

# Short-Term Rentals Zoning Regulation Updates

City of Topeka  
Planning Commission  
Discussion  
10/19/20





# Short-Term Rentals (STRs) Zoning Regulations Update

Why are we looking at STRs now?

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North of 6th Ave, East of MacVicar Ave. Greater Auburndale Neighborhood

# Short-Term Rentals (STRs) Zoning Regulations Update

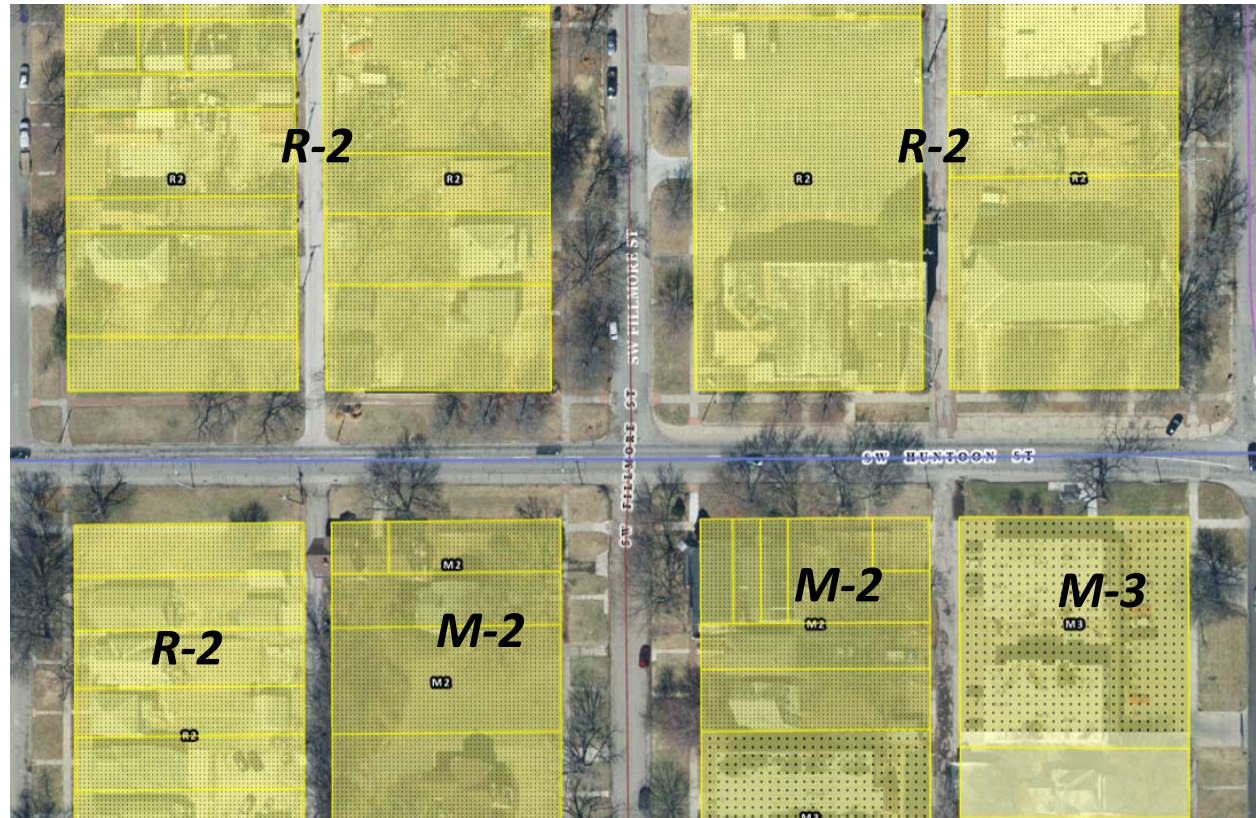
## Process-

- Research (mostly done)
- Stakeholder Engagement (now)
- *Discussion of Planning Commission (October 19<sup>th</sup>) – not a public hearing*
- Public hearing and recommendation from Planning Commission (Possibly as early as December 21st)
- City Council consideration – and possible action

# Short-Term Rentals (STRs) Zoning Regulations Update

## Residential Zoning Classifications / Districts

- R-1 & R-2 Single Family Dwelling Districts
- M-1 Two Family Dwelling District
- M-2 & M-3 Multiple Family Dwelling Districts



# Short-Term Rentals (STRs) Zoning Regulations Update

What is a single family dwelling?

- A building occupied by a single family. “Family” defined as *“an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit . . . .”*
- A single family dwelling may be occupied by the owner or tenants renting from the owner.

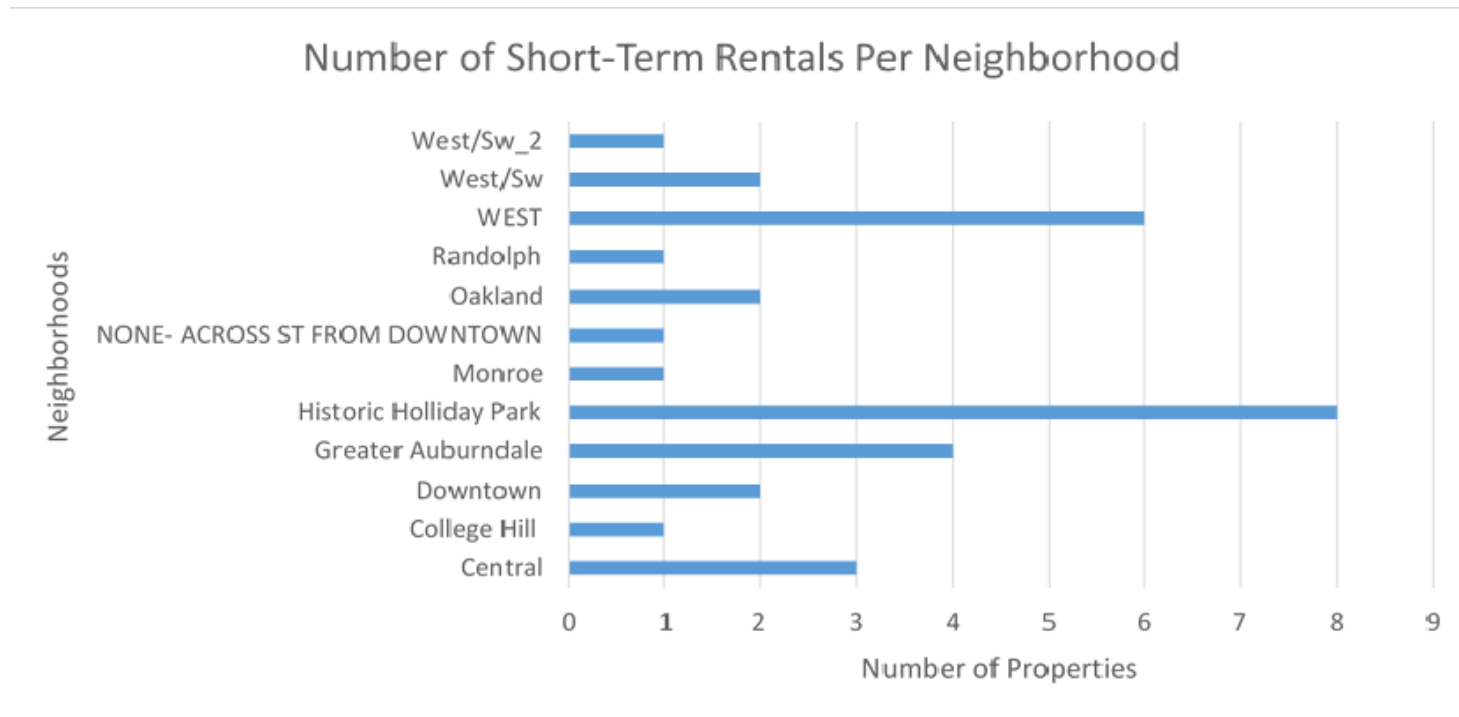
## Topeka STR Research

- Collected information on March 24 - 26, 2020
- **Travel dates used *November 6 – 13, 2020.***
- Platforms searched were: VRBO, FlipKey, HomeAway, and Airbnb
- Total of 32 properties in city limits. 25 of these are non-owner occupied.

# Topeka STR Research

## Neighborhoods

Twelve neighborhoods were identified as having at least one property that is listed as a short-term rental. (See chart below.)

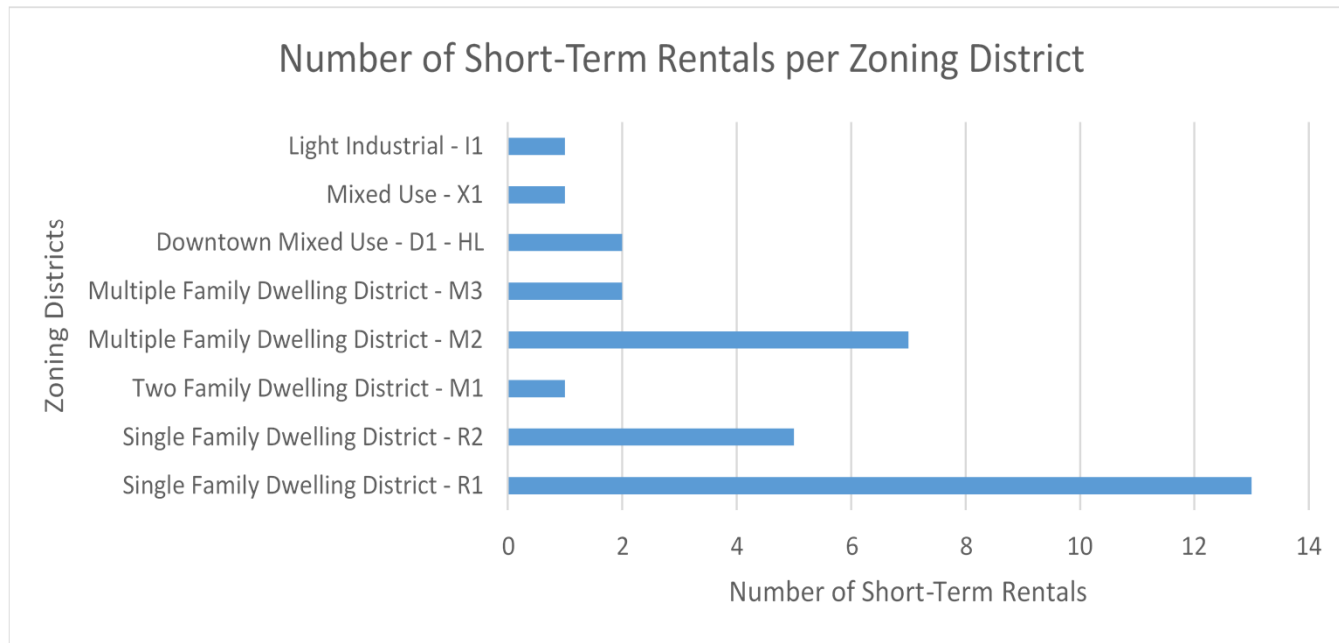




# Topeka STR Research

## Zoning

Zoning districts for these properties may vary, however, the majority were located in Single Family Dwelling District – R1, followed by Multiple Family Dwelling – M2, and Single Family Dwelling – R2. (See chart below for break down)



18 of the 32 STRs are located in single family residential zoning districts (R-1 and R-2).

## STR Regulations in Other Cities

City	Allowed in SF & Two Family Residential Districts?	Key Standards / Provisions
Lawrence, KS	Owner-occupied allowed with a license. Non owner-occupied prohibited.	Initial inspection and inspection for renewal every two years. (interior and exterior)
Manhattan, KS	Not specifically regulated but require licensing for long term rentals.	
Overland Park, KS	Owner-occupied and non owner-occupied allowed by administrative permit. Applies to both short term and long term rental.	Initial inspection and inspection for renewal every two years.
Kansas City, KS	Requires special use permit (SUP) – public hearing by planning commission, action by Governing Body.	Inspections every two years.

## STR Regulations in Other Cities

City	Allowed in SF & Two Family Residential Districts?	Key Standards / Provisions
Kansas City, MO	<p>Owner-occupied (Type I) allowed by permit subject to specific use standards. SUP if standards can't be met.</p> <p>Non owner-occupied (Type II) requires SUP.</p>	<p>Two-year license.</p> <p>\$300,000 liability insurance required.</p>

# Compare Current to Proposed Zoning Regulations

## Current Standards

### Definitions

- “Bed & Breakfast Home” and “Bed and Breakfast Inn”
- BnB “Home” is owner-occupied; BnB “Inn” is not.
- BnB Home allowed up to 4 guestrooms; BnB Inn may have up to 10 guestrooms.
- Time of lodging limited to no more than “7 consecutive nights” for BnB “Homes”; no time limit for BnB “Inns”

## Proposed Standards

### Definitions

- Replaced with Short Term Rental, Types I, II, and III.
- STR, Type I – owner-occupied, max 3 sleeping rooms, for period less than 30 days.
- STR, Type II – non-owner occupied, max 3 sleeping rooms, for period less than 30 days.
- STR, Type III – may or may not be owner-occupied, 4 to 10 sleeping rooms, for period less than 30 days.
- Adding a definition for “owner-occupied” (owner must reside for 182 days or more per year)

## Compare Current to Proposed Zoning Regulations (specific use standards)

### Current Standards

**Allowed, conditional, or prohibited in residential zoning districts?**

- ***“BnB Home” and “BnB Inn” require a conditional use permit in SF and two-family residential districts.***
- BnB Home allowed in MF residential districts (M-2 and M-3); BnB Inn is allowed but specific use standards apply in MF residential districts.

### Proposed Standards

**Allowed, conditional, or prohibited in residential zoning districts?**

- ***STR types I and II are allowed in SF and two-family residential districts by administrative permit subject to specific use standards.*** Both are allowed in MF residential districts.
- STR type III requires a conditional use permit in SF and two-family residential districts. Allowed subject to specific use standards in MF residential districts.

# Compare Current to Proposed Zoning Regulations

## Current Standards

### **Specific Use Standards – BnB Homes, Inns**

- Building must retain its appearance as a SF residence, giving no appearance of a business use.
- BnB Homes may not be used for weddings, receptions and similar events. BnB Inns may be used for such events but with many restrictions

## Proposed Standards

### **Specific Use Standards – STRs types I & II**

- Building must retain its appearance as a SF residence, giving no appearance of a business use.
- STR types I and II may not be used for weddings, receptions and similar events.

# Compare Current to Proposed Zoning Regulations

## Current Standards

### Specific Use Standards – BnB Homes, Inns

#### Parking:

- No stated off-street parking requirement for BnB Homes; for events in BnB Inns, a “plan of operation” including arrangement for parking is required.

## Proposed Standards

### Specific Use Standards – STRs types I & II

#### Parking:

- STR type I: 1 off-street parking space for primary resident and 1 off-street parking space for transient guests (2 spaces total). Up to 2 spaces may be provided on street with 44 feet of unobstructed frontage.
- STR type II: Same as for a SF dwelling (1-2 spaces depending on size of dwelling). Up to 2 spaces may be provided on street with 44 feet of unobstructed frontage.

# Compare Current to Proposed Zoning Regulations

## Current Standards

### **Specific Use Standards – BnB Homes, Inns**

#### Concentration / Spacing:

- No expressed requirement, but parking can be addressed as part of a conditional use permit.

## Proposed Standards

### **Specific Use Standards – STRs types I & II**

#### Concentration / Spacing:

- No requirement for STR type I.
- STR type II: Located no closer than 500 feet from another STR type II or III.



# Compare Current to Proposed Zoning Regulations

## Proposed Standards

### **Specific Use Standards – STRs types I & II**

- If one of the specific use standards cannot be met, the owner may apply for a conditional use permit

# Compare Current to Proposed Zoning Regulations

## Proposed Standards

### **Specific Use Standards – STR type III (compare to previous BnB Inn standards)**

- More explicit off-street parking standards: 3 spaces plus 1 additional space for every two sleeping rooms in excess of five rooms. Up to 2 on-street parking spaces may substitute for required off-street parking with unobstructed street frontage of 44 feet or more.

## Off-Street Parking



**2 potential parking spaces**

**Approx. 37' frontage**



# Short-Term Rentals (STRs) Zoning Regulations Update

## Questions/Comments from Stakeholders:

Why change the requirement from CUP (public hearing) to an administrative permit (no public hearing)?

If a current owner/operator does not now meet the “concentration/separation” standard of 500 feet, how will that be resolved going forward?

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## Questions/Comments from Stakeholders:

Will the administrative permit include a time limit, will we require the owner/operator to renew or re-apply?

Other cities require operators of short term rentals to maintain liability insurance. Is the City of Topeka considering that as a requirement?

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