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?
Short-Term Rentals (STRs) Zoning Regulations Update

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\textsuperscript{th}) – 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
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.)
18 of the 32 STRs are located in single family residential zoning districts (R-1 and R-2).
## STR Regulations in Other Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Allowed in SF &amp; Two Family Residential Districts?</th>
<th>Key Standards / Provisions</th>
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</thead>
<tbody>
<tr>
<td>Lawrence, KS</td>
<td>Owner-occupied allowed with a license. Non owner-occupied prohibited.</td>
<td>Initial inspection and inspection for renewal every two years. (interior and exterior)</td>
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<tr>
<td>Manhattan, KS</td>
<td>Not specifically regulated but require licensing for long term rentals.</td>
<td></td>
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<tr>
<td>Overland Park, KS</td>
<td>Owner-occupied and non owner-occupied allowed by administrative permit. Applies to both short term and long term rental.</td>
<td>Initial inspection and inspection for renewal every two years.</td>
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<td>Kansas City, KS</td>
<td>Requires special use permit (SUP) – public hearing by planning commission, action by Governing Body.</td>
<td>Inspections every two years.</td>
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<td>Kansas City, MO</td>
<td>Owner-occupied (Type I) allowed by permit subject to specific use standards. SUP if standards can’t be met. Non owner-occupied (Type II) requires SUP.</td>
<td>Two-year license. $300,000 liability insurance required.</td>
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</table>
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)
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<td>- “BnB Home” and “BnB Inn” require a conditional use permit in SF and two-family residential districts.</td>
<td>- <em>STR types I and II are allowed in SF and two-family residential districts by administrative permit subject to specific use standards.</em> Both are allowed in MF residential districts.</td>
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<td>- 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.</td>
<td>- 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.</td>
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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

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<td>- No stated off-street parking requirement for BnB Homes; for events in BnB Inns, a “plan of operation” including arrangement for parking is required.</td>
<td>- 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.</td>
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<td>- 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.</td>
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<td>- No expressed requirement, but parking can be addressed as part of a conditional use permit.</td>
<td>- No requirement for STR type I.</td>
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<td>- STR type II: Located no closer than 500 feet from another STR type II or III.</td>
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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?
Short-Term Rentals (STRs) Zoning Regulations Update

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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