

1 (Published in the Topeka Metro News June 28, 2006)

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3
4 ORDINANCE NO. 18666

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6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending
7 Article XXXV and Article XVI. C-2, § 48-16.02 of the Topeka City
8 Code, and specifically repealing said original section 48-16.02.
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10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

11 Section 1. Topeka City Code Article XXXV, DEFINITIONS is hereby amended by
12 the addition of the following section:

13 **DEFINITIONS-SUPPLEMENTAL**

14 For the purpose of this chapter the following terms shall be used in addition to those
15 terms contained in definitions.

16 Vehicle, motor bicycle. A device a person may ride upon which may be propelled by
17 either human power or helper motor or by both and has two (2) tandem or three (3) wheels
18 with a cylinder capacity of not more than one hundred thirty (130) cubic centimeters and a
19 maximum design speed of no more than thirty (30) miles per hour

20 Vehicle, motor scooter. A self-propelled device a person may ride upon having two
21 tandem or three wheels each not greater than twelve (12) inches in diameter and in contact
22 with the ground, a saddle seat, handle bars, and an electric or gas motor no more than two
23 hundred (200) cubic centimeters. A motor scooter may or may not require a State of
24 Kansas Class M motorcycle license.

25 Section 2. Topeka City Code Article XVI, § 4.8-16.02 is hereby amended to read
26 as follows:

27 **Use regulations.**

28 (a) *Permitted uses:*

29 (1) Permitted uses in the "O&I-3" and "C-1" districts; and store, shop,
30 or facility for the conduct of a retail business or service similar in use and nature to the
31 types of activities provided for in less restricted districts.

32 (2) Art and school supply stores.

33 (3) Automobile accessory stores.

34 (4) Bicycle sales and service.

35 (5) Blueprinting and photocopying services.

36 (6) Business machine sales and service.

37 (7) Catering establishments.

38 (8) China, ceramic, and glassware stores.

39 (9) Commercial, indoor recreational facilities which are used primarily
40 for physical exercise, recreation and/or health maintenance including fitness centers,
41 spas, suntanning salons, swimming pools, gymnasiums, game courts, locker and
42 training rooms.

43 (10) Community centers.

44 (11) Crisis center.

45 (12) Department stores.

46 (13) Electronic and telecommunications equipment, sales and service.

47 (14) Furniture, household appliance, and home entertainment stores.

48 (15) Furrier shops, including the incidental storage and conditioning of
49 finished furs.

50 (16) Hobby and craft shops.

51 (17) Hotel, motel and apartment hotel.

52 (18) Home decorating and interior improvement stores, including paint,
53 wallpaper, carpet, window dressing, fabrics and glass, sales; and further, including
54 upholstering and making of draperies, slipcovers, and other similar articles, when
55 conducted as part of the retail operations and secondary to the principal use.

56 (19) Leather goods and luggage stores.

57 (20) Mail order, catalog facility.

58 (21) Motor bicycle or motor scooter sales and service.

59 ~~(21)~~(22) Musical instruments, supplies and equipment store.

60 ~~(22)~~(23) Office supply and equipment store.

61 ~~(23)~~(24) Orthopedic, medical appliance, and prosthesis stores,
62 optician and the sale of eyeglasses; hearing aid evaluations, fitting and sales.

63 ~~(24)~~(25) Pet grooming studios.

64 ~~(25)~~(26) Pet shops.

65 ~~(26)~~(27) Photo finishing lab.

66 ~~(27)~~(28) Post office and postal substations.

67 ~~(28)~~(29) Private class "A" and "B" clubs as licensed by the state
68 alcohol beverage control board.

69 ~~(29)~~(30) Repair and servicing of any article the sale of which is a
70 permitted use in the district.

71 ~~(30)~~(31) Restaurants.

72 ~~(31)~~(32) Theater; nonadult.

73 ~~(32)~~(33) Grave monument and marker sales/display; provided that
74 there is no engraving, stone cutting, or assembly in conjunction therewith.

- 75 (b) *Provisional uses:*
- 76 (1) Automobile rental establishments subject to the requirements of
77 article XXVI.
- 78 (2) Automobile service stations, type[s] I and II subject to the
79 requirements of article XXVI.
- 80 (3) Automotive or vehicle carwash facility subject to the requirements
81 of article XXVI.
- 82 (4) Day care facility, type II.
- 83 (5) Small animal hospital or veterinary clinic for small domestic animals
84 subject to the requirements of article XXVI.
- 85 (6) Dwelling units other than medical care and community living
86 facilities located above the ground floor.
- 87 (7) Vehicle surface parking lot in association with a principal use
88 subject to the requirements of article XXVI.
- 89 (c) *Uses permitted by conditional use permit:* The following uses may be
90 granted a conditional use permit by the governing body provided by article XXV:
- 91 (1) Amusement indoor establishments, including dance, pool, and
92 billiard halls; archery ranges, shooting galleries, pinball, electronic and video games
93 arcade; taverns and similar establishments licensed by the city to sell and dispense
94 cereal malt beverages for drink on premises.
- 95 (2) Automotive service station, type III, subject to the requirements of
96 article XXVI.

97 (3) Commercial recreational facilities which are used primarily for
98 physical exercise, recreation, and/or health maintenance including fitness centers, spas,
99 suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf
100 courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities,
101 including locker and training areas.

102 (4) Public use facility.

103 (5) Private or public utility structures facilitating the transmission,
104 distribution and/or collection systems, including substations, distribution stations, pump
105 stations, reservoirs, towers, transmission equipment buildings and similar such uses.

106 (6) Communication towers, telecommunication equipment and
107 accessory facilities other than those provided for elsewhere in this chapter as exempt as
108 set forth by definition; and subject to the requirements of article XXVI.

109 (7) Vehicle surface parking lot and/or multilevel parking structure as
110 specified by the application, in association with a principal use.

111 Section 3. Original City of Topeka Code Article XXXV and Article XVI. C-2, § 48-
112 16.02 are hereby specifically repealed.

113 Section 4. If any section or provision or part thereof of this ordinance shall be
114 adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication
115 shall not affect the validity of the ordinance as a whole or any section, provision or portion
116 thereof not adjudged invalid or unconstitutional.

117 Section 5. This ordinance shall take effect and be in force after its passage,
118 approval and publication in the official city newspaper.

119 PASSED and APPROVED by the City Council June 20, 2006.

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William W. Bunten, Mayor

124 ATTEST:

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Iris E. Walker, City Clerk