

# Short Term Rentals Summary

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TopekaKansas

## Definitions:

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

**“Non-owner Occupied”** means any 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 any owner-occupied dwelling which: (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) has no more than five bedrooms furnished for the accommodation of such guests. (Replaced definition of “Bed and Breakfast Home.”)

**“Short-term residential rental, type II”** means any non-owner-occupied dwelling which (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) has no more than five bedrooms furnished for the accommodation of such guests. (Replaced definition of “Bed and Breakfast Inn.”)

**“Short-term residential rental, type III”** means any dwelling, which may or may not be owner-occupied, and which (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) has six or more bedrooms furnished for the accommodation of such guests. (Replaced definition of “Bed and Breakfast Inn.”)

**“Transient guest”** means a person who occupies a short-term residential rental for not more than twenty-eight (28) consecutive days.

# Short Term Rentals

USE TABLE per Topeka Municipal Code (TMC) 18.60.010

| SHORT TERM RENTAL TYPE | ALLOWED in properties zoned:                               | ADMINISTRATIVE PERMIT REQUIRED in properties zoned:  | CONDITIONAL USE PERMIT REQUIRED in properties zoned:           | PROHIBITED in properties zoned: |
|------------------------|--|--|--|---------------------------------|
| Type I                 | M-2, M-3, D-1  | R-1, R-2, R-3, M-1, M-1A, O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, I-1, I-2, MS-1, X-1, X-2, X-3, D-2, D-3, RR-1 |  | R-4, U-1, OS-1                  |
| Type II                | M-2, M-3, D-1  | R-1, R-2, R-3, M-1, M-1A, O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, I-1, I-2, MS-1, X-1, X-2, X-3, D-2, D-3, RR-1 |  | R-4, U-1, OS-1                  |
| Type III               | M-2, M-3, X-2, X-3, D-1, D-2, D-3, C-2, C-3, C-4, I-1, I-2 | C-1, X-1   | R-1, R-2, R-3, M-1, M-1A, O&I-1, O&I-2, O&I-3, C-1, MS-1, RR-1 | R-4, U-1, OS-1                  |

## Special Use Requirements per TMC 18.225.010:

The special uses identified in the use matrix table at TMC 18.60.010 are subject to the additional requirements of this chapter. In case of any conflict between the regulations of the district in which the use is allowed and the additional regulations of this chapter, the most restrictive regulations shall govern:

### Short Term Residential Rental, Type I and II:

**Specific Requirements.** Each Short-term residential rental, Type I and II shall meet all of the following requirements unless waived as part of the conditional use permit process.

- The exterior of the dwelling and premises shall outwardly remain and appear to be a residential dwelling giving no appearance of a business use.
- The primary entrance to all rooms accessible to guests shall be within the dwelling. An original secondary exterior entrance opening onto a porch or balcony or from a basement unit is allowed.
- Individual guestrooms shall not contain cooking facilities.
- **Type I and II** shall not be used for weddings, receptions, large parties or gatherings, business meetings, or similar activities.
- Signage shall comply with the sign regulations applicable to residential uses. TMC sign code 18.10. (A separate sign permit may be required.)

# Short Term Rentals

- 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.
- Parking shall comply with the parking requirements of TMC 18.240. Parking of commercial vehicles by transient guests is not permitted.
- In non-residential zoning districts, the Short-Term Rental dwelling shall conform to the use standards of TMC 18.60.010 or be legal non-conforming use.
- The trash and recycling receptacles shall be of sufficient size and number to accommodate all refuse generated by the owner and the guests.
- Outdoor activities shall not produce any excessive, unnecessary, and unusual or loud noises which: (1) create a nuisance; or (2) which interfere with the use or enjoyment of property of any person of reasonable sensibilities.
- Administrative permit. Upon receipt of an application and payment of permit fee, the Director will determine whether the application meets the requirements of the TMC 18.225.010. Upon approval, the Director will issue the permit and notify owners of all parcels adjacent to the subject property of the issuance of the permit. The administrative permit shall be valid for two years and may be renewed upon a finding of compliance with the requirements and payment of a fee. The Director may deny an application, revoke, or suspend a permit for failure to comply with TMC18.225.010.
- **Conditional Use Permit.** In the event that a person cannot meet the requirements of Specific Use Requirements, such person may apply for a conditional use permit per TMC 18.215.

## Short Term Residential Rental, Type II:

**In addition to the above, any type II in an R, M-1, or M-1A district established after March 1, 2021 shall be no closer than 500 feet from another type II or type III in an R, M-1, or M-1A district. |**

## Short Term Residential Rental, Type III:

- The exterior of the dwelling and premises shall outwardly remain and appear to be a residential dwelling giving no appearance of a business use.
- The primary entrance to all rooms accessible to guests shall be within the dwelling. An original secondary exterior entrance opening onto a porch or balcony or from a basement unit is allowed.
- Individual guestrooms shall not contain cooking facilities.
- Type III, all scheduled events shall be by prearranged contract or agreement. Such events shall not be open to the general public. Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m. **Parking for Social Events.** Off-street parking for event guests shall meet the same number requirements as required by TMC 18.240.030 for religious assembly or cultural facilities.
- Signage shall comply with the sign regulations applicable to residential uses. TMC sign code 18.10. (A separate sign permit may be required.)
- 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.

# Short Term Rentals

- Parking shall comply with the parking requirements of TMC 18.240. Parking of commercial vehicles by transient guests is not permitted.
- In non-residential zoning districts, the Short-Term Rental dwelling shall conform to the use standards of TMC 18.60.010 or be legal non-conforming use.
- The trash and recycling receptacles shall be of sufficient size and number to accommodate all refuse generated by the owner and the guests.
- Outdoor activities shall not produce any excessive, unnecessary, and unusual or loud noises which: (1) create a nuisance; or (2) which interfere with the use or enjoyment of property of any person of reasonable sensibilities.
- Administrative permit. Upon receipt of an application and payment of permit fee, the Director will determine whether the application meets the requirements of the TMC 18.225.010. Upon approval, the Director will issue the permit and notify owners of all parcels adjacent to the subject property of the issuance of the permit. The administrative permit shall be valid for two years and may be renewed upon a finding of compliance with the requirements and payment of a fee. The Director may deny an application, revoke, or suspend a permit for failure to comply with TMC18.225.010.
- **Conditional Use Permit.** In the event that a person cannot meet the requirements of Specific Use Requirements, such person may apply for a conditional use permit per TMC 18.215.

## PARKING STANDARDS

### **Required Off-Street Parking Spaces per TMC 18.240.030:**

Each parking space on private property must have a minimum width of 9 feet and length of 18 feet on a hard surface of concrete, asphalt, or compacted gravel meeting City of Topeka standards and accessible by an approved or existing driveway.

### **Short Term Rental Type II**

**Required Parking:** As required for single and two-family dwellings.

Up to two on-street parking spaces may substitute for required off-street parking if the property contains frontage of 22 feet or more, exclusive of driveway approaches, sidewalk ramps, and no parking zones. A minimum of 22 feet of frontage on a street is required for each on-street parking space

### **Short Term Residential Rental, Type I and III**

**Required Parking:** 1 per every 2 bedrooms for guests in addition to parking required for the residence. In the calculation of parking for guest rooms, a fraction of one-half or more shall be rounded up to the next whole number.

Up to three on-street parking spaces may substitute for required off-street parking if the property contains frontage of 22 feet or more, exclusive of driveway approaches, sidewalk ramps, and no parking zones. A minimum of 22 feet of frontage on a street is required for each on-street parking space.