

SUMMARY

Current Zoning Regulations

Much of the transient lodging offered on AirBnB, 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.