking lots (public or private).
29. Physical Fitness Facility or Center
30. Photographers.
31. Quick print shops.
32. Restaurants and tearooms.
33. Retail stores.
34. Shoe repair and shoe shine shops.
35. Sporting goods stores.
36. Tailors.
37. Tattoo and Massage Facilities licensed with the Kansas Department of Cosmetology. (Ord. #2431-2009, 02/05/09)
38. Theaters (indoor only).

39. Travel agents.

40. Variety Store.

14.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Community Churches.
- (B) Licensed Day Care Home, Group Day Care Home or Child Care Center.
- (C) Towers. (Ord. #2074, 10/27/98)

14.040 SALES AND STORAGE. All retail sales and storage of merchandise shall be conducted entirely within the building or buildings of each retail or business establishment.

14.050 HEIGHT REGULATIONS. No building shall exceed three (3) stories or forty (40) feet in height, except as otherwise provided in Article 22.

14.060 YARD REQUIREMENTS.

(A) Front Yard:

- (1) Each lot in the “C-1” District shall have a front yard of not less than thirty (30) feet unless otherwise provided in Article 25.
- (2) Where platted lots have a double frontage or located at the intersection of two (2) streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.

(B) Side Yard:

- (1) No side yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10) foot side yard on the side of the lot, which abuts the Residential District.
- (2) Three (3) story buildings on a lot adjacent to a Residential District shall have a fifteen (15) foot side yard.

(C) Rear Yard:

- (1) A five (5) foot rear yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10) rear yard. (Ord. #1538, 12/7/83)

14.070 PARKING REQUIREMENTS. See Article 24.

14.080 SIGN REGULATIONS. See Article 23.

14.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- (A) Buffer Strip: Whenever the “C-1” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
- (B) For other requirements - See Article 22.

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ARTICLE 15

“C-2” GENERAL COMMERCIAL DISTRICT (Ord# 2811-2018, 11/6/18)

SECTIONS:

15.010	Purpose and Intent
15.020	Permitted Uses
15.021	Conditional Uses
15.030	Lot Size Requirements
15.040	Height Regulation
15.050	Yard Requirements
15.060	Parking Requirements
15.070	Sign Regulations
15.080	Supplemental Development Standards

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

15.020 PERMITTED USES. (Ord. #2927-2022, 05/17/22) The following uses and structures, and no others, are permitted in the “C-2”, General Commercial District:

1. Accessory uses customarily incidental to the above uses.
2. Antique shops and stores providing all merchandise is enclosed in a building.
3. Apparel and accessory stores.
4. Armories.
5. Art and art supply stores.
6. Auditoriums and similar places of public assembly.
7. Auto supply stores.
8. Banks and other savings and lending institutions.
9. Barber and beauty shops.
10. Bicycle shops.
11. Boarding and Lodging Houses.
12. Books and stationary stores.
13. Bowling alleys and recreation buildings.
14. Business and technical schools and schools for photography, music, and dancing.

15. Business machine repair, sales, and services.
16. Candy and ice cream stores.
17. Car Rental Establishments.
18. Carpenter and cabinet shops employing five or less persons.
19. Cigar and tobacco stores.
20. Clothing and costume rental.
21. Commercial recreation uses (including golf driving ranges and driving tees).
22. Convenience store (Ord. #1687, 2/10/88)
23. Custom dressmaking, furrier, millinery, and tailor shops employing five or less persons.
24. Delicatessens and catering establishments.
25. Department stores.
26. Drug stores.
27. Dry cleaning and laundry establishments (non-industrial/commercial).
28. Dry goods and notion stores.
29. Dwellings on floors above the street level floor.
30. Electric and telephone substations.
31. Electric repair shops (household appliances).
32. Field crops, nurseries, tree, crops, and truck gardens.
33. Fire stations, police stations, and jails.
34. Fix-it shops (radio and TV repair).
35. Florist and gift shops.
36. Furniture and home furnishing stores.
37. Garage storages (public and private).
38. Golf courses (including miniature golf and driving tees).
39. Government administration buildings.
40. Grocery stores (including retail meat markets and produce, stores).

41. Hardware stores.
42. Hobby, stamp and coin shops.
43. Home Improvement Center
44. Hotels and motels.
45. Household appliance stores.
46. Interior decorator's shops.
47. Jewelry and metal craft stores.
48. Key shops and locksmiths.
49. Leather goods and luggage stores.
50. Libraries and museums.
51. Mail order catalog stores.
52. Medical and dental offices and clinics.
53. Medical and orthopedic equipment stores.
54. Meeting halls and auditoriums.
55. Messenger or telegraph service stations.
56. Mobile vendors licensed with a City of Garden City Local or Non-Local Itinerant Business License. See Article 22 for other requirements.
57. Music instruments sales and repair shops.
58. Music studios, radio, and TV stores.
59. Neighborhood Churches.
60. Newspaper offices.
61. Newsstands.
62. Office supply and office equipment stores.
63. Offices and office buildings.
64. Optician and optometrist shops.
65. Package liquor -stores.
66. Paint stores.

67. Parks and recreation areas.
68. Pawn shops.
69. Pet shops.
70. Photographic equipment and supply stores.
71. Photographic studios.
72. Physical Fitness Facility or Center.
73. Picture frame shops, Plumbing and heating, shops employing five or less persons.
74. Post office and court buildings.
75. Printing and publishing houses (including newspaper).
76. Public and parochial schools (elementary through high school).
77. Restaurants and tearooms (including drive-ins).
78. Self-service laundries.
79. Service stations
80. Sewing machine stores.
81. Sheet metal shops employing five or less persons.
82. Shoe repair and shoeshine shops.
83. Shoe stores.
84. Sporting and athletic goods stores.
85. Tailor shops employing five or less persons.
86. Tattoo and Massage Facilities licensed with the Kansas Department of Cosmetology.
(Ord. #2431-2009, 02/05/09)
87. Theaters (in-door only).
88. Tire repair shops.
89. Toy stores.
90. Travel bureaus.
91. Undertaking establishments.
92. Used furniture, when entire stock is stored within the building.

- 93. Utility company offices.
- 94. Variety stores and shops.
- 95. Wallpaper stores and shops.
- 96. Watch repair shops.
- 97. Wholesale establishments.

15.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Auto repair shops, but not including auto body and fender work or auto painting.
- (B) Automobile parking lots and storage garages (public and private). (Ord. #18500, 6/20/94)
- (C) Automobile sales and service with an accessory use of auto body and fender work and/or auto painting, all outside storage relating to the accessory use shall be shielded with a solid fence. (Ord. #2245, 08/26/03).
- (D) Community Churches.
- (E) Frozen food lockers under 30,000 square feet.
- (F) Licensed Day Care Homes, Group Day Care Homes or Child Care Centers.
- (G) Mini storage/rental storage buildings.
- (H) Parking lots and garages (commercial, public and private). (Ord. #1850, 6/20/94)
- (I) Private clubs, fraternities, sororities, and lodges. (Ord. #1850, 6/20/94)
- (J) Taverns. (Ord. #1850, 6/20/94)
- (K) Towers. (Ord. #2074, 10/27/98)
- (L) Used car lots. (Ord. #1850, 6/20/94)
- (M) Vehicle washes, automatic or manual. (Ord. #2009, 4/22/97)
- (N) Apartments.

15.040 LOT SIZE REQUIREMENTS.

- (A) There shall be no requirements for minimum lot size except as may be dictated by off-street parking and loading requirements, adequate circulation, and proper site utilization.

15.050 HEIGHT REGULATIONS. No building shall exceed five (5) stories or sixty (60) feet in height, except as otherwise provided in Article 22.

15.060 YARD REQUIREMENTS:

- (A) Front Yard:

- (1) Each lot in the “C-2” District shall have a front yard of not less than thirty (30) feet unless otherwise provided in Article 25.
- (B) Side Yard:
- (1) No side yard shall be required, except where such use is adjacent to a Residential District in which case there shall be a ten (10) foot side yard on the side of the lot, which abuts the Residential District.
- (C) Rear Yard:
- (1) A five (5) foot rear yard shall be required except where such use is adjacent to a Residential district in which case there shall be a ten (10) foot rear yard. (Ord. #1538, 12/7/83)

15.070 PARKING REQUIREMENTS. See Article 24.

15.080 SIGN REGULATIONS. See Article 23.

15.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- (A) Buffer Strip: Whenever the “C-2” District adjoins a Residential District an additional side yard and rear yard shall be provided for a buffer strips. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
- (B) For other requirements - See Article 22.

15.100 – ZONING USE PERMIT. A zoning use permit is a request to allow a use, which is generally compatible with a zoning district provided that the use will not cause an adverse impact on adjacent property or properties in the area, but has operating or physical characteristics that certain conditions be placed on the use. The following uses may be permitted administratively with a zoning use permit by the Planning and Community Development Director or her/his designee. The Director must find three (3) conditions, which exist in order to rule favorably on a zoning use permit request. The burden of proof is with the applicant and the granting of the zoning use permit is at the Directors discretion. The three (3) conditions are as follows: (a) The use will not cause an adverse impact on adjacent property or properties in the area. Adverse impacts would include, for example: a significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions; contribution in a measurable way to the deterioration of the area or contribution to the lowering of property values, (b) The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Garden City, County of Finney County and State and Federal laws, and (c) The use may be limited to hours of operation based on location and intensity of nearby uses.

A zoning use permit is limited to the applicant/occupant and is non-transferable. The use permit is subject to revocation at any time during the life of the permit if there is a violation of the stipulations of approval, the Zoning Ordinance, or any other regulations or laws. Appeals may be made to the Board of Zoning Appeals via a conditional use permit as outlined in the zoning regulations. (Ord. #2482-2010, 07/14/10)

ARTICLE 16

“C-3” CENTRAL BUSINESS DISTRICT

SECTIONS:

16.010	Purpose and Intent
16.020	Permitted Uses
16.030	Conditional Uses
16.040	Height Regulations
16.050	Yard Requirements
16.060	Parking Requirements
16.070	Sign Regulations
16.080	Supplemental Development Standards

16.010 PURPOSE AND INTENT. The Central Business District is established to provide a District of concentrated retail commercial and service uses that are intended to service the needs of the local trade area. The “C-3” District is intended to be located only in the downtown area of the City and to be expanded out from that central area in an orderly and progressive manner as demand for additional commercial land is generated.

16.020 PERMITTED USES. (Ord. #2927-2022, 05/17/22) The following uses and structures, and no others, are permitted in the “C-3” District.

1. Amusement places.
2. Antique shops, providing all merchandise be enclosed in or building.
3. Apparel and accessory stores.
4. Artist studios and art shops.
5. Auditoriums.
6. Automobile supply accessory stores.
7. Bakery and pastry shops (retail only).
8. Banks and other savings and lending institutions.
9. Barber shops, beauty shops, chiropody, massage, or similar personal service shops.
10. Bicycle shops (sales and repair).
11. Boarding and Lodging Houses.
12. Books and stationery stores or shops.
13. Business machine repair, sales, and services.
14. Business or commercial schools, including dancing and music academies.
15. Cigar and tobacco stores.
16. Clothing and costume rental.
17. Commercial recreation uses.
18. Convenience store. (Ord. #1687, 2/10/88)

19. Custom dressmaking, millinery, tailoring and similar trades.
20. Delicatessens and catering establishments.
21. Department stores.
22. Drug stores.
23. Dry cleaning establishments.
24. Dry goods and notion shops.
25. Dwellings on floors above the street level floor.
26. Electric repair shops.
27. Fire stations, police stations, and other public buildings.
28. Fix-it, radio or television repair shops.
29. Florist or gift shops.
30. Furniture and home furnishing shops and stores.
31. Funeral homes.
32. Garages for storage of motor vehicles.
33. Government administration buildings.
34. Grocery, fruit, and vegetable stores.
35. Hardware stores and shops.
36. Hobby shops.
37. Hotels and motels.
38. Household appliance stores.
39. Interior decorator shops.
40. Jewelry and metal craft stores and shops.
41. Laundries and laundrettes.
42. Leather goods and luggage stores.
43. Libraries and museums.
44. Lock and key shops.
45. Mail order catalogue stores.
46. Medical and dental clinics.
47. Medical and orthopedic equipment stores.
48. Meeting halls and auditoriums.
49. Messenger and telegraph service stations.
50. Milk and milk products distribution stations.
51. Music and music instrument stores and studios.
52. Neighborhood Churches.

53. Newspaper offices.
54. Newsstands.
55. Newsprint, job printing, and printing supplies stores.
56. Office supply and equipment stores.
57. Offices and office buildings.
58. Package liquor stores.
59. Paint stores.
60. Parking lots and garages (commercial, public and private).
61. Pawn shops.
62. Pet shops.
63. Photographic equipment and supply stores.
64. Photographic studios.
65. Physical Fitness Facility or Center.
66. Picture frame shops.
67. Plumbing, heating, and air conditioning shops when the entire operation is conducted entirely within the building.
68. Post office and court buildings.
69. Prescription shops.
70. Private clubs, fraternities, sororities, and lodges.
71. Public and private parking lots for temporary storage of automobiles.
72. Radio and Television studios.
73. Radio and TV stores.
74. Railway, taxi, and bus passenger stations.
75. Restaurants and tearooms.
76. Sporting goods stores.
77. Service stations (gas and oil).
78. Shoe stores and repair shops.
79. Sporting goods stores.
80. Stores and shops, for the conduct of retail business, similar to the uses enumerated above.
81. Tailor shops.
82. Taverns.
83. Theaters.
84. Toy shops.
85. Travel bureaus.

86. Utility company offices.

87. Variety Store.

16.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

(A) Community Churches.

(B) Garages and auto repair shops, but not including auto body and fender work and auto painting.

(C) Licensed Day Care Home, Group Day Care Home or Child Care Center.

(D) Towers.

16.040 HEIGHT REGULATIONS. A building may be erected to any height not in conflict with other ordinances.

16.050 YARD REQUIREMENTS.

(A) Front Yard:

(1) No front yard is required for structures in this district except to conform to the building code, fire code, and other City ordinances.

(B) Side Yard:

(1) No side yard is required for structures in this district except to conform to the building code, fire code, and other City ordinances.

(C) Rear Yard:

(1) No rear yard is required for structures in this district except to conform to the building code, fire code, and other City ordinances. For all new construction or major additions there shall be required a rear yard of ten (10) feet.

16.060 PARKING REQUIREMENTS. None required.

16.070 SIGN REGULATIONS. See Article 23.

16.080 SUPPLEMENTAL DEVELOPMENT STANDARDS. See Article 22.

ARTICLE 17

“I-1” LIGHT INDUSTRIAL DISTRICT

SECTIONS:

17.010	Purpose and Intent
17.020	Permitted Uses
17.030	Conditional Uses
17.040	Lot Coverage
17.050	Yard Requirements
17.060	Height Regulations
17.070	Area of District
17.080	Parking Requirements
17.090	Sign Regulations
17.100	Supplemental Development Standards

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

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

- (A) Animal hospitals or clinics.
- (B) Automatic car wash.
- (C) Express storage and delivery services
- (D) Bottling works.
- (E) Building material sales (except for ready-mix concrete and similar uses, which emit dust, odor, or smoke).
- (F) Carpenter, cabinet, plumbing, or sheet metal shops.
- (G) Contractor’s office and equipment storage yards, providing the storage yard is completely enclosed with a six (6) foot fence or wall.
- (H) Convenience store (Ord. #1687, 2/10/88).
- (I) Dog kennels.
- (J) Dry cleaning and/or laundry plants.
- (K) Frozen food lockers.
- (L) Greenhouses retail and wholesale.
- (M) Light manufacturing operations - where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.

- (N) Lumberyards.
- (O) Machinery sales or storage lots.
- (P) Mobile Vendors licensed with a City of Garden City Local or Non-Local Itinerant Business License. See Article 22 for other requirements.
- (Q) Monument and burial vault sales.
- (R) Motor vehicle sales, automobile and truck.
- (S) Moving company, storage and terminal.
- (T) Neighborhood Churches.
- (U) Offices and office buildings.
- (V) Public utility and public service uses as follows:
 - (1) Substations.
 - (2) Railroads.
 - (3) Telephone exchanges.
 - (4) Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- (W) Restaurants. (Ord. #1709, 6/13/89)
- (X) Service stations.
- (Y) Storage rental units.
- (Z) Truck and rail terminals.
- (AA) Upholstery shops.
- (BB) Warehouses.
- (CC) Wholesale merchandise sales and storage.

17.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Any structure built or any building remodeled or moved in for use as quarters for night watchman for security purposes. (Ord. #1843 3/9/94)
- (B) Child Care Centers.
- (C) Community Churches.
- (D) Mobile Home Sales. (Ord. #1850, 6/20/94)
- (E) Physical Fitness Facility or Center (Ord. #2746, 11/01/16)
- (F) Radio Towers.
- (G) Telephone Transmission Buildings.
- (H) Television Towers.
- (I) Child Care Centers.
- (J) Towers. (Ord. #2074, 10/27/98)

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

17.050 YARD REQUIREMENTS.

(A) Front Yard:

(1) Each lot in the “I- 1” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 25.

(B) Side Yard:

(1) No side yard shall be required for uses permitted in this District except where such use abuts a Residential District, in which case there shall be required fifteen (15) feet of side yard on the side of the lot, which abuts the Residential District.

(C) Rear Yard:

(1) No rear yard shall be required for uses in this District except where the District abuts a Residential District, in which case there shall be a twenty (20) foot rear yard provided there is no alley. In those cases, where an alley exists, the rear yard may be ten (10) feet.

17.060 HEIGHT REGULATIONS.

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

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

17.070 AREA OF DISTRICT. There shall be no requirements except than an orderly development pattern be used.

17.080 PARKING REQUIREMENTS. The hard surfaced parking requirements of Section 24.020 shall not apply to this district, except for required drives, required parking adjacent to buildings, and loading and unloading areas. All other areas used for equipment or other storage may be surfaced and maintained with not less than four (4) inches of compacted gravel. Direct access to graveled storage areas shall be hard surfaced for a distance of thirty (30) feet from any access point to the street. See Article 24 for required parking.

17.090 SIGN REGULATIONS. See Article 23.

17.100 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- (A) Buffer Strip: Whenever the “I-1” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
- (B) For additional requirements - See Article 22.

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ARTICLE 18

“I-2” MEDIUM INDUSTRIAL DISTRICT

SECTION:

18.010	Purpose and Intent
18.020	Permitted Uses
18.030	Conditional Uses
18.040	Lot Coverage
18.050	Yard Requirements
18.060	Height Regulations
18.070	Area of District
18.080	Parking Requirements
18.090	Sign Regulations
18.100	Supplemental Development Standards

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

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

- (A) Animal hospitals or clinics.
- (B) Auto repair and painting.
- (C) Automatic car washes.
- (D) Body shops.
- (E) Bottling works.
- (F) Building material sales (except for ready-mix concrete and similar uses, which emit dust, odor, or smoke).
- (G) Carpenter, cabinet, plumbing, or sheet metal shops.
- (H) Contractor’s office and equipment storage yards, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
- (I) Convenience Store (Ord. #1687, 2/10/88).
- (J) Dog kennels.
- (K) Dry cleaning and/or laundry plants.
- (L) Express-storage and delivery services.
- (M) Feed mills.
- (N) Feed stores.
- (O) Foundry and light casting (light casting and foundry products of which the heaviest casting shall not weigh more than fifty (50) pounds).

- (P) Frozen food lockers.
- (Q) Greenhouses, retail and wholesale.
- (R) Light to medium manufacturing operations - where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside unless contained within a six (6) foot wall or fence and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke as defined herein. (ord.#2379, 08/30/07)
- (S) Lumberyards.
- (T) Machine shops.
- (U) Machinery sales or storage lots.
- (V) Mobile home sales and service.
- (W) Mobile Vendors licensed with a City of Garden City Local or Non-Local itinerant Business License. See Article 22 for other requirements.
- (X) Monument sales.
- (Y) Motels and hotels.
- (Z) Motor vehicle sales, automobile and truck.
- (AA) Neighborhood Churches.
- (BB) Other uses, similar or accessory, customarily incidental to the above uses.
- (CC) Printing shops.
- (DD) Public buildings.
 - (1) Public utility and public services uses as follows:
 - (2) Substations
 - (3) Railroads
 - (4) Telephone Exchanges
- (EE) Public utility storage yards when the entire storage area is enclosed by at least a 6' wall or fence.
- (FF) Restaurants.
- (GG) Storage rental units.
- (HH) Service stations.
- (II) Truck and rail terminals.
- (JJ) Upholstery shops.
- (KK) Warehouses.
- (LL) Wholesale, merchandise, sales and storage.

18.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Any structure built or any building remodeled or moved in for use as quarters for night watchman for security purposes (Ord. #1843 3/8/94).
- (B) Child Care Centers.
- (C) Community Churches.
- (D) Electric Power Plants.
- (E) Physical Fitness Facility or Center. (Ord. #2746, 11/01/16)
- (F) Radio towers.
- (G) Telephone Transmission Buildings.
- (H) Television towers.
- (I) Towers. (Ord. #2074, 10/27/98)

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

18.050 YARD REQUIREMENTS.

- (A) Front Yard:
 - (1) Each lot in the “I-2” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 25.
- (B) Side Yard:
 - (1) No side yard shall be required for uses permitted in this District except where such use abuts a Residential District zone, in which case there shall be required fifteen (15) feet of side yard on the side of the lot, which abuts the Residential District.
- (C) Rear Yard:
 - (1) No rear yard shall be required for uses in this District except where the District abuts a Residential District, in which case there shall be a twenty (20) foot rear yard, provided there is no alley. In those cases, where an alley exists, the rear yard may be ten (10) feet.

18.060 HEIGHT REGULATIONS.

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

18.070 AREA OF DISTRICT. There shall be no requirement except that an orderly development pattern be used.

18.080 PARKING REQUIREMENTS. The hard surfaced parking requirements of Section 24.020 shall not apply to this district except for required drives, required parking adjacent to buildings, and loading and unloading areas. All other areas used for equipment or other storage may be surfaced and maintained with not less than four (4) inches of compacted gravel. Direct access to graveled storage areas shall be hard surfaced for a distance of thirty (30) feet from any access point to the street. See Article 24 for required parking.

18.090 SIGN REGULATIONS. See Article 23.

18.100 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- (A) Buffer Strip: Whenever the "I-2" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
- (B) For additional requirements - See Article 22.

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ARTICLE 19

“I-3” HEAVY INDUSTRIAL DISTRICT

SECTIONS:

19.010	Purpose and Intent
19.020	Permitted Uses
19.030	Conditional Uses
19.040	Lot Coverage
19.050	Yard Requirements
19.060	Height Regulations
19.070	Area of District
19.080	Parking Requirements
19.090	Sign Regulations
19.100	Supplemental Development Standards

19.010 PURPOSE AND INTENT. The Heavy Industrial District is established to provide areas in the City where heavy industrial manufacturing and other firms can engage in processing, manufacturing, and related activities protected from the encroachment of commercial and residential uses. This District is intended to allow extensive obnoxious sounds, glare, dust, or odor. Certain extremely obnoxious or hazardous uses will require special permission to locate in this District.

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

- (A) Animal hospitals or clinics.
- (B) Automatic car washes.
- (C) Auto repair and painting.
- (D) Body shops.
- (E) Bottling works.
- (F) Building materials and storage.
- (G) Carpenter, cabinet, plumbing, and sheet metal shops.
- (H) Contractor’s offices and equipment storage yards.
- (I) Dog kennels.
- (J) Dry cleaning and laundry plants.
- (K) Express storage and delivery services.
- (L) Feed mills.
- (M) Feed and seed stores.
- (N) Foundry and light casting.
- (O) Frozen food lockers.

- (P) Grain elevators.
- (Q) Greenhouses, wholesale.
- (R) Light manufacturing.
- (S) Lumberyards.
- (T) Machine Shops.
- (U) Machinery sales and storage lots.
- (V) Manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
- (W) Monument sales.
- (X) Motor vehicle sales and storage.
- (Y) Neighborhood Churches.
- (Z) Public utility and public service uses as follows:
 - (1) Substations.
 - (2) Railroads.
 - (3) Telephone Exchanges.
 - (4) Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- (AA) Printing shops.
- (BB) Radiator repair shops.
- (CC) Storage rental units.
- (DD) Truck and rail terminals.
- (EE) Upholstering shops.
- (FF) Warehouses.
- (GG) Wholesale houses.

19.030 CONDITIONAL USES. The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

- (A) Auto wrecking yards, junkyards, and scrap processing yards subject to the following:
 - (1) Located on a tract of land at least three hundred (300) feet from a Residential District zone.
 - (2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid noncombustible fence or wall. The fence or wall shall be of, uniform height (at least six (6) feet high), uniform texture and color and shall be so maintained, by the proprietor, as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.

- (3) No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently outside the enclosing building, hedge, fence, or wall, or within the public right-of-way.
- (4) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department and Governing Body. Said burning, when permitted, shall be done during daylight hours only.
- (B) Any structure built or any building remodeled or moved in for use as quarters for night watchman for security purposes (Ord. #1843, 3/8/94).
- (C) Child Care Centers.
- (D) Community Churches.
- (E) Electric power plants, telephone transmission buildings.
- (F) Manufacturing or storage of bulk oil gas, and explosives.
 - 1) Petroleum refining.
- (G) Other uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, noise, or vibration.
- (H) Poultry storage or slaughtering.
- (I) Ready-mix concrete and asphalt mix plants.
- (J) Stockyard and slaughterhouses.
- (K) Towers (Ord. #2074, 10/27/98).

19.040 LOT COVERAGE. A building structure or use, allowed in this District may occupy all that portion of a lot, except for the area required for off-street parking, off-street loading and unloading, and their access roads; unless otherwise required by this Zoning Regulation. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot, except as otherwise required by this Zoning Regulation.

19.050 YARD REQUIREMENTS.

(A) Front Yard:

- (1) Each lot in the “I-3” District shall have a front yard of not less than thirty (30) feet, unless otherwise provided in Article 25.

(B) Side Yard:

- (1) No side yard shall be required for uses permitted in this District except where such use abuts a Residential District zone, in which case there shall be required fifteen (15) feet of side yard on the side of the lot, which abuts the Residential District.

(C) Rear Yard:

- (1) No rear yard shall be required for uses permitted in this District except where the District abuts a Residential District, in which case there shall be a twenty

(20) foot rear yard, provided there is no alley. In those cases, where an alley exists, the rear yard may be ten (10) feet.

19.060 HEIGHT REGULATIONS.

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

19.070 AREA OF DISTRICT. There shall be no requirement except that an orderly development pattern be used.

19.080 PARKING REQUIREMENTS. The hard surfaced parking requirements of Section 24.020 shall not apply to this district except for required drives, required parking adjacent to buildings, and loading and unloading areas. All other areas used for equipment or other storage may be surfaced and maintained with not less than four (4) inches of compacted gravel. Direct access to graveled storage areas shall be hard surfaced for a distance of thirty (30) feet from any access point to the street. See Article 24 for required parking.

19.090 SIGN REGULATIONS. See Article 23.

19.100 SUPPLEMENTAL DEVELOPMENT STANDARDS.

- (A) Buffer Strip: Whenever the “I-3” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
- (B) For additional requirements - See Article 22.

ARTICLE 20

“PUD” PLANNED UNIT DEVELOPMENT (Ord. #2868-2020 06/16/20, Ord. #2943-2022 11/15/22)

SUBARTICLES:

20-A “PCD” Planned Commercial Development Overlay District

20-B “PUD” Planned Unit Development Overlay District

Article 20-A: “PCD” PLANNED COMMERCIAL DEVELOPMENT OVERLAY DISTRICT

SECTIONS:

- 20-A.010 Purpose and Intent
- 20-A.020 General Requirements
- 20-A.030 Applicability of Underlying District
- 20-A.040 Permitted Uses
- 20-A.050 Development Standards
- 20-A.060 Application Process
- 20-A.070 PCD Plan
- 20-A.080 Filing and Recording
- 20-A.090 References
- 20-A.100 Issuance of Permits
- 20-A.110 Amendments
- 20-A.120 Abandonment, Substantial Completion, and Extension

20-A.010 PURPOSE AND INTENT. The Planned Commercial Development Overlay District (“PCD”) is an overlay designation that is designed to promote innovative and efficient uses of land by providing greater flexibility than what is provided by the fixed standards of other districts.

20-A.020 GENERAL REQUIREMENTS. The PCD overlay designation shall only be used in conjunction with a “C-1” Neighborhood Shopping District or a “C-2” General Commercial District (“Underlying District”).

20-A.030 APPLICABILITY OF UNDERLYING DISTRICT.

(A) In the event that a lot, parcel, or tract of land is approved for PCD overlay designation, the provisions of these Zoning Regulations applicable to the respective Underlying District shall remain in effect, unless any such provision is specifically amended, changed, deleted, added to, or supplemented by a PCD Plan pursuant to Section 20-A.110.

(B) Notwithstanding the foregoing subsection, the provisions of Article 29, Variances and Exceptions to the District Regulations, shall not apply to any lot, parcel, or tract of land that is approved for PCD overlay designation. Any request for variance or exception to the provisions of an Underlying District shall be requested in a proposed PCD Plan pursuant to Section 20-A.070. Any request for variance or exception to a provision of an approved PCD Plan shall be governed by the procedure for

amendments set forth in Section 20-A.110 herein.

20-A.040 PERMITTED USES.

(A) The permitted uses within a lot, parcel, or tract of land having a PCD overlay designation shall primarily be commercial and shall be limited to the following uses:

- (1) Commercial Uses. Any permitted use of the respective Underlying District.
- (2) Industrial Uses. Any of the following permitted uses for a “I-1” Light Industrial District that is authorized by the PCD Plan, but only to the extent authorized therein, and subject to any further definitions and limitations for such use contained in these Zoning Regulations for “I-1” Light Industrial Districts:
 - (a) Express storage and delivery services;
 - (b) Frozen food lockers;
 - (c) Greenhouse retail and wholesale;
 - (d) Storage rental units;
 - (e) Warehouses; or
 - (f) Wholesale merchandise sales and storage.
- (3) Residential Uses. Any permitted use or conditional use of a residential district that is authorized by the PCD Plan, but only to the extent authorized therein.
- (4) Other Uses. Any other use, whether permitted, conditional, or otherwise, that is authorized by the PCD Plan, but only to the extent authorized therein.

20-A.050 DEVELOPMENT STANDARDS.

- (A) All lots, parcels, and tracts of land within the development having a PCD overlay designation shall be located within the same platted subdivision or proposed preliminary plat, but need not be located on the same lot.
- (B) Each lot within the development having a PCD overlay designation shall adjoin at least one other lot in the development.
- (C) A PCD Plan may amend, change, delete, add to, or supplement any provision of these Zoning Regulations applicable to the respective Underlying District, including, but not limited to, requirements for yard setbacks, lot coverage, parking, loading, and signs within the development, except as follows:

- (1) A PCD Plan shall not amend change, delete, add to, or supplement any provision of Article 25, Building Setback Lines on Arterial, Collector, and Local Streets;
- (2) A PCD Plan shall not amend, change, delete, add to, or supplement any provision of these Zoning Regulations that would conflict with any provision of Chapters 18, 38, 46, 50, or 94 of the Code of Ordinances of the City of Garden City, Kansas, and amendments thereto, including, but not limited to, any code, ordinance, regulation, or statute that is incorporated by reference as provided by law or that is otherwise referenced in any said chapter; and
- (3) A PCD Plan shall not amend, change, delete, add to, or supplement any provision of these Zoning Regulations that would conflict with any provision of the Subdivision Regulations of the City of Garden City, Kansas.

20-A.060 APPLICATION PROCESS.

- (A) Any request to establish a PCD overlay designation shall be requested and processed pursuant to Article 27, Amendments, in the same manner as a request for rezoning. In addition thereto, any such request shall be accompanied by a proposed PCD Plan that complies with Section 20-A.070.

20-A.070 PCD PLAN.

- (A) Any PCD Plan shall, in all respects, be subject to the approval of the Governing Body.
- (B) Any proposed PCD Plan shall comply with this Article and shall include, at a minimum, the following information and documents:
 - (1) Two (2) hard copies and one (1) digital copy of the PCD Plan and any documents, exhibits, attachments, and other documents submitted in support thereof;
 - (2) A proposed preliminary plat or replat for the purpose of platting or replatting all lots, parcels, and tracts of land within the development into a single subdivision, unless an existing plat has been approved and recorded that accomplishes the same; provided that any such proposed or existing plat or replat shall comply with the Subdivision Regulations of the City of Garden City, Kansas;
 - (3) A legal description of the development containing all lots, parcels, and tracts of land proposed for PCD overlay designation;
 - (4) The name of the development that is consistent with any proposed or existing plat or replat;
 - (5) In the event that the lots, parcels, and tracts of land will be developed in

phases or stages, the PCD Plan shall, at a minimum, clearly describe the boundaries and the development timeline for each such phase or stage;

- (6) The location of all proposed or existing buildings, signs, drives, parking areas, and sidewalks;
- (7) A description, rendering, or graphic examples of the proposed buildings and the general characteristics to be found in the development;
- (8) A project statement, which shall include, at a minimum, the following information regarding the development, as proposed:
 - (a) The target market to be served by the development;
 - (b) How the development respects the character of the adjacent neighborhoods;
 - (c) If applicable, how the development complies with the Comprehensive Plan; and
 - (d) If applicable, how the development conflicts with the Comprehensive Plan.
- (9) A development timeline for infrastructure, site, and building improvements; and
- (10) A Landscape Plan that complies with Article 36.

(C) A violation of any term or condition of a PCD Plan shall constitute a violation of these Zoning Regulations and shall be punishable as provided for in Section 30.040. Nothing in this subsection shall preclude the City from exercising any other rights or remedies that may now or subsequently be available at law, in equity, by statute, by ordinance, or otherwise.

20-A.080 FILING AND RECORDING. The PCD plan or a notice thereof shall be recorded in the office of the Register of Deeds of Finney County, Kansas, including any plat, replat, and development agreement approved by the Governing Body. A copy will be preserved in the office of the Neighborhood & Development Services department as a permanent electronic record pursuant to the retention schedule thereof.

20-A.090 REFERENCES. Any reference to the district classification of any lot, parcel, or tract of land approved for PCD overlay designation pursuant to this Subarticle shall be in a form designating the particular Underlying District followed by the term “PCD”, i.e. “C-1 (PCD)” or “C-2 (PCD)”.

20-A.100 ISSUANCE OF PERMITS. No building permit or occupancy certificate shall be issued for any building within a district with a PCD overlay designation that is not in

compliance with the respective PCD Plan approved and recorded pursuant to this Article.

20-A.110 AMENDMENTS. A PCD Plan shall not be amended, changed, deleted, added to, or supplemented except by written agreement signed and approved by the Governing Body. Any such request shall be initiated by the sole owner or all owners, as the case may be, of each lot, parcel, or tract of land within the respective district having the PCD overlay designation.

20-A.120 ABANDONMENT, SUBSTANTIAL COMPLETION, AND EXTENSION.

- (A) A PCD Plan shall be deemed abandoned if it is not approved by the Governing Body within two (2) years following the date of application for PCD overlay designation, regardless of fault. Any such PCD Plan may be resubmitted by following the procedure outlined in Section 20-A.060, which shall require, amongst other things specified therein, the submission of a new application and the payment of a new application fee.
- (B) Each building, whether existing or proposed, that is subject to the PCD Plan shall be substantially completed for occupant use within two (2) years following the date of approval of the PCD Plan by the Governing Body. In the event that any such buildings are not substantially completed for occupant use within such deadline, the district classification shall revert to the district classification of the Underlying District and the PCD Plan shall be null and void. Any such reversion and nullification shall take effect immediately on the day immediately following the last day of the aforementioned two (2) year period.
- (C) The sole owner or all owners, as the case may be, of each lot, parcel, or tract of land within the respective district subject to the PCD Plan may make a request for an administrative extension. Any request for an administrative extension shall be submitted in writing to the Neighborhood & Development Services department. Any such administrative request shall be subject to the approval of the Director of the Neighborhood & Development Services department, subject to the following limitations: (1) No such administrative extension shall be granted if any administrative extension has been previously granted, in any manner; and (2) No such administrative extensions shall grant an extension for a period of more than two (2) years from the last day of the original two-year (2-year) period. Any further extensions shall be made to and subject to the approval of the Governing Body.

Article 20-B: “PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
(Ord. #2868-2020 06/16/20, 2943-2022 11/28/22)

SECTIONS:

- 20-B.010 Purpose
- 20-B.020 Use in Combination
- 20-B.030 Development Standards
- 20-B.040 Planned Unit Development Plan Approval Process
- 20-B.050 Planned Unit Development Plan Requirements

- 20-B.060 Filing and Recording
- 20-B.070 Permit Issued
- 20-B.080 Amendments
- 20-B.090 Abandonment, Failure to Commence, or Extension

20-B.010 PURPOSE. The purpose of the Planned Unit Development Overlay District (PUD) designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units.

20-B.020 USE IN COMBINATION. The PUD designation shall be used in combination with existing residential and/or commercial zoning classifications. The provisions of the PUD designation may supplement or supersede the provisions of the district regulations. When shown on the District Zoning Map, the letters “PUD” becomes a suffix to the district classification. For example, “R-1”, Single Family District with a PUD designation, would be shown as “R-1” (PUD).

20-B.030 DEVELOPMENT STANDARDS.

- (A) A PUD shall contain two (2) or more acres unless approved by the Governing Body. The development area shall be a contiguous two (2) acres of land.
- (B) Permitted uses are determined by the existing zoning district classification. Variations to permitted uses are allowed by the approval of the Governing Body.
- (C) The density of dwelling units permitted in a PUD is determined by dividing the net development area by the minimum lot area proposed, minus the land used for commercial purposes. The area of land set aside for open space is included in the net development area.
- (D) The minimum lot area and lot frontage of single-family dwelling lots within the development shall not be less than two-thirds (2/3) of the standard minimum lot area and lot frontage requirements of the existing residential district classification.
- (E) Yard setbacks and lot coverage shall be consistent with the existing zoning district. Developers may propose variations to yard setbacks and lot coverages. The separation of buildings shall meet building and fire codes. Buildings located along the perimeter of the development adjacent to a street shall maintain the requirements in Article 25 as determined by the existing zoning district.
- (F) Off-street parking and loading requirements shall be in accordance with Article 24, except residential lot widths measured at 50 feet or less can provide a minimum of two (2) off-street parking spaces. One space (1) shall be located behind the front building line of each dwelling unit.
- (G) The proposed development shall be designed with a stable and desirable character consistent with the surrounding neighborhoods and not conflict with the Comprehensive Plan.

(H) Signs shall be in accordance with Article 23.

20-B.040 PLANNED UNIT DEVELOPMENT PLAN APPROVAL PROCESS. A rezoning application submitted to the Neighborhood & Development Services (N&DS) Department Director will be processed according to Article 27. Along with the rezoning application, a PUD plan shall be submitted that meets the requirements of Section 20.050.

- (A) The Planning Commission will hold a public hearing in accordance with Article 27 and will provide to the Governing Body one of three recommendations: approval as submitted, approval with conditions, or denial of the application.
- (B) If the Planning Commission recommends approval of a PUD plan with conditions, the N&DS Director will review the PUD plan for compliance to the Planning Commission's conditions.
- (C) The approved submitted preliminary plat within the PUD plan will be considered the approved preliminary plat.
- (D) Following the recommendation of approval of the PUD plan, the applicant will begin the platting process according to the Subdivision Regulations.
- (E) A development agreement is required for all PUDs and will be presented to the Governing Body along with the PUD plan and final plat for approval by the Governing Body.
- (F) In the event of approval by the Governing Body, the PUD development plan will become binding upon the owner of the land and its heirs and successors to the title.

20-B.050 PLANNED UNIT DEVELOPMENT PLAN REQUIREMENTS.

- (A) Two (2) hard copies and one (1) digital copy of the PUD plan shall be submitted containing the following:
 - (1) A preliminary plat that meets the Garden City Subdivision Regulations of a Preliminary Plat.
 - (2) A legal description of the proposed development.
 - (3) Name of the proposed development which coincides with the subsequent final plat.
 - (4) Proposed development staging or phasing, if any, shall be clearly defined.
 - (5) Location of all proposed buildings, signs, drives, parking areas, and other structures.
 - (6) A description, rendering, or graphic examples of proposed buildings or general characteristics to be found in the development.

- (7) A project statement including information about the target market being served, how the development respects the character of adjacent neighborhoods, and whether it conflicts with the Comprehensive Plan.
- (8) A schedule of development for infrastructure improvements and residential housing.
- (9) A landscape plan which provides how the landscaping will be maintained in open spaces including funding mechanisms, if not dedicated to the City.
- (10) A summary of the following information:
 - (a) Net area in square feet or acres;
 - (b) Net density of for residential development;
 - (c) Number of off-street parking spaces per dwelling unit;
 - (d) Percentage of lot coverage per lot;
 - (e) Percentage and square footage (acres) of open space.

20-B.060 FILING AND RECORDING. The PUD plan shall be recorded with the final plat and development agreement. A hard copy will be preserved in the Neighborhood & Development Services Department.

20-B.070 PERMIT ISSUED. A building permit shall not be issued for any building within a PUD, which does not conform to the PUD plan as approved and recorded.

20-B.080 AMENDMENTS. Amendments to PUD plans may be initiated by the developer or a majority (51%) owners or residents of the property (applicant/s) within the PUD.

- (A) Major or minor amendments will be reviewed and determined by the N&DS Director.
- (B) Major amendments constituting more than 80% of the PUD plan shall follow the procedures in this article for approval of PUD plan.
- (C) Minor amendments constituting less than 20% of the PUD plan may be approved by the N&DS Director.
- (D) All amendments to the PUD plan shall be recorded at the expense of applicant/s.

20-B.090 ABANDONMENT, FAILURE TO COMMENCE, OR EXTENSION.

- (A) PUD plans expire after two (2) years from the recommendation of the Planning Commission if the PUD plan does not get approved by the Governing Body. The PUD plan will need to be resubmitted to the Planning Commission and Governing Body in accordance with procedures set forth in this article.

- (B) Failure to commence construction within two (2) years of approval by the Governing Body will be considered as an abandonment. The PUD zoning designation will revert to the previous zoning classification, and the PUD plan will be null and void.
- (C) Owner(s) of record may apply for and be granted an extension as a minor amendment for up to two (2) years with the approval of the Neighborhood & Development Service Director. Extensions beyond four (4) years will require the approval of the Governing Body.

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

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ARTICLE 21

ACCESSORY USES, TEMPORARY USES, AND NON-CONFORMING USES

(Ord#2440-2009, 04/24/09) (Ord#2835-2019, 06/04/19; #2956-2023, 04/04/23)

SECTIONS:

21.010	Accessory Uses – Definition
21.020	Accessory Uses Permitted
21.030	Accessory Uses Restriction
21.040	Temporary Uses – Purpose
21.050	Temporary Uses – Land Uses and Structures Subject to Permit
21.060	Temporary Uses – Prior Approval Required
21.070	Nonconforming Uses – Definition
21.080	Nonconforming Uses Permitted To Continue
21.090	Nonconforming Uses to Be Discontinued
21.100	Maintenance and Repair

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

21.020 ACCESSORY USES PERMITTED. Accessory uses and structures may be permitted in any zoning district provided such uses or structures conform to the definition in Section 21.010. Permitted accessory uses and structures include but are not limited to the following:

- (A) Buildings such as garages, carports, bathhouses, gardening sheds, recreation rooms, and similar structures, which are customarily used in conjunction with and incidental to a principle use or structure.
- (B) Children's playhouses provided they shall be in keeping with the principle structure.
- (C) Swimming pools.
- (D) Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.
- (E) Barbecue stoves, flagpoles, fences, walls, trellises, statuary, arbors, gazebos, and green houses.
- (F) Fallout/storm shelters provided that they shall not be used for any other purpose.
- (G) Off-street parking and loading in conformance with Article 24.
- (H) Signs as permitted by Article 23.
- (I) Satellite TV reception dish located in side or rear yards only.

- (J) Uses incidental to permitted hotels or motels such as clubs, gift shops, restaurants, etc.
- (K) In R-1 and R-2 and single-family uses in R-3 Districts: Mother-in-Law/Guest Houses to be detached and subordinate in area and height to the main house.
- (L) In R-1, R-2, R-3, R-C, MHP, and MHS Districts: the keeping of fowl and pigeons shall be permitted as follows:

(1) Keeping of Fowl - It shall be unlawful to own or keep fowl, other than permitted fowl as defined in this section, within the city. The maximum total number of permitted fowl allowed to be owned or kept on an individual lot is one (1) animal (fowl) per five hundred (500) square feet of lot size, rounded down, but in no event shall the total number of permitted fowl on any lot exceed twelve(12).

(a.) Definitions:

- (i) “Fowl” shall mean those domestic birds commonly kept for the production of meat, eggs or feathers. This shall include chickens, ducks, turkeys, geese, swans, peafowl, and guinea fowl, ostriches and emus.
- (ii) “Permitted fowl” shall mean ducks and female chickens.

(b.) Coops, Roosts, and Laying Boxes

- (i) All fowl shall be kept within a fenced area and provided with appropriate shelter. Such shelter shall be screened or walled in a manner that allows the chickens or ducks to be reasonably protected from predators. No chickens or ducks shall be kept in the front yard and shall be ten(10) feet away from the primary structure. Roosters shall not be permitted in City limits.
- (ii) In the event that a mobile coop is utilized, the coop shall be kept in compliance with all city ordinances that apply to the outdoor storage of property.
- (iii) A coop shall be kept in a clean and sanitary condition to prevent the unreasonable accumulation of waste or any other noxious substances, noxious odors or the presence of vermin.

(2) Keeping of Pigeons – It shall be unlawful to own or keep pigeons, other than permitted pigeons, within the city. The maximum total number of pigeons allowed to be owned or kept on an individual lot is five (5) pigeons per five hundred (500) square feet of lot size, rounded down, but in no event shall the total number of pigeons on any lot exceed seventy (70).

(a.) Definitions:

- (i) “Pigeon” shall mean a member of the Columbidae Family of birds that include ‘racing’, ‘fancy’, and ‘sporting’ pigeons.

(b.) Lofts

- (i) Any person who owns pigeons shall provide a loft or other similar shelter designed according to a commercially available plan. Such shelter shall be screened or walled in a manner that allows the pigeons to be reasonably protected from predators.
- (ii) The loft shall be a minimum of one (1) square foot in size per pigeon. That portion of the pigeon loft designated as the fly pen shall be constructed so that it faces the residence of the owner.
- (iii) Lofts shall be constructed in a manner that is consistent with the requirements of the City's Supplemental Development Standards for Accessory Structures defined in Articles 21 and 22 of the city Zoning Regulations. No loft shall be located closer than five (5) feet from any neighboring property line.
- (iv) A loft shall be kept in a clean and sanitary condition to prevent the unreasonable accumulation of waste or any other noxious substance, noxious odors or the presence of vermin.
- (v) Pigeons shall be confined to a loft at all times except when released for necessary exercise, training or racing flights, with no more than fifty percent (50%) of an owner's pigeons to be released at any one (1) time. Exercising, training or racing flights shall not be undertaken during the hours of 10:00 a.m. to 7:00 p.m. from June to September so as to not disturb the yard use and enjoyment of abutting neighbors.

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

- (A) In Residential Zoning Districts there shall be no storage or overnight parking of trucks as specified in Article 22
- (B) No accessory structure shall be constructed within the front yard setback.
- (C) In Residential Zoning Districts, no accessory building shall be constructed upon a lot until the construction of the main building is substantially completed. (Ord.2354, 12/15/06)
- (D) On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
- (E) Vision clearance areas shall be free of obstructions.

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

21.050 TEMPORARY USES – LAND USES AND STRUCTURES SUBJECT TO PERMIT.

(a) A Temporary Use Permit may be issued pursuant to Section 21.060, Temporary Uses – Prior Approval Required, for the following land uses and structures for each particular district respectively set forth in this subsection. Any such permit shall be granted on a temporary basis for a period not to exceed ten (10) days, unless otherwise stated in this subsection. Any such permit shall be granted to the extent that any such land use or structure is not prohibited, limited, or restricted by the Zoning Regulations for the particular district:

(1) “R-1”, “R-2”, “R-3”, “R-C”, “ZL”, “MHP”, “MHS”, “PCD”, and “PUD”:

(A) Contractor equipment sheds, subject to the following limitations:

(i) The temporary use shall only be permitted for the duration of construction.

(B) Contractor offices, subject to the following limitations:

(i) The property shall not contain any sleeping accommodations prior to the issuance or during the term of the permit.

(C) Real estate offices, subject to the following limitations:

(i) The property shall not contain any sleeping accommodations prior to the issuance or during the term of the permit; and

(ii) For new housing developments, the temporary use shall be permitted only until ninety percent (90%) of the housing units are sold.

(D) Rummage, garage, or yard sales, subject to the following limitations:

(i) The temporary use shall not be permitted for any period that would result in any property having rummage sales more frequently than ten (10) days per calendar year.

(E) Operation of concrete batch plants, and the mixing and storage of any materials related thereto, including, but not limited to, aggregate bins, weigh hoppers, and cement storage silos, subject to the following limitations:

(i) For purposes of this section and elsewhere in the Zoning Regulations, the term “concrete batch plant” shall be defined as a facility manufacturing concrete from any combination of cement, cement supplement, fine aggregate, coarse aggregate, and water;

(ii) The temporary use must be properly permitted by the Kansas Department of Health and Environment and any such permit must be maintained during the temporary use, including, but not limited to, *Kansas Water Pollution Control General Permit & Authorization to Discharge Under the National Pollutant Discharge Elimination System for Ready-Mixed Concrete Plants, Concrete Products Plants and their Associated Facilities*;

- (iii) The temporary use must be located on-site and at a location with a minimum acreage of ten (10) open acres;
 - (iv) The temporary use must only be used for and support work and operations that occur on-site;
 - (v) The concrete batch plant must be located at least two hundred (200) feet away from any adjacent developed lot;
 - (vi) The concrete batch plant shall not operate before 8:00 a.m. or after 5:00 p.m. on any day of the week; and
 - (vii) The temporary use shall not be permitted by the Director of the Neighborhood Development & Services Department, or any designee thereof (“Director”), for a duration in excess of eighteen (18) months; provided, however, that extensions may be requested and granted by the Governing Body.
- (2) “P-F” Public Facilities Districts: Carnivals, circuses, and political rallies.
- (3) All Other Districts:
- (A) Any land uses or structures set forth in subsections (a)(1) or (a)(2), subject to any limitations set forth therein;
 - (B) Christmas tree lots, subject to the following limitations:
 - (i) The temporary use shall not be permitted for a period exceeding forty-five (45) days.
 - (C) Flower stands;
 - (D) Promotional displays;
 - (E) Temporary signs; and
 - (F) Trailers or vehicles for temporary sales.

21.060 TEMPORARY USES – PRIOR APPROVAL REQUIRED.

- (a) Prior to engaging in any temporary use set forth in Section 21.050, Temporary Uses – Land Uses and Structures Subject to Permit, the owner, occupant, or person engaging any such temporary use (“Applicant”) shall apply for and obtain a Temporary Use Permit from the Director of the Neighborhood Development & Services Department, or any designee thereof (“Director”).

- (b) In issuing said permit, the Director shall consider the following:

- (1) Whether the requested use complies with the applicable provisions of Section

21.050, Temporary Uses – Land Uses and Structures Subject to Permit;

- (2) Whether the requested use will have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses; and
 - (3) Whether the requested use will create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
- (c) The Applicant shall submit a certificate of liability insurance to the Director as part of such application.
- (d) That the Applicant shall also provide, at Applicant's own expense, for the restoration of the site of any such temporary use to its original condition, including, but not limited to, such clean up, washing, and replacement of facilities as may be necessary.

21.070 NONCONFORMING USES - DEFINITION. Any lot or structure lawfully occupied by a use at the time of the effective date of the Zoning Regulations or amendments hereto, which does not conform to the regulations of the district in which it is situated.

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

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

21.090 NONCONFORMING USES TO BE DISCONTINUED. No building, which has been damaged by any casualty, act of God, or public enemy, to the extent of more than fifty percent (50%) of the fair market value, shall be restored, except in conformity with all Zoning and City Regulations. Should there be a question as to the structural value, the same shall be determined by three (3) appraisers, one of whom shall be selected by the Governing Body, one by the owner and a third by the two so appointed and the decision of the appraisers or a majority of them shall be final and conclusive and binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

21.100 MAINTENANCE AND REPAIR.

- (A) Routine maintenance and repair may be permitted unless the property is deemed or declared to be unsafe by the Building Official. Such repairs shall not be construed to

mean major remodeling, restoration or replacement. Such repairs will not usually extend the life of the structure and will not exceed \$2,500 or 10% of the total appraised value by the Finney County Appraiser whichever is greater, nor increase the degree of nonconformance.

- (B) Remodeling may be permitted for residential structures by the Planning and Community Development Director or his/her designee as long as it does not increase the degree of nonconformance; and/or conforms with all applicable City Codes and Regulations. Remodeling may be permitted for commercial and industrial uses by Conditional Use Variance only after authorized by the Board of Zoning Appeals in accordance with Article 29.

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ARTICLE 22

SUPPLEMENTAL DEVELOPMENT STANDARDS (Ord. #2440-2009, 04/24/09)

SECTIONS:

- 22.010 Purpose
- 22.020 Establishment of Uses Not Specified
- 22.030 Clarification of Ambiguity
- 22.040 Parking or Storage of Pleasure Vehicles, Recreational Vehicles, Travel Travelers, Campers, Boats, Boat Trailers, Etc.
- 22.050 Abandoned, Wrecked, Or Junked Vehicles
- 22.060 Storage of Commercial Vehicles - Residential Districts
- 22.070 Swimming Pools
- 22.080 Additional Height Requirements
- 22.090 Additional Lot Requirements
- 22.100 Temporary and Accessory Uses
- 22.110 Fence Regulations
- 22.120 Vision Clearance Area
- 22.130 Fuel Pumps and Fuel Pump Canopies
- 22.140 Residential Designed Manufactured Homes

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

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

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

- (G) The Planning Director shall, at the next regular meeting in which they have allowed the establishment of, a use in accordance with the above provisions, set a public hearing at which the Planning Commission shall determine whether the use should be recommended to the City Commissioners as an amendment to this Zoning Regulation which is to be added to the list of permitted uses in the respective district.

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

22.040 PARKING OR STORAGE OF PLEASURE VEHICLES, RECREATIONAL VEHICLES, TRAVEL TRAILERS, CAMPERS, BOATS, BOAT TRAILERS, ETC.

- (A) Definitions: A recreational vehicle or pleasure vehicle shall mean any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent, trailer, truck camper, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or any other motor vehicle or trailer designed and used for living or sleeping while on vacation or other trips of short duration; provided the term trailer shall not include hauling trailers designed and normally used for over the road transporting of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.
- (B) Any recreational vehicle or pleasure vehicle, as defined in this Section, may be parked, stored or maintained anywhere on a lot except, that when parked, stored or maintained in any residential zone shall be parked, maintained or stored on a driveway when so parked in the front or exterior side yard areas; provided no more than two (2) such vehicles-shall be parked, maintained or stored in the required front and side yard areas; provided further, no pleasure vehicles or recreational vehicles parked or stored in the front or side yard areas shall be parked or stored within ten (10) feet of any City right-of-way, sidewalk or other area of the street at the entrance of the driveway; however, the ten (10) feet limitation shall not apply to alleys. Provided further, no pleasure vehicle or recreational vehicle shall be parked or stored on any corner lot within the vision clearance area as defined in Article 22, Section 22.120.
- (C) No pleasure vehicle or recreational vehicle as defined herein shall be parked, stored or maintained within ten (10) feet of any residential structure on adjoining property except when such vehicle is stored inside of a garage or other storage structure or upon obtaining the written consent of the adjoining property owner.
- (D) No pleasure or recreational vehicle as defined herein may be parked, stored or maintained on an public street, thoroughfare, right-of-way or other public area; Provided said vehicles may be parked in exception to this section for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes or for temporary storage or parking not to exceed seven (7) days if such vehicle is

owned by a bona-fide guest of the occupants of the premises, Provided that when stored, parked or maintained on any public street, thoroughfare right-of-way or other public area no person shall sleep, live or otherwise inhabit any recreational or pleasure vehicle. Any person or persons may live or sleep in a recreational or pleasure vehicle for a period not to exceed seven (7) days when said vehicle is parked or stored on a lot and said persons are bona-fide guests of the occupants of the premises.

- (E) No non-motorized travel trailer or boats when on a trailer shall be left unattached when parked or stored on any public street.
- (F) The Board of Zoning Appeals may permit an exception on appeal, to the foregoing requirements if it should find that in the particular case appealed the location of existing structures, the exceptional shape and size of the property, or other exceptional situation or condition not generally applicable to other properties justifies such action.

22.050 ABANDONED, WRECKED, OR JUNKED VEHICLES. It shall be unlawful, without prior authorization of the Governing Body, to park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind, which is inoperable, upon any private property within the city limits of Garden City.

22.060 STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL DISTRICTS. No truck, motor vehicle, or commercial trailer which has a weight of 16,000 pounds or greater, or is greater than any of the following dimensions of 8 feet wide, 8 feet high, or 20 feet long, shall be stored or parked on any lot or parcel within any residential zone; nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone. (Ord. #2428-2009, 01/27/09)

22.070 SWIMMING POOLS. Swimming pools, which are not enclosed within a building, shall be set back at least five (5) feet from all property lines.

22.080 ADDITIONAL HEIGHT REQUIREMENTS.

- (A) Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet.
- (B) Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks water towers, ornamental towers, spires, church steeples, wireless towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted regulations by the Governing Body.

22.090 ADDITIONAL LOT REQUIREMENTS.

- (A) For the purpose of the side yard regulations, a two-family dwelling, row housing, or a multiple dwelling, shall be considered as one building occupying one lot or a group of lots.

- (B) In no instance shall any portion of any structure project into the right-of-way of a street or alley.
- (C) Where a lot or tract is used for a non-residential purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- (D) When the common boundary separating two (2) or more contiguous lots is covered by building or permitted group of buildings, such lots shall constitute a single building site and the side yard as required by this Title shall not apply to such common boundary line. The side yard requirements of this Title shall apply only to the exterior boundaries of the contiguous lots so joined.
- (E) No lot or parcel of land shall be divided or reduced in area or dimensions so as to cause any required yard or open space to be reduced below that existing at the time of the adoption of this ordinance. No required yard or open space provided around any building for the purpose of complying with provisions of this Zoning Regulation shall be used or considered as a yard or open space for any other building.

22.100 TEMPORARY AND ACCESSORY USES.

- (A) Accessory Buildings - Refer to Figure 22.100(1) – Accessory Buildings.
 - (1) Accessory buildings which are equal to or less than one-hundred-eighty (180) square feet may be built in a yard adjacent to the side and rear property lines.
 - (2) Accessory buildings in excess of one-hundred-eighty (180) square feet shall not be closer than four (4) feet to any adjacent private property line, except when a carport or garage is entered perpendicularly from an alley it shall not be located closer than twenty (20) feet from an alley line. However, carports and garages may be located four (4) feet from the alley line when a thirty (30) foot long driveway approach is provided, in which case, the approach shall be measured linearly or curvilinearly on the centerline of the drive way between the driveway entrance at the alley and the main entrance to the carport or garage.

(3) Accessory buildings shall not be closer than ten (10) feet to the main structure.

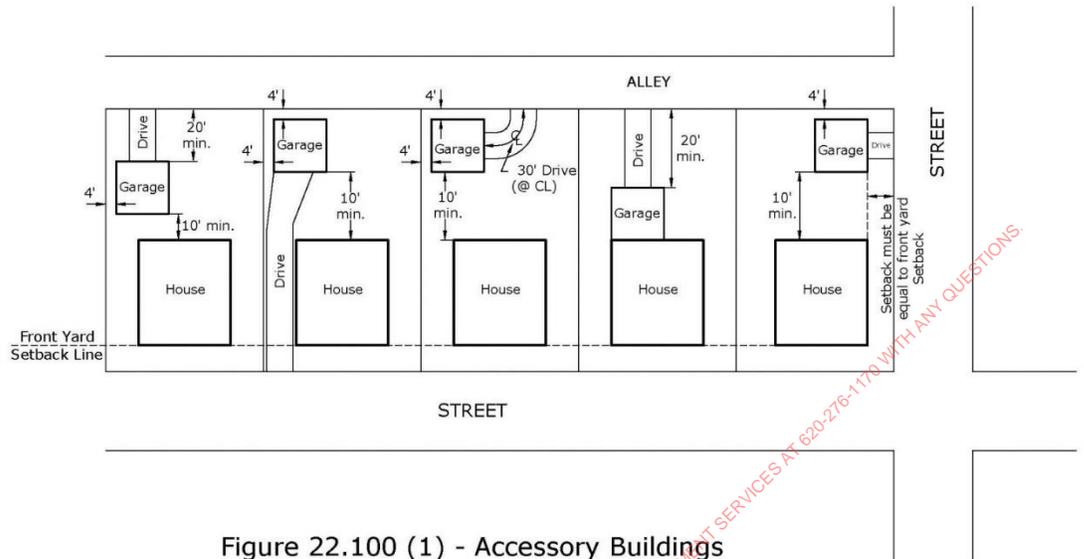


Figure 22.100 (1) - Accessory Buildings

(B) Portable Storage Units. A building permit shall be issued for an accessory building if the proposed structure is considered a portable storage unit under the following provisions:

(1) In Residential Districts, building permits for portable storage units shall be issued on a temporary basis only. The permits shall have an expiration date of thirty (30), sixty (60), or ninety (90) days. The initial permit is to be approved by the Director of the Planning and Community Development Department or his/her designee. In no case shall the permit exceed ninety (90) days.

(2) In Commercial or Industrial Districts, building permits for portable storage units shall be issued on a temporary basis with an expiration date of thirty (30), sixty (60), ninety (90), or one hundred twenty (120) days. The initial permit to be approved by the Director of the Planning and Community Development Department or his/her designee. Portable storage units used in excess of one hundred and twenty (120) days shall require a Conditional Use Permit and:

- (a.) Shall be placed on a permanent foundation as required by the current adopted building codes,
- (b.) Shall not exceed 12% of the total lot area,
- (c.) Shall be removed if the business closes or changes locations,
- (d.) Shall be painted to match the main structure, and the exterior shall be maintained in good condition which includes being free of rust,
- (e.) Shall meet the location requirements for accessory structures,
- (f.) Shall meet any additional requirements placed by the Board of Zoning Appeals,
- (g.) And shall meet all requirements to protect the safety and the public as outlined by the Zoning Regulations and Building Codes of the City.

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

22.110 FENCE REGULATIONS.

(A) Permit & Fee:

- (1) Building permits are required for all fences constructed, altered, or repaired within the City. The permit fee will be based on the Building Permit and Inspection Fees schedule and shall be included with the application. Permit applications shall include type of materials, sketch plan of fence location and other pertinent information as required by the Building inspector. Construction without a permit, and the subsequent investigative fee, and re-inspection fee shall be assessed as outlined in the building code.

(B) General Provisions:

- (1) All fencing shall be constructed of brick, wood, metal, concrete block, chain link, vinyl, or other material normally intended to be used for fencing. Electric and Razor wire fences are prohibited in all zoning districts.
- (2) No fence shall be constructed that may constitute a hazard to traffic or a danger to persons or animals.
- (3) Seventy (70) percent visually open fences and privacy type fences three (3) feet in height or less may be permitted in any yard up to the property line.
- (4) All lots, including corner lots, with a frontage of one hundred (100) feet or more may be permitted to place a privacy type fence with a height greater than three (3) feet on the property line of that frontage.
- (5) Sight triangles shall be maintained on corner lots unless the fence is three (3) feet in height or less, or is seventy percent (70%) or more visually open. Fences placed adjacent to driveways and alleys shall not cause sight visibility issues or present safety hazards. Sight triangles are measured twenty-five (25) feet along the property lot lines from the point of intersection, the third line being a diagonal line connecting the first two (2) lines. At the intersection of a collector or arterial street, the sight triangle may be increased to provide adequate sight distance as determined by the City Engineer.
- (6) Fences on public property, school grounds and parks may be constructed of a height no greater than ten (10) feet.

(C) Fences in Residential Districts:

- (1) No fence shall exceed eight (8) feet in height unless it is located on public property, school grounds, and/or parks where the fence may be constructed of a height no higher than ten (10) feet.

- (2) Barbwire fences are prohibited in all residential districts.
- (3) A fence may be located beyond the property line, within the right-of-way, only after the following conditions are met:
 - i. The applicant shall provide a recorded copy of the Fence Liability Waiver Form, recorded at the Register of Deeds, together with the Fence Permit Application and applicable fees.
 - ii. The applicant shall permanently affix a mechanically stamped, carved or engraved metal plate, not less than 4 inches x 6 inches in area, to the fence located on the right-of-way stating, "Fence on Right of Way. DO NOT REMOVE THIS SIGN. Verify with the City for any repairs, alteration or removal of this fence".
 - iii. If a sidewalk exists on the block, the applicant shall construct a sidewalk or provide enough space for the sidewalk to be constructed to match the neighborhood.
 - iv. The applicant will be required to meet the applicable State and Federal Highway Regulations.

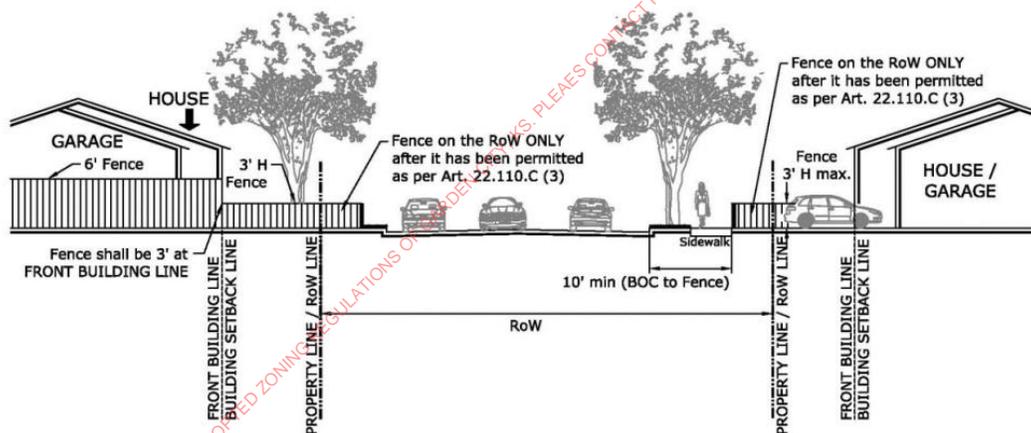


Fig. 22.100 (2) – Typical Cross Section Fences on the Right-of-Way (Row)

(D) Fences in Agricultural, Commercial, and Industrial Districts:

- (1) All fences constructed in agricultural, commercial, and industrial districts shall be included in the site plan approval process.
- (2) Barbwire fences may be placed in agricultural districts.
- (3) Barbwire fencing may be used in commercial and industrial districts for security purposes only. The barbwire shall be at least six (6) feet above grade, and not to exceed eight (8) feet from the immediate adjacent grade, and shall not project beyond the property line.

(4) No fence shall exceed ten (10) feet in height.

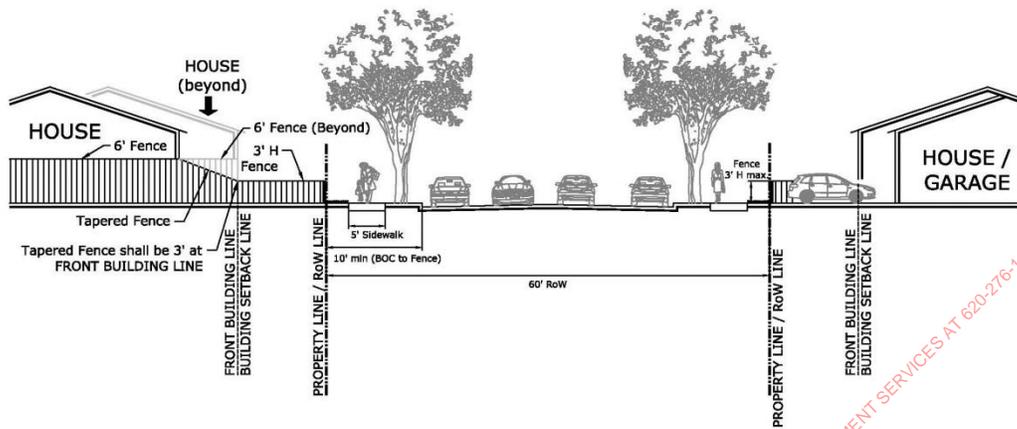


Fig. 22.100 (3) – Typical Cross Section with Landscaped Area and Sidewalk

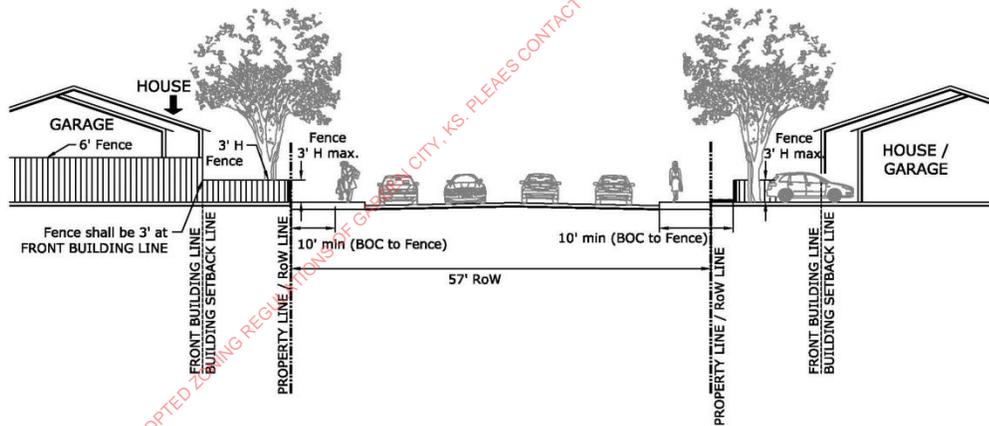


Fig. 22.100 (4) – Typical Cross-Section with NO Landscaped Area and Sidewalk

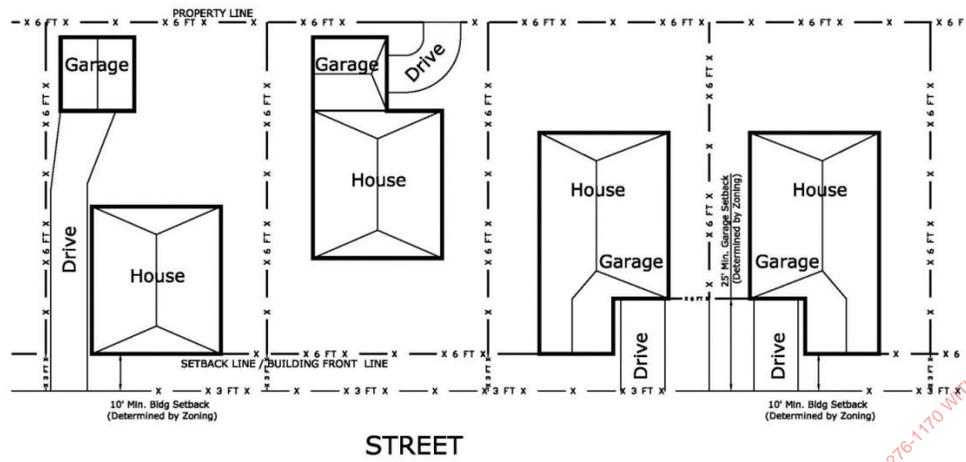


Fig. 22.100 (5) – Typical Fences for Central Lots

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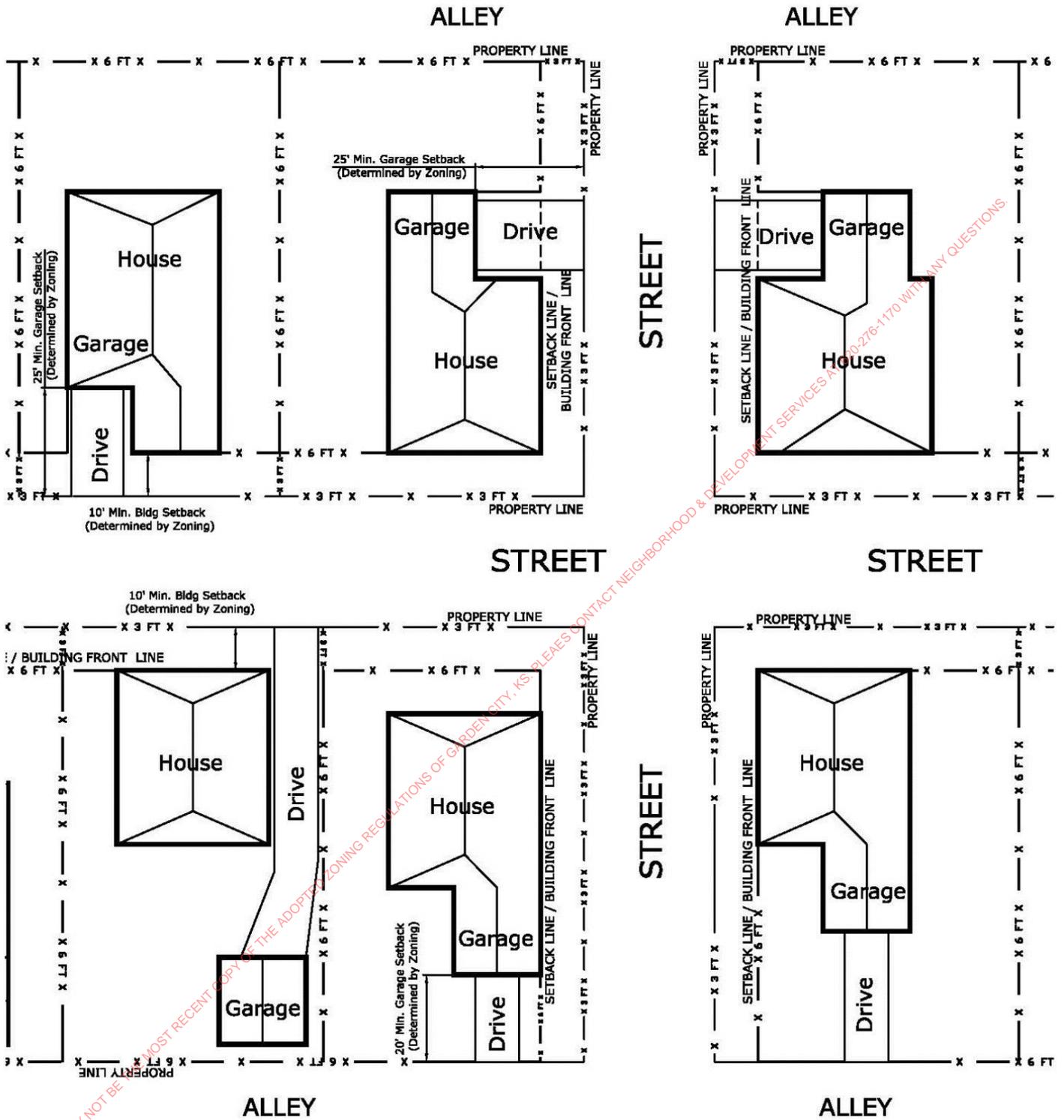


Fig. 22.100 (6) – Typical Fences for Corner Lots

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

22.130 FUEL PUMPS AND FUEL PUMP CANOPIES. Fuel pumps shall be set back at least twenty (20) feet from all property lines. Fuel pump canopies shall maintain a free clearance to grade of sixteen (16) feet and shall be set back at least twelve (12) feet from all property lines, provided that no supports for fuel pump canopies shall be located within a required vision clearance area, provided further that all fuel tank vents within the canopy area shall terminate above the canopy. (Ord. #1607, 1/8/86)

22.140 RESIDENTIAL DESIGN MANUFACTURED HOMES. All residential design manufactured homes, as defined in Article 2 of this Zoning Regulation, shall comply with the following standards when placed in any zoning district other than “MHP”, Mobile Home Park District or “MH”, Mobile Home Subdivision District. (Ord. #1780, 1/14/92)

- (A) The roof shall be double-pitched and shall have a minimum vertical rise of two and one-half (2.50) inches for each twelve (12) inches of horizontal run. The roof shall have a minimum eave projection and roof overhang of eight (8) inches.
- (B) Roof covering shall be residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofing materials.
- (C) Exterior siding shall be of a non-reflective material such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the retaining or foundation wall or the joint between siding and enclosure wall shall be flashed in accordance with Chapter 18 of the Code of Ordinances of Garden City.
- (D) The manufactured home shall be installed in accordance with the recommended installation procedures of the manufacturer or the standards set by the International Conference of Building Officials and published in “Guidelines for Manufactured Housing Installations”, as amended. A continuous, permanent masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access, which may include basements and garages, shall be installed under the perimeter of the home, also in accordance with the ICC “Guidelines for Manufactured Housing Installations”, as amended.
- (E) At each exit door, there shall be a landing that is a minimum of three (3) feet by three (3) feet, which is constructed to meet the requirements of Chapter 18 of the Code of Ordinances of Garden City.

- (F) All manufactured home running gear, tongues, axles, and wheels must be removed from the site at the time of installation of the home on the lot.
- (G) Any addition to a residential-design manufactured home shall comply with all construction requirements of Chapter 18 of the Code of Ordinances of Garden City and all applicable standards specified in the Federal Manufactured Homes Construction and Safety Standards, otherwise known as the HUD Code.
- (H) The finished floor of the residential-design manufactured home shall be a maximum of eighteen (18) inches above the exterior finish grade of the lot on which it is located.
- (I) If 75 percent or more of the existing homes on the frontage of the block in which residential-design manufactured home is to be installed have an attached garage, the residential design manufactured home shall have an attached garage. External roofing and siding material of the garage shall be the same as the roofing and siding of the residential-design manufactured home.
- (J) Required permits shall be obtained by duly licensed contractors for all work related to placement of residential design manufactured homes.

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ARTICLE 23

SIGNS AND OUTDOOR ADVERTISING (Ord.# 2812-2018 11/6/18) (Ord.#2821-2019 08/12/19)

SECTIONS:

- 23.010 Purpose and Intent
- 23.020 Definitions
- 23.030 General Requirements
- 23.040 Location Standards
- 23.050 Exceptions
- 23.060 Temporary Signs
- 23.070 Special Purpose Signs
- 23.080 Signs Permitted In Residential Districts
- 23.090 Signs Permitted In Commercial and Industrial Districts – for “C-O”, “C-I”, “C-2”, “I-1”, “I-2” & “I-3” Districts
- 23.100 Signs Permitted In the Central Business District - “C-3” District
- 23.110 Signs Prohibited
- 23.120 Nonconforming Signs
- 23.130 Appeals

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

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

- (A) Electronic Message Boards (EMB) – A sign with a fixed or changeable display composed of a series of lights or composed of electronically illuminated segments that may be changed through electronic means.
- (B) Flashing – When artificial light is not maintained stationary or constant in intensity and/or color at all times, i.e. any revolving, moving, sequential, animated or intermittent sign shall be considered flashing.
- (C) Immediate Adjacent Grade – the established final grade of the ground surface at the base of the sign within one and a half (1.5) times the radius of the sign length. This area shall be no steeper than a 3% grade. See figure 23.020 (A).

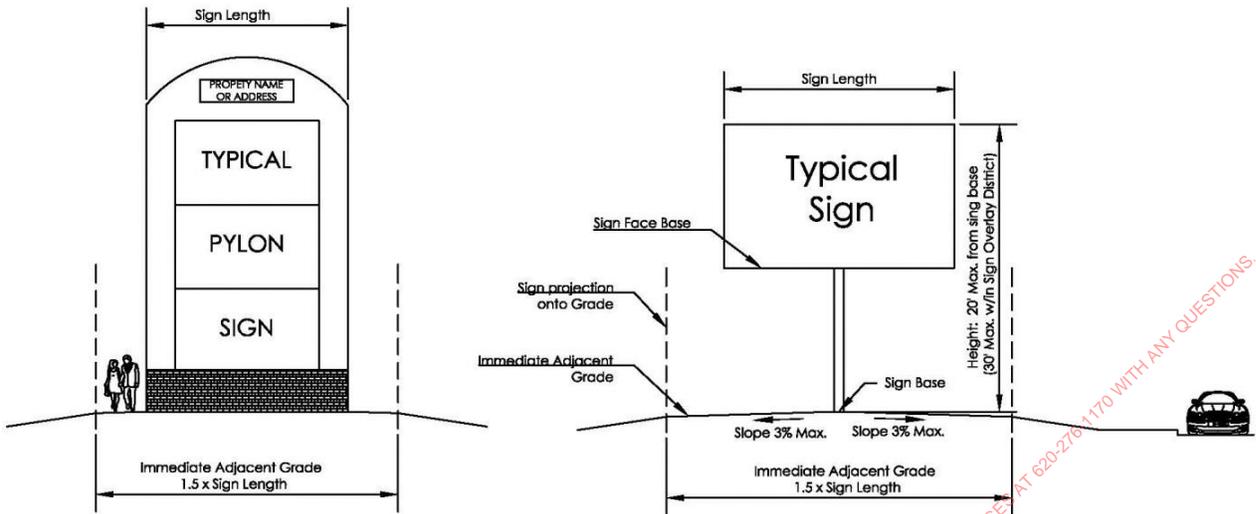


Figure 23.020 (A) – Immediate Adjacent Grade

- (D) Intense Illumination – Illumination to an extreme degree, which may materially or practically tend to create traffic hazard as determined by the City.
- (E) Sight Triangle (Also, Vision Clearance Area) – A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five (25) feet from the intersection of the street lines, as defined in Section 2.030.129 of these zoning regulations. See figure 23.020 (B).

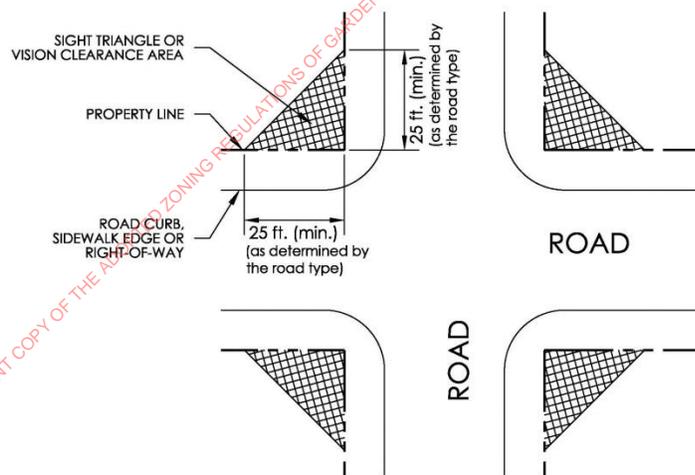


Figure 23.020 (B) – Sight Triangle

- (F) Sign – A communication device, structure, or fixture that incorporates words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, design, picture, trade names or trademarks, graphics by which anything is made known, used to designate a firm, an association, a corporation, a profession, a business, a service, commodity or product, an event, or any type of publicity or propaganda, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on

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

- (1) Sign, “A” Frame – Any portable sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces, consisting of two (2) panels of equal size or a two (2) sided single paneled display, made of painted, decay-resistant wood, marker-board or chalkboard which are placed on the ground so as to be self-supporting and properly weighted for the wind loads in the area. See figure 23.020 (C).



Figure 23.020(C) – Typical “A” Frame Signs

- (2) Sign, Abandoned – Any sign that advertises an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.
- (3) Sign, Animated – Any sign, or any portion thereof which changes physical characteristics, position or depicts visual perception of movement which is set in motion or that gives the impression of movement whether it be by mechanical, thermal, pneumatic, electrical or by any other force or physically moves back and forth, or rotates, revolves, spins, whirls or turns.
- (4) Sign, Back-to-back - Signs constructed back-to-back with faces on parallel planes not more than twenty-four (24) inches apart from face-to-face surface shall count as a single sign both as to the number and to area. Thus, only one (1) side of such signs shall be counted in computing the sign area.
- (5) Sign, Banner – A sign composed of lightweight, all weather material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere. Banner signs shall be considered temporary, except if it meets the following conditions:
 - (a.) Fixed Banner – shall firmly affixed or secured to the side of a building within a wooden or metal frame, or with eyelets, or may be placed in a wooden or metal frame permanently affixed to the ground as to allow for minimal movement of air behind the banner. See figure 23.020 (D).

- (i) One fixed banner sign may be permitted per frontage.
- (ii) No fixed banner shall be considered permanent if it is less than thirty-two (32) square feet in area.
- (iii) On wall mounted banner signs, the eyelet support cables shall not exceed 12 inches in length, and shall be firmly tight.

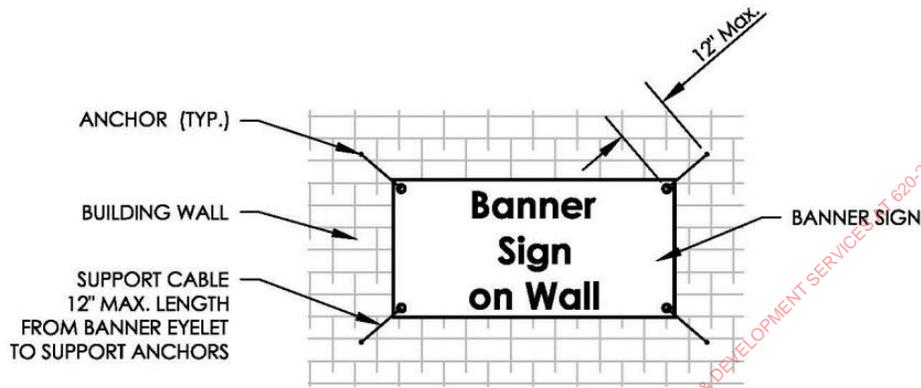


Figure 23.020 (D) – Wall Mounted Banner Sign

- (b.) Upright Banner shall be firmly affixed to at least one (1) side of a rigid mounting permanently affixed to the ground. See figure 23.020 (E).
 - (i.) Interchangeable upright banners shall be allowed.
 - (ii.) The upright banner mounting and location shall be permanently affixed to the ground, and shall be approved by the Community Development Director or his/her designee, prior to any signs erected.
 - (iii.) Upright Banners shall not exceed three (3) feet wide or taller than eighteen (18) feet from the base to the highest point of the sign.
 - (iv.) Upright Banners may only be permitted in the “C-1”, “C-2”, “I-1”, “I-2” and “I-3” districts.
 - (v.) Two (2) freestanding upright banners may be permitted per property.
 - (vi.) No upright banner sign may be located closer than twenty-five (25’) feet from another upright banner sign, freestanding sign or any temporary sign.

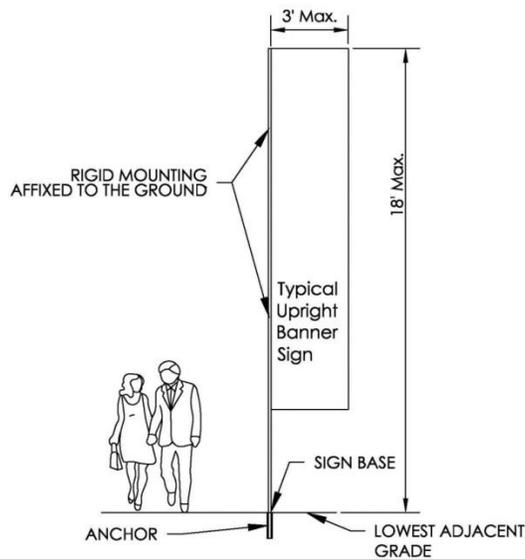


Figure 23.020 (E) - Typical Upright Banner Sign

- (6) Sign, Construction Project – A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of structures or projects only during the construction period and only on the premises on which the construction is taking place.
- (7) Sign, Directional – Any sign which serves exclusively to direct pedestrian or vehicular traffic flow. Directional signs shall not exceed six (6) square feet in area.
- (8) Sign, Identification – A sign giving the name and address of a building, business, development or establishment on the premises where the sign is located or to which it is affixed. Such signs may be wholly or partly devoted to a readily recognized symbol.
- (9) Sign, Illuminated – Any sign designed to give forth artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
 - (a.) All electrical components shall be enclosed within the sign structure.
 - (b.) Illuminated signs shall be properly grounded.
 - (c.) Illuminated awning signs may be permitted.
 - (d.) All electrical components and/or lighting equipment shall be labeled and rated for outdoor use.
 - (e.) Ceilings (soffits) are required and may consist of “egg crate,” mesh fabric or solid plastic material. Removable panels may be provided to allow access for service and cleaning.

- (f.) Minimum clearance to grade shall be eight (8) feet unless projecting over a vehicular right-of-way in which case minimum clearance must be sixteen (16) feet.
- (g.) Illumination from Electronic Message Boards between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits. All EMB must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's luminance.
- (10) Sign, Inflatable- A temporary display, object or sign that is intended to be filled with air or other gas that depicts any container, figure, product, object, or message.
- (11) Sign, Metal – Any sign constructed of metal.
- (12) Sign, Monument – A free standing sign, permanently affixed to the ground, supported primarily by an internal structural framework or other solid structural feature, which may be integrated into the landscape. The maximum height from the immediate adjacent grade to the highest point of the structure shall not exceed fifteen (15) feet. The maximum width of the sign shall not exceed thirty (30) feet. See figure 23.020 (F).

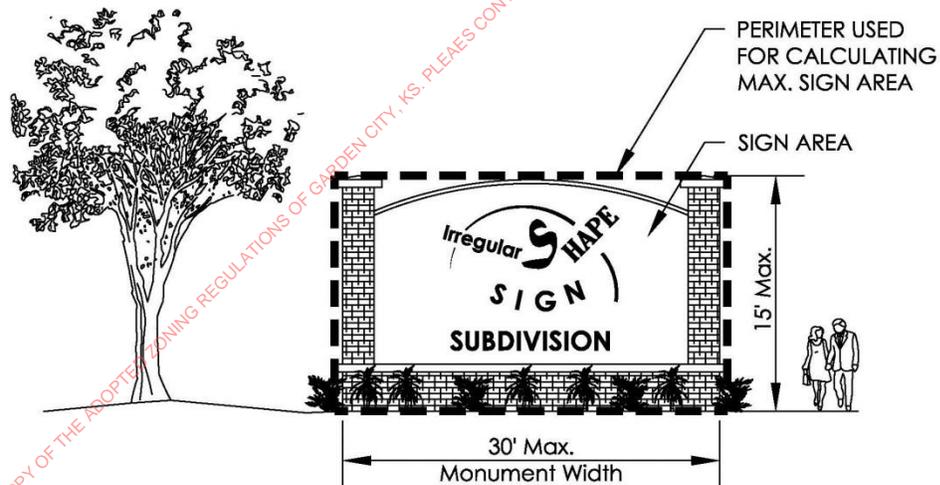


Figure 23.020 (F) – Monument Sign

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

minimum distance between pole signs shall be fifty (50) feet from other monument or pole signs. See figure 23.020 (G).

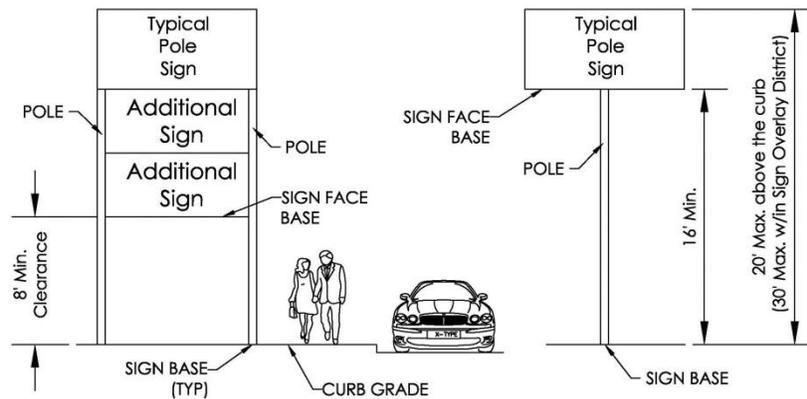


Figure 23.020 (G) – Typical Pole Sign

- (15) Sign, Pylon – A freestanding vertical sign, permanently affixed to the ground, typically supported by two columns or similar structures and independent of support from any building(s). The maximum height (H) shall be twenty (20) feet from the immediate adjacent grade, except those signs within the “Sign Overlay Zone”, and the base (B) shall be at least one-third the height ($1/3 H$). Each column shall be at least one-fourth the base ($1/4 B$) of the structure. Pylon signs are limited to two (2) per lot regardless of the number of businesses or professions on the lot. The minimum distance between pylon signs shall be one thousand (1000) feet from other pylon signs, and one-hundred (100) feet from other pole or monument signs; and shall not be placed within the sight distance triangle area. See figure 23.020 (H).

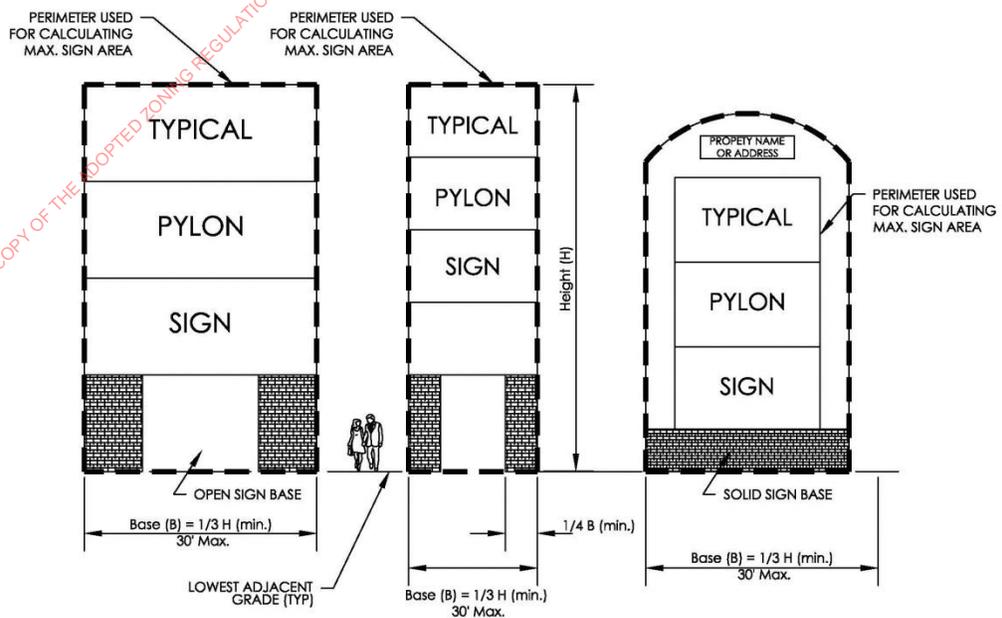


Figure 23.020 (H) – Typical Pylon Sign

- (16) Sign, Projecting – Any sign attached to a building or structural wall and extending horizontally outward from such wall more than twelve (12) inches.
- (17) Sign, Prohibited – Any sign not expressly permitted by this chapter or as stated by each district is prohibited. For more information regarding prohibited signs, refer to Section 23.110 in this article.
- (18) Sign, Public Service Information – Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, traffic control, etc.
- (19) Sign, Real Estate – A temporary sign that relates to the sale, lease or rental of the property or building or a portion thereof, or to construction activities directly related to the property on which it is located. These signs do not include subdivision signs and are used solely for the purpose of displaying the property for sale, lease, or rent.
- (20) Sign, Roof – Any sign that is erected upon, over the roof, or over a parapet of any building or structure shall not exceed six (6) inches above the roofline or parapet. See figure 23.020 (I).

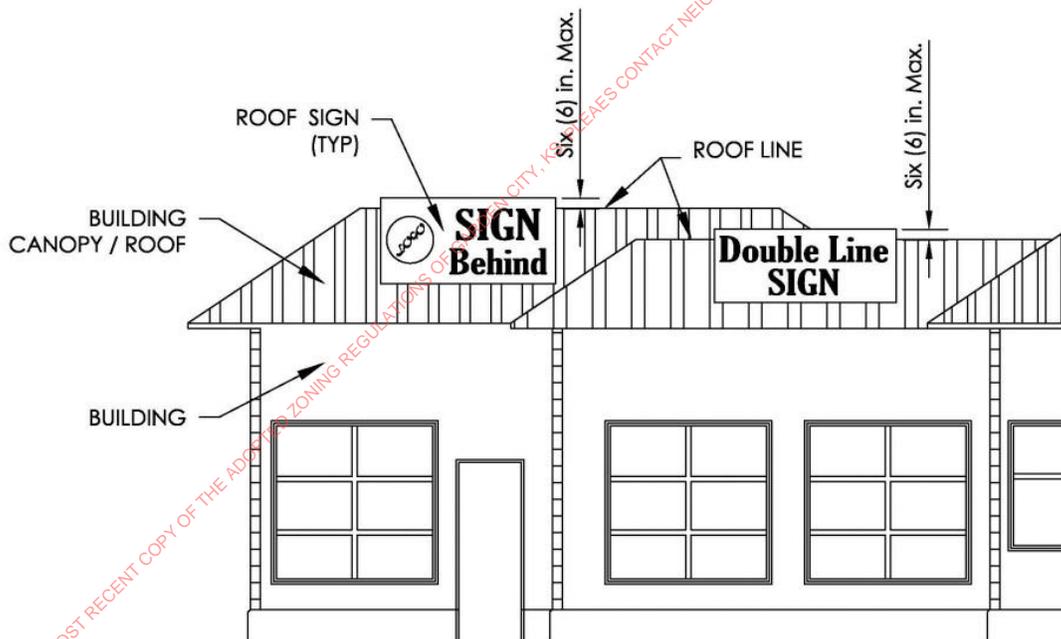


Figure 23.020 (I) – Roof Sign

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

erected. These types of signs shall not exceed six (6) square feet in area. See figure 23.020 (J).

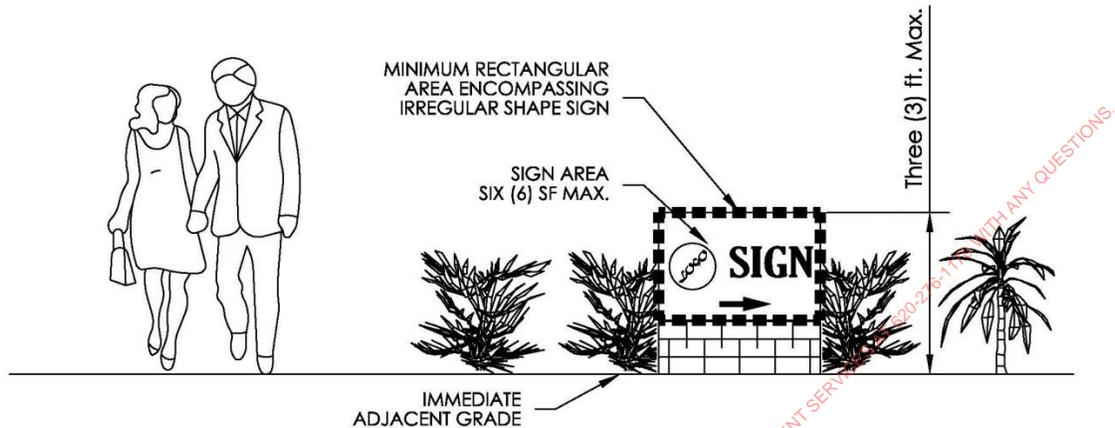


Figure 23.020 (J) – Off-Site Directional Sign

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

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

- (1) Integral background areas: the area of a sign containing a clearly defined background area. The area as defined herein shall be expressed as the area of the smallest standard geometric shape capable of encompassing the perimeter of the background area of the sign, including the frame. In the case of signs in which multiple background areas are separated by open space, the sign area shall be expressed as the sum of each individual background area, calculated as referenced

above, but without regard for any open space between the separate background areas. See figure 23.020 (K).

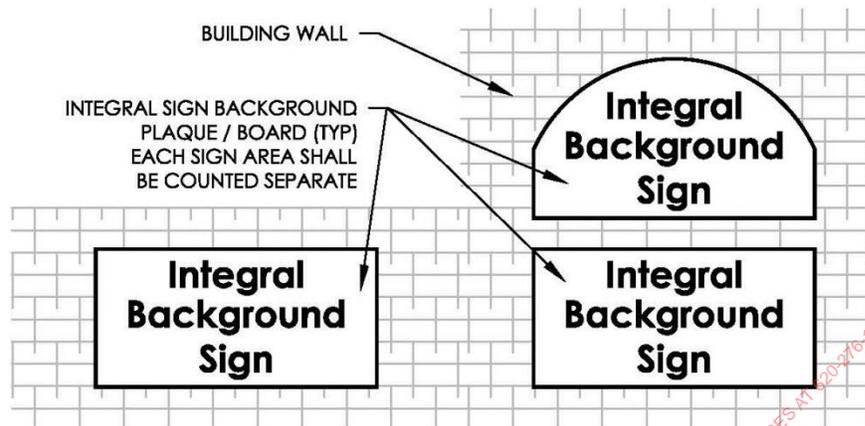


Figure 23.020 (K) Integral Background Signs

- (2) Signs without integral background area; consist of individual, a combination of elements such as letters, symbols, graphic objects or other forms of representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, architectural projection, or to any surface not specifically designed to serve as a sign background. The sign area shall be expressed as the sum of the individual areas of the smallest geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign. Where the lettered or illustrated material is composed either vertically, horizontally, diagonally, or otherwise, essentially in the form of a rectangle, parallelogram, or any basic shape thereof shall be considered as the sign area; except where the distance between the sign elements (D) exceeds the average height or width of the sign elements (A) by one and one-half times ($D \geq 1.5A$), then the area of the elements shall be measured separately, as provided in figure 23.020 (L) below.

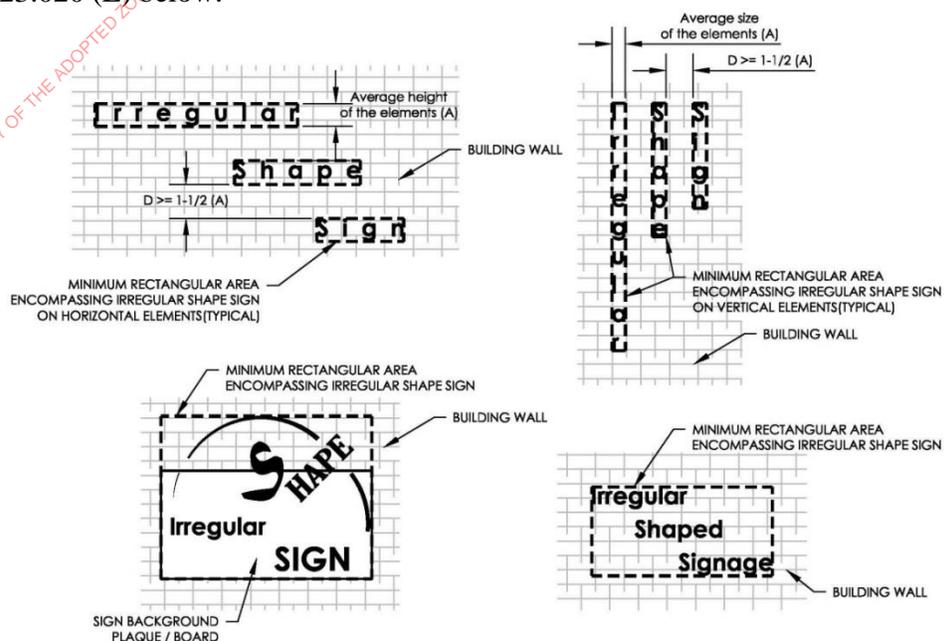


Figure 23.020 (L) - Irregular Shaped Signs

- (3) Time and temperature devices will not be included in determining sign area if said devices do not contain advertising materials. Advertising signs attached to such devices, however, shall be counted in determining permitted sign area.
- (H) Sign Overlay Zone – An area which allows for greater sign height in the “C-2”, “I-1”, “I-2”, and “I-3” districts as described by the official sign overlay map.
- (I) Sign resurfacing – Shall mean the repairing or replacement of defective parts, painting, or repainting, cleaning, and other acts required for the maintenance of the sign face.
- (J) Time and Temperature Device – Any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.
- (K) Window Area – The area of transparent surface, door, window or transom that is continuous and not separated by more than four (4) inches of non-transparent material.
- (L) Window Sign – A sign affixed to the interior or exterior of a window, or placed behind a windowpane up to three (3) feet, so as to attract the attention of the public. This definition does not include merchandise in a window display.

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

- (A) PERMITS - No persons shall erect, alter, construct, rebuild, remodel, relocate, resurface, or expand any sign or outdoor advertising structure in the City of Garden City without first obtaining a sign permit from the City in accordance with the provisions of the Building Code and these regulations.
 - (1) Electrical permits shall be obtained for electric signs.
 - (2) No permit shall be issued by the Planning and Community Development Director until an application has been filed showing the plans and specifications, and materials and details of conditions, locations, and method of anchoring the proposed sign.
 - (3) Sign resurfacing shall require a sign permit.
 - (4) Permit Fees. In addition to fees for electrical and other permits, any person, firm or corporation designing a sign permit which is required under the provisions of this Article shall at the time of receiving such permit pay to the City a fee as follows:
 - (a.) For all Permanent signs: \$75.00

- (b.) For all off-site signs and all EMB signs: Fees will be based on the Commercial and Industrial Permit Fee schedule located in the Code of Ordinances (Section 42-121) with a minimum fee amount set at \$75.00.
 - (c.) For sign resurfacing: No fee required.
- (B) **SIGNS ON PREMISES** - Except as provided within the provisions of the respective zoning districts, and unless otherwise expressly provided in this Article, no signs shall be permitted which are not used exclusively to advertise the ownership, sale, or lease of property upon which said sign is placed, or to advertise a business conducted, services rendered, or goods produced or sold upon such premises or to advertise or identify any other lawful activity conducted upon such premises, except as specified in these zoning regulations.
- (C) **MAINTENANCE AND REPAIR** - Any sign erected in Garden City shall be maintained in a safe, presentable, and sound structural condition at all times, including the replacement of defective parts, painting, or repainting, cleaning, and other acts required for the maintenance of said sign. The Planning and Community Development Director or his/her designee shall require compliance with all standards of this Article. If the sign is not made to comply with adequate safety standards, the Planning and Community Development Director shall require its removal in accordance with this Section.

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

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

- (D) UTILITY LINES - NO SIGN shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Kansas or rules and regulations duly promulgated by agencies thereof.

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

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

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

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

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

- (A) **REAL ESTATE SIGNS – For Sale, Rent, or Lease Signs** in all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs may be limited to one (1) sign per one hundred feet of frontage per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential zoning districts. Said signs shall be exempt from site plan approval. No sign shall be located within or over the public right-of-way, and shall be removed within fifteen (15) days after the date of closing.
- (B) **OPEN HOUSE SIGNS – Open house signs** advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owners, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six (6) square feet in area and shall be exempt from the Site Plan Approval. No sign shall be located within or over the public right-of-way.
- (C) **CONSTRUCTION PROJECT SIGNS – Signs** may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, the architects, the engineers, and construction organizations participating in the project, and such other information as may be approved by the Site Plan Review Committee. In residential districts, no such signs shall exceed thirty-two (32) square feet in area. In other districts, no such sign shall exceed an area of sixty (60) square feet and no freestanding signs shall exceed ten (10) feet in height. All such signs shall be removed before the Building Inspector grants a final inspection.
- (D) **CHURCH AND QUASI-PUBLIC ORGANIZATIONS SIGNS – In all districts** a church or quasi-public organization may erect up to three hundred (300) square feet of wall or monument signage. Any sign combination exceeding three hundred (300) square feet of signage will be required to obtain a Conditional Use Permit as outlined in Article 29 of these zoning regulations.
- (E) **APARTMENT HOUSE IDENTIFICATION SIGNS – Apartment houses** of five (5) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy.
- (F) **NURSERY, REST HOMES/ASSISTED LIVING FACILITIES** (approved and licensed by the State of Kansas), **HOSPITAL AND MEDICAL CLINICS** (for people only) - In approved districts may erect signage in accordance with Commercial District Sign Regulations on Article 23.090.
- (G) **DEVELOPMENT PROMOTIONAL and DIRECTIONAL SIGNS** - In all residential zones one development promotional sign may be placed on the premises of each subdivision or planned development having five (5) or more lots or approved dwelling unit sites. Said promotional sign may have an area of sixty (60) square feet, plus five (5) additional square feet for each lot or dwelling unit in said development in excess of five (5), up to a maximum area of one hundred (100) square feet.
- (H) **PENNANT FLAGS or RIBBON STRINGERS** - may be so long as they are maintained as not to create a public safety hazard conform to the location requirements for signs outlined in these regulations.

- (I) **PROMOTIONAL SIGNS** - In Commercial or Industrial Districts, temporary promotional signage shall be limited to the windows or in “*framed areas*” located on the building exterior walls. Sales signage in the form of small “*teepee*” types located on top of fuel pumps or banners under roofed areas will be authorized as long as they do not cause movement that would draw attention to passing drivers to the property causing a traffic safety issue. These are not considered temporary signs.

23.080 SIGN PERMITTED IN RESIDENTIAL DISTRICTS - “R-1”, “R-2”, “R-3”, “R-C”, “ZL”, “P-F”, “MHP” and “MHS”.

Signs in the “R-1”, “R-2”, “R-3”, “R-C”, “ZL”, “P-F”, “MHP” and “MHS” Districts are subject to sign construction regulations set forth in the Building Code, other City ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED section in the “R-1”, “R-2”, “R-3”, “R-C”, “ZL”, “P-F”, “MHP” and “MHS” District, or where prohibited by these regulations.

(A) **NUMBER OF SIGNS ALLOWED:**

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

(B) **SIZE:**

(1) For Non-Residential Uses:

- (a.) The gross surface area of signs in square feet, including all signs, on a lot shall not exceed three (3) times the lineal feet of frontage of the lot.
(b.) The total area of wall signs shall not exceed five (5) percent of the wall or face of the building to which they are attached or twenty (20) square feet in area whichever is greater, unless specified otherwise in section 23.080 (F) SPECIAL SIGN TYPES ALLOWED.

(2) For Residential Uses:

- (a.) The gross surface area of signs on a lot shall not exceed six (6) square feet.

(C) **HEIGHT:**

- (1) No sign shall exceed twenty (20) feet in height, or unless specified otherwise on section 23.080 (F) SPECIAL SIGN TYPES ALLOWED.

(D) **LOCATION:** For general location, standards refer to section 23.040 LOCATION STANDARDS.

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

(E) SIGN DESIGN:

- (1) Signs shall be affixed to the principal building, flat against the wall.
- (2) Signs shall only show the name and or address of the occupant.
- (3) No sign shall attract attention as to become a traffic hazard (no obtrusive designs or colors).
- (4) No illuminated sign shall exceed three-tenths (.30) foot-candles above ambient light levels as measured by a preset distance of fifteen (15) feet.

(F) SPECIAL SIGN TYPES ALLOWED in “R-1”, “R-2”, “R-3”, “R-C”, “ZL”, “P-F”, “MHP” and “MHS” the Districts:

(1) ELECTRONIC MESSAGE BOARDS (EMB): EMB may be allowed as a conditional use in “R-1” Single Family Residential, “R-2” Single Family Residential, “R-3” Multiple Family Residential and “P-F” Public Facilities Districts with the following conditions:

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

(2) MONUMENT SIGNS:

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

(3) NAMEPLATE or IDENTIFICATION SIGNS:

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

- (4) FENCE SIGNS - Signs may be placed upon fences when they have been approved on temporary basis with a sign permit or when a Conditional Use Permit, except in “R-1” and “R-2” Single Family Residential Districts, has approved them as permanent signs.
- (G) SIGNS PROHIBITED: Signs prohibited in “R-1”, “R-2”, “R-3”, “R-C”, “ZL”, “P-F”, “MHP” and “MHS” Districts, include but are not limited to:
- (1) “A” Frame Signs.
 - (2) Banner Signs.
 - (3) Pole Signs.
 - (4) Pylon Signs.
 - (5) See also Section 23.110 SIGNS PROHIBITED.

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

(A) NUMBER OF SIGNS ALLOWED:

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

(B) SIZE:

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

(C) HEIGHT:

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

(D) LOCATION: For general location, standards refer to section 23.040 LOCATION STANDARDS.

(1) Signs shall not be placed in the right-of-way.

(2) Any sign located within three (3) feet of a driveway, or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level, or a maximum height of four (4) feet above the curb and no part of its means of support shall have a single or joined horizontal dimension exceeding twelve (12) inches as to maintain clearance within the sight distance triangles.

(3) No sign may be located closer than fifty (50) feet from another sign.

(E) SIGN DESIGN:

(1) All signs shall be permanently affixed to the ground, buildings, or other permanent structures.

(2) Individual elements with no background shall be measured by the minimum rectangular area necessary to encompass such elements and by a combination of rectangles as are necessary to encompass irregular shapes and dimensions.

(3) Sign copy shall be limited to the primary name of the business, trademark, logo, slogan, and street address number.

(4) Where multiple-tenants exist, sign copy shall be limited to one (1) primary name of the business complex or shopping center and may list individual uses and tenants provided such lettering for the listing is a maximum of one (1) foot in height, limited to the name of the businesses, trademarks, logos, and slogans.

(5) Changeable sign copies shall be limited to advertising events, items, pricing, announcements, specials and slogans directly related to the business.

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

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

(2) The lot shall have a minimum of two hundred (200) lineal feet of street frontage on the side that the off-site advertising sign is located.

(3) Off-site advertising signs shall be located no closer than thirty (30) feet from any side yard or front yard.

- (4) Off-site advertising signs shall not be permitted if the lot or parcel of land has an existing pole sign, freestanding sign or an on-site advertising sign.
- (5) No more than one (1) off-site advertising sign shall be permitted on any specific lot or parcel of land.
- (6) Off-site advertising signs shall be removed upon development of the lot or parcel.
- (7) Off-site advertising signs shall not exceed four-hundred fifty (450) square feet in size.
- (8) Off-site advertising signs above sixty-four (64) square feet up to four-hundred fifty (450) square feet shall not be permitted within the city limits of Garden City.
- (9) Off-site advertising signs shall be placed no closer than one thousand three-hundred twenty (1320) feet (1/4 mile) from another pole or pylon sign.
- (10) Off-site advertising signs shall not be closer than one hundred (100) feet from any building.
- (11) Off-site advertising signs shall be located no closer than five hundred (500) feet to land that is zoned residential.
- (12) Off-site advertising signs shall be located no closer than five hundred (500) feet to any intersection. The distance is measured from the beginning or ending of the pavement widening at the exit, or if there is no pavement widening, then from the midpoint of the intersection.
- (13) All other regulations of the Kansas State Highway Beautification Act not met or exceeded by this regulation shall be enforced as stated in K.S.A. 68-2234 et seq.
- (G) **OFF-SITE DIRECTIONAL SIGN:** An off-site directional sign may be permitted for a lot or parcel not having direct access to a principal arterial right-of-way and is located within five hundred fifty (550) feet from said principal arterial right-of-way being advertised upon, as long as it meets the following criteria:
- (1) Only one (1) off-site directional sign shall be allowed per business, which does not have direct access to a principal arterial right-of-way.
- (2) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontages along Main Street and Highway 50/83/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
- (3) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.

- (4) The maximum size of the off-site directional sign shall be twenty-four (24) square feet in area.
- (5) The maximum height of the off-site directional signs shall be seven (7) feet, as measured from the immediate adjacent grade to the highest point of the sign.
- (6) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.
- (H) **ELECTRONIC MESSAGE BOARDS (EMB):** In “C-O”, “C-1”, “C-2”, “I-1”, “I-2” and “I-3” District EMBs are subject to the following restrictions:
- (1) Limit of one (1) freestanding sign per property, and one (1) wall sign per unit frontage.
- (2) Display areas:
- (a.) On-site: Shall not exceed eighty (80) square feet.
- (b.) Off-Site: Shall not exceed four-hundred fifty (450) square feet.
- (3) EMB may be mounted only on monument, wall, pylon, or pole signs.
- (4) All plans for proposed EMB monument, pylon, and pole signs must include a landscaping plan. Minimum landscaping requirements for all EMB pole and monument signs must have at least an eighty (80) foot area encompassing the base of the sign reserved for a landscaping bed, to include native species of trees, shrubs, and grasses.
- (5) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds.
- (I) **FENCE SIGNS-** Signs may be placed upon fences when they have been approved on temporary basis with a sign permit or when they have been approved as permanent signs by a Conditional Use Permit.
- (J) **SIGNS PROHIBITED:** Signs prohibited in “C-O”, “C-1”, “C-2”, “I-1”, “I-2” and “I-3” District, include but are not limited to:
- (1) Vehicle Signs.
- (2) See also Article 23.110 SIGNS PROHIBITED.
- (K) **Sign Overlay Zone-** In the “C-2”, “I-1”, “I-2”, and “I-3” districts signs may be permitted to be taller if they are located in the sign overlay zone subject to the following requirements:
- (1) The number of signs is limited as to the number outlined in the sign regulations.
- (2) The increase in height is limited to pole and pylon signs.

- (a.) Pole Signs- may be a maximum sign height of thirty (30) feet, measured from the immediate adjacent grade of the sign base.
- (b.) Pylon Signs- may be a maximum sign height of forty (40) feet, measured from the immediate adjacent grade of the sign base.
- (3) The Sign Overlay Zone- is described as an area within five hundred (500) feet of the intersection of public right-of-ways adjacent to major intersections and to include a twenty-five (25) foot buffer extending along the public right-of-ways where the high-speed highways would predicate taller signage as shown in figure 23.090 (1).

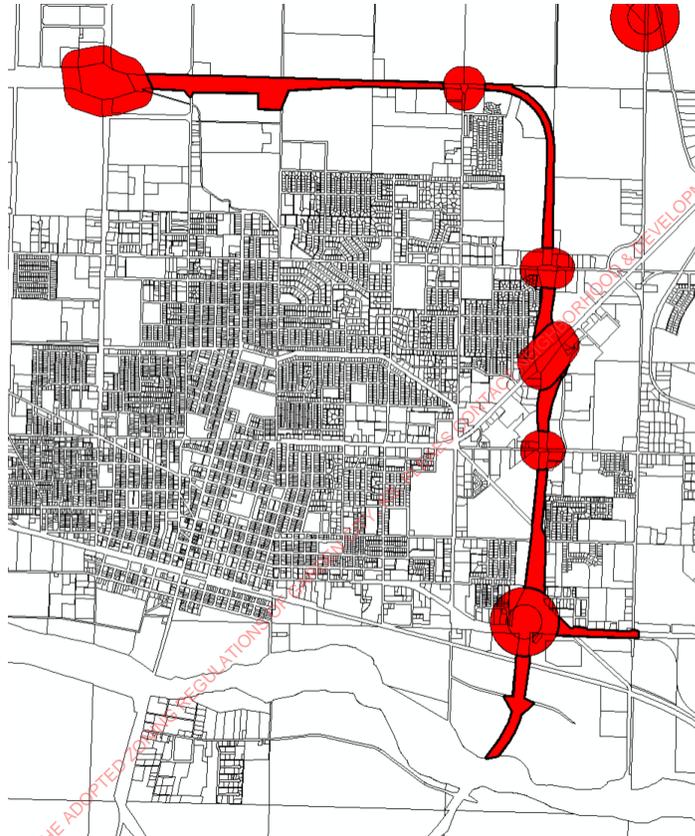
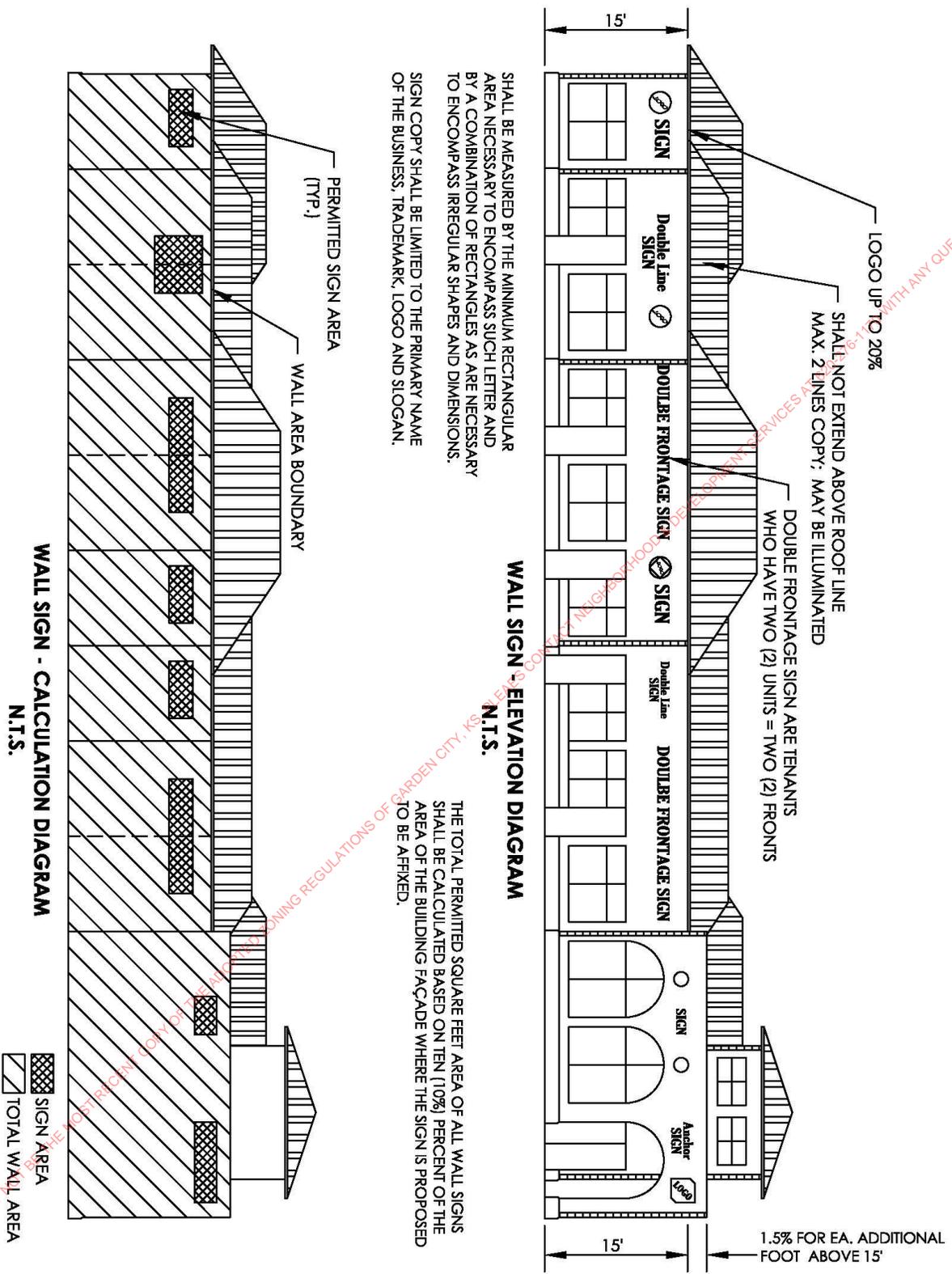


Figure 23.090 (1) – Sign Overlay Map



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

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

Figure 23.090 (2) – Wall Signs in Commercial Districts

23.100 SIGNS PERMITTED IN THE CENTRAL BUSINESS DISTRICT “C-3”.

Signs in the “C-3” District are subject to sign construction regulations set forth in the Building Code, other City ordinances and this article. Signs may be considered permitted signs, except where listed under the SIGNS PROHIBITED section in the “C-3” District, or where prohibited by these regulations. The “C-3” District has a vital historical and nostalgic impact on the community. All signage shall be subject to design review by the Garden City Downtown Vision prior to application of a required City sign permit.

- (A) In the “C-3” District where buildings or structures are established or are hereafter established on the property line; advertising and business signs shall conform to the following requirements:

(1) NUMBER OF SIGNS ALLOWED:

- (a.) See SPECIAL SIGN TYPES ALLOWED this section.

(2) SIZE:

- (a.) See SPECIAL SIGN TYPES ALLOWED this section.

(3) HEIGHT:

- (a.) No sign shall exceed twenty-five (25’) feet in height measured from the immediate adjacent grade to the top of any sign.

- (b.) See SPECIAL SIGN TYPES ALLOWED this section.

(4) LOCATION: For general location, standards refer to section 23.040 LOCATION STANDARDS.

- (a.) Signs shall not be placed in the right-of-way.

- (b.) In the “C-3” District, where the structures are established on the property line, signs shall be exempt from the sight triangle requirements.

- (c.) No free standing or projecting sign may be located closer than twenty-five (25’) feet from another free standing or projecting sign.

- (d.) Signs within fifty (50’) feet of a residential district shall be affixed to or be a part of a building.

- (e.) A sign may be permitted for a rear entrance of a building.

(5) SIGN DESIGN:

- (a.) All signs shall be permanently affixed to the ground, buildings, or other permanent structures.

- (b.) Individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter and by a

combination of rectangles as are necessary to encompass irregular shapes and dimensions.

- (c.) Sign copy shall be limited to the primary name of the business, trademark, logo, slogan, and street address number.
- (d.) Where multiple-tenants exist, sign copy shall be limited to one (1) primary name of the business complex or shopping center and may list individual uses and tenants provided such lettering for the listing is a maximum of one (1') foot in height, limited to the name of the businesses, trademarks, logos, and slogans.
- (e.) Where signs are affixed to awnings, canopies, or marquees, the awning, canopy or marquee shall be constructed and maintained in accordance to the adopted Codes of Garden City, Kansas.
- (f.) No signs shall be erected within the City which are so designed and operated to have rotating parts, flashing or sequence lighting, or create an illusion of movement, or that will materially or practically tend to create a traffic hazard.
- (g.) No sign may obscure or physically interfere with an official traffic control sign, signal device, decorative light pole or district banner.
- (h.) Where a sign is illuminated, backlit translucent panel signs shall be prohibited; however, individual letters may be lit.
- (i.) Illuminated signs in direct vision of traffic shall not be of red, green or amber illumination.

(6) SPECIAL SIGN TYPES ALLOWED:

- (a.) "A" FRAME SIGNS shall be prohibited along Main street right-of-ways, or within any sight triangle or on any street corner as defined in these zoning regulations and may be permitted as follows:
 - (i) One (1) "A" frame sign shall be permitted per business or per building, whichever is less.
 - (ii) Maximum sign width shall be two (2) feet.
 - (iii) Maximum sign height shall be four (4) feet.
 - (iv) Signs shall not be placed in front of an adjoining property not advertised on the sign. Such display shall be considered off-site advertisement and shall not be permitted.
 - (v) Signs must be set back a minimum of four (4) feet from the back of curb.
 - (vi) No "A" frame sign may be located closer than twenty-five (25) feet from another "A" frame sign.
 - (vii) Signs shall be moved off the right-of-way after business hours.

- (viii) "A" frame signs or sandwich board signs are considered to be portable signs and shall be securely anchored or properly weighted for the wind loads in the area.
- (ix) No changeable lettering on tracks shall be permitted.
- (x) No attention attracting devices, including but not limited to balloons, flags, lights, streamers, moving parts or other similar devices, shall be attached to "A" frame signs.

(b.) NAME PLATE SIGNS –

- (i) No more than one (1) name plate sign per building front shall be permitted.
- (ii) Shall have a maximum of one (1) square foot in area.
- (iii) Shall only indicate the name or address, or both, of a building.
- (iv) The square footage of this sign shall not be counted towards the gross surface area of signs allowed, when it meets these parameters.

(c.) PROJECTING SIGNS -

- (i) No more than one (1) projecting sign per storefront shall be permitted.
- (ii) Shall have a maximum of six (6) square feet per sign face.
- (iii) Shall maintain eight (8) feet clearance measured from finished elevation or sidewalk surface.
- (iv) Shall not project or extend within three (3) feet of the back of curb.
- (v) Internally lit projecting signs are prohibited.

(d.) WALL SIGNS –

- (i) No more than three (3) individual wall signs shall be permitted on the exterior area of the building, which the tenant owns, rents or leases.
- (ii) The gross surface area of signs allowed (in square feet) of a wall sign shall be determined by the gross retail area as follows:
 - a. Gross retail area is less than or equal to two-thousand five hundred (2,500) square feet = Thirty (30) Square feet of total wall signage.
 - b. Gross retail area is between two-thousand five hundred (2,500) Square feet and five thousand (5,000) Square feet = Forty (40) Square feet of total wall signage.

- c. Gross retail area greater than five thousand (5,000) square feet = Fifty (50) Square feet of total wall signage.

(e.) WINDOW SIGNS –

- (i) A sign affixed to the interior or exterior of a window, or placed immediately behind a window pane, so as to attract the attention of the public, may be posted, painted, placed, attached or affixed in or on a window, or may sit behind the window up to three (3) feet, exposed to public view, but excludes merchandise in a window display.
- (ii) The gross surface area shall not exceed twenty-five percent (25%) of the window area on which it is located or attached.
- (iii) Shall be displayed within the window area.

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

- (B) In District “C-3” where buildings have observed a setback of twenty-five (25) feet or more from the property line, advertising and business signs shall conform to the following requirements:

(1) NUMBER OF SIGNS ALLOWED:

- (a.) Only one (1) permanent sign shall be allowed per street frontage.
- (b.) Only one (1) temporary sign shall be allowed per property, as outlined in these zoning regulations.
- (c.) See SPECIAL SIGN TYPES ALLOWED in this section.

(2) SIZE:

- (a.) The gross surface area in square feet of business signs, including any free standing sign on a lot shall not exceed three (3) times the lineal feet of frontage of the lot. Each side of a lot, which abuts a street, shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a lot, structure, or street shall not exceed three (3) times the lineal feet in the separate frontage.

- (b.) See SPECIAL SIGN TYPES ALLOWED in this section.

(3) HEIGHT:

- (a.) No sign shall exceed twenty-five (25) feet in height measured from grade to the top of any sign.

(4) LOCATION: For general location, standards refer to section 23.040 LOCATION STANDARDS.

- (a.) Signs shall not be placed in the right-of-way.
- (b.) No sign shall overhang the public sidewalk, street, or street right-of-way.
- (c.) Any sign located within three (3) feet of a driveway, or within fifty (50) feet of the intersection of two (2) or more streets or alleys shall maintain clearance within the sight distance triangles.
- (d.) No freestanding sign may be located closer than fifty (50) feet from another freestanding sign.
- (e.) Signs within fifty (50) feet of a residential district shall be affixed to or be a part of a building.
- (f.) A sign may be permitted for a rear entrance of a building.

(5) SIGN DESIGN:

- (a.) All signs shall be permanently affixed to the ground, buildings, or other permanent structures.
- (b.) Individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter and by a combination of rectangles as are necessary to encompass irregular shapes and dimensions.
- (c.) Sign copy shall be limited to the primary name of the business, trademark, logo, slogan, and street address number.
- (d.) Where multiple-tenants exist, sign copy shall be limited to one (1) primary name of the business complex or shopping center and may list individual uses and tenants provided such lettering for the listing is a minimum of one (1) foot in height, limited to the name of the businesses, trademarks, logos, and slogans.
- (e.) Where signs are affixed to awnings, canopies, or marquees, the awning, canopy or marquee shall be constructed and maintained in accordance to the adopted Codes of Garden City, Kansas.
- (f.) No signs shall be erected within the City which are so designed and operated to have rotating parts, flashing or sequence lighting, or create an illusion of movement, or that will materially or practically tend to create a traffic hazard.
- (g.) No sign may obscure or physically interfere with an official traffic control sign, signal device, decorative light pole or district banner.

- (h.) Where a sign is illuminated, the light sources shall be shielded from all adjacent buildings and streets.
- (i.) Illuminated signs in direct vision of traffic shall not be of red, green or amber illumination.

(6) SPECIAL SIGN TYPES ALLOWED:

(a.) NAME PLATE SIGNS –

- (i) No more than one (1) name plate sign per building front shall be permitted.
- (ii) Shall have a maximum of one (1) square foot in area.
- (iii) Shall only indicate the name or address, or both, of a building.
- (iv) The square footage of this sign shall not be counted towards the gross surface area of signs allowed, when it meets these parameters.

(b.) WALL SIGNS – The gross surface area of signs allowed (in square feet) of a wall sign shall be determined by the gross retail area as follows:

- (i) Gross retail area is less than or equal to two-thousand five hundred (2,500) square feet = Thirty (30) Square feet of total wall signage.
- (ii) Gross retail area is between two thousand five hundred (2,500) Square feet and five thousand (5,000) Square feet = Forty (40) Square feet of total wall signage.
- (iii) Gross retail area greater than five thousand (5,000) square feet = Fifty (50) Square feet of total wall signage.

(c.) WINDOW SIGNS –

- (i) A sign affixed to the interior or exterior of a window, or placed immediately behind a window pane, so as to attract the attention of the public, may be posted, painted, placed, attached or affixed in or on a window, or may sit behind the window up to three (3) feet, exposed to public view, but excludes merchandise in a window display.
- (ii) The gross surface area shall not exceed twenty-five percent (25%) of the window area on which it is located or attached.
- (iii) Shall be displayed within the window area.

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

- (C) **SIGNS PROHIBITED:** Signs prohibited in the “C-3” District, include but are not limited to:
- (1) Electronic Message Boards (EMB).
 - (2) Pole Signs.
 - (3) Banner Signs.
 - (4) Vehicle Signs.
 - (5) See also Article 23.110 SIGNS PROHIBITED.

23.105 SIGNS PERMITTED IN AIRPORT DISTRICTS - “A-O” and “A-S”. Signs in the “A-O”, and “A-S” District are subject to sign construction regulations set forth in the Building Code, other City ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED in this section, or where prohibited by these regulations.

(A) **NUMBER OF SIGNS ALLOWED:**

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

(B) **SIZE:**

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

(C) **HEIGHT:**

- (1) No sign shall have a height greater than fifteen (15) feet above the immediate adjacent grade, except those signs within the "Sign Overlay Zone".

(D) LOCATION: For general location, standards refer to section 23.040 LOCATION STANDARDS.

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

(E) SIGN DESIGN:

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

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

- (1) The lot shall not contain any existing structures.
- (2) The lot shall have a minimum of two hundred (200) lineal feet of street frontage on the side that the off-site advertising sign is located.
- (3) Off-site advertising signs shall be located no closer than thirty (30) feet from any side yard or front yard.
- (4) Off-site advertising signs shall not be permitted if the lot or parcel of land has an existing pole sign, freestanding sign or an on-site advertising sign.

- (5) No more than one (1) off-site advertising sign shall be permitted on any specific lot or parcel of land.
- (6) Off-site advertising signs shall be removed upon development of the lot or parcel.
- (7) Off-site advertising signs shall not exceed eighty (80) square feet in size.
- (8) Off-site advertising signs shall be placed no closer than one thousand three-hundred twenty (1320) feet (1/4 mile) from another pole or pylon sign.
- (9) Off-site advertising signs shall not be closer than one hundred (100) feet from any building.
- (10) Off-site advertising signs shall be located no closer than five hundred (500) feet to land that is zoned residential.
- (11) Off-site advertising signs shall not be located within ten (10) feet of the Sight Triangle (Also, Vision Clearance Area) as defined in Section 2.030.115.
- (12) Off-site advertising signs shall not be located closer to the property line than a distance of ten (10) feet.
- (13) All other regulations of the Kansas State Highway Beautification Act not met or exceeded by this regulation shall be enforced as stated in K.S.A. 68-2234 et seq.

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

- (1) Only one (1) off-site directional sign shall be allowed per business, which does not have direct access to a principal arterial right-of-way.
- (2) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontages along Highway 50/83/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
- (3) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.
- (4) The maximum size of the off-site directional sign shall be six (6) square feet in area.
- (5) The maximum height of the off-site directional signs shall be three (3) feet, as measured from the immediate adjacent grade to the highest point of the sign.
- (6) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.

(H) ELECTRONIC MESSAGE BOARDS (EMB): In “A-O”, and “A-S” District EMBs are subject to the following restrictions:

- (1) Limit of one (1) freestanding sign per property, and one (1) wall sign per unit frontage.
- (2) Display areas shall not exceed one hundred twenty-eight (128) square feet.
- (3) EMB may be mounted only on monument or wall signs.
- (4) All plans for proposed EMB monument signs must include a landscaping plan. Minimum landscaping requirements for all EMB pole and monument signs must have at least an eighty (80) foot area encompassing the base of the sign reserved for a landscaping bed, to include native species of trees, shrubs, and grasses. For off-site advertising, in lieu of the landscaping requirements in areas where water is not assessable, the Planning and Community Development Director or her/his designee may approve a sign structure that shall have a subtle visual impact and harmonize with the surrounding environment by using earth-tone colors.
- (5) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds.

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

(J) SIGNS PROHIBITED: Signs prohibited in “A-O”, and “A-S” District, include but are not limited to:

- (1) Pole Signs
- (2) Pylon Signs
- (3) Vehicle Signs.
- (4) See also Article 23.120 SIGNS PROHIBITED.

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

- (A) Abandoned Signs.
- (B) Animated or Intensely Lighted Signs.
- (C) Movable Free Standing Signs.

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

23.120 NONCONFORMING SIGNS.

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

23.130 APPEALS. Any person affected by the application of the provisions of this article may appeal to the Board of Zoning Appeals.

- (A) The Board of Zoning Appeals may issue variances on signs but shall not grant approval for a prohibited sign as defined by this article.

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ARTICLE 24

OFF-STREET PARKING AND LOADING (Ord. #2440-2009, 04/23/09; 2989-2024, 08/06/24)

SECTIONS:

- 24.010 Off-Street Parking
- 24.020 Permanent Parking to be Provided
- 24.030 Continuing Obligation
- 24.040 Nonconforming Facilities
- 24.050 Nonconforming Uses Discontinued
- 24.060 Parking Spaces Provided
- 24.070 Parking Requirements for Uses Not Specified
- 24.080 General Provisions for Off-Street Parking
- 24.090 Parking Exceptions
- 24.100 Loading and Unloading Regulations

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

24.020 PERMANENT PARKING TO BE PROVIDED. Whenever a structure is erected, converted, or structurally altered there shall be provided on the same lot, adjacent lot, or group of lots, accessible off-street parking spaces, including drives. Said spaces may be provided in a garage or surfaced area. The parking area and its access to the street shall be surfaced with asphalt, or concrete.

In Residential Districts, the primary parking (i.e. parking required as specified by zoning district) shall be surfaced with asphalt or concrete. Auxiliary parking areas (i.e. additional parking areas beyond the required parking as specified by zoning district) may be composed of alternate hard compacted impervious surfaces as approved by the City Engineer, shall be installed on approved locations (e.g. adjacent to the alley for additional parking, and rear yard parking areas), and regular maintenance shall be provided.

In “C-O” Office and Service Business, “C-1” Neighborhood Shopping, “C-2” General Commercial, “C-3” Central Business District, “I-1” Light Industrial and “I-2” Medium Industrial Districts, the asphalt and concrete parking area surface requirement shall be mandatory.

The asphalt and concrete parking area surface condition applies to all zones except: “I-3” Heavy Industrial Districts.

24.030 CONTINUING OBLIGATION. The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area, which meets the requirements of this Article.

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

24.050 NONCONFORMING USES DISCONTINUED. Delete 24.050 (Ord.-11640, 11/12/86)

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

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
1. Auditorium	One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.
2. Automobile Sales and Services Garages.	One (1) space for each four hundred (400) sq. ft. of retail floor area.
3. Banks and Business and Professional Offices.	One (1) space for each two hundred (200) sq. ft. up to one thousand (1,000) sq. ft., and one (1) space for each four hundred (400) sq. ft. of additional space thereof.
4. Bowling Alleys.	Five (5) spaces for each lane or alley.
5. Churches.	One (1) space for each five (5) seats in the auditorium or one (1) space for each seventeen (17) classroom seats, whichever is the larger.
6. College or University.	One (1) space for each three (3) faculty, staff members and other employees, plus one (1) additional space for each fifteen (15) students enrolled.
7. Dance Halls, Assembly Halls, and Exhibition Halls, without fixed seats.	One (1) space for each one hundred (100) sq. ft. used for assembly.
8. Dormitory, Fraternity, or Sorority Houses	One (1) space for each three (3) active members or residents, plus one (1) space for each three (3) full time employees.
9. Single-Family Dwelling.	Two (2) spaces per unit.
10. Two-Family Dwelling	Two (2) spaces per unit.

11. Multiple-Family Dwelling.	1.5 spaces per 1-bedroom unit; 1.75 spaces per 2-bedroom unit. Any total number of off-street parking spaces resulting in a decimal shall be rounded to the nearest whole number.
12. Manufactured Home Park	There shall be provided at least two (2) off-street parking spaces to be located on the manufactured home space. There shall be no on-street parking within the park except for moving trucks/vans, emergency vehicles or for temporary (15 minute) loading/unloading of vehicles. In addition, there shall be provided 1½ visitor's off-street parking spaces for every five (5) manufactured homes. Visitor parking spaces shall be located within convenient walking distances to home spaces.
13. Funeral Homes and Mortuaries.	Four (4) spaces for each parlor or one (1) space for each one hundred (100) sq. ft. of floor area.
14. Furniture and Appliance Stores.	One (1) space for each eight hundred (800) sq. ft. of floor area.
15. Hospitals.	One (1) space per two (2) beds plus one (1) space per three (3) employees plus one (1) space per staff doctor.
16. Clinics with Beds, Nursing Homes, Rest Homes, and Institutional Homes.	One (1) space for each three (3) beds shall be located behind the front building line in the side or rear yard.
17. Hotel or Motel.	One (1) space for each living or sleeping unit. For a facility with a restaurant, see restaurant requirements.
18. Industrial Uses.	One (1) space per two (2) employees on maximum shift and one (1) space for each company vehicle.
19. Manufacturing Uses, Research Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc.	One (1) space per two (2) employees on maximum shift and one (1) space for each company vehicle.
20. Medical Clinics or Offices.	Three (3) spaces for each examination room plus one (1) for each doctor and employee.

21. Dental Clinics or Offices.	Two (2) spaces for each examination room plus one (1) for each dentist and employee.
22. Motor Vehicle and Machinery Repair, Sales or Wholesaling.	One (1) parking space for each eight hundred (800) sq. ft. of floor area.
23. Offices not providing customer services or sales on the premises.	One (1) parking space for each four hundred (400) sq. ft. of gross floor area.
24. Personal Services Establishments in Commercial Zones, including: a. Barber Shops. b. Beauty Shops. c. Shoeshine and Shoe Repair Shops d. Custom Dressmaking, Furrier, Millinery and Tailor Shops.	One (1) space for each two hundred (200) sq. ft. of floor area.
25. Physical Fitness Facility or Center.	One (1) space per two hundred (200) square feet of gross floor area, plus one (1) space for each employee.
26. Professional Offices for Attorneys, CPA's, Architects, Engineers, Etc.	Four (4) spaces per one thousand (1000) sq. ft. of gross floor area. For offices less than one thousand (1000) sq. ft. the minimum requirement shall be four (4) spaces.
27. Public Buildings.	One (1) space for each three (3) employees, plus one (1) space for each one hundred (100) sq. ft. used for public assembly.
28. Restaurants, Taverns, and Night Clubs.	One (1) space for each three (3) seats.
29. Retail Stores, except as otherwise specified herein.	One (1) parking space four hundred (400) sq. ft. of retail floor area, including designated outdoor sales areas.
30. Rooming and Boarding Houses, Lodging Houses, Clubs, and Fraternity Housing having sleeping rooms.	One-half (1/2) parking space for each tenant or one (1) space for each vehicle kept by a roomer, boarder, or tenant which is being parked on the premises, whichever is greater.
31. Schools; Private, Vocational, Etc.	One (1) parking space for each employee and one (1) space for each three (3) students of driving age.
32. Theaters.	One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.

33. Transitional Supportive Housing	One (1) parking space for each employee on the maximum shift, plus one (1) space for each two hundred (200) sq. ft. of office space, plus one (1) space per four (4) beds.
34. Warehouses and Wholesale Storage Buildings (dead storage or high-volume Distribution)	Two (2) parking spaces for each employee on the maximum shift.

24.070 PARKING REQUIREMENTS FOR USES NOT SPECIFIED. The parking requirements for land uses, which are not specified in this Article, shall be determined by the City Engineer. Said determination shall be based upon the requirements for the most comparable use specified herein.

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

- (A) Location:
 - (1) For any type of dwelling, parking facilities shall be located on the same lot or building site as the building, which they are required to serve.
 - (2) For other uses, off-street parking shall not be over two hundred (200) feet from the building they are required to serve.
 - (3) No required off-street parking shall be permitted in any residential front yard setback.
- (B) Design Standards: All off-street parking facilities shall be so designed and constructed to meet the requirements set forth by the City Engineer.
- (C) Plans and Approval Required: The plans for any proposed parking area shall be submitted to the City Engineer at the time of the application for a building permit for the building to which the parking area is accessory. The plan shall clearly indicate the proposed development, including location, size, drainage, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot. Where required by the provisions of the respective zone, said plans shall also be submitted to and be approved by the Planning Commission. Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the City Engineer.
- (D) Maintenance: All areas used for parking shall be maintained in good condition free of holes, dust, and debris.
- (E) Lighting: Any lights provided to illuminate any parking area permitted by this Article shall be arranged so as to reflect the light away from adjacent properties.
- (F) Mixed Occupancies in the Building: In the case of mixed uses in the building or on a lot, the total requirements for off-street parking facilities shall be the sum of

the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as provided required parking facilities for any other use, except as hereafter specified for joint use.

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

(1) Up to fifty percent (50%) of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a night time use; up to fifty percent (50%) of the parking facilities required by this Article for a use considered to be a night time use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be contiguous, and the joint use of such facilities is assured by recording in the Office of the Register of Deeds of Finney County, Kansas, of a Covenant by such owner or owners of properties jointly used.

(2) Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. If the common facilities are located on more than one lot, a covenant for the preservation of said parking facilities must be recorded in the Office of the Register of Deeds of Finney County, Kansas.

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

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

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

ARTICLE 25

BUILDING SETBACK LINES ON ARTERIAL, COLLECTOR, AND LOCAL STREETS (Ord. #2440-2009, 04/24/09)

SECTIONS:

25.010 Purpose

25.010 PURPOSE. Building setback lines are hereby established for all arterial and collector streets in the City of Garden City, Kansas, as shown on the major street plan of the Comprehensive Plan as adopted, and on all local streets not divided into lots and blocks as provided in the Subdivision Regulations. The setback lines as established in this section shall be held to be the minimum for the purpose of promoting the public health, safety, morals, order, convenience, and economy in the process of development in the City and shall conform with the requirements set forth herein. No building or structure, which fronts or sides on a street shall be altered, constructed, enlarged, or erected closer to the street right-of-way line than outlined in the following table:

Setbacks*		
Arterial Street	40 Feet	
Collector Street	30 Feet	
Local Street (As Directed By District)	"A"	50 Feet
	"R-1"	Dwelling: 15 Feet Garage: 25 Feet
	"R-2"	10 Feet
	"R-3"	Dwelling: 20 Feet Garage: 25 Feet
	"R-C", "Z-L", "P-F"	25 Feet
	"C-O", "C-1", "C-2", "I-1", "I-2", "I-3"	Primary Front Yard: 30 Feet Secondary Front Yard: 15 Feet
	"C-3"	Not Applicable

* Unless otherwise noted primary and secondary front yard setbacks are the same.

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ARTICLE 26

ACCESSORY USE PERMIT (Ord. #2440-2009, 04/24/09)

SECTIONS:

- 26.010 General Purpose
- 26.020 Home Occupations
- 26.030 Enforcement Procedures
- 26.040 Reserved

26.010 GENERAL PURPOSE. The purpose of this section is to provide a method of control over certain types of land uses, which, while not requiring the full review process of the conditional use permit, do require review procedure, which allows for determination of their appropriateness within the neighborhood for which they are proposed and for public comment. The general purpose of this section is not intended to disrupt, change or otherwise modify the integrity of residential neighborhoods or residential zoning, but to allow, in certain circumstances and under specified conditions the operation of home businesses when that operator is not opposed by the other residents or persons who have an interest in the residential property.

26.020 HOME OCCUPATIONS REQUIRING ZONING USE PERMIT AS OUTLINED IN THE RESIDENTIAL ZONING DISTRICTS:

Home business/occupation is an office use where the resident occupant conducts no business other than by telephone, mail, facsimile, or computer modem; where customers are not typically received on the premises; where no deliveries are accepted on a regular basis; and where an office is needed for the purpose of sending and receiving mail, telephone calls, maintaining records, and other similar functions. These uses may be operated in such a way the adjoining properties may or may not be aware of their existence due to noise, traffic, and machinery operation. These include, but are not limited to the following:

Artists, sculptors, authors, composers, Licensed Day Care, babysitting (maximum five (5) children being cared for), house-cleaners, homemade crafts for sale off-site (provided no machinery or equipment shall be used or employed, other than which would customarily be found on the home and be stored in garage, shed on the property or enclosed within a privacy fence on the property), telecommuters, telephone solicitor, tutoring (maximum five (5) students), office facility for a minister, rabbis, priest, salesman, sales representative, internet or manufacturer's representative provided that no direct sales are made in person on the premises, contractor's office, financial planning, music instruction (limited to one (1) student at a time except for occasional groups), pet grooming (maximum five (5) pets - no kennel or stables), single chair barber/beauty salon, or swimming pool cleaning.

26.030 ENFORCEMENT PROCEDURES. Any home business/occupation permitted by the City of Garden City under the zoning Use Permit provisions shall only be valid for the applicant, business/occupation and residence for which the permit is issued. A home business/occupation Zoning Use Permit shall be subject to cancellation in the event any non-compliance with or continued violation(s) of any provisions of this regulation by action of the Garden City Board of Zoning Appeals.

Home business/occupation applicants or operators shall agree to permit the Code Enforcement Officer to inspect the premises to determine compliance with the rules and regulations set forth herein.

Any aggrieved person believing that a violation or violations of this regulation is occurring and who desires that action be taken by the City shall notify the City Code Enforcement Officer in writing of such alleged violation(s). Within thirty (30) calendar days after receipt by the Code Enforcement Officer of such written allegation(s), the Code Enforcement Officer shall complete an investigation of the alleged allegation(s) to determine the merits thereof. Within ten (10) working days after the Code Enforcement Officer has completed the investigation, the following actions shall be taken:

- (A) If the Code Enforcement Officer determines that no violation as alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for the complaining party by first class mail.
- (B) If the Code Enforcement Officer determines that a violation is occurring or has occurred as alleged, then notification of that decision and a time for compliance shall be sent by Certified Mail Return Requested to the violator and by first class mail to the complaining person or a spokesperson for the complaining party. The notification shall also state what action, if any, will be taken if compliance is not performed within thirty (30) calendar days.
- (C) If compliance does not take place, or violations continue to occur the City shall conduct a hearing before the Garden City Board of Zoning Appeals to decide whether or not to revoke the Zoning Use Permit. Notification of the hearing will be sent to the holder of the Accessory Use Permit. Notification of the hearing will be sent to the holder of the Accessory Use Permit in the form of a certified letter.
- (D) Decision of the Garden City Board of Zoning Appeals is final.

26.040. Reserved.

ARTICLE 27

AMENDMENTS

SECTIONS:

- 27.010 Amendment Authority
- 27.020 Amendment Purpose
- 27.030 Amendment Procedure
- 27.040 Amendment Evaluation Criteria

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

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

27.030 AMENDMENT - PROCEDURE.

- (A) Request for an amendment. - Any person seeking an amendment to this Zoning Regulation or Map shall file with the Planning and Community Development Director an application, upon forms provided by the City, and such application shall be accompanied by such data and information as maybe prescribed by the Planning Commission. At the time of filing said application with the Planning and Community Development Director, the applicant shall provide the Director with a certified listing of the names and addresses of all owners of record of lands located within at least 200 feet of the area proposed to be altered for request within the City limits and to all owners of record of located within at least 1,000 feet if the property is located adjacent to the City Limits to which the applicant desires change of zoning.
- (B) Fee. - For the purpose of wholly or partially defraying the costs of proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay the city a fee in the amount of two-hundred fifty (\$250.00) Dollars.
- (C) Duties of the Planning Commission:
 - (1) Upon, the filing of a complete application on or before the deadline established for submittal, the Planning & Community Development Director shall refer the application to the Planning Commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and the fact of its referral to the Planning Commission.

(2) Before the Planning Commission shall by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary whether initiated by the Governing Body or by others, the Planning Commission shall hold a public hearing on such proposal and such hearing shall be held only after notice of the hearing has been given as follows:

- (a.) One notice published as a legal notice in the official newspaper of the City of Garden City, Kansas, said publication notice to be at least twenty (20) days prior to the date set for said hearing. Such notice shall fix the time and place for such hearing and, contain a statement regarding the proposed - changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designed by legal description or a general description sufficient to identify the property under consideration. The notice shall also include a statement that a complete legal description of the property is available for public inspection and shall indicate where such information is available.
- (b.) In addition to published notice, written notice of the proposed amendment shall be mailed by first class mail, at least 20 days before the hearing to all owners of record of located within at least 200 feet, excluding streets and public ways, of the area proposed to be altered for regulations of the City. If the City or applicant proposes a zoning amendment to property located adjacent to or outside the City's limits, the area of notification of the City's action shall be expanded to at least 1,000 feet, excluding streets and public ways, in the unincorporated area, and said list of said owners shall be determined by the records in the office of the Register of Deeds as of the date on which said application is filed with the Planning and Community Development Director.
- (c.) In the event that a protest against such amendment, supplement, or change be filed in the Office of the City Clerk within fourteen (14) days after the date of conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of real property proposed to be rezoned or by the owners of record of 20% or more of the total area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance or resolution adopting such amendment shall not be passed by at least a three fourths (3/4) vote of all of the of the Governing Body of the City. (Ord. #1833 1/4/94)

27.040. AMENDMENT EVALUATION CRITERIA.

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

- (A) The physical character of the neighborhood surrounding the property under consideration.
- (B) The existing zoning and land uses of properties both adjacent and near the property under consideration,
- (C) The suitability under existing conditions of the subject property for the land uses to which it has been zoned
- (D) The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B) above),
- (E) The length of time the subject property has remained vacant as zoned (if applicable),
- (F) The relative gain to the public health, safety and welfare by the change of value of the landowner's property compared to any hardship that may be imposed upon the landowner,
- (G) The consideration of recommendations of permanent or professional staff (if applicable),
- (H) The conformance of a proposed zoning change to the adopted or recognized Comprehensive Plan being utilized by the City of Garden City, Kansas, and
- (I) Other factors relevant or specific to a particular proposed zoning amendment. (Ord. #1770, 11/2/91)

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ARTICLE 28

BOARD OF ZONING APPEALS (Ord.#2822-2019 01/8/19)

SECTIONS:

- 28.010 The Board of Zoning Appeals Established
- 28.020 Organization of the Board of Zoning Appeals
- 28.030 Powers and Jurisdiction
- 28.040 Appeals to the Board of Zoning Appeals
- 28.050 Decision of Appeals
- 28.060 Fee
- 28.070 Applications
- 28.080 Judicial Appeal

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

28.020 ORGANIZATION OF THE BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall organize by electing annually one of its members as Chairman. The Board of Zoning Appeals may also select from among their members a Vice-Chairman and such other officers as the Board of Zoning Appeals shall consider necessary. The Board of Zoning Appeals shall appoint a Secretary, who need not be a member of the Board of Zoning Appeals, to maintain its records and keep minutes of all proceedings before the Board of Zoning Appeals. The Governing Body of the City shall have the power to remove any member of the Board of Zoning Appeals for cause. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the Acting-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing, the vote of each member, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the secretary of the Board of Zoning Appeals in the Neighborhood and Development Services Department and shall be a public record. (Ref. Board of Zoning Appeals rules etc. K.S.A. 12-174).

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

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

- (B) To interpret the provisions of this regulation in such a way as to carry out the intent and purposes of the plan, as shown upon the map (fixing the several districts) accompanying and made a part of this regulation.
- (C) To permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God, the public enemy, to the extent of more than fifty percent (50%) of the structural value of the building and land upon which it is located, where the Board of Zoning Appeals finds some compelling public necessity requiring continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly. In the case of doubt, the fair value shall be determined, as proved in Article 21, Section 21.090.
- (D) To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to the irregular shape of the lot, or topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare of the neighborhood or where variations may be permitted which allow usual arrangement of the lot and still clearly and unmistakably accomplish the intent of this regulation.
- (E) To authorize variances to the District regulations upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, will impose upon him practical difficulties or particular hardship, and that such variations of the strict applications of the terms of this ordinance as are in harmony with its general purpose and intent, (but only when the Board of Zoning Appeals is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty too great as to warrant variation from the Comprehensive Plan as established by the regulation) and at the same time the surrounding property will be properly protected.
- (F) To hear and grant exceptions to the provisions of the zoning regulation in those instances where the Board of Zoning Appeals is specifically authorized to grant such exception and only under the terms of the zoning regulation. In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as exception in the zoning regulation. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the Governing Body, are not found to be present.

28.040 APPEALS TO THE BOARD OF ZONING APPEALS.

- (A) Who May Appeal. Appeals to the Board of Zoning Appeals may be taken by any person or persons aggrieved, or by an officer, department, any board, other than the Board of Appeals, or bureau of the City of Garden City affected by a decision of the Building Inspector. Such an appeal shall be taken within a reasonable time, as shall be prescribed by the Board of Zoning Appeals by general rule, by filling with the building Inspector and with the Board of Zoning Appeals a Notice of Appeal specifying the grounds thereof. The building Inspector shall forthwith transmit to

the Board of Zoning Appeals all the papers constituting the records upon which the action appealed from is taken.

- (B) Time For Appeal. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give not less than five (5) days' notice thereof, by due notice to the parties in interest, as required in Section 28.040.D. Upon the hearing, any party may appear in person, by agent, or by attorney.
- (C) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless there is imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record, on the application or notice to the building Inspector on good cause shown.
- (D) Hearing and Notice. The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, date, and subject of such hearing shall be published once in the official City newspaper at least twenty (20) days prior to the date of the hearing. A copy of such notice shall be mailed by certified mail by the Board of Zoning Appeals to each party in interest and to the Planning Commission; and if action directly affecting specific property in the subject of the appeal, then to owners of all property within two hundred (200) feet of the boundaries thereof. The Board of Zoning Appeals may give such additional notice as it may from time to time by rule provide. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

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

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

28.070 APPLICATIONS. Applications to the Board of Zoning Appeals shall be on forms furnished by the Neighborhood and Development Services Department of the City. All conditional use permits shall be valid for one (1) year from the date it was approved by the Board of Zoning Appeals; if project has not been substantially completed within one (1) year of approval, the conditional use permit shall expire.

28.080 JUDICIAL APPEAL. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any office, department, board or bureau of the City of Garden City may appear before the determination or may bring an action in the District Court having jurisdiction in Finney County, to determine the reasonableness of any such order or determination. Provided any action taken by the Governing Body of the City shall not preclude an aggrieved party from appealing to the District Court having jurisdiction in Finney County. Provided, any action brought in the District Court shall be within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

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ARTICLE 29

VARIANCES AND EXCEPTIONS TO THE DISTRICT REGULATIONS

(Ord. #2440-2009, 04/24/09)

SECTIONS:

29.010	Variance - Procedure
29.020	Allowable Variances
29.030	Written Findings
29.040	Exceptions - Procedure
29.050	Consideration of a Conditional Use
29.060	Reserved
29.070	Performance Bond Required

29.010 VARIANCE - PROCEDURE. An application for a variance may only be granted upon a finding by the Board of Zoning Appeals that the applicant has shown by clear and convincing evidence that all of the following conditions have been met:

- (A) The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the applicant.
- (B) The granting of the variance will not adversely affect the rights of adjacent landowners or residents.
- (C) The granting of the variance will not be opposed to the general spirit and intent of these regulations.
- (D) The variance desired will not adversely affect the public health, safety or general welfare.
- (E) The variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

29.020 ALLOWABLE VARIANCES.

- (A) Variances for yard and height regulations may be permitted and are limited to the following: A yard regulation variance shall not encroach upon the required setback for adjacent buildings as required by the adopted building code.
- (B) The Board of Zoning Appeals may consider variances for permitted permanent signs as long as the sign is not a prohibited sign as defined in Article 23. These variances shall be limited to:
 - (1) Variances on the sign area for on and off-site advertising, not to exceed fifty (50) percent of the allowable sign area;
 - (2) Variances on the maximum allowable height to be limited to the difference between the grade of the location of the proposed sign and the curb or crown of the nearest adjacent street. The maximum allowable amount being the difference between the sign grade and curb or street grade; and variances on the landscaping requirements for signs.

(3) Variances on the landscaping requirements for signs.

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

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

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

The following requirements and procedures shall apply in the issuance of a conditional use permit:

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

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

- (A) The stability and integrity of the various zoning districts to include:
- (1) Conservation of property values.
 - (2) Protection against fire and casualties.
 - (3) Observation of general police regulations.
 - (4) Prevention of traffic congestion.
 - (5) Promotion of traffic safety and the orderly parking of motor vehicles.
 - (6) Promotion of the safety of individuals and property.
 - (7) Provision for adequate light and air.
 - (8) Prevention of over-crowding and excessive intensity of land uses.
 - (9) Provision for public utilities and schools.
 - (10) Invasion by inappropriate uses.
 - (11) Value, type, and character of existing or authorized improvements and land uses.
 - (12) Encouragement of improvements and land uses in with overall planning.
 - (13) Provisions for orderly and proper urban renewal, development, and growth.
- (B) The Board of Appeals shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

29.060 RESERVED.

29.070 PERFORMANCE BOND REQUIRED. The Board shall require a performance bond for improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the City Engineer, and shall be enforceable by or payable to the City in the sum equal to the cost of constructing the required improvements.

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ARTICLE 30

ENFORCEMENT

SECTIONS:

- 30.010 Enforcement
- 30.020 Abatement
- 30.030 Occupancy Permit
- 30.040 Penalty

30.010 ENFORCEMENT. It shall be the duty of the Building Inspector to enforce the provisions of this Zoning Regulation. All department officials and public employees of the City of Garden City vested with the duty or authority to issue permits shall conform to the provisions of this Zoning Regulation and shall issue no permit, certificate, or license for use or building that would be in conflict with the provisions of the Zoning Regulation.

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

30.030 OCCUPANCY PERMIT. Subsequent to the effective date of this regulation, no change in the use or occupancy of any, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this regulation.

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

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

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

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ARTICLE 31

APPROVAL AND EFFECTIVE DATE

SECTIONS:

- 31.010 Validity
- 31.020 Repeal
- 31.030 Approval
- 31.040 Effective Date

31.010 VALIDITY. If any section, subsection, sentence, clause or phrase of this Regulation is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Regulation.

31.020 REPEAL. Ordinance No. 883 and all amendments thereto commonly known as the Zoning Ordinance of Garden City are hereby repealed.

31.030 APPROVAL. This is to certify that the Zoning Regulation and District Zoning Map referred to in Article 1 of this Zoning Regulation was duly approved by the Planning Commission on this 20th day of May, 1982.

David I. McDonald

(Secretary)

Gale Squier

(Chairman)

31.040 EFFECTIVE DATE. This Ordinance shall become effective upon its publication once in the official City newspaper.

PASSED this 28th day of July, 1982.

ATTEST: Tim Knoll

(City Clerk)

Frank F. Schmale

(Mayor)

Published August 10, 1982

Ordinance No. 1480

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ARTICLE 32

“AO” AIRPORT OPERATIONS DISTRICT

SECTIONS:

- 32.010 Purpose and Intent
- 32.020 Permitted Uses
- 32.030 Conditional Uses
- 32.040 Height Regulations

32.010 PURPOSE AND INTENT. The Airport Operations District is a restricted district for on-airport property owned by the City of Garden City and is established to protect airport operations from any encroachments or land use conflicts.

32.020 PERMITTED USES. The following uses and no others may be permitted in the “AO” District:

- (A) Runways, aprons, and taxiways
- (B) Navigational aids
- (C) Federal Aviation Administration (FAA) approved operational aids.
- (D) Fixed base operations, including charter, agricultural spraying, and flying school operations;

32.030 CONDITIONAL USES. The following uses and structures may be permitted in the “A-O” District only after they have been reviewed and approved as required by Article 29.

- (A) Aircraft refueling and maintenance operations including temporary use and distribution of aviation-grade fuels and hazard class 1-9 materials used for maintenance, deicing and refueling, in accordance with CFR Title 49 and CFR Title 40, Subparts D, E, I, and R.
- (B) Hangars, maintenance structures, and storage, including storage and use of hazard class 1-9 materials used for maintenance, deicing lubrication, and refueling, stored in accordance with CFR Title 49 and CFR Title 40, Subparts D, E, I, and R;
- (C) Public Use facilities for emergency management and response.
- (D) Airport security operations as required by the Transportation Safety Administration (TSA).
- (E) Terminal operations, to include related ticketing and office uses, baggage handling, travel agents, agencies, & bureaus, and restaurant and retail uses up to five thousand (5,000) square feet in gross floor area;
- (F) Accessory Living Quarters
- (G) Garden City owned buildings may exceed twenty-five (25) foot height limit.

32.040 HEIGHT REGULATIONS. Structure height must be in accordance with CFR Title 14 Part 77, and may not obstruct surfaces as described in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces. Maximum height for non-airport structures shall be twenty (20) feet. No height variance may be granted by the Board of Zoning Appeals in this district.

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ARTICLE 33

“AS” AIRPORT SERVICE AND SUPPORT DISTRICT

SECTIONS:

- 33.010 Purpose and Intent
- 33.020 Permitted Uses
- 33.030 Conditional Uses
- 33.040 Lot Coverage
- 33.050 Yard Requirements
- 33.060 Height Regulations
- 33.070 Parking Requirements
- 33.080 Sign Regulations
- 33.090 Supplemental Development Regulations

33.010 PURPOSE AND INTENT. This district is created for on-airport land uses of airport support activities that are not involved in direct flight operations.

33.020 PERMITTED USES. The “AS” District is limited to the following permitted uses:

- (A) Runways, aprons, and taxiways
- (B) Navigational aids
- (C) Federal Aviation Administration (FAA) approved operational aids.
- (D) Fixed base operations, including charter, agricultural spraying, and flying school operations;
- (E) Hangars, maintenance structures, and storage, including storage and use of hazard class 1-9 materials used for maintenance, deicing and refueling, stored in accordance with CFR Title 49 and CFR Title 40, Subparts D, E, I, and R;
- (F) Aircraft refueling and maintenance operations, including storage and distribution of aviation-grade fuels;
- (G) Public Use facilities for emergency management and response;
- (H) Airport security operations as required by the Transportation Safety Administration (TSA).
- (I) General Agriculture, excluding commercial feedlots;
- (J) Terminal operations, to include related ticketing and office uses, baggage handling, travel agents, agencies, & bureaus, and restaurant and retail uses up to five thousand (5,000) square feet in gross floor area;
- (K) Retail business, restaurants, and commercial and professional offices where the primary activities are conducted within the same building and which emit no electrical or radio interference with flight operations. This includes parking facilities, transportation services, service stations, and mobile vendors licensed with a City of Garden City Local or Non-Local Itinerant Business License in accordance with Article 22.

- (L) Logistics, warehousing, and transportation, including self-storage facilities,
- (M) Light to medium manufacturing operations where the entire operation is conducted within the same building and which emit no electrical or radio interference with any flight operations. The following additional restrictions apply:
 - (1) No raw materials or manufactured products are stored outside unless contained within a six (6) feet wall or fence in accordance with Article 22 of these regulations; and
 - (2) Such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, radio interference, odor, or smoke as defined herein.

33.030 CONDITIONAL USES. The following uses and structures may be permitted in the “A-S” District only after they have been reviewed and approved as required by Article 29.

- (A) Accessory Living Quarters
- (B) Neighborhood Churches

33.040 LOT COVERAGE. There shall be no requirements except as may be dictated by off-street parking and setback requirements.

33.050 YARD REQUIREMENTS. Yards must comply with FAA Advisory Circular Hazardous Wildlife Attractants near Airports 150/5200-33, current edition, in addition to the following restrictions:

- (A) Front Yard:
 - (1) Each lot in the “AS” District shall have a front yard of not less than thirty (30) feet.
- (B) Side Yard:
 - (1) No side yard shall be required.
- (C) Rear Yard:
 - (1) No rear yard shall be required.

33.060 HEIGHT REGULATIONS. Structure height must be in accordance with CFR Title 14 Part 77 and may not obstruct surfaces as described in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces. Maximum height for structures shall be fifty (50) feet and with no effect or impact to airport operations including instrument flight rules. No height variance may be granted by the Board of Zoning Appeals in this district.

33.070 PARKING REQUIREMENTS. See Article 24 of the Garden City Zoning Regulations.

33.080 SIGN REGULATIONS. See Section 23.100 of the Garden City Zoning Regulations.

33.090 SUPPLEMENTAL DEVELOPMENT REGULATIONS. See Article 22 of the Garden City Zoning Regulations.

ARTICLE 34

Reserved

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ARTICLE 35

Reserved

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ARTICLE 36

LANDSCAPING, SCREENING AND BUFFERS (Ord. # 2221, 03/11/03)

SECTIONS:

- 36.010 Purpose and Intent
- 36.020 Overall Landscape Requirements
- 36.030 The Landscape Plan
- 36.040 Plant List
- 36.050 Landscaping Off-Street Parking Areas
- 36.060 Adjacent Lot Buffering
- 36.070 Existing Vegetation
- 36.080 Screening
- 36.090 Vehicle Non-Access Easement
- 36.100 Landscape Maintenance
- 36.110 Automatic Irrigation Systems
- 36.120 Support of Trees
- 36.130 Completion of Landscaping
- 36.140 Variations to Landscape Requirements
- 36.150 Appeals

APPENDIX

- Exhibit I. Landscape Requirements Visual Aid Representing Areas to Landscape
- Exhibit II. Buffer Requirements.
 - (a.) By District Category
 - (b.) Buffer Requirements [Graphic Aid]
- Exhibit III. Plant list, Recommended Trees, Shrubs, Groundcover & Perennials for Southwest Kansas
- Exhibit IV. Simplified Plant List for Reduced Maintenance and Water Use
- Exhibit V. Landscape Definitions

36.010 PURPOSE AND INTENT. The purpose of this Article is to protect and preserve the appearance, character and value of property within the City by providing standards relating to quality, quantity and functional aspects of landscaping, screening and buffering incompatible land uses, conserve energy by the provision of shade trees over *streets*, sidewalks, parking areas, and other paving; to conserve water through low-water-use planting and irrigation design utilizing “Xeriscape” Best Management Practices to improve the appearance of the built environment by increasing the quality and quantity of landscaping visible from *public right-of-ways*, private streets, and adjacent properties, with the emphasis on landscaping as viewed from *public rights-of-way*.

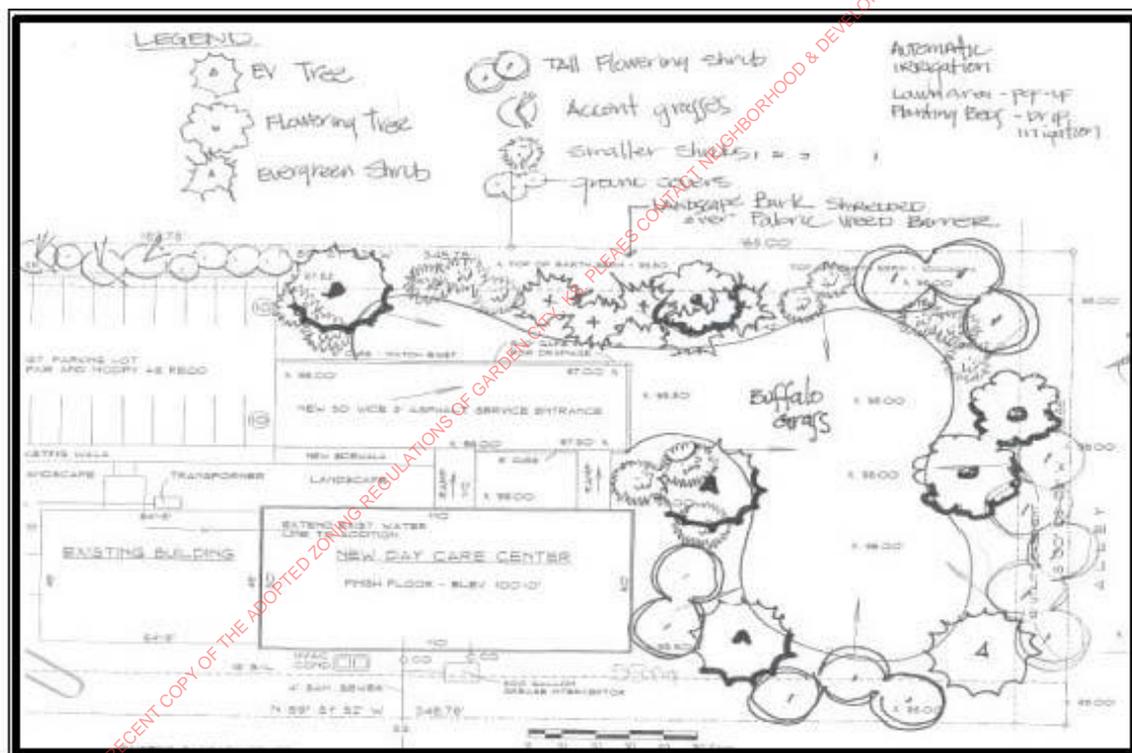
36.020 OVERALL LANDSCAPE REQUIREMENTS. The landscape requirements consist of three (3) landscape components to develop, which include **Developing Lot Landscape, Parking Area Landscape and Adjacent Lot Buffer Landscape**. Development of these three (3) areas fulfills the landscape requirements. Each landscape area stands on its own when calculating the

landscape requirements.

- (A) Developing Lot Landscape Requirements. A minimum of ten percent (10%) of the developing lot, not to include public property in the calculation, shall be devoted to landscaping, except that the square footage of all portions of the building site covered by buildings or designated as fenced and secured storage area shall be subtracted from the building site area prior to calculating the ten percent (10%) requirement.

All multi-family residential property (duplexes, triplexes, fourplexes and above), commercial, industrial and institutional property shall be provided with landscaped areas consisting of trees, shrubs, and ground cover in the front yard and/or those portions of the side and rear yards which are visible from a public way.

A landscape plan drawn to scale and site perimeter dimensioned shall be submitted to the Planning Department for all new projects see reference below:



Example of a Landscape Plan

- (B) Parking Areas. Any lot, which contains parking facilities for more than 30 cars, shall also provide landscaped areas within the parking lot equal to at least ten percent (10%) of the gross parking lot area. Parking layouts and ADA compliant parking and required ADA signs and all other requirements for off-street parking are identified in ARTICLE 24: OFF STREET PARKING AND LOADING
- (C) Adjacent Lot Buffering. Buffer landscaping is required for any non-residential use that adjoins a residential zoning district. Buffer landscaping is a minimum ten (10) foot wide landscaped area and may include a six and one-half (6½) foot high solid

wall. Buffers shall be required in accordance to Exhibit II.

36.030 THE LANDSCAPE PLAN. The Planning Director or his/her designee *before the issuance of a building permit must approve a landscaping plan*. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials, which are:

- (A) Appropriate to the conditions in which they are planted;
- (B) Have noninvasive growth habits;
- (C) Encourage the use of native and low maintenance, low water use, “Xeriscape” concepts
- (D) Be otherwise consistent with the intent of this chapter.

Drawings shall include the following:

- (A) To scale base drawing of the developing site showing property line, setbacks, easement(s) and north arrow.
- (B) Existing natural features, vegetation, and improvements on adjoining properties within twenty (20) feet of the property line.
- (C) Sidewalks, parking, and required curbs, curb stops or rail fence (meeting proper setbacks).
- (D) Backflow prevention, irrigation valves and irrigation clock proposed locations.
- (E) Proposed Plant location in relation to site development indicating a plant symbol and reference legend which shall include:
 - (1) Plant type (common and Latin names) selected from the Plant List, or other plants suited for Plant Hardiness, Zone 5.
 - (2) Plant container size
 - (3) Plant type/total quantity
 - (4) Location and variety of Lawn area and Parking and Hardscape areas
 - (5) Label of organic and inorganic ground cover (bark mulch, groundcover, rock, etc.).
 - (6) A tree staking detail showing the method support for trees in early stages of growth.
 - (7) A detail and/or general note of all material stating method of installation, maintenance, etc.
- (F) Landscaped areas shall incorporate a three-tier system to include grasses and ground cover (organic or inorganic), shrubs and trees.
- (G) Wood chips, bark mulch, decorative rock or other appropriate inert materials may

be used, provided they do not exceed fifty percent (50%) of the total planting area at maturity.

- (H) Plants shall complement the architectural design of the structure, shall be compatible with the character of the neighborhood, and shall be suitable for the soil and climatic conditions specific to the site.
- (I) The planted areas shall not block vehicular, bicycle or pedestrian traffic (unless used to buffer open space), or conflict with the installation, maintenance or repair of any public utility.
- (J) The landscaping required by this section on developing lots shall incorporate adjacent lot buffer requirements and shall not be satisfied by landscaping used to satisfy the off-street parking area landscaping which is in addition to and required by Section 36.050 of this Article.

36.040 PLANT LIST. All vegetation used to fulfill the requirements of this article is found on the recommended plant list contained in Appendix, Exhibit III, as adopted by Resolution of the Area Planning Commission. Vegetation which is to be located in the vision clearance area, as defined in Section 22.130 of the Zoning Regulations, is located on the Vision Clearance Area Plant List found in the Appendix, Exhibit III. Alternative plants may be used if applicable for Zone 5.

36.050 LANDSCAPING OFF-STREET PARKING AREAS. Any lot, which contains parking facilities for more than 30 cars, shall also provide landscaped areas within the parking lot equal to at least 10% of the gross parking lot area. Off-street parking areas for all multi-family residential property (duplexes, triplexes, fourplexes and above), commercial, industrial and institutional property exceeding ten thousand (10,000) square feet shall contain one or more landscaped areas totaling ten percent (10%) of the parking area, access driveways being included in the ten percent (10%) calculation, and must comply with the following provisions:

- (A) Each landscaped area shall have a minimum size of thirty (30) square feet with a two (2) foot border of ground cover to allow for overhang from parked cars without damage to the vegetation.
- (B) A minimum of one canopy tree per five thousand (5,000) square feet of parking area, with a minimum of seventy-five (75) square feet of vegetated or vegetated-bark area surrounding each tree. All trees shall be installed as a minimum fifteen (15) gallon container size.
- (C) The composition and placement of shrubs and ground cover will be left to the discretion of the property owner, provided that the species on the Plant List in Exhibit III or simplified list Exhibit IV are to be utilized as recommended for this area or other plants suited for Plant Hardiness, Zone 5. The placement of wood chips, bark, decorative rocks or other appropriate inert materials will be permitted, provided that the expected shrub and ground cover growth after two (2) growing seasons shall cover a minimum of fifty percent (50%) of the ground in each planting area.

- (D) Plantings used to satisfy developing lot landscaping required under Section 36.020 and Adjacent Lot Buffering Section 36.060 of this Article are in addition to plantings in off-street parking areas required under this Section.
- (E) Landscaped areas within parking lots shall be protected through the use of continuous concrete or extruded asphalt curbs. Landscape areas along the perimeter of the parking areas must be protected from vehicular traffic through the use of continuous concrete or extruded asphalt curbs, approved bumper blocks, anchored, split rail fencing, berms with plant material, or other approved permanent barrier.
- (F) Clear vision triangle areas within the off-street parking area must be established at intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches and tree branches must be trimmed up eight feet (8) from the ground.

36.060 ADJACENT LOT BUFFERING. This is a permanent unit of land together with the developing landscape and structures required thereon. Buffer yards/screening shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Both the amount of land and the type and amount of planting specified for each buffer yard required by this Ordinance are designed to reduce concern between adjacent land uses or between a land use and a public road. The planting units required of buffer yards/screening have been calculated to insure that they do, in fact, function to ‘buffer’ and provide an aesthetically pleasing environment.

- (A) The Planning Director or his/her designee shall determine which type of adjacent yard buffering within each category shall be used upon a review of the site design, topography, existing vegetation and abutting land uses. The Planning Director or his/her designee may authorize the use of existing vegetation in lieu of part or all of the *adjacent lot buffering* requirements. The use of berms may also be required by the Planning Director or his/her designee where deemed appropriate in any *adjacent lot buffering* as an additional buffering mechanism.
- (B) A lot developed following the passage of this article adjacent to or separated by an alley from a vacant lot shall construct a buffer in accordance with **EXHIBIT II., BUFFER YARD REQUIREMENTS,** (See Appendix A.) If and when the vacant lot is developed with a less intensive use.
- (C) One hundred percent (100%) of the construction and maintenance of the buffer shall be the responsibility of the developing land use. The buffer shall be constructed adjacent to the property line that is closest to or across the alley from the less intensive use.
- (D) If the developing use postpones the construction of a buffer adjacent to a vacant lot or alley, the developing lot may delay landscape installation to occur when the vacant lot is developed with a less intensive use.
 - (1) The developing use shall file a **Letter of Compliance** in accordance with **Section 36.140 Completion of Landscaping** before the issuance of a building permit.

- (2) Letter of Compliance shall indicate the obligation to construct such a buffer in accordance with EXHIBIT II. BUFFER YARD REQUIREMENTS when the vacant lot is developed with a less intensive use.
- (E) If an abutting property contains an existing buffer, it may count towards the buffer requirements of the developing property.
- (F) Buffer requirements may be enlarged or reduced in accordance with the provisions of Section 36.150.
- (G) The width of any required buffer may be reduced by twenty-five percent (25%) if a wall or fence is provided within the buffer that meets the following standards:
- (1) Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, metal or other materials specifically designed as fencing materials, or other materials approved by the Planning Director or his/her designee. No, more than twenty-five percent (25%) of the fence or wall surface shall be left open. The side facing the abutting property shall be faced with brick, or finished with paint, stain or other decorative finish approved by the Planning Director or his/her designee. ***No fence or wall shall be constructed in the vision clearance area.***
 - (2) Cedar fencing material may be allowed to naturally weather without the need for paint or stain. ***A chain link fence with plastic, metal or wooden slots may not be used to satisfy the requirements of this section.***
 - (3) Walls and fences may bisect the buffer to provide equal widths of vegetated buffer on either side of the fence or wall.
 - (4) A Berm shall have a minimum width perpendicular to the property line of fifteen (15) feet a minimum height of three (3) feet and a maximum height of five (5) feet with a maximum slope of 3:1.
 - (a.) The berm shall be vegetated so as to prevent erosion and provide a mixture of trees, shrubs and ground cover such that a minimum of seventy-five percent (75%) of the ground shall be covered within three (3) growing seasons, and which will form an effective buffer not less than four (4) feet high after four (4) growing seasons.
 - (b.) The Area Planning Commission shall approve/deny all Berms, fences or walls constructed across utility easements or in the vision clearance area.

36.070 EXISTING VEGETATION. Existing plant materials may be used to meet all or part of the landscape regulations. Existing trees in good condition over 12 inches in caliper shall be preserved unless approved for removal by the Garden City Tree Board.

36.080 SCREENING. Dumpsters shall be screened from view from abutting properties while allowing reasonable access, as determined by the City Public Works Director, for the purposes of trash removal. The following uses shall be screened from view from abutting properties and public ways, while allowing reasonable access for normal operation. If only a wall or fence is used, the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow

for its maintenance.

- (A) Storage areas located on the developing site including permanent outdoor storage of materials, stock and equipment shall be screened from public rights of way, by using a solid fence or a masonry wall built to a minimum of 6 feet in height. Evergreen shrubs planted and irrigated may be substituted and develop as a hedge. The hedge shall be maintained in a 5-foot minimum planting area around the boundaries of the storage area to be screened.
- (B) All fencing and masonry walls used for screening purposes shall be architecturally compatible with the proposed structures.
- (C) Screening shall allow access to the materials or a structure as is appropriate for normal maintenance or use.
- (D) Equipment and transformer screening shall allow a five (5) feet area of unobstructed access to all sides of equipment, transformer and electric meter. At no time shall vines be planted to screen transformers.

36.090 VEHICLE NON-ACCESS EASEMENT (VNAE). An Easement(s) allowed on the non-addressed side of a “double fronted” or other multiple “fronted lots.” To satisfy the VNAE, an earthen berm(s) and/or a wall shall be constructed in accordance with the following provisions:

- (A) One or more earthen berms shall be arranged in a strip which runs the length of the VNAE, has a minimum width of fifteen (15) feet perpendicular to the frontage, a minimum height of three (3) feet, a maximum height of five (5) feet and a maximum slope of 3:1.
- (B) Berms shall be vegetated in a manner that prevents erosion, utilizes trees shrubs and a ground cover such that a minimum of seventy-five percent (75%) of the ground shall be covered within three (3) growing seasons.
- (C) A VNAE shall have a minimum width of one (1) foot when a wall is erected to satisfy the requirements of this section. The wall shall be located on the VNAE with the decorative side facing the public way, shall have a minimum height of six (6) feet, be constructed of brick, stone, other masonry materials, wood posts and planks, metal or other materials specifically designed as fencing materials, or other materials approved by the Planning Director or his/her designee.
- (D) A combination of walls and berms may be utilized to satisfy the VNAE, with a design to be approved by the Planning Commission.
- (E) No berms or walls shall be constructed in the vision clearance area or across utility easements unless the Area Planning Commission taking into consideration good engineering principles and approves the design.

36.100 LANDSCAPING MAINTENANCE. The owner, occupant, tenant and the respective agent of each, if any, shall be jointly, and severally responsible for the maintenance of all buffer yard/screening/landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be kept free from weeds, refuse and debris. Maintenance procedures shall include, but not be limited to,

irrigation systems and its efficient operation, replacement of dead or dying vegetation and regular industry standard maintenance procedures. Dead vegetation shall be promptly replaced with healthy, living plantings meeting the minimum requirements of this regulation. Failure to comply with the provisions of this Section will be a violation of the provisions of the Zoning Regulation and subject to enforcement procedures of Article 30.

36.110 AUTOMATIC IRRIGATION SYSTEMS. Plant material and lawn areas used to fulfill the requirements of this Article must be provided with an automatic irrigation system, which may not rely on drainage from paved surfaces or buildings.

36.120 SUPPORT OF TREES. All trees used to fulfill the requirements of this Article shall be supported with stakes or a similar method, which will support the trees in early stages of growth.

36.130 COMPLETION OF LANDSCAPING. In order to accommodate seasonal planting requirements, a performance bond or letter of credit in the name of Garden City shall be instituted should plantings and/or irrigation systems be required past the certificate of occupancy stage of the development.

- (A) In new construction, all landscaping proposed on the approved landscape plan shall be completed before issuance of a certificate of occupancy. A performance bond or letter of credit in a form and amount satisfactory to the City Legal Counsel assuring completion within a specific time (not to exceed one year) shall be filed with the Governing Body naming the City of Garden City as the owner. Such bond or letter of credit shall be forfeited if the work shall not have been completed within such time limit.
- (B) When a developing use abuts or is separated by an alley from a vacant lot in a more restrictive zoning district, the Letter of Compliance shall indicate that the buffer shall be constructed when the vacant lot is developed with a less intensive use. Failure to comply with the provisions of this Section within the time frame specified in the Letter of Compliance will be a violation of this Zoning Regulation.
- (C) The **Letter of Compliance shall be recorded in the office of the Recorder of Deeds** of Finney County, Kansas, which shall recite that a copy of this Letter of Compliance shall be filed in the office of the Clerk of the City and the office of Planning and Community Development Department of the City and is there available for inspection and copying during normal business hours. This letter shall constitute covenants that run with the land and are binding on successors in interest.

36.140 VARIATIONS TO LANDSCAPE REQUIREMENTS.

- (A) Additional Landscaping – The Area Planning Commission may require more mature plantings when unusual conditions require more extensive screening, or for noise abatement to prevent the depreciation of adjoining residential properties.
- (B) Reduced Landscaping – The Area Planning Commission may reduce the landscape requirements by not more than twenty-five percent (25%) for excellence in building or space design. The Area Planning Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and

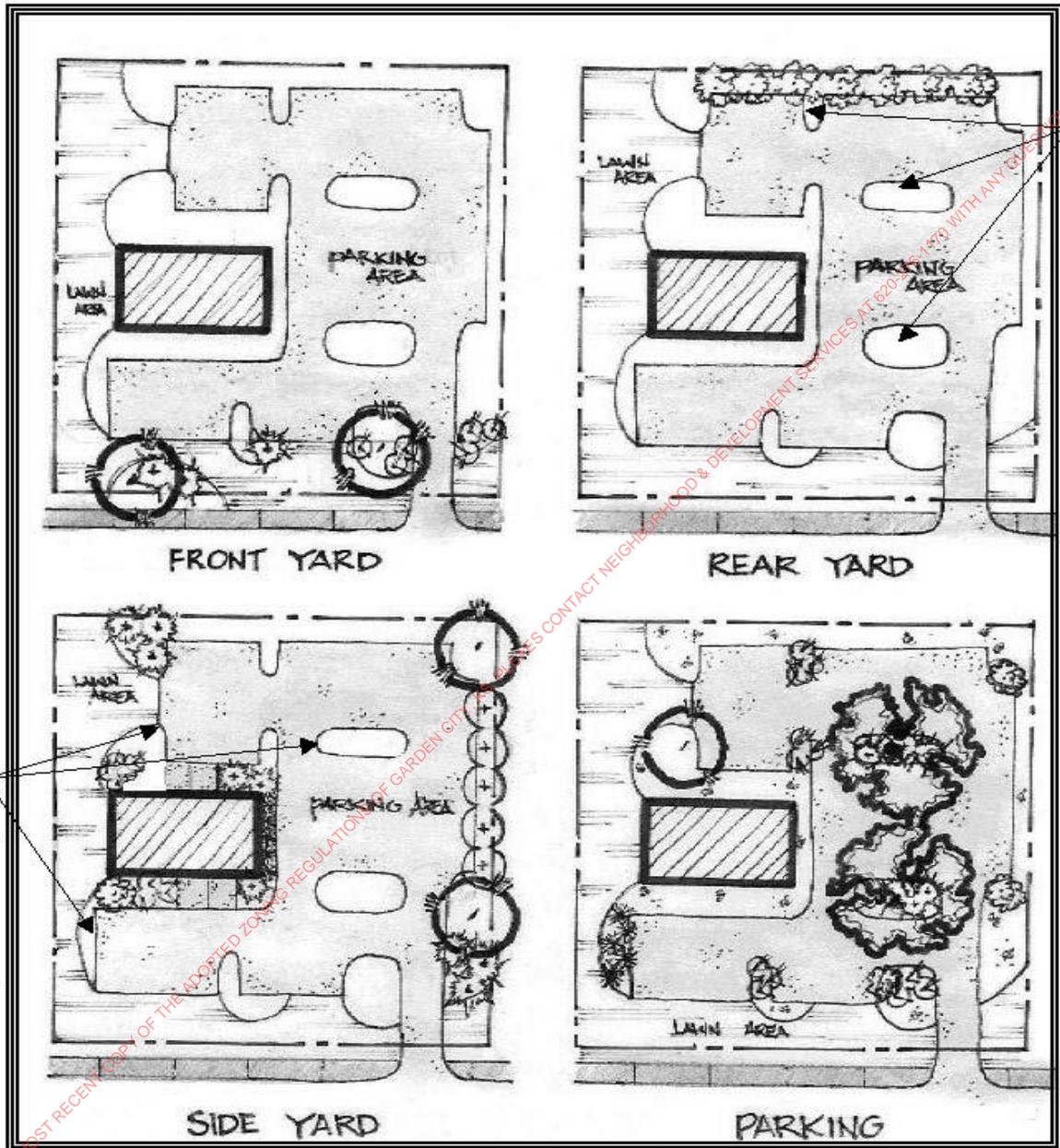
quality of landscape materials.

36.150 APPEALS. Appeals may be taken to the Board of Zoning Appeals by any person or persons aggrieved or government agency affected by a decision of the Area Planning Commission, the Planning Director or his designee in the implementation of this regulation. Such appeal shall be in conformance with Article 28 of the Zoning Regulations.

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

APPENDIX "A"

EXHIBIT I.
LANDSCAPE REQUIREMENTS VISUAL AID - AREAS TO LANDSCAPE



* Total required landscape is equal to 10% of developing lot, subtracting out all public rights of way, structures and screened outdoor storage areas.

EXHIBIT II. BUFFER YARD REQUIREMENTS

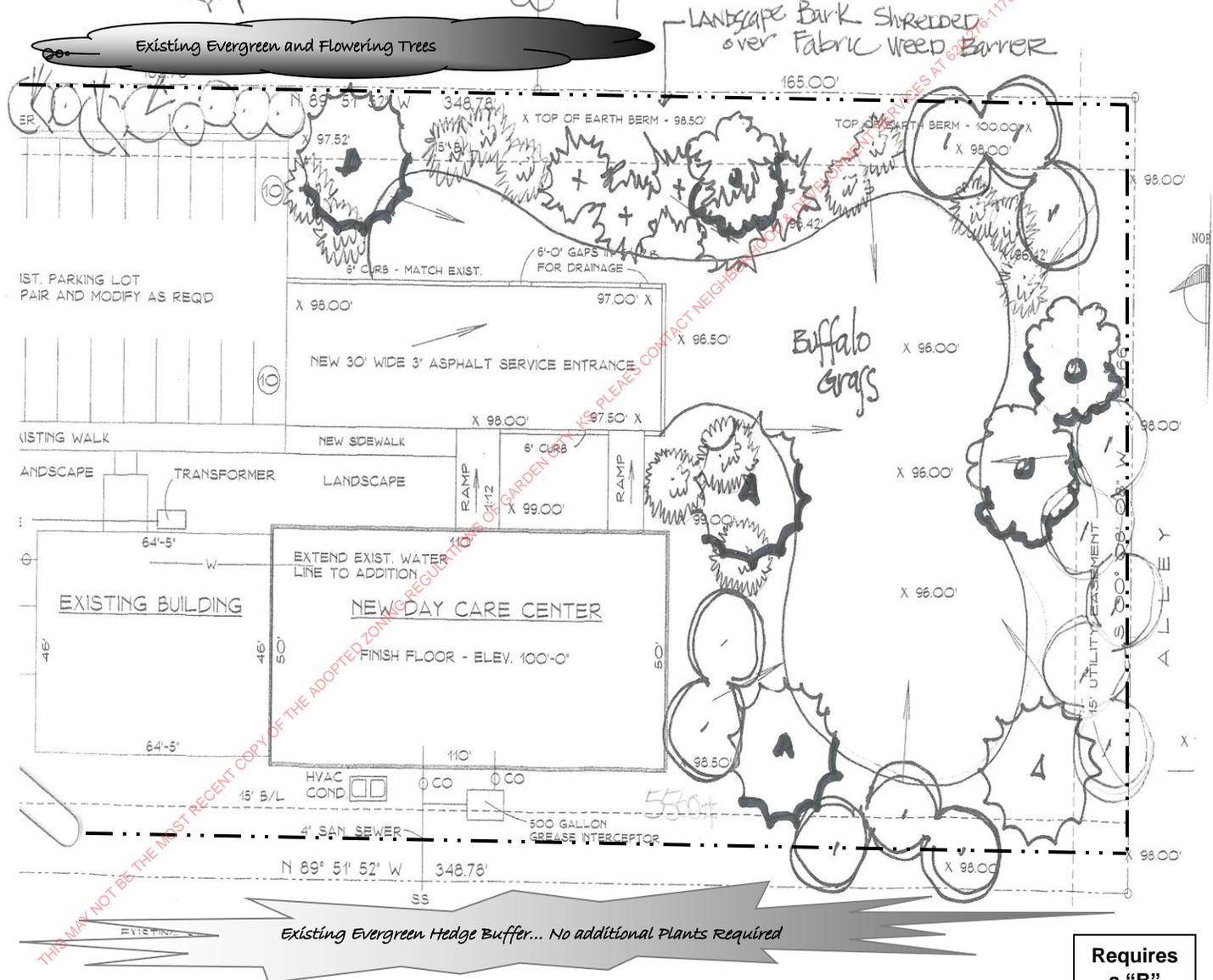
DEVELOPING USE		ABUTTING CONDITIONS	REQUIRED BUFFER YARD
Residential District		Residential, Commercial, Public Facilities, Industrial, Agricultural Districts.	A
Commercial District		Residential, Commercial, Public Facilities, Industrial, Agricultural Districts.	B
Agricultural, Industrial or Public Facilities District		Residential, Commercial, Public Facilities, Industrial, Agricultural Districts.	C
Buffer Yard Category	Qty & Size (Estimated per 100 lin. ft. X 10'-0" wide=1000 sq.ft. of planting bed)	Description of Plant Type	
A	3 - 15 gallon 2 - 15 gallon	Canopy or evergreen tree variety (in combination) Under story trees	
B	3 - 15 gallon 3 - 15 gallon 11 - 5 gallon	Canopy or evergreen tree variety (in combination) Small understory trees Shrubs and/or a 6- to 6½' - foot high solid wood, shadow-box or stockade fence	
C	3 - 15 gallon 3 - 15 gallon 18 - 5 gallon	Canopy or Evergreen trees Small understory trees Shrubs or Small evergreen, broadleaf, or conifers trained as a hedge. And/or a 6- to 6½'-foot high, Solid wood, shadow-box or stockade fence.	

(b.) Buffer yard Requirements- Applied Graphic Aid

LEGEND

-  Evergreen Tree
-  Flowering Tree
-  Evergreen Shrub
-  Tall Flowering shrub
-  Accent grasses
-  Smaller shrubs
-  Ground covers

AUTOMATIC IRRIGATION
 Lawn area - pop-up
 Planting Beds - drip irrigation



Existing Evergreen and Flowering Trees

LANDSCAPE BARK SHREDED over Fabric Weed Barrier

Buffalo Grass

NEW DAY CARE CENTER

EXISTING BUILDING

Requires a "B" Type Buffer

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF GARDEN CITY. PLEASE CONTACT NEIGHBORHOOD PLANNING DEPARTMENT AT 620-266-1170 WITH ANY QUESTIONS.

EXHIBIT III. PLANT LIST FOR SOUTHWESTERN KANSAS

RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-90

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
JUNIPERS, UPRIGHT HABIT:	Blue Point Juniper	Juniperus chinensis 'Blue Point'	10'		SMALL		
JUNIPERS, UPRIGHT HABIT:	Spartan Juniper	Juniperus chinensis 'Densaerecta'	15'		SMALL		
JUNIPERS, UPRIGHT HABIT:	Skyrocket Juniper	Juniperus virginiana 'Skyrocket'	15'	2	SMALL		10
JUNIPERS, UPRIGHT HABIT:	Canaert Red Cedar	Juniperus virginiana 'Canaertii'	18'		SMALL		
JUNIPERS, UPRIGHT HABIT:	Hillspire Juniper	Juniperus virginiana 'Cupressifolia'	18'		SMALL		
JUNIPERS, UPRIGHT HABIT:	Manhattan Blue Juniper	Juniperus virginiana 'Manhattan'	20'	18	MEDIUM		10
JUNIPERS, UPRIGHT HABIT:	Eastern Red Cedar	Juniperus virginiana	40'	15	LARGE		10
JUNIPERS, SPREADING HABIT:	Buffalo Juniper	Juniperus sabina 'Buffalo'	1'	8'	SMALL		10
JUNIPERS, SPREADING HABIT:	Tam Juniper	Juniperus sabina 'Tamariscifolia'	2'	9	SMALL		10
JUNIPERS, SPREADING HABIT:	Armstrong Juniper	Juniperus chinensis 'Armstrongii'	3'		SMALL		10
JUNIPERS, SPREADING HABIT:	Old Gold Juniper	Juniperus chinensis 'Old Gold'	3'	4	SMALL		10
JUNIPERS, SPREADING HABIT:	Compact Pfitzer	Juniperus chinensis 'Pfitzerana Compacta'	3'	5	SMALL		10
JUNIPERS, SPREADING HABIT:	Savin Juniper	Juniperus sabina	3'	4	SMALL		10
JUNIPERS, SPREADING HABIT:	Katlay Pfitzer	Juniperus chinensis	4'		SMALL		
JUNIPERS, SPREADING HABIT:	Sea Green Juniper	Juniperus chinensis 'Sea Green'	5'	5	SMALL		10
JUNIPERS, SPREADING HABIT:	Helz Juniper	Juniperus chinensis 'Helzii Glauca'	6'	9	SMALL		10
JUNIPERS, PROSTRATE HABIT:	Bar Harbor Juniper	Juniperus horizontalis 'Bar Harbor'	6"	4		SITE	10
JUNIPERS, PROSTRATE HABIT:	Blue Rug Juniper	Juniperus horizontalis 'Wiltoni'	6"	6		SITE	10
JUNIPERS, PROSTRATE HABIT:	Blue Chip Juniper	Juniperus horizontalis 'Blue Chip'	10"	6		SITE	10
JUNIPERS, PROSTRATE HABIT:	Dwarf Jaggarden J.	Juniperus procumbens 'Nana'	12"	9		SITE	10
JUNIPERS, PROSTRATE HABIT:	Broadmoor Juniper	Juniperus sabina 'Broadmoor'	4'	4		SITE	10
JUNIPERS, PROSTRATE HABIT:	Youngstown Juniper or Compact Andorra Juniper	Juniperus horizontalis plumosa 'Youngstown'	18"	4		SITE	10
JUNIPERS, PROSTRATE HABIT:	Hughes Juniper	Juniperus horizontalis 'Hughes'	18"	6		SITE	10
JUNIPERS, PROSTRATE HABIT:	Blue Star Juniper	Juniperus squamata 'Blue Star'	2'	4		SITE	10
JUNIPERS, PROSTRATE HABIT:	Blue Sargent Juniper	Juniperus chinensis 'Sargentii Glauca'	3'			SITE	

RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
YEW:	Densifloris Yew	Taxus x media 'Densifloris'	3'	6	SMALL		10
YEW:	Nigra Yew	Taxus 'Nigra'	4'	4	SMALL		10
YEW:	Upright (Japanese) Yew	Taxus cuspidata 'Capitata'	30'		MEDIUM		
SPRUCE/PINE TREES:	Austrian Pine	Pinus nigra	50'		LARGE		
SPRUCE/PINE TREES:	Colorado Spruce	Picea pungens	60'	40	LARGE		40
SPRUCE/PINE TREES:	Colorado Blue Spruce	Picea pungens 'Glauca'	60'	40	LARGE		40
SPRUCE/PINE TREES:	Norway Spruce	Picea abies	60'	25	LARGE		25
DWARF/UNUSUAL CONIFERS:	Russian Cypress	Microbiota decussata	1'	3	SMALL		10
DWARF/UNUSUAL CONIFERS:	Bird's Nest Spruce	Picea abies 'Nidiformis'	3'	3	SMALL		10
DWARF/UNUSUAL CONIFERS:	Dwarf Globe Blue Spruce	Picea	4'	5	SMALL		10
DWARF/UNUSUAL CONIFERS:	Dwarf Alberta Spruce	Picea glauca 'Conica'	5'	3	SMALL		10
DWARF/UNUSUAL CONIFERS:	Dwarf Mugo Pine	Picea mugo 'Pyramia'	5'	5	SMALL		10
ARBORVITAE:	Holmstrup Arborvitae	Thuja occidentalis 'Holmstrup'	5'		SMALL		
ARBORVITAE:	Rheingold Arborvitae	Thuja occidentalis 'Rheingold'	5'		SMALL		
ARBORVITAE:	Techiny Arborvitae	Thuja occidentalis 'Techiny'	15'		SMALL		
ARBORVITAE:	Pyramidal Arborvitae	Thuja occidentalis 'Pyramidalis'	20'		MEDIUM		
ARBORVITAE:	Brandon Arborvitae	Thuja occidentalis 'Brandon'	20'		MEDIUM		
DECIDUOUS SHADE TREES:	Globe Locust	Robinia pseudoacacia 'Umbrac'	10'	10	SMALL		10
DECIDUOUS SHADE TREES:	Rocky Mountain Maple	Acer glabrum	20'	15	MEDIUM		15
DECIDUOUS SHADE TREES:	Tatarian Maple	Acer tataricum	20'	20	MEDIUM		20
DECIDUOUS SHADE TREES:	Hedge Maple	Acer campestre	30'	30	MEDIUM		30

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RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
DECIDUOUS SHADE TREES:	Cutleaf Weeping Birch	Betula	30'	25	MEDIUM		25
DECIDUOUS SHADE TREES:	Imperial Locust	Gleditsia L. 'Impcole'	30'	30	MEDIUM		30
DECIDUOUS SHADE TREES:	Crimson King Maple	Acer platanoides 'Crimson King'	35'	35	MEDIUM		35
DECIDUOUS SHADE TREES:	Sunburst Locust	Gleditsia L. 'Suncole'	35'	30	MEDIUM		30
DECIDUOUS SHADE TREES:	Sawtooth Oak	Quercus acutissima	35'	35	MEDIUM		35
DECIDUOUS SHADE TREES:	Prairie Cascade Weeping Willow	Salix 'Prairie Cascade'	35'	35	MEDIUM		35
DECIDUOUS SHADE TREES:	Littleleaf Linden	Tilia cordata	35'	30	MEDIUM		30
DECIDUOUS SHADE TREES:	River Birch	Betula nigra	40'	30	LARGE		30
DECIDUOUS SHADE TREES:	Whitespire Birch	Betula platyphylla 'Whitespire'	40'	30	LARGE		30
DECIDUOUS SHADE TREES:	Paper Birch	Betula papyrifera	40'	30	LARGE		30
DECIDUOUS SHADE TREES:	Chinkapin Oak	Quercus muhlenbergi	40'	50	LARGE		50
DECIDUOUS SHADE TREES:	Shumard Oak	Quercus shumardii	40'	40	LARGE		40
DECIDUOUS SHADE TREES:	Greenspire Linden	Tilia cordata 'Greenspire'	40'	30	LARGE		30
DECIDUOUS SHADE TREES:	Columnar Maple	Acer platanoides 'Columnare'	50'	15	LARGE		15
DECIDUOUS SHADE TREES:	Norway Maple	Acer platanoides	50'	50	LARGE		50
DECIDUOUS SHADE TREES:	Red Maple	Acer rubrum	50'	35	LARGE		35
DECIDUOUS SHADE TREES:	European Hornbeam	Carpinus betulus	50'	30	LARGE		30
DECIDUOUS SHADE TREES:	Catalpa	Catalpa speciosa	50'	35	LARGE		35
DECIDUOUS SHADE TREES:	Autumn Purple Ash	F. americana 'Autumn Purple'	50'	35	LARGE		35
DECIDUOUS SHADE TREES:	Gingko (Maidenhair)	Gingko biloba	50'	30	LARGE		30
DECIDUOUS SHADE TREES:	Shademaster Locust	Gleditsia triacanthos 'Shademaster'	50'	35	LARGE		35
DECIDUOUS SHADE TREES:	Skyline Locust	Gleditsia L. 'Skycole'	50'	35	LARGE		35
DECIDUOUS SHADE TREES:	Kentucky Coffee Tree	Gymnocladus dioica	50'	40	LARGE		40
DECIDUOUS SHADE TREES:	Theves Poplar	Populus nigra 'Aghanica'	50'	10	LARGE		10
DECIDUOUS SHADE TREES:	English Oak	Quercus robur	50'		LARGE		
DECIDUOUS SHADE TREES:	Purple Robe Locust	Robinia pseudoacacia 'Purple Robe'	50'	30	LARGE		30
DECIDUOUS SHADE TREES:	Lacebark Elm	Ulmus parvifolia	50'	60	LARGE		60
DECIDUOUS SHADE TREES:	Hackberry	Celtis occidentalis	60'	50	LARGE		50
DECIDUOUS SHADE TREES:	Quaking Aspen	Populus tremuloides	60'	30	LARGE		30
DECIDUOUS SHADE TREES:	Northern Red Oak	Quercus rubra	60'	50	LARGE		50
DECIDUOUS SHADE TREES:	Baldcypress	Taxodium distichum	60'	30	LARGE		30
DECIDUOUS SHADE TREES:	Green Vase Zelkova	Zelkova serrata	60'		LARGE		
DECIDUOUS SHADE TREES:	Village Green Zelkova	Zelkova serrata	60'	35	LARGE		35

RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
DECIDUOUS SHADE TREES:	Bur Oak	Quercus macrocarpa	70'	70	VERY LG		70
DECIDUOUS SHADE TREES:	Nor'easter Collonwood	Populus x canadensis	75'	40	VERY LG		40
DECIDUOUS SHADE TREES:	American Linden	Tilia americana	75'	40	VERY LG		40
DECIDUOUS SHADE TREES:	Collonless Collonwood	Populus	80'		VERY LG		
DECIDUOUS SHADE TREES:	London Plane Tree	Platanus acerifolia	90'	60	VERY LG		60
DECIDUOUS ORNAMENTAL TREES:	Purpleleaf Sandicherry	Prunus x oistena	8'	8	SMALL		10
DECIDUOUS ORNAMENTAL TREES:	Autumn Olive	Elaeagnus umbellata	12'	10	SMALL		10
DECIDUOUS ORNAMENTAL TREES:	Amur Maple	Acer ginnala	15'	15	SMALL		15
DECIDUOUS ORNAMENTAL TREES:	Shadblow Serviceberry	Amelanchier canadensis	15'		SMALL		
DECIDUOUS ORNAMENTAL TREES:	Washington Hawthorn	Crataegus phaenopyrum	15'		SMALL		
DECIDUOUS ORNAMENTAL TREES:	Thornless Cockspur H.	Crataegus crus-galli var. inermis	15'	15	SMALL		15
DECIDUOUS ORNAMENTAL TREES:	Crimson Cloud Hawth.	Crataegus laevigata 'Superba'	15'	15	SMALL		15
DECIDUOUS ORNAMENTAL TREES:	Goldenchain Tree	Laburnum	15'	10	SMALL		10
DECIDUOUS ORNAMENTAL TREES:	Weeping Mulberry	Morus alba 'Chapparral'	15'	15	SMALL		15
DECIDUOUS ORNAMENTAL TREES:	Autumn Brilliance Serviceberry	Amelanchier x grandiflora	20'	15	MEDIUM		15
DECIDUOUS ORNAMENTAL TREES:	Russian Olive	Elaeagnus angustifolia	20'	20	MEDIUM		20
DECIDUOUS ORNAMENTAL TREES:	Kwanzan Cherry	Prunus serrulata	20'	15	MEDIUM		15
DECIDUOUS ORNAMENTAL TREES:	Royal Burgundy Cherry	Prunus serrulata	20'	15	MEDIUM		15
DECIDUOUS ORNAMENTAL TREES:	Canada Red Cherry	Prunus x 'Shubert Select'	20'	20	MEDIUM		20
DECIDUOUS ORNAMENTAL TREES:	American Redbud	Cercis canadensis	25'	20	MEDIUM		20
DECIDUOUS ORNAMENTAL TREES:	Cleveland Select Pear	Pyrus	25'	15	MEDIUM		15
DECIDUOUS ORNAMENTAL TREES:	Japanese Tree Lilac	Syringa reticulata	25'	25	MEDIUM		25
DECIDUOUS ORNAMENTAL TREES:	Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	25'	15	MEDIUM		15
DECIDUOUS ORNAMENTAL TREES:	Winter King Hawthorn	Crataegus vitidis 'Winter King'	30'	20	MEDIUM		20
DECIDUOUS ORNAMENTAL TREES:	Golden Rain Tree	Koelreuteria paniculata	30'	25	MEDIUM		25
DECIDUOUS ORNAMENTAL TREES:	Crabapples	Malus varieties (Tallest)	30'	30 & under	MEDIUM		30
DECIDUOUS ORNAMENTAL TREES:	Aristocrat Pear	Pyrus calleryana	30'	20	MEDIUM		20
DECIDUOUS ORNAMENTAL TREES:	Katsura Tree	Cercidiphyllum japonicum	40'	25	LARGE		25
DECIDUOUS ORNAMENTAL TREES:	Yoshino Cherry	Prunus	40'	45	LARGE		45

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RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
DECIDUOUS SHRUBS:	Crimson Pygmy Barberry	<i>Berberis thunbergii</i> 'Crimson Pygmy'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Bonanza Gold Barberry	<i>Berberis thunbergii</i> 'Crimson Pygmy'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Wintergreen Boxwood	<i>Buxus</i>	2'	3		SITE	10
DECIDUOUS SHRUBS:	Japanese Flowering Quince	<i>Chaenomeles japonica</i> var. <i>alpina</i>	2'	4		SITE	10
DECIDUOUS SHRUBS:	Slender Deutzia	<i>Deutzia gracilis</i>	2'	5		SITE	10
DECIDUOUS SHRUBS:	Emerald 'n Gold E.	<i>E. F. 'Emerald 'n Gold'</i>	2'	4		SITE	10
DECIDUOUS SHRUBS:	Sunburst Hypericum	<i>Hypericum frondosum</i>	2'	3		SITE	10
DECIDUOUS SHRUBS:	Kalm Sl. Johnswort	<i>Hypericum kalifornicum</i>	2'	3		SITE	10
DECIDUOUS SHRUBS:	McKay's White P.	<i>P. F. McKay's White'</i>	2'	3		SITE	10
DECIDUOUS SHRUBS:	Spirea: Little Princess	<i>Spiraea japonica</i> 'Little Princess'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Spirea: Crisp Leaf	<i>Spiraea x bumalda</i> 'Crispa'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Spirea: Goldmound	<i>Spiraea x bumalda</i> 'Gold Mound'	2'	2		SITE	10
DECIDUOUS SHRUBS:	Spirea: Linemound	<i>Spiraea x bumalda</i> 'Linemound'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Dwarf European Cranberrybush	<i>Viburnum opulus</i> 'Nanum'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Minuet Weigela	<i>Weigela florida</i> 'Minuet'	2'	3		SITE	10
DECIDUOUS SHRUBS:	Gro-Low Sumac	<i>Rhus aromatica</i> 'Gro-Low'	2.5'	7		SITE	10
DECIDUOUS SHRUBS:	Rosy Glow Barberry	<i>Berberis l. 'Rosy Glow'</i>	3'	3		SITE	10
DECIDUOUS SHRUBS:	Jel Trails Quince	<i>Chaenomeles</i>	3'	4		SITE	10
DECIDUOUS SHRUBS:	Texas Scarlet Quince	<i>Chaenomeles japonica</i>	3'	4		SITE	10
DECIDUOUS SHRUBS:	Kelsey Dwarf Dogwood	<i>Cornus servicea</i> 'Kelsey'	3'	3		SITE	10
DECIDUOUS SHRUBS:	Cranberry Coloneaster	<i>Coloneaster apiculatus</i>	3'	5		SITE	10
DECIDUOUS SHRUBS:	Lodense Pinyon	<i>Ligustrum vulgare</i>	3'	4		SITE	10
DECIDUOUS SHRUBS:	Emerald Mound Honeysuckle	<i>Lonicera x 'Emerald Mound'</i>	3'	5		SITE	10
DECIDUOUS SHRUBS:	Miniature Snowflake Mockorange	<i>Philadelphus</i>	3'	2		SITE	10
DECIDUOUS SHRUBS:	Abbotswood P.	<i>P. Cullivars 'Abbotswood'</i>	3'	3		SITE	10
DECIDUOUS SHRUBS:	Pink Beauty P.	<i>P. F. 'Pink Beauty'</i>	3'	3		SITE	10
DECIDUOUS SHRUBS:	Goldfinger P.	<i>P. F. 'Goldfinger'</i>	3'	4		SITE	10
DECIDUOUS SHRUBS:	Spirea: Snowmound	<i>Spiraea nipponica</i> 'Snowmound'	3'	3		SITE	10
DECIDUOUS SHRUBS:	Spirea: Anthony Waterer	<i>Spiraea</i>	3'	4		SITE	10
DECIDUOUS SHRUBS:	Spirea: Froebel	<i>Spiraea x bumalda</i> 'Froebellii'	3'	4		SITE	10
DECIDUOUS SHRUBS:	Spirea: Goldflame	<i>Spiraea x bumalda</i> 'Gold Flame'	3'	3		SITE	10

RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
DECIDUOUS SHRUBS:	Spiraea	Spiraea japonica 'Shirobana'	3'				
DECIDUOUS SHRUBS:	Emerald Gaiety Euonymus	E. Fortunei 'Emerald Gaiety'	4'	4			10
DECIDUOUS SHRUBS:	Dart's Gold Ninebark	Physocarpus opulifolia 'Dart's Gold'	4'	4			10
DECIDUOUS SHRUBS:	Coronillon Triumph	Potentilla fruticosa	4'	3			10
DECIDUOUS SHRUBS:	Northern Lights Azaleas	Rhododendron 'Northern Lights Series'	4'	5			10
DECIDUOUS SHRUBS:	Coralberry (Snowberry)	Symphocarpus orbiculatus	4'	6			10
DECIDUOUS SHRUBS:	Java Red Weigela	Weigela florida 'Java Red'	4'	4			10
DECIDUOUS SHRUBS:	Regent Serviceberry (Juneberry)	Amelanchier alnifolia 'Regent'	5'	6			10
DECIDUOUS SHRUBS:	Menlo Barberry	Berberis x mentorensis	5'	6			10
DECIDUOUS SHRUBS:	Cameo Quince	Chionodoxa	5'	6			10
DECIDUOUS SHRUBS:	Spreading Coloneaster	C. divaricatus	5'	7			10
DECIDUOUS SHRUBS:	Dwarf Burning Bush	Euonymus alata 'Compacta'	5'	7			10
DECIDUOUS SHRUBS:	Superba Japanese Rose	Kerria japonica 'Superba'	5'	5			10
DECIDUOUS SHRUBS:	Golden Vicary Privet	Ligustrum x vicaryi	5'	4			10
DECIDUOUS SHRUBS:	Golden Mockorange	Philadelphus	5'	4			10
DECIDUOUS SHRUBS:	Flowering Almond	Prunus glandulosa	5'	4			10
DECIDUOUS SHRUBS:	Fragrant Sumac	Rhus aromatica	5'	7			10
DECIDUOUS SHRUBS:	Compact Euro. Cranberry	V.O. 'Compactum'	5'	5			10
DECIDUOUS SHRUBS:	Cardinal Shrub	Weigela florida 'Vanicekii'	5'				
DECIDUOUS SHRUBS:	Pink Princess Weigela	Weigela	5'	5			10
DECIDUOUS SHRUBS:	Variiegated Weigela	Weigela florida 'Variegata'	5'	7			10
DECIDUOUS SHRUBS:	White Knight Weigela	Weigela	5'	5			10
DECIDUOUS SHRUBS:	Red Prince Weigela	Weigela florida 'Red Prince'	5'	5			10
DECIDUOUS SHRUBS:	Isantia Dogwood	Cornus servicea 'Isantii'	6'	9			10
DECIDUOUS SHRUBS:	Lynwood Gold F.	F. x intermedia 'L.G.'	6'	7			10
DECIDUOUS SHRUBS:	Snowfall Ninebark	Physocarpus opulifolius 'Snowfall'	6'	8			10
DECIDUOUS SHRUBS:	Littleleaf Lilac	Syringa microphylla 'Superba'	6'	10			10
DECIDUOUS SHRUBS:	Miss Kim Lilac	Syringa patula 'Miss Kim'	6'	6			10
DECIDUOUS SHRUBS:	Mohican Viburnum	Viburnum lantana 'Mohican'	6'	7			10
DECIDUOUS SHRUBS:	Brilliant Red Chokecherry	Aronia arbutifolia 'Brilliantissima'	7'	7			10
DECIDUOUS SHRUBS:	Yellow Twig Dogwood	Cornus servicea 'Flaviramea'	7'	9			10
DECIDUOUS SHRUBS:	Spring Glory F.	F. x intermedia 'S.G.'	7'	7			10
DECIDUOUS SHRUBS:	Beautybush	Kolkwitzia amabilis	7'	7			10

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RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
DECIDUOUS SHRUBS:	Arnold Red Honeysuckle	Lonicera tatarica	7'	8			10
DECIDUOUS SHRUBS:	Clavey's Dwarf Honeysuckle	Lonicera x xylosteoides 'Clavey'	7'	6			10
DECIDUOUS SHRUBS:	Minnesota Snowflake Mockorange	Philadelphus x virginialis 'Minnesota Snowflake'	7'	6			10
DECIDUOUS SHRUBS:	Purpleleaf Sand Cherry	Prunus x cistena	7'	5			10
DECIDUOUS SHRUBS:	Spiraea Vanhouttei	Spiraea x vanhouttei	7'				
DECIDUOUS SHRUBS:	Variegated Dogwood	Cornus alba 'Argenteo-Marginata'	8'	8			10
DECIDUOUS SHRUBS:	China Boy Holly*	Ilex (need for pollination)	8'	5			10
DECIDUOUS SHRUBS:	China Girl Holly*	Ilex (need for pollination)	8'	5			10
DECIDUOUS SHRUBS:	Bayberry	Myrica pennsylvanica	8'	8			10
DECIDUOUS SHRUBS:	Juddi Viburnum	Viburnum	8'				
DECIDUOUS SHRUBS:	Red Twig Dogwood	Cornus baileyi (Also C. Alba 'Siberica')	9'	9			10
DECIDUOUS SHRUBS:	Common Smokebush (Green)	Cotinus coccinea	9'	9			10
DECIDUOUS SHRUBS:	Purple Smokebush	Cotinus coccinea	9'	9			10
DECIDUOUS SHRUBS:	Adams Elder	Sambucus canadensis	9'	10			10
DECIDUOUS SHRUBS:	Doublefile Viburnum	V. Plicatum tomentosum 'Mariesii'	9'	9			10
DECIDUOUS SHRUBS:	Vernal Witchhazel	Hamamelis vernalis	10'	10			10
DECIDUOUS SHRUBS:	Rose of Sharon (Althea)	Hibiscus syriacus	10'	Upright			
DECIDUOUS SHRUBS:	Arrowwood Viburnum	Viburnum dentatum	10'	10			10
DECIDUOUS SHRUBS:	Common Snowball	Viburnum o. 'Sterile'	10'				
DECIDUOUS SHRUBS:	American Cranberry Bush	V. Trilobum	11'	11			10
DECIDUOUS SHRUBS:	Columnar Buckthorn	Rhamnus frangula 'Columnaris'	12'	5			10
DECIDUOUS SHRUBS:	Fernleaf Buckthorn	Rhamnus frangula 'Asplenifolia'	12'	8			10
DECIDUOUS SHRUBS:	Tailhedge Buckthorn	Rhamnus frangula 'Talicole'	12'	4			10
DECIDUOUS SHRUBS:	Common Lilac	Syringa vulgaris	12'	10			10
DECIDUOUS SHRUBS:	Canada Red Cherry Shrub	Prunus x 'Shubert Select'	20'	18			15
GROUNDCOVERS:	English Ivy	Hedera helix	6"				
GROUNDCOVERS:	Japanese Spurge	Pachysandra terminalis	6"			SITE	
GROUNDCOVERS:	Periwinkle	Vinca minor	6"			SITE	
GROUNDCOVERS:	Bugleweed	Ajuga reptans	8"			SITE	
GROUNDCOVERS:	Plumbago (Leadwort)	Ceratostigma	12"			SITE	
GROUNDCOVERS:	Snow-On-The-Mountain	Aegopodium podagraria 'Variegatum'	15"			SITE	

RECOMMENDED TREES, SHRUBS, GROUNDCOVERS & PERENNIALS FOR SOUTHWEST KANSAS

18-Aug-98

	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	TREE SIZE	SITE TRIANGLE PLANTS	BUFFER AREAS WIDTH
ORNAMENTAL GRASSES:	Blue Fescue	Festuca glauca	6"				
ORNAMENTAL GRASSES:	Blue Sedge	Carex glauca	6"				
ORNAMENTAL GRASSES:	Hardy Pampas	Eriophorum ravennae (also Saccharum R.)	1'				
ORNAMENTAL GRASSES:	Japanese Blood Grass	Imperata cylindrica 'Red Baron'	1'				
ORNAMENTAL GRASSES:	Tufted Hair	Deschampsia caespitosa	2'				
ORNAMENTAL GRASSES:	Blue Oat Grass	Helictotichon sempervirens	2'				
ORNAMENTAL GRASSES:	Dwarf Fountain Grass	Pennisetum alopecuroides 'Hameln'	2'				
ORNAMENTAL GRASSES:	Ribbon Grass	Phalaris arundinacea	2'				
ORNAMENTAL GRASSES:	Little Bluestem	Schizachyrium andropogon scoparius	2'				
ORNAMENTAL GRASSES:	Blue Lyme	Elymus arenarius 'Glaucaus'	2.5'				
ORNAMENTAL GRASSES:	Autumn Light	M.S. 'Purpurescens'	4'				
ORNAMENTAL GRASSES:	Fountain Grass	Pennisetum alopecuroides 'Hameln'	4'				
ORNAMENTAL GRASSES:	Feather Reed Grass	Calamagrostis x acutiflora	5'				
ORNAMENTAL GRASSES:	Variegated Japanese Silver	M.S. 'Variegatus'	5'				
ORNAMENTAL GRASSES:	Switch Grass	Panicum Virgatum	5'				
ORNAMENTAL GRASSES:	Maiden Grass	Miscanthus sinensis 'Gracillimus'	6'				
ORNAMENTAL GRASSES:	Zebra Grass	M.S. 'Zebra'	6'				
ORNAMENTAL GRASSES:	Porcupine Grass	M.S. 'Strictus'	6'				
ORNAMENTAL GRASSES:	Silver Feather	M.S. 'Silberfeder'	6'				
FERNS:	Japanese Painted Fern	Althyrum niponicum	18"			SITE	
FERNS:	Lady Fern	Althyrum felix-femina	30"			SITE	
FERNS:	Shaggy Shield Fern	Dryopteris cycadina	2'			SITE	

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Exhibit IV. Simplified Plant list

Hardy Low Maintenance and low water-use Plant Material for Southwest Kansas

Common Name	Botanical Name	Height	Spread at Maturity
	TREES		
Shadblow Serviceberry	Amelanchier Canadensis	15'	15'
Japanese Tree Lilac	Syringa reticulata "Ivory silk"	25	15
Crabapples	Malus Variety	30	30
Shademaster Locust	Gleditsia triacanthos 'Shademaster	50	35
Pine, Ponderosa	Pinus Ponderosa	50	25
Norway Spruce	Picea Abies	60	25
	TALL SHRUBS FLOWERING		
Purpleleaf Sand Cherry	Prunus x cistena	8	8
Spirea Vanhoutte	Spirea x vanhouttei	7	5
Viburnum	Viburnum Variety (white flowers)	10	5
Arnold's Red Honeysuckle	Lonicera tatarica	7	8
Common Lilac	Syringa vulgaris	12	10
	EVERGREENS		
Dwarf Mugo Pine	Picea mugo 'Pumila'	5	5
Hetz Juniper	Juniperus chinensis 'Hetzii Glauca	6	9
Sea Green Juniper	Juniperus chinensis 'Sea Green'	5	5
Old Gold Juniper	Juniperus chinensis 'Old Gold'	3	4
Blue Chip Juniper	Juniperus chinensis 'Blue Chip'	12"	6
Broadmoor Juniper	Juniperus chinensis 'Broadmoor'	1	4
	SMALLER SHRUBS		
Crimson Pygmy Barberry	Berberis thunbergii 'Crimson Pygmy'	2	3
Emerald Gold	Euonymus fortunei 'Emerald Gold'	2	4
Euonymus	Euonymus Variety		Varies
Spirea	Spirea Variety	2	3
Cranberry Cotoneaster	Cotoneaster apiculatus	3	5

Slender Deutzia	Deutzia gracilis	3	3
Big Sage	Artemisia tridentata 'Big Sage'	4	3
Salvia	Salvia superba 'Blue Queen'	18"	2
	GROUND COVERS		
Periwinkle	Vinca Minor	6"	30"
Bugleweed	Ajuga varieties	8"	2
English Ivy	Hedera helix	6"	Spreads
Sedum	Sedum telephium 'Autumn Joy'	18"	12"
Snow-in-Summer	Cerastium tomentosum	6"	18'
Variegated Bishop's Weed	Aegopodium variegatum	6"	2
	ACCENT COVERS		
'Prairie Sky' Switch Grass	Panicum virgatum 'Prairie Sky'	4-6'	2
Feather Reed Grass	Calamagrostis arundinacea	4-5	2
La Cueva Indiangrass	Sorghastrum nutans 'La Cueva'	5	18"
Maiden Hair Grass	Miscanthus sinensis 'Gracillimus'	6	3

EXHIBIT V. LANDSCAPE DEFINITIONS

Adjacent Lot Buffering: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

Caliper: A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

Commercial Uses: Land uses which are allowed by right or through the special review process in the “CO” Office and Service Business District, “C-1” Neighborhood Shopping District, “C-2” General Commercial District, “C-3” Central Business District, as listed in Article 3, District Establishment Section 3.010-3.020 of the Zoning Regulations.

Coniferous: A plant with foliage that persists and remains green year-round.

Deciduous: A plant with foliage that is shed annually.

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

Drip line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drought Avoidance: The ability of a plant to withstand drought without showing signs of stress.

Drought Tolerance: The ability of a plant to withstand drought without dying.

Industrial Uses: Uses of land, which is allowed only in the “I-1” Light, “I-2” Medium or “I-3” Heavy Industrial zoning classifications, as listed in Article 3, District Establishment Section 3.010-3.020 of the Zoning Regulations.

Landscaping Material, Inorganic: Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Planning and Community Development Director or assigned Agent.

Landscaping Material, Organic: Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

Perimeter Landscaping: The landscaping located appurtenant to the outer property lines, exclusive of the property line(s), which abut a public street right-of-way.

Permanent Tree Protection Devices: Structural measures, such as retaining walls or aeration devices, which are designed to protect the tree and its root system throughout its lifetime.

Public Uses: Uses of land, which are considered public in nature such as parks and recreation areas, public schools, colleges, playgrounds, public libraries, or other public buildings.

Shrub: A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

Vegetation, Native: Plant life, which is indigenous to a geographic region.

Vehicular Use Area: The area of a site devoted to vehicular parking and driving isles.

Vehicle Non-Access Easement (VNAE): An Easement that allows the property owner a tool to eliminate a double, triple, or quadruple front yard setback requirement of the codes. The placement of a VNAE with a solid fence or wall placed on the property line beginning at a point established as the front yard setback now allows the property to be treated as a lot with side and rear yards for purposes of setback and use. The VNAE is established to prohibit access by vehicle to the property.

Vine: A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

Wall or Fence: An artificially constructed barrier of posts connected by boards, rails, links, or panels, constructed for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land. This term also includes a masonry or rock/stone, or metal, glass, vinyl plastic materials that form the wall.

Xeriscape or Xeriscape Way: Landscape methods which conserve water through the use of drought-tolerant plants, planting techniques and organic and inorganic groundcovers.

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ARTICLE 37

TOWERS AND ANTENNAS (Ord. # 2841-2019, 7/16/19)

SECTIONS:

- 37.010 Purpose
- 37.020 Signs and Advertising
- 37.030 Setback Requirement
- 37.040 Safety Requirements
- 37.050 Lights and Other Attachments
- 37.060 Non-Conforming Uses
- 37.070 Removal of Abandoned or Unused Towers

37.010 Purpose. The purpose of this Article is to facilitate the provision of wireless telecommunications services to the residents and businesses of Garden City, to minimize the adverse visual effects of towers through careful design and siting standards, to avoid potential damage to adjacent properties from tower failure through setback requirements, and to maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas to reduce the number of towers needed to serve the community, and to impose such restrictions, terms, time limitations, and other appropriate safeguards to protect adjoining property.

37.020 SIGNS AND ADVERTISING. The use of any portion of a tower for advertisements or signs other than warning or equipment information signs is prohibited.

37.030 SETBACK REQUIREMENTS. Except as otherwise specified in this Article, towers and accessory utility buildings shall be set back from surrounding properties and public rights-of-way a distance equal to one half the height of the tower, or a distance equal to the setback requirements of the underlying zoning district which pertain to principle structures, whichever is greater.

- (A) Towers shall not be located between a principal structure and a public street, except that on sites adjacent to public streets on all sides, towers may be placed between a principle structure and a local street.
- (B) In order to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure, a tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the City Commission, following a recommendation from the Planning Commission.

37.040 SAFETY REQUIREMENTS. Adequate precautions shall be taken to protect the general public from hazards produced by the tower(s) such as falling ice, tower failure, etc.

37.050 LIGHTS AND OTHER ATTACHMENTS. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon or attached thereto, in any way, any platform, catwalk crow's nest, or like structure, except during periods of construction or repair. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

37.060 NON-CONFORMING USES. Towers or other antenna mounts that are constructed, and antennas that are installed in accordance with the provisions of this ordinance, although additions to the property shall not be deemed to constitute the expansion of a nonconforming use or structure.

37.070 REMOVAL OF ABANDONED OR UNUSED TOWERS.

- (A) All abandoned or unused towers and associated facilities and structures shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- (B) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new building and/or conditional use permit.

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PERMITTED DISTRICT

LAND USE	PERMITTED DISTRICT																
	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
A																	
Accessory Structures and Uses																	
Agricultural Uses including farm dwellings and accessory buildings																	
Amusement Places																	
Animal Hospitals or Clinics																	
Antique Shops and Stores																	
Apparel and Accessory Stores																	
Apartment Buildings																	
Apartments - above ground floor level																	
Armories																	
Art and Art Supply Stores																	
Artist																	
Auditoriums																	
Auto Repair Shops																	
Auto Supply Shops																	
Auto Wrecking Yards																	
Automatic Car Wash																	
Automobile Parking Lots (private and public)																	
Automobile Sales and Services																	
B																	
Bakery Shops (retail only)																	
Banking Institutions																	
Barber Shops																	
Beauty Shops																	
Bicycle Shops																	
Boarding Houses																	
Body Shops																	
Books and Stationary Stores																	
Bottling Works																	
Bowling Alleys																	

○ Permitted Use
 △ Conditional Use Permit

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PERMITTED DISTRICT

LAND USE

	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
B																	
Building Materials Sales																	
Business Machine Repair-sales and services																	
Business and Technical Schools and Schools for Photography Music and Dancing																	
C																	
Candy Stores (except Drive-Ins)																	
Carpenter and Cabinet Shops																	
Cemeteries	O								O								
Chiroprody										O							
Churches																	
Cigar and Tobacco Stores																	
Cleaning and Laundry Pickup Stations											O						
Clothing and Costume Rental																	
Commercial Feed Lots																	
Commercial Offices	Δ										O						
Commercial Recreation Uses (including golf driving, ranges and driving tees)																	
Community Buildings		Δ	Δ	Δ	Δ	Δ	Δ										
Community Colleges																	
Condominiums																	
Contractors Office and Equipment Storage Yards																	
Craft Shops																	
Custom Dressmaking Shops																	
Custom Dressmaking, Millinery, Tailoring and similar trades																	
Customary Accessory Uses																	
D																	
Daycare Centers		Δ	Δ	Δ	Δ	Δ	Δ										
Daycare Homes		Δ	Δ	Δ	Δ	Δ	Δ										

- O Permitted Use
- Δ Conditional Use Permit

THIS MAY NOT BE THE MOST CURRENT VERSION OF THE ADOPTED ZONING REGULATIONS OF GARDEN CITY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1170 WITH ANY QUESTIONS.

PERMITTED DISTRICT

LAND USE

	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUB
D																	
Delicatessens and Catering Establishments																	
Dental Offices																	
Department Stores																	
Dog Kennels																	
Dormitories																	
Dry Cleaning and Laundry Establishments (non-industrial/commercial)																	
Dry Goods and Notion Stores																	
Drug Stores																	
Duplicating Services																	
E																	
Electric Power Plants																	
Electric Repair Shops (household appliances)																	
Electric Substations																	
Employment Services																	
Express Storage and Delivery Services																	
F																	
Fair Grounds																	
Feed Mills																	
Feed Stores																	
Field Crops																	
Financial Institutions																	
Fire Stations																	
Fix-it Shops (radio, tv and small appliances)																	
Flower Shops																	
Food Stores (grocery, meat, and delicatessen)																	
Foundry and Light Casting																	
Four Family Dwelling																	
Fraternalites																	

- O Permitted Use
- Δ Conditional Use Permit

PERMITTED DISTRICT

LAND USE

	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
F																	
Frozen Food Lockers																	
Fur Bearing Animal Farms	O																
Furniture and Home Furnishings Stores												O	O				
Furrier Shops												O	O				
G																	
Garage Storage (public and private)												O	O	O	O	O	
Gas and Oil Exploration and Operations	O																
Gift Shops												O	O	O			
Golf Courses (except miniature golf and driving tees)																	
Golf Courses (including miniature golf and driving tees)		Δ	Δ	Δ	Δ	Δ	Δ		Δ								
Government Administration Building												O	O				
Governmental Services																	
Grain Elevators																	O
Greenhouses-retail and wholesale																	
Grocery Stores (including retail meat markets and produce stores)												O	O	O			
H																	
Hardware Stores												O	O	O			
Heliports																	
Hobby Shops												O	O	O			
Hobby, Stamp and Coin Shops												O	O	O			
Homes for the Aged																	
Accessory Use Permit																	
Hospitals																	
Hotels																	O
Household Appliance Shops																	O

- O Permitted Use
- Δ Conditional Use Permit

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PERMITTED DISTRICT

LAND USE

	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
I																	
Ice Cream Stores (except drive-ins)																	
Industrial Offices																	
Instructional Offices																	
Interior Decorator's Shop																	
J																	
Jail																	
Jewelry Stores																	
Junk Yards																	Δ
K																	
Key Shops																	
L																	
Laundry (self-service)																	
Leather Goods and Luggage Stores																	
Libraries																	
Light Manufacturing Operations																	
Locksmith Shops																	
Lodging Houses																	
Lodges																	
Lumber Yards																	
M																	
Machine Shops																	
Machinery Sales or Storage Lots																	
Mail Order Catalog Stores																	
Manufacturing or Fabrication Establishments																	
Manufacturing or Storage of bulk oil-gas explosives																	
Medical Clinics																	
Medical and Orthopedic Equipment Stores																	
Meeting Halls and Auditoriums																	
Messenger Stations																	

- Permitted Use
- Δ Conditional Use Permit

LAND USE	PERMITTED DISTRICT																
	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
M																	
Micro-wave Towers														Δ	Δ	Δ	
Milk and Milk Products Distribution Stations													0				
Millery Shops										0	0						
Mining									Δ								
Miscellaneous Business Services									0								
Mobile Home Parks (not transient trailer courts)								0									
Mobile Home on permanent foundations								0									
Mobile Home Sales														0	0		
Mobile Home Subdivisions								0									
Monument and Burial Vault Sales														0	0	0	
Motels												0	0		0		
Motor Vehicle Sales-automobile and truck												0	0		0	0	
Moving Company- storage and terminal																	
Multiple-Family Dwellings				0	0					0							
Music instrument sales and repair shops												0	0				
Museums		Δ	Δ	Δ	0	Δ			0			0	0				
Music studios, radio, and TV stores												0	0				
N																	
News Stands											0	0	0				
Newspaper Offices											0	0	0				
Newsprint, job printing and printing supplies stores													0	0			
Nurseries		Δ	Δ	Δ	Δ	Δ						0					
Nursery Homes		Δ	Δ	Δ	Δ	0											
Nursery Schools		Δ	Δ	Δ	0	0											

0 Permitted Use
 Δ Conditional Use Permit

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PERMITTED DISTRICT

LAND USE	PERMITTED DISTRICT																
	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
O																	
Office- Business, Professional and Public																	
Office Services																	
Off-Street Parking																	
Office supply and office equipment stores																	
Optician and Optometrists Shops																	
P																	
Package Liquor Stores																	
Paint Stores																	
Parking Lots (public or private)																	
Parochial Schools																	
Pawn Shops																	
Pet Shops																	
Photographic equipment and supply stores																	
Photography																	
Picture Frame Shops																	
Plumbing and Heating Shops																	
Police Stations																	
Post Office and Court Buildings																	
Poultry storage or slaughtering																	
Prescription Shops																	
Printing and Publishing Houses (including newspapers)																	
Private Clubs																	
Private Parks (over 5 acres)																	
Professional Offices																	
Public Buildings																	
Public Libraries																	
Public Parks and Recreation Areas																	
Public Utility																	

O Permitted Use
 Δ Conditional Use Permit

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LAND USE	PERMITTED DISTRICT																
	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
Q																	
Quarrying																	
Quick Print Shops									Δ								
R																	
Radiator Repair Shops																	
Radio and TV Studios																	
Radio Towers																	
Radio and TV Stores																	
Railway, taxi and bus passenger stations																	
Ready-Mix Concrete and Asphalt Mix Plants																	
Recreation Buildings																	
Recreation Fields																	
Recreational Activities (public only)																	
Recreation and Service Facilities																	
Religious Offices																	
Renting-not to exceed two(2) sleeping rooms																	
Rest Homes																	
Restaurants																	
Retail Stores																	
Riding Stables																	
S																	
Sand and Gravel Quarries																	
School-Private																	
School-Public																	
Self-Service Laundries																	
Service Stations																	
Sewing Machine Stores																	
Sheet Metal Shops																	
Shoe Repair																	

O Permitted Use
 Δ Conditional Use Permit

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LAND USE	PERMITTED DISTRICT																
	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD
S																	
Shoe Shine Shops																	
Shoe Stores																	
Single Family Dwelling-detached																	
Sororities																	
Sporting Goods Stores																	
State Approval Solid Waste Disposal Sites																	
Stenographic Services																	
Stock Yard Slaughter Houses																	
Storage Garages (public and private)																	
Storage Rental Units																	
T																	
Tailor Shops																	
Taverns																	
Tea Rooms																	
Telegraph Station																	
Telephone Exchange																	
Telephone Substations																	
Telephone Transmission Buildings																	
Television Towers																	
Temporary Structures																	
Theatres (in-door only)																	
Three-Family Dwellings																	
Tire Repair Shops																	
Townhouses																	
Toy Stores																	
Travel Agents																	
Tree crops and truck gardens																	
Truck and Rail Terminals																	
Two-Family Dwellings																	

O Permitted Use
 Δ Conditional Use Permit

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF GARDEN CITY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-278-1170 WITH ANY QUESTIONS.

PERMITTED DISTRICT

LAND USE	PERMITTED DISTRICT																	
	A	R-1	R-2	R-3	R-4	R-C	ZL	MHP-MHS	P-F	C-0	C-1	C-2	C-3	I-1	I-2	I-3	PUD	
U																		
Utility Substations-Pumping Stations	O																	
Undertaking Establishments												O						
Upholstery Shops														O	O	O		
Used Car Lots												O						
Used Furniture-when entire stock is stored within the building												O	O					
Utility Company Offices												O	O					
V																		
Variety Stores and Shops												O	O					
Vegetable and Flower Gardens		O	O	O	O	O												
W																		
Wallpaper Stores and Shops												O	O					
Warehouses														O	O	O		
Watch Repair Shops												O	O					
Water Reservoirs																		
Water and Sewer												O						
Treatment Plants		O										O						
Wholesale Establishments		O																
Y																		
YMCA																		
Z																		
Zero Lot Line Dwellings																		
Zoos																		

O Permitted Use
 Δ Conditional Use Permit