

# Draft Zoning Code Text Amendment

## Short Term Rentals

October 2020

### Instructions for Reading this Document:

Text in the current regulations **to be removed** is indicated in strike-out. Example: ~~“Bed and breakfast home” means a private, owner-occupied single family dwelling .....~~

Text **to be added** to the regulations is underlined. Example, “Owner-occupied” means any dwelling in which.....

Text in the current regulations but **to remain unchanged** is not in strike-out or underlined. Example: “Boarding house” means any dwelling where.....

Numbers such as **18.55** and **18.225.010** denote the chapter and section of the Topeka Municipal Code.

## Chapter 18.55

### DEFINITIONS

~~“Bed and breakfast home” means a private, owner-occupied single family dwelling where no more than four guestrooms are provided for overnight paying guests for not more than seven consecutive nights. The dwelling shall be the primary residence of the owner with no employees permitted, other than permanent residents of the dwelling. Food service may be provided for guests.~~

~~“Bed and breakfast inn” means a single family structure or portion thereof that provides not more than 10 guestrooms for overnight paying guests. Food service may be provided for guests and sometimes in conjunction with social events.~~

“Boarding house” means any dwelling where for compensation and by prearrangement lodging with or without food is provided for three or more persons but not exceeding 20 persons in contradiction to hotels. No personal care is provided.

“Dwelling” means a building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, ~~lodginghouses,~~ boardinghouses, tourist homes, nor house trailers and mobile homes as defined by this chapter.

“Hotel” means a building or group of buildings offering transient lodging accommodations normally on a daily rate to the general public, where access to the rooms is made through a lobby, and with or without accessory uses, such as restaurants, meeting rooms, or recreational facilities. (Ord. 19707 § 2, 2-28-12.)

“Motel” means a building or group of buildings offering transient lodging accommodations normally on a daily rate to the general public, where access to each room is provided directly by an exterior door, and with or without accessory uses, such as restaurants, meeting rooms, or recreational facilities.

“Owner-occupied” means any dwelling in which the owner of record resides for 182 days or more per calendar year.

“Non-owner Occupied” means and dwelling in which the owner of record does not reside in the dwelling or resides in the dwelling fewer than 182 days per calendar year.

“Short term residential rental, type I” means a portion of a dwelling or room within an owner occupied dwelling, containing no more than three (3) sleeping rooms, rented to transient guests for a period less than thirty (30) days.

“Short term residential rental, type II” means a portion of a dwelling or room within a non-owner occupied dwelling, containing no more than three (3) sleeping rooms, rented to transient guests for a period less than thirty (30) days.

“Short term residential rental, type III” means a single-family structure or portion thereof, which may or may not be owner-occupied, containing four (4) to ten (10) sleeping rooms rented to transient guests for a period less than thirty (30) days. Food service may be provided for guests and sometimes in conjunction with social events.

“Transient guest” means a person who occupies a sleeping room in a hotel, motel, bed and breakfast inn, or short term rental for a period less than thirty (30) days.

Use Standards, TMC 18.60.010

**18.60.010 Use Tables**

A = Allowed

S/C = Allowed but Specific Use Requirements Apply; CUP to vary from specific use requirements

C = Conditional Use Permit Required

P = Prohibited

Land Use	Zoning District														
	R-1, R-2, R-3	R-4	M-1	M-1a	M-2	M-3	O&I-1	O&I-2	O&I-3	C-1	C-2	C-3	C-4	I-1	I-2
Bed & Breakfast Home	C	P	C	C	A	A	A	A	A	P	P	P	P	P	P
Bed & Breakfast Inn	C	P	C	C	S/C	S/C	C	C	C	A	A	A	A	A	A
Short Term Residential Rental, Type I	S/C	P	S/C	S/C	A	A	P	P	P	P	P	P	P	P	P
Short Term Residential Rental, Type II	S/C	P	S/C	S/C	A	A	P	P	P	P	P	P	P	P	P
Short Term Residential Rental, Type III	C	P	C	C	S/C	S/C	C	C	C	S/C	A	A	A	A	A

Land Use	Zoning District									
	U-1	MS-1	X-1	X-2	X-3	D-1	D-2	D-3	RR-1	OS-1
Bed & Breakfast Home	P	A	C	C	C	S	C	P	C	P
Bed & Breakfast Inn	P	C	A	C	A	A	A	C	C	P
Short Term Residential Rental, Type I	P	S/C	S/C	S/C	S/C	A	S/C	S/C	S/C	P
Short Term Residential Rental, Type II	P	S/C	S/C	S/C	S/C	A	S/C	S/C	S/C	P
Short Term Residential Rental, Type III	P	C	S/C	C	A	A	A	C	C	P

## Chapter 18.225

### SPECIFIC USE REQUIREMENTS

#### 18.225.010 Special Use Requirements

##### (z) Bed and Breakfast Home Reserved.

~~(1) *Specific Requirements.* Requests to establish a bed and breakfast home shall conform to all of the following requirements:~~

~~(i) The bed and breakfast shall operate as an ancillary use to the principal use of the residence as a single-family dwelling.~~

~~(ii) The bed and breakfast shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment.~~

~~(iii) The bed and breakfast shall be operated within the single-family dwelling and not in any accessory structure.~~

~~(iv) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom can retain an original secondary exterior entrance opening onto a porch or balcony.~~

~~(v) The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.~~

~~(vi) Individual guestrooms shall not contain cooking facilities.~~

~~(vii) The bed and breakfast shall not be used for weddings, receptions, parties, business meetings, or similar such activities.~~

~~(viii) One nonilluminated nameplate sign, attached flat on the face of the principal dwelling, shall be permitted, not to exceed nine square feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both.~~

~~(ix) Retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a bed and breakfast establishment shall be permitted subject to the following requirements:~~

~~(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.~~

~~(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.~~

~~(C) There shall be no advertising, display or other indication of merchandise offered for sale on the premises.~~

~~(D) No commercial telephone listing, newspaper, radio or television service shall be used to advertise the sale of merchandise.~~

~~(E) The total area devoted to the display of merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.~~

(aa) ~~Bed and Breakfast Inn~~ Short Term Residential Rental, Type III.

(1) *Specific Requirements.* Requests to establish a bed and breakfast inn shall conform to all of the following requirements:

(i) ~~The bed and breakfast short term residential rental, type III shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment short-term rental, type III.~~

(ii) ~~The bed and breakfast short term residential rental, type III shall be operated within the single-family dwelling and not in any accessory structure.~~

(iii) ~~The primary entrance to all guestrooms shall be from within the dwelling. A guestroom can retain an original secondary exterior entrance opening onto a porch or balcony, or from a basement unit.~~

(iv) ~~The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.~~

(v) ~~Individual guestrooms shall not contain cooking facilities.~~

(vi) ~~One nonilluminated nameplate sign, attached flat on the face of the principal dwelling, shall be permitted, not to exceed nine square feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both. Signage shall be regulated by the Topeka Sign Code except as allowed or restricted by conditional use permit.~~

(vii) ~~Only R~~ retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a bed and breakfast establishment shall be permitted. subject to the following requirements:

~~(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.~~

~~(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.~~

~~(C) There shall be no advertising, display or other indication of merchandise offered for sale on the premises.~~

~~(D) No commercial telephone listing, newspaper, radio or television service shall be used to advertise the sale of merchandise.~~

~~(E) The total area devoted to the display of merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.~~

~~(F)~~(viii) In the RR-1 district, a bed and breakfast inn short term residential rental, type III shall not be established on less than a three-acre parcel. In all other districts where permitted, a bed and breakfast inn shall be established on a parcel having a minimum size equivalent to 500 square feet per guestroom plus the minimum lot area of the district, for a single-family dwelling, in which located.

(ix) The short term residential rental, type III shall contain a minimum of three (3) off-street parking spaces and one (1) additional off-street parking space for every two sleeping rooms in excess of five (5) sleeping rooms. The Planning & Development Director may allow up to two on-street parking spaces to substitute for required off-street parking if the property contains frontage of 44 feet or more exclusive of driveway approaches and sidewalk ramps.

~~(G)(x)~~ Social events such as weddings, receptions, parties, business engagements or similar activities may be accommodated in conjunction with a bed and breakfast inn, subject to the following requirements:

1. The scheduling and conduct of social events shall be incidental and subordinate to the principal use of the premises as a bed and breakfast inn.
2. All scheduled events shall be by prearranged contract or agreement. Such events shall not be open to the general public.
3. No amplified sound or music, noise or glare shall be allowed outside the inn nor be perceptible from beyond the property line.
4. Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m.
5. Submission of a plan of operation which shall include: Arrangements for parking. Parking for Social Events. Parking for event guests in addition to parking for transient guests shall be provided at a quantity required for religious assembly or cultural facilities.
  - ~~a. Types of social events anticipated to be scheduled at the inn including the types of services to be offered in conjunction with a social event and the anticipated maximum number of guests to be accommodated.~~
  - ~~b. Days of the week and hours of operation for which social events would be scheduled.~~
  - ~~c. Any permitted outdoor activities and the location on the premises that may be used for such activities.~~
  - ~~d. Supervision of guests and arrangements for enforcement of any provisions of the conditional use permit, when applicable.~~
  - ~~e. Any proposed screening, buffering, or landscaping to mitigate potential negative effects.~~
  - f. Arrangements for parking. Specify the added number and location of guest parking in conjunction with social events. Additional on-site parking shall not interfere with accessing guest parking spaces nor conflict with internal traffic circulation.

(2) An administrative permit shall be required and issued by the Planning & Development Director after it is determined the short term residential rental complies will all of the above standards. If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter [18.215](#) TMC.

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(ii) Short Term Residential Rental, Type I.

(1) Specific Requirements. Requests to establish a short term residential rental, Type I shall conform to all of the following requirements:

(i) The short term residential rental shall be located in an existing dwelling and no new structure shall be built expressly for a short term residential rental.

(ii) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom may retain an original secondary exterior entrance opening onto a porch or balcony, or from a basement unit.

(iii) The exterior of the dwelling and premises shall outwardly remain and appear to be a dwelling giving no appearance of a business use.

(iv) Individual guestrooms shall not contain cooking facilities.

(v) The short term residential rental shall not be used for weddings, receptions, parties, business meetings, or similar such activities.

(vi) Signage shall comply with the City of Topeka sign regulations applicable to residential uses.

(vii) Only retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a short term residential rental establishment shall be permitted.

(viii) When contained within a single family or two family dwelling, the short term residential rental shall contain a minimum of one off-street parking space for the primary resident and one off-street parking space for transient guests. The Planning & Development Director may allow up to two on-street parking spaces to substitute for required off-street parking if the property contains frontage of 40 feet or more exclusive of driveway approaches.

(2) An administrative permit shall be required and issued by the Planning & Development Director after it is determined the short term residential rental complies with all of the above standards. If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(kk) Short Term Residential Rental, Type II.

(1) Specific Requirements. Requests to establish a short term residential rental, Type II shall conform to all of the following requirements:

(i) The short term residential rental shall be located in an existing dwelling and no new structure shall be built expressly for a short term residential rental.

(ii) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom may retain an original secondary exterior entrance opening onto a porch or balcony, or basement unit.

(iii) The exterior of the dwelling and premises shall outwardly remain and appear to be a dwelling giving no appearance of a business use.

(iv) Individual guestrooms shall not contain cooking facilities.

(v) The short term residential rental shall not be used for weddings, receptions, parties, business meetings, or similar such activities.

(vi) Signage shall comply with the City of Topeka sign regulations applicable to residential uses.

(vii) Only retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a short term residential rental shall be permitted.

(viii) When contained within a single family or two family dwelling, the short term residential rental, type II shall comply with the off-street parking standards applicable to a single family dwelling. The Planning & Development Director may allow up to two on-street parking spaces to substitute for required off-street parking if the property contains frontage of 44 feet or more exclusive of driveway approaches and sidewalk ramps.

(ix) The short term residential rental, type II shall be no closer than 500 feet from another short term residential rental, type II or bed and breakfast inn in an R, M-1, or M-1A district.

(2) An administrative permit shall be required and issued by the Planning & Development Director after it is determined the short term residential rental complies will all of the above standards. If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter [18.215](#) TMC.