

(Published in the Garden City Telegram on the 25th day of September, 2025)

ORDINANCE NO. 3023-2025

SUMMARY

On September 16, 2025, the City of Garden City, Kansas adopted Ordinance No. 3023 - 2025, amending the Zoning Regulations of the City of Garden City, Kansas to establish a cigar lounge as a permitted use within the "C-3" Central Business District and to add definitions relating thereto; Amending Sections 2.030 and 16.020 of the Zoning Regulations; Repealing current Sections 2.030 and 16.020 of the Zoning Regulations; All to the Zoning Regulations and the Code of Ordinances of the City of Garden City, Kansas.

A complete copy of the ordinance may be viewed free of charge at www.garden-city.org or may be obtained from the City Clerk, at the City Administrative Center, 301 North Eighth Street, Garden City, Kansas 67846. This Ordinance Summary is certified that it is legally accurate and sufficient, by Jennifer V. Cunningham, City Attorney.

ORDINANCE NO. 3083-2025

AN ORDINANCE OF THE CITY OF GARDEN CITY, KANSAS AMENDING THE ZONING REGULATIONS OF THE CITY OF GARDEN CITY, KANSAS TO ESTABLISH A CIGAR LOUNGE AS A PERMITTED USE WITHIN THE "C-3" CENTRAL BUSINESS DISTRICT AND TO ADD DEFINITIONS RELATING THERETO; AMENDING SECTIONS 2.030 AND 16.020 OF THE ZONING REGULATIONS; REPEALING CURRENT SECTIONS 2.030 AND 16.020 OF THE ZONING REGULATIONS; ALL TO THE ZONING REGULATIONS AND THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. AMENDMENT TO CODE. That Section 2.030 of the Zoning Regulations of the City of Garden City, Kansas, is hereby amended to read as follows:

2.030 DEFINITIONS. (Ord. #2927-2022, 05/17/22; Ord. # 3083-25) For the purpose of this Zoning Regulation, the following words and phrases shall have the meanings ascribed to them in this section, except where otherwise expressly described in these Zoning Regulations:

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. **Cigar and Tobacco Stores** – Any Tobacco Shop as such term is defined by Section 62-2(1.1) of the City Code, and amendments thereto, excluding any use meeting the definition of Cigar Lounge in these Zoning Regulations.
23. **Cigar Lounge** – Any indoor area operated primarily for the on-site consumption of Tobacco Products, as such term is defined in Section 62-2(1.1) of the City Code, and amendments thereto, and subject to any exceptions provided in that definition, including, but not limited to, cigarettes and Vaping Products. A Cigar Lounge is a distinct and separate use from a Cigar and Tobacco Store, as such term is defined in these Zoning Regulations. A Cigar Lounge may also include, as an accessory use, the retail sale of: (a) Tobacco Products and related accessories, including, but not limited to, cigar cutters, punches, lighters, humidors, ashtrays, pipes, cases, and other similar items customarily used in the storage, preparation, or consumption of Tobacco Products; (b) non-alcoholic beverages and prepackaged food items, provided such sales are not prohibited by state law; and (c) merchandise that is branded for or thematically related to the lounge, including, but not limited to, apparel, glassware, signage, and promotional items.
24. **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.
25. **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.
26. **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.
27. **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.

28. 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.
29. Curb Level - The officially established grade of the curb in front of the mid-point of the lot.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. Dock (Loading) - A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles.
36. Drainage Course (Water Course) - Any natural depression, draw, or ravine which directs and facilitates the flow of water.
37. 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.
38. Dwelling - Any building designed or used for residential purposes.
39. Dwelling, Single-Family - A building designed for or occupied exclusively by one family.
40. Dwelling Two-Family - A building designed for or occupied exclusively by two (2) families.
41. 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.
42. 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.
43. 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.
44. Educational Institution - A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education.
45. 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.

46. **Facade** - That portion of a building facing public street right-of-way.
47. **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.
48. **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.
49. **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.
50. **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.
51. **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%).
52. **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.
53. **Floodway Fringe Area** - Shall mean the area between the limits of the floodway and the floodplain of the 100-year flood.
54. **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.
55. **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.
56. **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.
57. **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.
58. **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.
59. **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.
60. **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.

61. **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.
62. **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.
63. **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.
64. **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.
65. **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).
66. **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.
67. **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.
68. **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.
69. **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.
70. **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.
71. **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.
72. **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.
73. **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.
74. **Lot, Corner** - A lot abutting upon two (2) or more streets at their intersection.

75. Lot Depth of - The mean horizontal distance between the front and rear lot lines.
76. Lot, Double Frontage - A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
77. Lot Line - Any line bounding a lot or separating one lot from another.
78. 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.
79. Manufacture - Any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.
80. 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.
81. 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.
82. 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
83. 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.
84. 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.
85. 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.
86. 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.
87. Manufactured Home Subdivision - A subdivision developed for the purpose of selling individual lots on which manufactured homes or modular homes may be located.
88. Modular Home - Shall mean a structure which is:
 - a. Transportable in one or more sections; and
 - b. Not constructed on a permanent chassis; and
 - c. Designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and
 - d. Certified by its manufacturer as being constructed in accordance with a nationally recognized building code.
89. 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.
90. (Reserved)

91. Physical Fitness Facility or Center – A facility where patrons use equipment or space for the purpose of physical exercise or related uses.
92. Non-Conforming Use - Same; existing uses; alterations; exception.
 - a. 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.
 - b. 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.
93. 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.
94. 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.
95. Pasturage or Pasture - Shall be defined as land or a plot of land used for the grazing, feeding, and confinement of livestock.
96. 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.
97. Physical Fitness Facility or Center – A facility where patrons use equipment or space for the purpose of physical exercise and related uses.
98. Planning Commission - The Holcomb-Garden City-Finney County Area Planning Commission.
99. 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.
100. 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)
101. 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.
102. 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
103. **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.
 104. **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.
 105. **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.
 106. **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.
 107. **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.
 108. **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
 109. **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).
 110. **Sign** - See Article 23, Section 23.020 of this Zoning Regulation for definitions.
 111. **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.
 112. **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.
 113. **Street** - A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.
 114. **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.
 115. **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.
 116. **Street Line** - A dividing line between a lot, tract, or parcel of land and the contiguous street.
 117. **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.

118. **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.
119. **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.
120. **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.
121. **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.
122. **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.
123. **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.
124. **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.
125. **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.
126. **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.
127. **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.
128. **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.
129. **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.
130. **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.
131. **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.
132. **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.
133. **Watercourse** - Shall mean any stream, arroyo, or drainway having a channel that serves to give direction to a flow of water.
134. **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.
135. **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.
136. **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.
137. **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.
138. **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.)

SECTION 2. AMENDMENT TO CODE. That Section 16.020 of the Zoning Regulations of the City of Garden City, Kansas, is hereby amended to read as follows:

16.020 PERMITTED USES. (Ord. #2927-2022, 05/17/22; Ord. #____, ___/25) 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. Cigar Lounge, but only if designed, constructed, and operated in full compliance with all applicable provisions of the City Code, and amendments thereto, including, but not limited to, any provisions adopted for the regulation of Cigar Lounges relating to air quality control and ventilation, fire safety and ash disposal, building and operational controls, and occupancy and separation. For purposes of this permitted use, the term "constructed" shall include, without limitation, the acts of construction, reconstruction, rebuilding, and remodeling of any part of the structure or building in which the lounge is or will be located.
17. Clothing and costume rental.
18. Commercial recreation uses.
19. Convenience store. (Ord. #1687, 2/10/88)
20. Custom dressmaking, millinery, tailoring and similar trades.
21. Delicatessens and catering establishments.
22. Department stores.
23. Drug stores.
24. Dry cleaning establishments.
25. Dry goods and notion shops.
26. Dwellings on floors above the street level floor.
27. Electric repair shops.
28. Fire stations, police stations, and other public buildings.
29. Fix-it, radio or television repair shops.
30. Florist or gift shops.
31. Furniture and home furnishing shops and stores.
32. Funeral homes.

33. Garages for storage of motor vehicles.
34. Government administration buildings.
35. Grocery, fruit, and vegetable stores.
36. Hardware stores and shops.
37. Hobby shops.
38. Hotels and motels.
39. Household appliance stores.
40. Interior decorator shops.
41. Jewelry and metal craft stores and shops.
42. Laundries and laundrettes.
43. Leather goods and luggage stores.
44. Libraries and museums.
45. Lock and key shops.
46. Mail order catalogue stores.
47. Medical and dental clinics.
48. Medical and orthopedic equipment stores.
49. Meeting halls and auditoriums.
50. Messenger and telegraph service stations.
51. Milk and milk products distribution stations.
52. Music and music instrument stores and studios.
53. Neighborhood Churches.
54. Newspaper offices.
55. Newsstands.
56. Newsprint, job printing, and printing supplies stores.
57. Office supply and equipment stores.
58. Offices and office buildings.
59. Package liquor stores.
60. Paint stores.
61. Parking lots and garages (commercial, public and private).
62. Pawn shops.
63. Pet shops.
64. Photographic equipment and supply stores.
65. Photographic studios.
66. Physical Fitness Facility or Center.
67. Picture frame shops.
68. Plumbing, heating, and air conditioning shops when the entire operation is conducted entirely within the building.
69. Post office and court buildings.
70. Prescription shops.
71. Private clubs, fraternities, sororities, and lodges.
72. Public and private parking lots for temporary storage of automobiles.

73. Radio and Television studios.
74. Radio and TV stores.
75. Railway, taxi, and bus passenger stations.
76. Restaurants and tearooms.
77. Sporting goods stores.
78. Service stations (gas and oil).
79. Shoe stores and repair shops.
80. Sporting goods stores.
81. Stores and shops, for the conduct of retail business, similar to the uses enumerated above.
82. Tailor shops.
83. Taverns.
84. Theaters.
85. Toy shops.
86. Travel bureaus.
87. Utility company offices.
88. Variety Store.

SECTION 3. REPEAL & AMENDMENT. The Zoning Regulations of the City of Garden City, Kansas, specifically and separately, Sections 2.030 and 16.020, as previously existing and amended, shall be and the same is hereby repealed, to be replaced as specified herein, upon the effective date of this Ordinance.

SECTION 4. SEVERABILITY. If any chapter, article, division, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, for any reason, such holding shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Governing Body hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 5. HEADINGS; SECTION REFERENCES. The headings used in this Ordinance are intended for convenience of reference only and shall not affect the interpretation or construction of this Ordinance or any part hereof.

SECTION 6. EFFECTIVE DATE; SUMMARY PUBLICATION. This Ordinance shall take effect and be in full force and effect from and after the occurrence of all of the following: (a) its passage and signature; (b) publication of a summary of this Ordinance in The Garden City Telegram, the official city newspaper; and (c) publication of the full text of this Ordinance on the City's official website in accordance with subsection (b) of K.S.A. 12-3007.

[ENACTMENT CLAUSE APPEARS ON NEXT PAGE]

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, the 16th day of September 2025.


 ROY CESSNA, Mayor

ATTEST:



CELYN N. HURTADO, City Clerk
KORI A. LONGORIA, Deputy City Clerk



APPROVED AS TO FORM:



JENNIFER V. CUNNINGHAM, City Attorney