



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

**MONDAY, OCTOBER 19, 2020
6:00 P.M.**

Meeting Held Electronically Only via Video Conference
For information on live viewing,
contact the Planning & Development Department.

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <https://www.topeka.org/calendar>



ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.

HEARING PROCEDURES

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. **All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.**

Members of the Topeka Planning Commission

Brian Armstrong, 2020 Chairperson
Ariane Messina
Corey Dehn
Marc Fried
Wiley Kannarr
Jim Kaup
Corliss Lawson
Katrina Ringler
Matt Werner

Topeka Planning Staff

Bill Fiander, AICP, Planning Director
Dan Warner, AICP, Planner III
Carlton O. Scroggins, AICP, Planner III
Mike Hall, AICP, Planner III
Tim Paris, Planner II
Annie Driver, AICP, Planner II
Taylor Ricketts, Planner I
Bryson Risley, Planner I
Melissa Fahrenbruch, Planner I
Kris Wagers, Administrative Officer



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, October 19, 2020

A. Roll call

B. Approval of minutes – September 21, 2020

C. Declaration of conflict of interest/ex parte communications by members of the commission or staff

D. Action Items

- 1. Public Hearing of PUD20/01 6th & Golden Eversy Substation by Eversy, Inc.**
requesting to amend the District Zoning Map from “X-1” Mixed Use District to “PUD” Planned Unit Development District (“X-1” Mixed Use District uses plus allowing a Public Utility Station, Type II with an exception to the 62 ft. height limitation for poles and towers) on a 1.64 acre property located along the south side of SE 6th Avenue lying between SE Golden and SE Highland Avenues. The rezoning allows the remodeling and expansion of the existing electric substation and allows transformers and dead end structures poles to exceed the 62 ft. height limit and allow towers up to a maximum height of 75 ft. **(Driver)**

E. Presentation/Discussion Items

- 1. Downtown Master Plan Update** with a focus on Tower and Van Buren Districts. View the presentation slides on the Downtown Master Plan webpage at www.topeka.org/planning/downtown-master-plan/
- 2. Short Term Rentals –** A Report by Planning Staff regarding draft changes to the zoning code creating new standards for “Short Term Rentals” and results of October information meetings with stakeholders. Short term rentals are regulated as “bed and breakfast home” and “bed and breakfast inn” in the current zoning code.

F. Communications to the Commission

G. Adjournment



CITY OF TOPEKA

Planning Division
620 SE Madison, Unit 11
Topeka, KS 66607

Bill Fiander, AICP, Planning Director
Tel: 785-368-3728
www.topeka.org

To: Topeka Planning Commission
From: Mike Hall, AICP; Manager, Current Planning
Date: October 19, 2020

RE: ACZR 20/01 Text Amendment for Short Term Rental Regulations

Staff is presenting for your consideration and discussion draft changes to the zoning regulations regarding transient lodging of the type available on AirBnB, Verbo, and similar on-line platforms otherwise known as “short term rentals.”

No action is requested at this time. You will be asked to make a recommendation to the Governing Body on a recommended zoning code amendment upon conducting a public hearing at a future meeting, possibly as early as December 2020.

Stakeholder Meetings

Planning staff scheduled two stakeholder meetings for proposed short term rental regulations. The first meeting, for owner/operators of short term rentals, is being held at 6pm, October 12th. The second meeting, mainly for property owners in proximity to short term rentals, will occur at 6pm, October 14th. Both meetings will be conducted via Zoom.

For the stakeholder meetings staff sent invitations to 20 owners (for a total of 31 known short term rental properties) and 495 owners of properties located within 200 feet of known short term rental properties. At the October 19th meeting staff will present to the Planning Commission the feedback received from the two stakeholder meetings.

“Short Term Rentals” per Current Zoning Regulations

Topeka’s zoning regulations accommodate “short term rentals” in two types: “bed & breakfast homes” and “bed & breakfast inns” as defined by the Topeka zoning ordinance (TMC 18.55.020).

A bed & breakfast home is “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.” The key characteristic of bed & breakfast homes is that the principal use is essentially a single family residence to which the overnight stay of guests is secondary.

A bed & breakfast inn is “a single family structure that provides not more than 10 guestrooms for overnight paying guests.” The bed & breakfast inn is more like a hotel as the principal use in that the owner or long term tenant does not necessarily reside in the building and in which a larger number of guests is allowed.

In single-family residential zoning districts (R-1, R-2), bed and breakfast homes and inns are permitted only by a conditional use permit (CUP) approved by the Governing Body.

Background / Recommended Standards

The circumstances surrounding short term rentals in Topeka arose as a result of complaints received about a concentration of short term rentals in the Auburndale neighborhood (generally located north of SW 6th Avenue between SW MacVicar on the west and the Potwin neighborhood on the east).

The Planning & Development Department issued a notice of violation to the owner of a “bed and breakfast inn”, requiring a conditional use permit. The owner appealed and, upon holding a public hearing, the Board of Zoning Appeals denied the appeal and upheld the action of the Planning & Development Director. The proceedings of the public hearing revealed there are many bed and breakfast “homes” and “inns” in Topeka and none approved by conditional use permit. A subsequent decision was made to hold off requiring owners of bed and breakfast homes and inns to obtain conditional use permits pending consideration of an amendment to the zoning code to address these uses, while enforcing generally the specific standards for them in section 18.225.010 of the zoning code.

Staff has completed a *Report on the State of Short-Term Rentals within the City of Topeka* (attached) which was provided to stakeholders by a link to the Planning Division web page. The summary describing the current and proposed standards, and the reason for the changes, was provided to stakeholders and is attached. The draft zoning code changes provided to stakeholders are also attached.

In summary, the proposed changes:

- provide more practical and effective definitions for short term rentals, including definitions for three types of short term rental (short term rental, types I, II, and III);
- allow short term rental, types I and II by administrative permit and type III by conditional use permit in single family residential districts (R-1, R-2) and two family residential districts (M-1, M-1A);¹ and
- require short term rentals to comply with specific use standards, including standards for off-street parking currently not included in the standards for bed and breakfast homes and inns.

Attachments

1. *Report on the State of Short-Term Rentals within the City of Topeka*
2. Summary of Current Regulations, Proposed Regulations, and Purpose of Proposed Changes
3. Draft Zoning Code Text Amendment

¹ Under current regulations bed and breakfast homes and inns require a conditional use permit in single family and two family residential zoning districts.

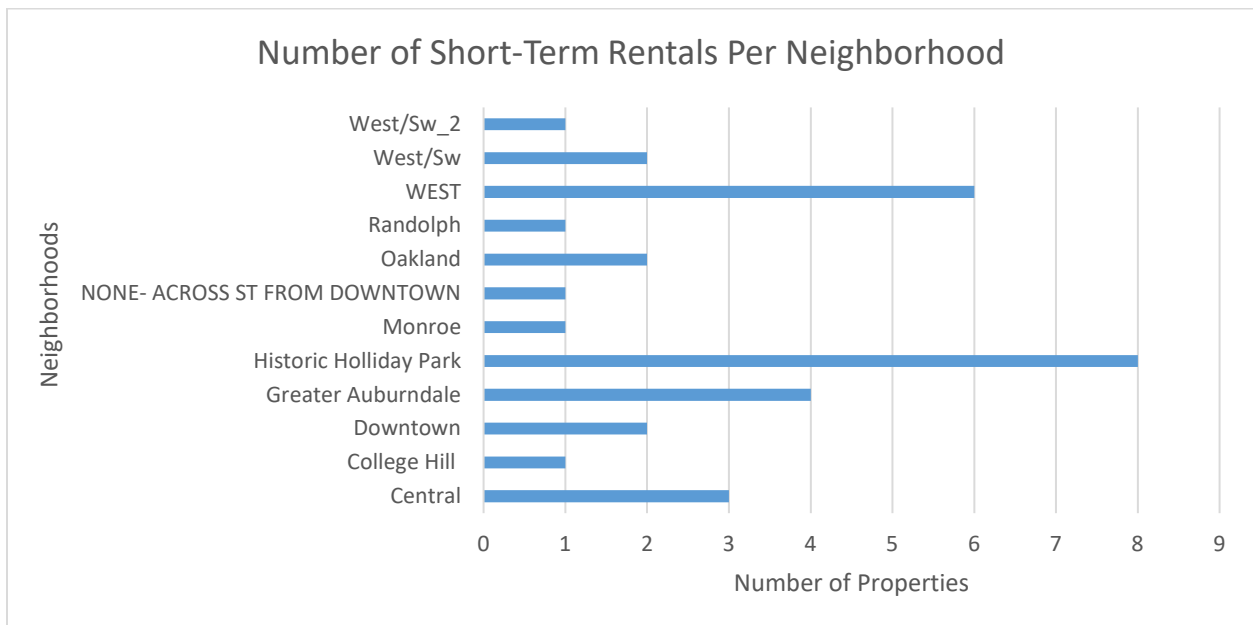
City of Topeka Planning Division

Report on the State of Short-Term Rentals Within the City of Topeka September 22, 2020

Planning Staff collected information over a period of several days, March 24 - 26, 2020 using the travel dates of November 6 – 13, 2020 for two adults. Platforms searched were: VRBO, FlipKey, HomeAway, and Airbnb with a total of 32 properties found within the city limits.

Neighborhoods

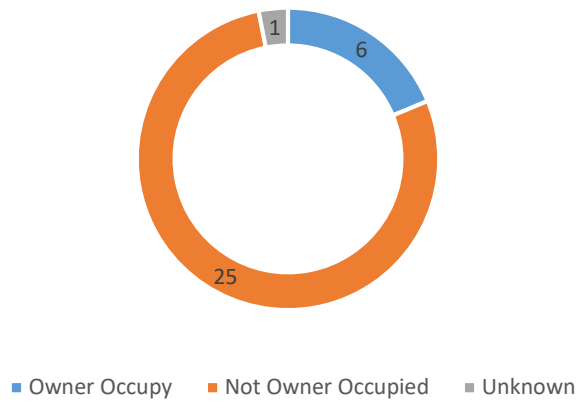
Twelve neighborhoods were identified as having at least one property that is listed as a short-term rental. (See chart below.)



Occupied Status

Of these properties, 25 were found to be not occupied by the owner and six were found to be occupied by the owner. One property has no owner information. (See graph below)

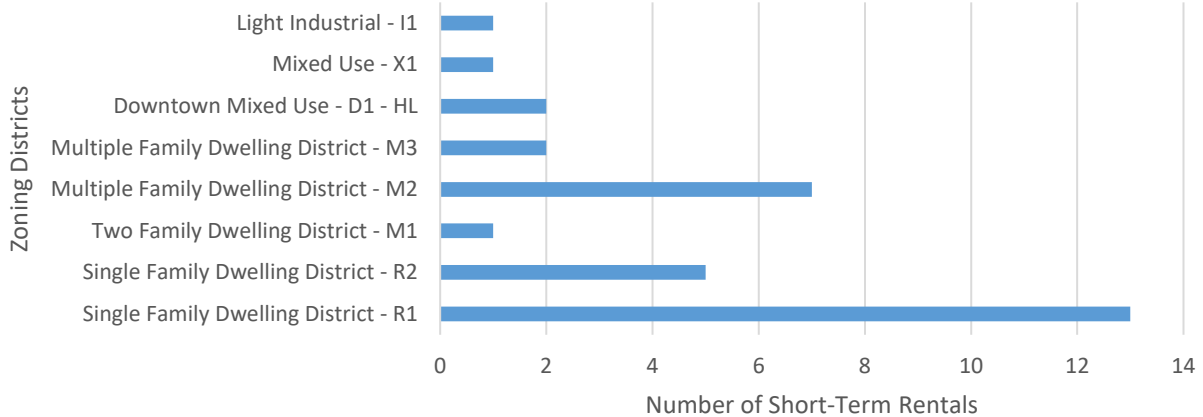
Number of Owner Occupy Vs. Not Owner Occupied



Zoning

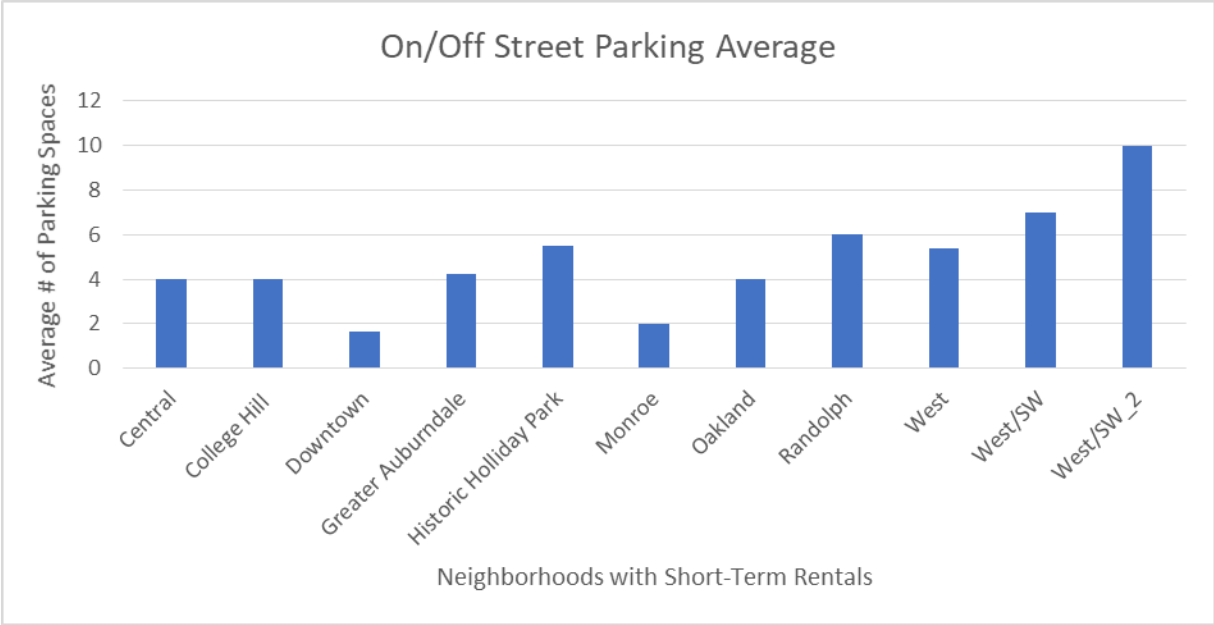
Zoning districts for these properties may vary, however, the majority were located in Single Family Dwelling District – R1, followed by Multiple Family Dwelling – M2, and Single Family Dwelling – R2. (See chart below for break down)

Number of Short-Term Rentals per Zoning District



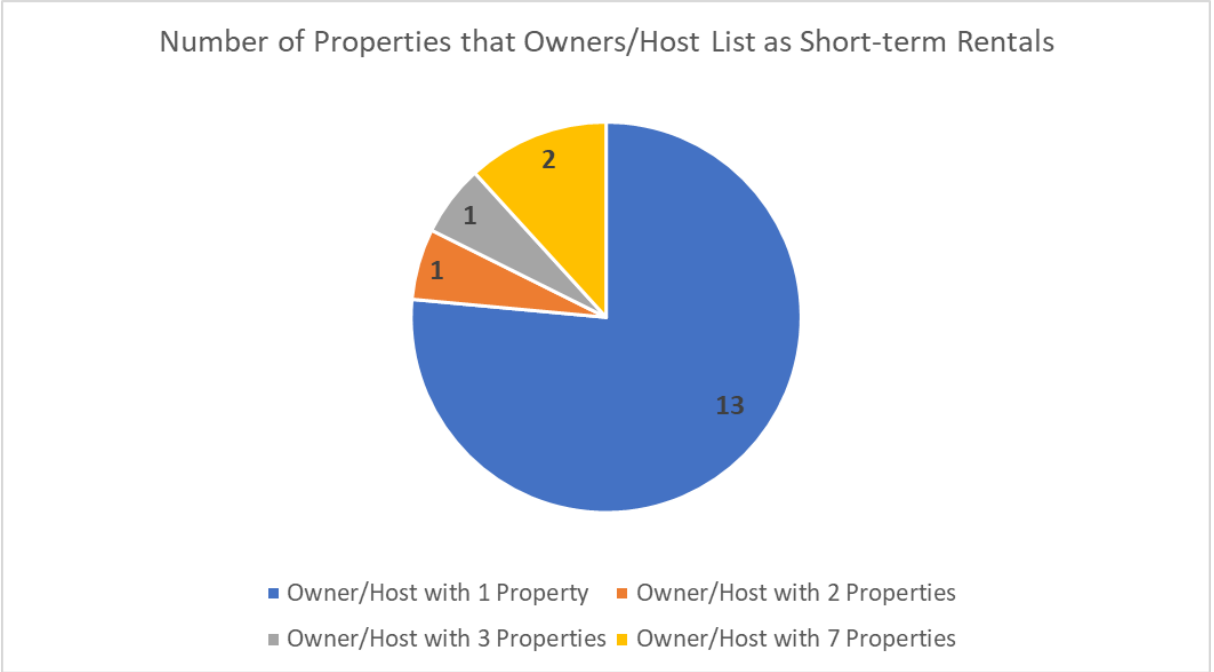
Parking

Parking is a concern for neighbors of short-term rentals, however, staff’s research indicates that the majority of the properties have both on and off street parking for at least two cars. Although, there are a few locations where it appears to be no parking. (See chart below)



Listed and/or Owned

Of the 32 properties, there were properties that were listed and/or owned by the same person. Out of these properties four people have listed and/or own two or more properties. (See chart below)



Research on what other Kansas and Missouri cities are doing to regulate short-term rentals is underway and a separate report will be written.

SUMMARY

Short Term Rentals

Current Zoning Regulations

Much of the transient lodging offered on Air BnB, Verbo, and other online platforms is currently regulated by Topeka's zoning code under the land use categories of "bed and breakfast home" and "bed and breakfast inn." A "bed and breakfast home" is defined as *"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"* A "bed and breakfast inn" is defined as *"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."*

Under current regulations bed and breakfast homes and inns require a conditional use permit in single-family (R-1, R-2, R-3) and two-family (M-1, M-1a) residential zoning districts. The zoning regulations include other standards specific to bed and breakfast homes and inns. The standards are intended to ensure bed and breakfast homes are compatible with surrounding residential land uses.

Proposed Zoning Regulations

The proposed regulations replace "bed and breakfast home" with two categories of transient lodging: "short term rental, type I, which is owner-occupied, and "short term rental, type II", which is not owner-occupied. "Bed and breakfast inn" is replaced with "short term rental, type III."

It is proposed that the three types of short term rental be defined by length of stay, owner or non-owner occupancy, number of sleeping rooms, allowance for events and related activities. It is also recommended that short term rental types I and II be allowed in single and two-family residential districts but be subject to specific standards and require an administrative permit. Short term rental, type III would require a conditional use permit in single and two-family residential districts, as is the current requirement for bed and breakfast inns.

Why are Changes Proposed?

The City of Topeka regularly updates its zoning regulations to more efficiently and effectively respond to the needs of owners, residents, and other stakeholders. The availability and use of short term rentals has proliferated along with the growth in the sharing economy and internet commerce. The current regulations in Topeka's zoning code lack clarity and do not meet the needs and expectations of stakeholders.

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.

* * *

(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.