

STAFF REPORT

DATE: 08/05/2026

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Draft Short Term Rental Regulations

STAFF COMMUNICATION

FOR MEETING OF	8/13/2026
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: Short-Term Rental Regulations

Background Information:

In August 2025 the city received concerns about a short-term rental (STR) property in Bel Aire related to noise and parking. The concerned homeowner requested information related to city processes and requirements for short term rental properties in Bel Aire.

The City of Bel Aire currently does not have a specific Chapter or Article in the City Code titled "Short Term Rental". However, the Bel Aire City Code does set out requirements to meet zoning regulations and obtain a general business license.

Bel Aire does have a definition in the code for a "bed and breakfast": "The use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than 15 guests on a paying basis". This definition does not directly describe the conditions for a short-term rental. STR's provide an entire resident for temporary lodging and not just "rooms". If the "bed and breakfast" definition was the appropriate definition, that use is only listed in the Rural Residential District (areas with 5-acre lots) and R-1 or Estate Residential District (1-acre lots). These districts list "bed and breakfast" as a conditional use only, requiring the owner to file a Special Use case and go through a formal approval process.

The initial discussion about STR properties was brought to the City Council in October 2025. Introductory information was presented and staff provided information on the City of Wichita short-term regulations that were adopted in 2023. The following City of Wichita regulations were discussed including:

1. Administrative Permit approval process
2. Appropriate required zoning approvals
3. Annual license requirement
4. Protest petition process
5. Inspections to ensure the home is in compliance with housing, fire, building, zoning and all other applicable codes

Staff initially stated that the City of Wichita process could serve as a template for Bel Aire. The Council provided direction to staff to develop an administrative approval process for STR properties vs. requiring STR properties to file a special use permit approval process.

Between October 2025 and March 2026, city staff began developing an initial regulation document for review and feedback by the City Council.

At the March City Council Workshop staff provided draft regulation sections and general information. Council provided suggestions and direction for regulation development.

Due to the world cup activities in 2026, the State of Kansas suspended the use and enforcement of STR regulations to expand accommodations for the projected high volume of people coming to the event in Kansas City. The suspension was in effect through August 1, 2026. As a result, it was anticipated that the Bel Aire STR regulations would be approved in the fall, 2026.

Current Discussion:

The following sections are contained in the working preliminary draft STR regulations:

1. Presumption of Ownership
2. Short-Term Rental Definition
3. Definitions
4. Short-Term Rental Administrative Permit Requirements
5. Ownership Limits
6. Limited Home Rental Exemption
7. Non-Valid Short Term Rental Permits
8. Separation and Density Requirements
9. Existing Units
10. Application for Short-Term Rental Permit
11. Non-Transferability of Short-Term Rental Permits
12. Permit Expiration and Renewal
13. Good Neighbor Guidelines
14. Short-Term Rental Regulations (standards)
15. Trash Collection Service Requirement
16. Outdoor Lighting
17. Quiet Hours
18. Pets
19. Parking Requirements
20. Unique Structures
21. Gatherings and Events
22. Overnight Guest Occupancy and Bedroom Definitions
23. Duties of Owner
24. Duties of Management Agent
25. Short-Term Rental Permit, Denial or Non-Renewal, Suspension, or Revocation
26. Appeals of Short-Term Rental Decisions
27. Initial Compliance Requirements and Timeline

These sections were developed from regulation research from municipalities across the state along with direction and feedback provided from the City Council during workshop presentations.

The order of the sections may be rearranged as the final ordinance is developed.

Proposed Short-Term Rental Regulation Process:

1. STR property owners will submit an application and required information/documents to the Administrator.
2. Administrator will evaluate the application for approval, approval with conditions, or denial.
3. If the application meets all requirements, the application is administratively approved.
4. At the time of STR application submission, a protest petition process will be available for surrounding property owners. This process will be further reviewed to identify clear process and how notification of surrounding property owners will occur.
5. If the application is denied, the applicant can file an appeal.
6. The appeal will trigger a public hearing before the Planning Commission.
7. Planning Commission will review the application for approval, approval with conditions, or denial.
8. Planning Commission is the final appeal authority.

Once regulations are approved and put into effect, staff will work with all current and future STR property owners to obtain their permit.

Draft STR Document:

The document is a working preliminary draft of proposed STR regulations. The specific language will continue to be updated and does not represent a final regulatory proposal.

The draft document was provided to inform the Planning Commission of the current progress and solicit feedback, comments and suggestions.

Revisions will continue to be made as city staff reviews the document and feedback is provided by the Planning Commission and City Council.

Sections may be modified, rearranged or removed as the document is fully reviewed.

Next Steps:

1. Continue to update the regulations.
2. Create STR Ordinance (reflective of final document updates).
3. Finalize applications, checklists, permit, and fees.
4. Create website language and social media posts for citizen awareness.
5. Work with current STR property owners on permit application process.

Short-Term Rental Regulations

Updated: July 30, 2026

Disclaimer – Preliminary Draft for Discussion Purposes Only

This document is a *working preliminary draft* of proposed Short-Term Rental regulations. It reflects initial staff development and general direction previously provided by the City Council. The document reflects all categories of information previously discussed and requested. The specific language will continue to be updated and does not represent a final regulatory proposal.

This draft is being shared solely to inform the Planning Commission and City Council of current progress and to solicit feedback, comments, and suggestions. Revisions are expected as additional staff review, legal analysis, and feedback occurs. No action or formal approval is requested at this time.

A. Purpose

The purpose of this chapter is to establish standards, procedures, and enforcement mechanisms for the permitting and operation of Short-Term Rentals in order to protect the health, safety, and welfare of residents, guests, and the community. These regulations are intended to ensure neighborhood compatibility, promote responsible property management, provide clear expectations for owners and operators, and create fair and transparent processes for review, enforcement, and appeal of Short-Term Rental permitting decisions.

B. Presumption of Ownership

For the enforcement of the provisions here, there shall be a prima facie presumption that the owner of the premises shall be that person, persons, joint ownerships or entities as reflected on the most recent evidence of ownership.

For properties owned by entities such as LLCs, corporations, partnerships, or trusts, the individual listed as the registered agent, trustee, or authorized representative in official records shall be presumed to have authority to act on behalf of the ownership entity.

Additional documentation may be required if ownership records are unclear or incomplete.

If a property has been recently sold or transferred and official records do not yet reflect the new ownership, the City may accept:

- A recorded deed;
- A settlement statement, or
- Other documentation sufficient to establish ownership.

Absent such documentation, the owner of record shall be presumed to be the property owner.

The presumption of ownership may be rebutted only by credible, written documentation submitted prior to the close of the verification period. Verbal claims or unverified statements shall not be sufficient to alter the presumption.

The presumption of ownership is for administrative convenience and verification only. It does not determine title, settlement of disputes between private parties, or confer any rights beyond eligibility for participation in proceedings under this chapter.

C. Short-Term Rental Definition

Short-Term Rental means the use or occupancy of a dwelling unit, or any portion thereof, located within the City of Bel Aire, Kansas, by one or more persons for a period of fewer than thirty (30) consecutive days, in exchange for consideration. A Short-Term Rental includes whole-home rentals, partial-home rentals, vacation rentals, or similar transient lodging arrangements offered through any platform, listing service, property manager, or direct rental agreement.

A Short-Term Rental does not include:

1. Hotels, motels, bed-and-breakfasts, boarding houses, or other lodging uses that are separately defined under the Bel Aire Municipal Code;
2. Dwelling units rented for thirty (30) or more consecutive days under a long-term lease or rental agreement;
3. Temporary housing provided by governmental agencies, nonprofit organizations, or emergency shelter programs; or
4. Any other lodging arrangement explicitly exempted by City ordinance.

D. Term Definitions (Section will be developed when regulation document is near completion to capture all terms in the document)

E. Short-Term Rental- Administrative Permit Required

1. No Person shall allow any Dwelling or Dwelling Unit to be rented or occupied by another for a period of 28 consecutive days or less without the owner first obtaining a Short-Term Rental Administrative Permit under the terms of this Article.
2. One (1) Short-Term Rental Permit shall be issued for each parcel of property with a Dwelling or Dwelling Unit(s) for rent and shall be deemed to cover all such Dwelling Units for rent on the property under single or common ownership.
3. The number of Dwelling Units per parcel of property permitted to be rented as Short-Term Rentals shall be limited to single-family and two-family residence districts.
4. If property has a principal dwelling unit and an accessory or secondary dwelling unit, only one unit may be permitted as a Short-Term rental.
5. The City shall have authority to exercise its permitting powers under this Article including the power to issue, renew, deny, revoke and suspend a Short-Term Rental Permit with respect to the entire premises or only a specific Dwelling Unit(s) found to be in violation of this Code.
6. The dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character of function are prohibited. Examples of such prohibited alterations include but are not limited to; construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
7. Nothing in this administrative permit shall limit the ability of a property owner, homeowners association or similar association from prohibiting or further limiting the Short-Term rental of property where the authority to do so exists.
8. It shall be unlawful for any person to operate and or advertise any Short-Term rental without a valid Short-Term rental administrative permit, as approved pursuant to the application procedure herein. Each Short-Term rental location shall require a separate permit. Evidence of operation may include advertising, on-line calendar showing availability, guest testimony, on-line reviews, rental agreements or receipts.

9. All Short-Term Rental properties shall comply with applicable Kansas Transient Guest Tax requirements. Property owners or operators are responsible for collecting and remitting any required transient guest taxes directly to the appropriate taxing authority, in accordance with state and local law. Compliance with transient guest tax obligations is a condition of operating a Short-Term Rental within the City.

F. Ownership Limits for Short-Term Rental Permits

The purpose of this section is to preserve housing availability, maintain neighborhood stability, prevent consolidation of Short-Term Rentals under single or related ownership entities, and ensure that Short-Term Rentals operate in a manner consistent with residential land use patterns.

1. Maximum Number of Short-Term Rentals Per Owner

An individual, household, business entity, or ownership group may not hold, directly or indirectly, more than two (2) Short-Term Rental permits within the City. In the event an Owner actively uses more than two (2) parcels of property as Short-Term Rentals at the time of this Ordinance's passage, that Owner may apply for a Short-Term Rental Permit for the additional parcels of property until the earlier of:

- a. the Owner no longer owning the additional parcels of property;
- b. the Owner no longer actively offering the additional parcels of property as Short-Term Rentals; or
- c. the Owner allowing the Short-Term Rental Permit to expire without timely renewal.
- d. For purposes of this subsection only, each member, partner, shareholder, or director of an Owner entity shall be considered an "Owner."

Ownership limits apply citywide and to all zoning districts in which Short-Term Rentals are permitted.

2. Ownership Common Control

For purposes of enforcing ownership limits, ownership includes all types of direct and beneficial interests. The following shall be considered the same owner:

- a. An individual or individuals listed on any ownership or permit document.
- b. A corporation, LLC, partnership, joint venture, trust, or other legal entity holding ownership.

- c. Multiple entities that share any of the following characteristics: • the same individual(s) holding a controlling interest
 - overlapping ownership or membership
 - the same registered agent
 - shared officers, managers, directors, trustees, or partners
 - the same business address or mailing address
- d. Parent, subsidiary, or affiliated business entities, regardless of tier or structure.
- e. Any arrangement or structure created for the purpose of evading the ownership limit.

Entities meeting any of the above criteria shall be treated as one collective owner for ownership limit purposes.

3. Prohibition on Circumvention

It is a violation of this ordinance to structure property ownership, create or dissolve business entities, or transfer membership interests for the purpose of avoiding or circumventing the ownership limit.

Any Short-Term Rental permit obtained in violation of this prohibition is void.

4. Annual Certification of Ownership Compliance

As a condition of permit issuance and annual renewal, each owner shall submit a notarized affidavit affirming that:

- a. they do not exceed the maximum number of STR properties allowed; and
- b. no ownership structure has been used to circumvent the ownership limit.

Providing false or incomplete information constitutes grounds for permit denial or revocation.

5. Permit Revocation for Violations

A Short-Term Rental permit shall be revoked if:

- a. the owner exceeds the maximum number of allowable STR permits;
- b. ownership is found to be misrepresented or concealed;
- c. the ownership structure was created to evade limits;
- d. the applicant refuses to provide required ownership documentation.

Revoked permits do not count toward spacing or density rules and may be reissued to a qualified applicant.

6. Integration with Spacing and Density Requirements

Ownership limits operate in addition to spacing and density requirements. A property that exceeds ownership limits shall not:

- a. reserve spacing territory
- b. prevent adjacent or nearby applicants from receiving permits, or
- c. count toward neighborhood density caps.

G. Limited Home Rental Exemption

The purpose of this section is to allow residents to occasionally rent their homes without being subject to the full Short-Term Rental permitting process, while maintaining protections for neighborhood compatibility, housing stability, and public safety.

1. A property owner may rent their primary residence for up to 14 days per calendar year without obtaining a Short-Term Rental permit, provided all conditions of this section are met.
2. To qualify for the exemption, the following must apply:
 - a. The property is the owner's primary residence.
 - b. The property is rented no more than 14 days per calendar year.
 - c. No more than one booking at a time.
 - d. All rentals comply with noise, parking, occupancy, and nuisance regulations.
 - e. The property owner provides notice to the City prior to the first rental in a given year, using a simple registration form, which is not an STR permit.
3. The exemption shall not apply if:
 - a. The owner exceeds the allowed annual rental days.
 - b. The property is advertised for year-round STR use.
 - c. The owner has a history of STR-related violations.

Properties found in violation must obtain a full STR permit to continue rental activity.

H. Non-Valid Short Term Rental Permits

It is a violation of this ordinance to obtain, maintain, or renew a Short-Term Rental permit without the intent to operate a Short-Term Rental.

The City may deny or revoke a permit if evidence indicates:

- the property has not been offered for rental,
- the property has had no rental activity for a 12-month period, or
- the permit was obtained to prevent nearby properties from qualifying under spacing or density limits.

Applications submitted without intent to operate do not hold or reserve territory under separation rules.

The City may require the property owner to provide documentation demonstrating the property operated as an STR during the prior permit year, such as:

- booking summaries
- platform payout reports, or
- host activity logs.

Permits with no documented activity may not be eligible for renewal.

I. Separation and Density Requirements.

The purpose of this section is to preserve neighborhood character, maintain housing availability for long-term residents, and ensure that short-term rental activities do not adversely impact the quality of life within residential areas.

The following spacing and density standards apply to all Short-Term Rental properties:

1. Separation requirements apply only to Permitted STRs and do not apply to long-term rentals.
2. The number of Short-Term Rentals within a defined block of a subdivision shall not exceed ten (10%) percent of the total dwelling units in that area
3. Density thresholds shall be evaluated at the time of permit application or renewal.
4. If an application is received that would cause the separation distance or density cap to be exceeded:
 - a. The first complete application received shall be eligible for processing;
 - b. Subsequent applications within the restricted area shall be denied or placed on a waiting list until a Permit becomes available.
5. STRs legally operating prior to the adoption of separation or density standards may continue to operate, provided:
 - a. The Permit is maintained in good standing; and
 - b. The property remains under continuous compliance with all regulations. Loss of Permit due to revocation, non-renewal, or voluntary discontinuation results in loss of grandfathered status.

6. The separation requirement applies to all Short-Term Rentals, regardless of type, including whole-house rentals, accessory dwelling unit rentals, and Unique Short-Term Rental Units.
7. Determination of Compliance
 - a. The Administrator shall verify separation distance at the time of application using parcel data and mapping tools.
 - b. Applications that do not meet the minimum separation requirement shall be denied.
 - c. If multiple applications are received for locations within 200 feet of each other, approval shall be granted to the first complete application received.

J. Existing Units

Short-Term Rentals legally approved prior to adoption of this regulation may continue to operate.

Short-Term Rental units operating on or before the effective date of this chapter may continue to operate as existing units, subject to the following requirements and limitations:

1. All existing units must apply for a Short-Term Rental Permit within sixty (60) days of the effective date of this chapter.
 - a. Existing units may be granted priority in processing Permit applications.
 - b. Failure to apply within the required timeframe results in loss of existing-unit status.
2. Existing-unit status does not exempt the property from the requirements of this article.
3. Existing units may be exempt from separation or density requirements adopted after they were established, provided:
 - a. The STR permit remains in good standing;
 - b. The use remains continuous; and
 - c. The unit does not expand operations beyond what existed at the time of adoption.
4. Existing-unit status does not permit the addition of:
 - a. Additional STR units on the same parcel;
 - b. Increased guest capacity;
 - c. Altered building configuration intended to expand STR operations, unless compliant with all current requirements.

K. Application for Short-Term Rental Permit

The Owner of a Dwelling or Dwelling Unit to be offered for Short-Term Rental shall first make written application to the City for a Short-Term Rental Permit to carry out the business of renting such Dwelling or Dwelling Unit as a Short-Term Rental. Such application shall be made on a form furnished by the City for such purpose.

Such application shall be signed by all Owners, or an individual authorized to sign on behalf of the Owner(s). Such application shall set forth the following information:

1. Owner(s) name, address, telephone number, and email address.
2. If the Owner(s) is a partnership, the name of the partnership and the name, residence address, telephone number, and email address of the managing partner.
3. If the Owner(s) is a corporation, the name and address of the corporation and the name, residence address, telephone number, and email address of the chief operating officer.
4. If the Owner(s) is a limited liability company, the name and address of the limited liability company and the name, residence address, telephone number, and email address of the manager or president.
5. If the Owner(s) appoints a person(s) or management company to serve as their management agent, their name, address, telephone number, and email address must be provided.
6. If the Owner appoints a Management Agent, the application must be accompanied by the Owner's written, notarized authorization granting the Management Agent express, actual authority to sign documents, to receive service, and to act on the behalf of the Owner.
7. A post office box is not acceptable as a mailing address for any type of owner.
8. Address identifying location of the Dwelling or Dwelling Unit(s) to be offered for Short-Term Rental.
9. Total number of bedrooms per unit.
10. In addition to the application, the Owner and/or Management Agent shall complete and sign a Short-Term Rental Safety Checklist.
11. Upon issuance of the Short-Term Rental Permit by the City, the Owner will place a copy of the Short-Term Rental Permit in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented.
12. Owner(s) must provide proof of ownership that shows the Owner's name and address matching that of the property to be utilized for a Short-Term Rental.

L. Non-Transferability of Short-Term Rental Permits

A Short-Term Rental Permit is personal to the Permit holder and applies only to the specific property, ownership, and operational conditions identified in the permit application. Permits issued under this chapter are not transferable.

1. A Short-Term Rental Permit may not be:
 - a. Sold, assigned, or otherwise transferred to another person or entity;

- b. Transferred to a new property owner upon sale or conveyance of the property;
 - c. Transferred to any other parcel, dwelling unit, or structure;
 - d. Used by any person or entity other than the Permit holder listed on the permit.
- 2. In the event of the sale, transfer, or conveyance of the property:
 - a. The existing Short-Term Rental Permit shall automatically terminate on the date of closing;
 - b. The new property owner must apply for a new Short-Term Rental Permit;
 - c. Operation of the STR may not continue unless and until a new permit is approved.
- 3. For properties owned by corporations, partnerships, trusts, or LLCs, any change that results in a new controlling interest or managing owner shall be treated as a transfer of ownership and shall automatically terminate the permit unless otherwise allowed by the City.
- 4. Once a permit is terminated due to ownership change or attempted transfer:
 - a. The STR may not operate until the new owner obtains a permit;
 - b. Grandfathered or existing-unit status does not transfer unless explicitly allowed by the City;
 - c. Any reapplication is subject to all current zoning, spacing, density, and licensing requirements.
- 5. The City may authorize limited exceptions for:
 - a. Transfers between spouses due to marriage, divorce, or death;
 - b. Transfers between immediate family members; or
 - c. Transfers involving ownership restructuring that does not result in a change of control.
 - d. Any exceptions must be approved by the City in writing prior to the change.
- 6. Any attempt to evade the non-transferability provisions through nominal ownership changes, entity restructuring, or other technical means constitutes a violation of this chapter and may result in permit revocation or denial of future applications.
- 7. Upon termination of a permit due to ownership transfer:
 - a. the permit no longer counts toward spacing or density limits;
 - b. nearby or adjacent properties may apply for STR permits without restriction from the terminated permit.
- 8. The permit holder must notify the City in writing within 10 days of any change in ownership or controlling interest. Failure to do so may result in enforcement action.

M. Permit Expiration and Renewal

- 1. A Short-Term Rental Permit is valid for a period of one (1) year from the date of issuance unless otherwise specified. The permit shall automatically expire on the date listed on the permit unless it is renewed in accordance with this section. Operation of a short-term rental after permit expiration is prohibited and constitutes a violation of this ordinance.

2. To continue operating, the property owner must submit a complete renewal application before the permit expiration date. Renewal applications must include:
 - a. Confirmation that all information previously provided is accurate or submit updated information.
 - b. Confirmation of continued compliance with all STR operational, safety, and zoning standards
 - c. Payment of all applicable renewal fees
 - d. Evidence of current liability insurance, if required
3. A renewal application may be denied if:
 - a. The STR has outstanding violations or unresolved enforcement actions
 - b. Permit conditions have been repeatedly or substantially violated
 - c. Taxes, penalties, or fees owed to the city remain unpaid
 - d. The property no longer meets applicable safety requirements
 - e. The permit was previously revoked within the renewal cycle
4. If a permit is not renewed by the expiration date, the STR use shall cease immediately. The owner must apply for a new permit and demonstrate full compliance with all current requirements prior to resuming operations.
5. There shall be a bi-annual permit fee of \$250. No permit shall be issued until this fee has been paid. The permit fee is non-refundable.
6. In the event the Short-Term Rental Permit is issued after January 1st, the permit fee will be prorated by quarter, according to the date of application.

N. Good Neighbor Guidelines (Section may have additional requirements-being reviewed for input)

At time of issuance of the Short-Term Rental Permit by the City, the City shall also provide the Short-Term Rental Good Neighbor Guidelines, which will be posted in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented. The City may update the Short-Term Rental Good Neighbor Guidelines from time to time, and any updated Short-Term Rental Good Neighbor Guidelines must be posted in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented no later than thirty (30) days after the City issues the updated Short-Term Rental Good Neighbor Guidelines.

Owners shall post the following information in the short-term rental property:

1. Requirement for transient guests to comply with all relevant City ordinances and State Statutes
2. Requirement that the Short-Term rental shall be utilized in accordance with Rules of Conduct to ensure guests are good neighbors and to minimize disturbances to area residences.

3. Rules of Conduct to include, at a minimum, the following:
 - a. The permit number of the Short-Term rental;
 - b. Maximum number of overnight guests;
 - c. Maximum Gathering occupancy;
 - d. Parking requirements;
 - e. Trash disposal requirements;
 - f. Quiet hours and noise restrictions;
 - g. Trespass warnings; and
 - h. Pet restrictions.

O. Short Term Rental Regulations:

All Short-Term rentals shall meet the following standards:

1. Sleeping quarters for Short-Term rental tenants shall only be located within a habitable structure;
2. Short-Term rental shall not be in a non-residential area within buildings or accessory structures (e.g., shed, garage) that do not contain finished living space;
3. Short-Term rental shall not be in a temporary outdoor structure (e.g., tent);
4. Short-Term rental shall not be in a commercial property;
5. Short-Term rental shall be equipped with operational smoke detectors, a fire extinguisher in the kitchen and in the furnace room, and carbon monoxide detectors.
6. Quiet hours shall be between the hours of 10:00 PM and 7:00 AM and noise generated during those hours shall not exceed the requirements set out in the City code;
7. The Short-Term rental shall display the address number of the residence so that it is clearly visible from the nearest public or private road. The complete address of the property shall also be prominently posted within the Short-Term rental for emergency purposes;
8. Signs in accordance with the sign regulations as set out for residential properties.
9. The boundaries of the property shall be clearly identified on a map prominently posted within the Short-Term rental with the Rules of Conduct and shall be clearly identifiable and posted on the premises;
10. Property should be maintained in accordance with the Bel Aire City Code and laws of the County and State;
11. Property must be permitted and operated in accordance with the requirements of this article in the Code of the City of Bel Aire; and
12. Must be in compliance at all times with all applicable zoning, building, fire and life safety, housing, health codes and any other applicable state or federal regulations.

P. Trash Collection Service Requirement

The Owner(s) shall maintain an active, continuous, weekly solid waste collection service for the Short-Term Rental property for the entire duration of the permit period. Proof of such service shall be provided to the City upon request.

1. The Owner is responsible for ensuring that:
 - a. Trash and recycling covered containers are provided at the property in sufficient quantity for typical guest use.
 - b. Containers are placed at the designated collection point and retrieved in accordance with City collection rules.
 - c. Containers shall not be left out for more than 24 hours after collection.
 - d. No accumulation of waste is permitted that creates odors, attracts pests, or constitutes a nuisance.
 - e. The property shall be kept free of trash and debris;
2. The City may require submission of service contracts, invoices, or other evidence demonstrating the property maintains weekly trash collection.
3. Failure to maintain the required weekly trash collection service constitutes a violation of the Short-Term Rental Permit and may result in penalties, suspension, or revocation of the permit.

Q. Outdoor Lighting

The Owner shall ensure that all exterior lighting on the Short-Term Rental property complies with the following standards to protect neighboring properties, minimize light pollution, and promote safety.

1. All outdoor lighting fixtures shall be fully shielded or cut-off style and directed downward so that light is contained on the property and does not spill onto adjacent lots, roadways, or public rights-of-way.
2. Exterior lighting shall be limited to the minimum level necessary for safety and security. High-intensity, glaring, or flood-type lighting is prohibited unless motion-activated and used only for brief security-related illumination.
3. Continuous overnight lighting is not permitted. Porch lights, security lighting, and similar fixtures must either:
 1. be equipped with motion sensors, or
 2. be turned off between 10:00 p.m. and 7:00 a.m., unless required for safety.
4. Outdoor lighting shall not blink, flash, pulsate, or otherwise create a visual nuisance. Lighting shall not be used in a manner that disturbs neighbors or interferes with the peaceful enjoyment of nearby properties.

5. Landscape, decorative, or string lighting is permitted only if low-intensity, stationary, and shielded from adjacent properties. High-brightness decorative lighting is not allowed.
6. The City may require photographs, information or an on-site inspection to verify compliance with outdoor lighting standards.
7. Failure to comply with the outdoor lighting requirements constitutes a violation of the Short-Term Rental Permit and may result in penalties, suspension, or revocation of the permit.

R. Quiet Hours

To preserve the peace and protect neighboring properties from noise impacts, the following quiet hour requirements apply to all Short-Term Rental properties:

1. Quiet Hours shall be observed Sunday – Thursday from 10:00 p.m. to 7:00 a.m. and 11:59 p.m. to 7:00 a.m. Friday and Saturday. During these hours, guests must refrain from activities that create noise audible beyond the property line.
2. The following types of noise are prohibited during Quiet Hours:
 1. Loud music, amplified sound, or outdoor speakers.
 2. Yelling, shouting, singing, or similar disturbances.
 3. Operation of outdoor equipment or activities that generate excessive noise.
 4. Gathering or events that cause noise detectable from adjacent or nearby properties.
3. The Owner or Owner's Local Representative shall:
 1. Include Quiet Hours requirements in all rental agreements and house rules;
 2. Post Quiet Hours information prominently inside the property;
 3. Ensure guests comply with all noise regulations during their stay.
4. At all times, noise levels must comply with applicable City noise and nuisance ordinances. Excessive or disruptive noise that disturbs neighbors is prohibited regardless of the time of day.
5. Violations of Quiet Hours may result in warnings, citations, fines, or suspension or revocation of the Short-Term Rental Permit.

S. Pets

The presence and management of pets at Short-Term Rental properties shall comply with the following requirements to ensure public health, safety, and neighborhood compatibility.

1. The Owner shall clearly disclose in the rental listing and in all rental agreements whether pets are permitted on the property. If pets are allowed, all rules established by the City and the Owner must be provided to guests prior to booking.

2. Any permitted pets must be under the control of the guest at all times. Pets shall not be allowed to roam freely off-leash or create a nuisance on adjacent properties or public rights-of-way.
3. Pets must be managed so that barking, aggressive behavior, or other disturbances do not impact neighboring properties. Repeated or sustained noise caused by pets is considered a nuisance and is prohibited.
4. Pets must comply with all applicable local animal control regulations, including vaccination, licensing, and leash-law requirements. Dangerous or prohibited animals are not allowed on the property.
5. The Owner is responsible for addressing any property damage, sanitation issues, or nuisance complaints resulting from pets brought onto the property by guests.
6. Failure to comply with the pet regulations may result in citations, fines, or suspension or revocation of the Short-Term Rental Permit.

T. Parking Requirements, Violations and Penalties

A. Requirements

1. All STR applications shall include a site-specific parking plan identifying number of available off-street parking spaces. Approval of the parking plan is a condition of permit issuance.
2. Off-street parking spaces are required to be on a surface, as set out in code, and fully contained on the property.
3. The property owner shall provide guests with written parking instructions consistent with the approved plan.
4. On-street parking by STR guests is permitted only where legally allowed and may not block driveways, fire hydrants, or create safety or visibility hazards. The City may prohibit on-street parking for STR guests in areas with limited street capacity.
5. For gatherings or events, a parking and access plan must be approved.
6. Recurrent parking violations, failure to adhere to the approved parking plan, or allowing guests to park in non-designated or prohibited areas constitutes a violation of the STR permit and may result in warnings, fines, suspension, or revocation.
7. Short-Term rental is required to have one off-street parking space for each guestroom. Parking shall be limited to designated areas that meet city codes. (Language to be reviewed to determine if needed- will ask for a parking plan.

U. Unique Structures:

The purpose of this section is to establish standards for short-term rentals that are considered unique or non-traditional lodging units, in a manner that supports innovation while maintaining compliance with applicable building, zoning, health, and fire safety requirements.

A “Unique Short-Term Rental Unit” means a movable, portable, or non-traditional structure offered for temporary lodging, which is not classified as a standard residential dwelling.

Examples may include, but are not limited to:

1. Airstreams or similar travel trailers
2. Converted buses or vans used as stationary lodging
3. Tiny homes on wheels
4. Yurts, tipis, or canvas structures
5. Covered wagons or historical-themed structures
6. Other non-traditional or specialty lodging units as determined by the Administrator

Unique STR Units will be required to follow the public hearing and Planning Commission approval process.

Unique STR Units must meet the following conditions:

1. The unit is installed or placed on the property in a manner that complies with zoning, site placement, and setback requirements.
2. The unit maintains safe and lawful connections to utilities, including electrical power, water supply, and sanitary waste disposal, as applicable.
3. The unit meets the minimum life-safety requirements.
4. The unit is used exclusively for lodging and not as a vehicle in active transit during occupancy.
5. The property owner provides documentation demonstrating compliance with required inspections.

All Unique STR Units must comply with local building and fire codes to the extent applicable to the type of structure. At minimum, each Unique STR Unit must have:

1. A functioning smoke alarm and carbon monoxide alarm (if fuel-burning appliances or generators are present)
2. A primary and secondary means of egress, if applicable to the structure
3. An approved fire extinguisher placed within easy reach
4. Safe electrical service, inspected and approved if the unit is hardwired or connected to an external power source

5. Approved heating and cooling equipment appropriate for the structure
6. Compliance with fire department spacing requirements to ensure access for emergency response

For structures that do not fall neatly under a standard building classification, a Fire and Life Safety Inspection by the Fire Marshal or designee may be requested by the city.

The city may request inspections, certifications, or third-party evaluations as needed for structures not covered under standard code categories.

Units must remain in compliance with this section for continued authorization as an STR. The City may revoke approval if the unit is altered, relocated, or fails to meet life-safety requirements. Annual renewal may require reinspection.

V. Gatherings and Events at Short-Term Rental Properties (Need to confirm allowance)

Not Allowed Language:

Short-Term Rentals shall not be used to host events, parties, commercial activities, or other large gatherings that exceed the posted maximum occupancy limits. Any gathering must remain incidental to the residential use of the property and shall not create noise, traffic, parking, or other disturbances impacting neighboring properties.

OR

The purpose of this section is to allow gatherings and events at Short-Term Rental (STR) properties in a manner that balances flexibility for hosts with protection of neighborhood character, public safety, and community standards.

If Allowed- option language

Option 1: Gatherings of persons shall not exceed two times the maximum overnight occupancy or 25 guests, whichever is less;

Option 2: Overnight occupancy must comply with applicable building and fire safety standards and shall not exceed two (2) persons per bedroom plus two (2) additional persons, unless otherwise authorized by the city.

1. The total number of people present at the property at any one time, including guests not staying overnight, shall not exceed the posted daytime occupancy limit established by the city. Daytime occupancy may be higher than overnight occupancy but shall not exceed the thresholds set to protect neighborhood health, safety, and livability.

2. The owner shall clearly post the maximum permitted overnight and daytime occupancy inside the rental. These limits must also be included in advertisements and rental agreements.
3. Small Gatherings (Allowed Without Permit)- A Small Gathering is permitted without any City approval if it meets all of the following:
 - a. Attendance does not exceed the approved daytime occupancy (defined as two times the overnight occupancy).
 - b. No amplified sound or DJ/band equipment is used.
 - c. No temporary structures (tents, stages, portable restrooms, etc.) are erected.
 - d. Activities comply with noise, parking, and public safety ordinances.
 - e. All activity takes place within established quiet hours.
 - f. Small Gatherings require notification to the property owner or local contact but do not require City approval.
4. Medium Gatherings- requires a Temporary Event Permit issued administratively by the City when any of the following apply:
 - a. Attendance exceeds the property's approved daytime occupancy but is 40 people or fewer, OR
 - b. Amplified sound, tents/canopies, rental equipment, or caterers are present, OR
 - c. Parking demand exceeds on-site capacity and will utilize on-street parking.
 - d. No more than 4 Medium Events may be approved per STR property per permit period unless authorized by the Administrator.
5. A Large Event or Commercial Event requires approval of a Special Use Permit (SUP) when any of the following apply:
 - a. Attendance is expected to exceed 40 people, OR
 - b. Events occur more than four times per calendar year, OR
 - c. The event includes ticket sales, corporate functions, or commercial vendors beyond typical services (e.g., production companies, staging, contracted security), OR
 - d. Potential impacts (noise, traffic, parking, lighting, or frequency) exceed what can be reasonably managed through a Temporary Event Permit.
6. Temporary Event Permit Requirements:
 - a. Application must be submitted at least 7 days prior to the event.
 - b. The applicant must provide:
 1. expected number of attendees
 2. parking plan
 3. noise control plan
 4. hours and schedule of activities
 5. description of any temporary structures or equipment
 6. name and contact of STR local responsible party

- c. The Administrator may approve, conditionally approve, or deny the permit.
- d. The City may impose conditions including limits on attendance, hours, parking, sound, or additional safety requirements.

7. Special Use Permit Requirements:

- a. Review shall follow the standard public hearing process.
- b. Conditions may include:
 - 1. maximum attendance
 - 2. required parking or shuttle plans
 - 3. limits on hours, music, or equipment
 - 4. fire/life-safety measures
frequency limits
 - 5. Operation of any Large or Commercial Event without an SUP constitutes a violation of the STR authorization.

8. The property owner or designated local contact shall:

- a. Inform renters of allowable event categories and requirements.
- b. Approve or deny renter's event requests before any City permit is sought.
- c. Ensure compliance with all City conditions during events.
- d. Respond to complaints or issues within the required response time.
- e. Maintain a log of all Gatherings and Events for City review upon request.

9. Hosting a Gathering or Event that exceeds permitted attendance occurs without required City approval or violates conditions of a Temporary Event Permit or Special Use Permit constitutes a violation of the STR permit and may result in fines, suspension, or revocation.

W. Overnight Guest Occupancy and Bedroom Definitions

- 1. An overnight guest is any person age six (6) or older staying at the Short-Term Rental between the hours of 10:00 p.m. and 7:00 a.m.
- 2. The maximum number of overnight guests permitted in a Short-Term Rental shall be determined based on the number of qualifying bedrooms as defined in this ordinance. Unless otherwise specified by the city, overnight occupancy shall not exceed two (2) persons per bedroom, plus three (3) additional persons for the unit as a whole. Occupancy must comply with all applicable building and fire safety codes.
- 3. A bedroom is a habitable room designed and intended for sleeping that meets the following minimum criteria:
 - a. Located within the primary residential structure or permitted accessory dwelling unit
 - b. Minimum of 70 square feet of habitable space

- c. Provides a secondary means of egress consistent with adopted building and fire codes (such as a window or exterior door)
 - d. Provides privacy by means of a door and full-height walls
 - e. Is not a kitchen, living room, dining room, hallway, loft, unfinished basement, laundry room, garage, or other non-sleeping area
 - f. is accessed from a common area and not through another bedroom;
 - g. is identified as a bedroom on the most recent building permit, floor plan, or certificate of occupancy;
- 4. The following spaces shall not be counted as bedrooms for occupancy purposes:
 - a. Lofts without compliant egress
 - b. Enclosed porches or sunrooms not meeting habitable space requirements
 - c. Basements without proper egress or legal bedroom designation
 - d. Any room created through temporary partitions or without required permits
- 5. The maximum permitted overnight occupancy shall be posted inside the Short-Term Rental and included in all advertisements and rental agreements.
- 6. Exceeding the maximum overnight occupancy or misrepresenting the number of legal bedrooms shall constitute a violation of this ordinance and may result in fines, permit suspension, or revocation.
- 7. The number or type of beds, including bunk beds, sleeper sofas, futons, or temporary bedding, shall not be used to increase the maximum overnight occupancy of the Short-Term Rental beyond the limits established in this section.

X. Duties of Owner

- 1. Owner will ensure that the Dwelling or Dwelling Unit(s) is not in substandard condition, as defined in the Municipal Code including, but not limited to, the accumulation of weeds, vegetation, junk, debris or rubbish on the exterior of the premises so as to create a nuisance condition;
- 2. Owner will post a copy of the "Short-Term Rental Good Neighbor Guidelines" provided by the City at the time the permit is issued in a prominent place within the Dwelling or Dwelling Unit;
- 3. Owner will ensure that the Short-Term Rental Regulations outlined in this Article are upheld;
- 4. Owner must post contact information for the owner and/or management agent (if identified) in a conspicuous and accessible location in the Dwelling or Dwelling Unit(s);
- 5. Owner must be generally available twenty-four (24) hours per day, seven (7) days a week to respond to concerns or complaints regarding the operation or occupancy of the Short-Term Rental unless a management agent has been identified. Owner must be able to return a phone call within thirty (30) minutes;

6. Owner must be available to come to the premise if required within one (1) hour to resolve any complaint unless a management agent has been identified;
7. Owner will accept service or process of all notices under this Article;
8. Owner will receive notification of any code or zoning violation notices;
9. Owner will serve as a local contact in the event of an emergency;
10. Owner shall be held responsible for any violations of the regulations committed by persons at the property during a period when the property is rented on a Short-Term basis.
11. The Owner is required to notify the City of Bel Aire Community Development Director or their management designee (if applicable), within fifteen (15) days of a change of the designation of an agent.
12. The owner of a Short-Term Rental is responsible for ensuring that the property is operated in a safe, lawful, and respectful manner. At a minimum, the owner shall:
 - a. Post inside the STR all information required by the city, including the valid permit number, maximum occupancy, parking instructions, noise and trash rules, emergency procedures, and local contact information.
 - b. Inform all guests of applicable rules and ensure that guests comply with occupancy limits, parking requirements, noise regulations, trash practices, and all other STR standards.
 - c. Install and maintain in good working condition all required safety devices, including smoke detectors, carbon monoxide detectors, and fire extinguishers, and ensure safe and accessible means of egress.
 - d. Notify the city promptly of any changes to ownership, contact information, or material conditions affecting permit eligibility or compliance.
 - e. Immediately discontinue STR operations upon permit suspension, revocation, or expiration.
13. Report any change in ownership, management agent, contact information, or material operation of the STR.
14. Ensure timely permit renewal and cease operations upon permit expiration, suspension, or revocation.
15. Remain fully responsible for any actions of the management agent, guests, or tenants related to STR operations.

Y. Duties of the Management Agent

If an owner designates a management agent to operate or oversee a Short-Term Rental on the owner's behalf, the management agent shall be responsible for carrying out the following duties:

1. Inform guests of all applicable STR rules and ensure compliance with occupancy limits, parking requirements, noise regulations, trash and recycling practices, and any other city-adopted standards.
2. Ensure all required information posted inside the STR is accurate and current, including contact information, occupancy limits, parking instructions, and emergency procedures.
3. Oversee the condition of the STR, ensuring it remains safe, clean, and well-maintained.
4. Verify that all required safety equipment, such as smoke detectors, carbon monoxide detectors, and fire extinguishers, is installed, functional, and maintained according to code.
5. Immediately suspend STR operations if the permit is expired, suspended, or revoked, and notify the owner of any compliance issues that may affect the permit.
6. Agent will have direct management control and responsibility for the Dwelling or Dwelling Unit(s) in the absence of the Owner.
7. Agent can accept service or process of all notices under this Chapter.
8. Agent can receive notification of any code or zoning violation notice sent to an owner.
9. Agent will serve as a local contact in the event of an emergency.
10. Agent will facilitate contact between the city and the owner.
11. The appointment of an agent pursuant to this article does not make the agent legally responsible for violations of code or zoning with respect to the owner's property, nor does it make the agent legally responsible for the owner's lack of compliance with this article.
12. Responsible party to be available to come to the premise if required within one (1) hour to resolve any complaint.
13. Agent must be generally available twenty-four (24) hours per day, seven (7) days a week to respond to concerns or complaints regarding the operation or occupancy of the Short-Term Rental unless a management agent has been identified. Agent must be able to return a phone call within thirty (30) minutes.
14. Responsible agent must post contact information for the owner and/or management agent (if identified) in a conspicuous and accessible location in the Dwelling or Dwelling Unit(s);

Z. Short-Term Rental Permit, Denial or Non-Renewal, Suspension, or Revocation

1. Failure to comply with the requirements as set forth in this Article shall be unlawful. If the City determines that any Short-Term Rental fails to comply with the provision of this Article, the City shall give notice of the violation. The notice shall provide:

- a. The specific reasons the owner has failed to meet the provisions of this Article;
 - b. That the City will deny, refuse to renew, suspend or revoke the permit unless the Owner appeals the determination within fourteen (14) days after receipt of the notice in the manner provided in this Article.
 - c. That after any denial or non-renewal, suspension, or revocation, the Short-Term Rental Dwelling or Dwelling Unit(s) therein must be vacated and shall not be reoccupied until a permit is issued after approval by the City.
2. The City may deny an application for a new Short-Term Rental Permit or decline to renew an existing permit if the Owner, Local Representative, or property fails to meet the requirements of this article. Grounds for denial or non-renewal include, but are not limited to, the following:
 - a. Submission of an incomplete application, failure to provide required documentation, or providing false, misleading, or inaccurate information.
 - b. The property has unresolved violations of any City code, including but not limited to zoning, building, fire, health, nuisance, or property maintenance regulations.
 - c. The Owner or Local Representative has a history of repeated or serious violations of STR regulations, permit conditions, or applicable laws within the preceding permit period.
 - d. Failure to pay required permit fees, lodging taxes, or any other City assessments associated with the operation of the Short-Term Rental.
 - e. Conditions at the property that pose health, safety, or emergency access risks; lack of required safety equipment; or failure to meet occupancy limits.
 - f. Documented nuisance issues, excessive complaints, or verified disturbances associated with the property that demonstrate an inability to operate the STR in compliance with neighborhood compatibility standards.
 - g. Failure to meet additional conditions or corrective measures imposed by the City during prior permit periods.
 - h. Premises does not comply with regulations and codes of the City of Bel Aire.
 - i. Any other substantial reason demonstrating that renewal or approval of the permit would be inconsistent with public health, safety, or welfare.
3. The City shall provide written Notice of Denial to the Applicant when a Short-Term Rental Permit application is denied. The notice shall include:
 - a. A statement that the application has been denied or will not be renewed and the effective date of the non-renewal;
 - b. The specific reasons for the decision, including reference to unresolved violations, deficiencies, unpaid fees, or applicable ordinance provisions;
 - c. Any corrective actions, documentation, or steps the Applicant may take to become eligible for future approval; and
 - d. Information regarding the Applicant's right to appeal and instructions for submitting an appeal within the time period established by this chapter.

4. The City may suspend a Short-Term Rental Permit when the operation of the property presents an immediate concern for public health, safety, or welfare, or when significant violations of this chapter or other applicable laws have occurred. Grounds for suspension include, but are not limited to, the following:
 - a. Repeated, substantial, or willful violations of STR regulations, permit conditions, or City codes, including but not limited to noise, occupancy, safety, nuisance, or sanitation requirements.
 - b. Failure to correct violations identified by the City within the timeframe specified in a notice of violation or compliance order.
 - c. Conditions at the property that create an immediate threat to life, health, or safety, including lack of required safety equipment, hazardous structural conditions, or blocked emergency access.
 - d. Failure to pay lodging taxes, permit fees, or other assessments owed to the City related to the STR.
 - e. During a suspension period, the property may not be advertised, rented, or occupied as a Short-Term Rental. All reservations during the suspension period must be canceled by the Owner, and no new bookings may be accepted.
 - f. The City shall provide written Notice of Suspension to the Permit holder when a Short-Term Rental Permit is suspended. The notice shall include:
 1. The specific grounds for the suspension and the ordinance provisions violated;
 2. The effective date and duration of the suspension;
 3. Any corrective actions required to address identified violations;
 4. A statement that the property may not be advertised, rented, or occupied as a Short-Term Rental during the suspension period; and
 5. Information regarding the Permit holder's right to appeal and the applicable procedures and deadlines.
 6. A Short-Term Rental Permit may be suspended for a period of up to ninety (90) days, depending on the severity and frequency of the violations. The City may impose a shorter or longer suspension period within this maximum based on the nature of the violation, the Owner's compliance history, and the impact on neighboring properties:
 - a. For most violations, the suspension period shall range from seven (7) to sixty (60) days.
 - b. For violations involving health or safety risks, criminal activity, or repeated non-compliance, the City may impose a suspension of up to ninety (90) days.
 - c. If the suspension is based on conditions that pose a safety hazard or require corrective action, the suspension shall remain in effect until all violations are corrected, even if this extends beyond the initial suspension period.
 - d. The City may require an inspection, documentation, or proof of corrective action prior to reinstating the permit at the end of the suspension period.

5. The City may revoke a Short-Term Rental Permit when continued operation of the property is inconsistent with public health, safety, or welfare, or when the Owner has demonstrated an inability or unwillingness to comply with applicable laws and permit requirements. Grounds for revocation include, but are not limited to, the following:
- a. A pattern of repeated, substantial, or willful violations of this chapter, applicable City codes, or conditions of the permit, including violations occurring after prior warnings, fines, or suspensions.
 - b. Operating, advertising, or accepting reservations during a period of suspension, or failing to complete required corrective actions during or after suspension.
 - c. Persistent or uncorrected conditions that pose a threat to life, health, or safety, including hazardous structures, inadequate fire protection, or blocked emergency access.
 - d. Repeated, verified nuisance complaints or disturbances caused by guests that materially and negatively impact neighboring properties or the surrounding community.
 - e. Incidents of unlawful or criminal activity at the property that are linked to the STR operation, guest behavior, or inadequate oversight by the Owner or Local Representative.
 - f. Submission of false, misleading, or fraudulent information in the application, renewal, or during any investigation by the City.
 - g. Failure to maintain liability insurance, or failure to pay required lodging taxes, permit fees, or other assessments owed to the City.
 - h. If the Owner or Responsible Party has committed three (3) or more instances of violations of this Article, or other applicable City ordinances or State statutes within the permit period.
 - i. If the Owner or Responsible Party fails to maintain required liability or Short-Term Rental insurance;
 - j. If an Owner or Responsible Party has become ineligible to obtain a Permit under this Article;
 - k. If an Owner or Responsible Party fails to bring the premises into compliance with the terms and conditions of this Article within the time frames for initial compliance;
 - l. For the nonpayment of any permit.
 - m. The City shall provide written Notice of Revocation to the Owner(s) when a Short-Term Rental Permit is revoked. The notice shall include:
 1. A statement that the Permit is revoked and the effective date of revocation;
 2. The specific grounds for the revocation, including reference to relevant ordinance provisions;
 3. A statement that the property may no longer be advertised, rented, or operated as a Short-Term Rental and that all reservations must be canceled;
 4. The period of ineligibility before the Permit holder may reapply, if applicable; and
 5. Information regarding the Permit holder's right to appeal and the procedures and deadlines for filing an appeal.

- n. An Owner whose STR permit has been revoked may not apply for a new permit for a period of twelve (12) months from the date of revocation, or for such other period as established by the City.
6. A Short-Term Rental License that has been suspended or revoked may be reinstated only in accordance with the following procedures. The burden of demonstrating compliance with all reinstatement requirements rests with the Permit holder.
- a. The Permit holder shall submit a written request for reinstatement to the City on a form provided by the City. The request must include all required supporting documentation and payment of any outstanding fees, penalties, or assessments.
 - b. Before the City may reinstate a suspended or revoked license, the Permit holder must correct all violations that led to the suspension or revocation, including:
 - 1. Completion of all required repairs or improvements;
 - 2. Payment of any outstanding taxes, fees, or penalties;
 - 3. Submission of updated contact information or designation of a qualified Local Representative;
 - 4. Compliance with any additional conditions imposed by the City.
 - c. The City may conduct an inspection of the property or require additional documentation to verify that all violations have been corrected and that the property satisfies applicable STR requirements.
 - d. The City shall review the reinstatement request and determine whether the Permit holder has met all requirements for reinstatement. The City may deny reinstatement if:
 - 1. Violations remain uncorrected;
 - 2. New violations have occurred during the suspension or revocation period; or
 - 3. The Permit holder has demonstrated a pattern of non-compliance.
 - e. The City shall issue written notice approving or denying reinstatement.
 - 1. If approved, the notice shall state the effective date of reinstatement and any conditions placed on the renewed operation.
 - 2. If denied, the notice shall include the reasons for denial and the Permit holder's right to appeal.
 - f. If the license was revoked, the City may require a waiting period—typically twelve (12) months or as otherwise provided—before reinstatement or reapplication is permitted.
 - g. Resumption of Operations.

The property may not be advertised, rented, or operated as a Short-Term Rental until reinstatement has been officially approved in writing by the City.

7. Reapplication

- a. An Applicant or former Permit holder whose Short-Term Rental License has been denied, not renewed, suspended, or revoked may reapply only in accordance with the requirements of this section.
- b. An Applicant may reapply at any time after correcting the deficiencies or violations that resulted in the denial or non-renewal.
- c. An Applicant may reapply for reinstatement only after the suspension period has ended and all required corrective actions have been completed.
- d. An Applicant whose permit has been revoked may not reapply for a period of twelve (12) months from the effective date of revocation, or for such other period as established by the City.
- e. A reapplication shall be submitted on forms provided by the City and must include:
 - 1. Updated application information;
 - 2. Documentation demonstrating correction of all deficiencies or violations;
 - 3. Payment of all required fees, taxes, penalties, and assessments;
 - 4. Any additional information deemed necessary by the City to evaluate compliance.
- f. The City shall review a reapplication in the same manner as an original application. The City may deny a reapplication if:
 - 1. Violations remain uncorrected;
 - 2. New violations have occurred since the denial, non-renewal, suspension, or revocation;
 - 3. The Applicant has demonstrated a pattern of non-compliance or lack of ability to meet STR regulatory requirements.
- g. If a reapplication is approved, the City may impose reasonable conditions on the reissued license to ensure ongoing compliance, including enhanced reporting, inspections, occupancy restrictions, or other requirements deemed appropriate.
- h. The City shall provide written notice of approval or denial of the reapplication. If denied, the notice shall include the reasons for denial and information regarding the Applicant's right to appeal.

AA. Appeals of Short-Term Rental Decisions- (Being reviewed to ensure legal compliance)

A. Right to Appeal

Short-Term Rental (STR) permit applications shall be reviewed and approved, approved with conditions, or denied administratively by the Administrator. Administrative approval is appropriate for standard STR regulation operations that meet ordinance requirements and do not demonstrate extraordinary impacts.

Any applicant or permit holder may appeal an administrative decision related to the permit; approval with conditions or modifications that are unacceptable to the applicant, denial, non-renewal, suspension, or revocation of a STR license in accordance with the procedures set forth in this section.

B. Administrative Appeal

An Applicant or Permittee may file an appeal of any decision to the related to; approval conditions or modifications, denial, non-renewal, suspension, revocation, or reinstatement of a Short-Term Rental License.

Filing an appeal does not reserve spacing, territory, or density rights. A permit does not become effective until all appeals are resolved and the STR is activated.

1. Filing Requirements.

- a. The appeal must be submitted in writing within fourteen (14) days of the date of the written notice of the Administrator's decision.
- b. The appeal shall include the grounds for appeal and any supporting evidence or documentation.
- c. Appeal must be submitted in writing on a form provided by the city.
- d. Appeals filed after the deadline shall not be accepted unless the applicant/permittee demonstrates good cause for the delay and the City accepts the late filing at its discretion.
- e. Appeal shall be accompanied by the appropriate fee.

2. The appeal shall include:

- a. The name and contact information of the Applicant or Permittee;
- b. A copy of the decision being appealed;
- c. A clear statement of the grounds for the appeal
- d. Any supporting documents, evidence, or statements the Appellant wishes to be considered;
- e. The application shall be accompanied by a certified list, prepared by an abstract company, of all owners of real property within 200 feet of the area proposed as a Short-Term rental property. If the proposed Short-Term rental property is located adjacent to the city's limits, the area of notification shall be extended to at least 1,000 feet in the unincorporated area. This area shall be referred to as the notification area.

C. Notification of Public Hearing

Public notice shall be provided for all Formal Appeals involving a public hearing on any Short-Term Rental licensing decision, including denial, non-renewal, suspension, revocation, reinstatement, or other administrative actions. Notice shall be provided as follows:

1. Notification
 - a. The City will provide notice of the Short-Term Rental Permit Application being filed by certified mail.
 - b. At least 20 days' notice of the time and place of the public hearing shall be sent, via certified mail, to all property owners in the notification area.
 - c. At least 20 days' notice of the time and place of the public hearing shall be published in the official newspaper of the City of Bel Aire.
 - d. The City shall be responsible for preparing, publishing and mailing all required notices. Proof of mailing, publication and posting shall be maintained in the official record of the appeal. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission.
2. All notices shall include, at minimum:
 - a. A brief description of the decision being appealed;
 - b. The date, time, and location of the public hearing;
 - c. A statement that interested persons may appear and be heard;
 - d. Instructions on how to submit written comments; and
 - e. Information regarding the protest petition process, including where to obtain forms and the deadline for filing.
3. The City shall accept written comments submitted prior to or during the public hearing. All written comments shall be included in the official record and provided to the Appeal Authority for consideration.
4. Proper notice in accordance with this section satisfies all legal notice requirements for the appeal hearing. Failure of a property owner to receive notice shall not invalidate the proceedings so long as the City followed required procedures.

D. Protest Petition process

The purpose of this section is to provide adjacent property owners with a formal mechanism to request additional review of Short-Term Rental applications that may have substantial neighborhood impacts while maintaining an administrative-first process.

1. Following the receipt of the STR permit application by the City, neighboring property owners may file a written protest petition concerning the continued operation or permitting of the Short-Term Rental. The Formal appeal shall comply with the following process and criteria to be considered valid and effective.
2. A protest petition may only be signed by:
 - a. Owners of real property located within the notification radius established by the City from the boundaries of the Short-Term Rental property;

- b. A protest petition shall be deemed valid only if it is signed by twenty percent (20%) or more of all property owners within the notification radius.
3. Upon receiving a valid protest petition, the Administrator shall elevate the application to the Planning Commission for a public hearing.
4. The protest petition must:
 - a. Be submitted in writing on a form provided or approved by the City;
 - b. Clearly identify the Short-Term Rental property and the appeal matter;
 - c. Include the printed name, signature, street address, email and phone number of each property owner signing;
 - d. Identify any co-owners or ownership entities (e.g., trusts, LLCs) with documentation demonstrating the signatory's authority; and
 - e. Petition must include a statement of objection or reason for protest and specific concerns.
5. To be valid, a protest petition must be submitted to the City before the administrative approval of the permit or commencement of the scheduled public hearing. Late-filed petitions may be accepted only if the hearing is continued and the City determines that acceptance will not prejudice the proceedings.
6. The City shall review all protest petitions to verify ownership using the most recent property ownership records available. Signatures that cannot be verified, are incomplete, or lack sufficient ownership documentation shall not be counted toward the protest threshold. The City shall issue a determination of petition validity and notify the Planning Commission prior to the public hearing.
7. If a valid protest petition is submitted by the required percentage of eligible property owners in the notification radius, the Planning Commission shall be required to meet an enhanced voting requirement to overturn or modify the original administrative decision, by a two-thirds (2/3) majority vote. A tie vote upholds the administrative decision. A valid protest petition does not automatically deny or approve an application. The protest petition triggers a review, not a decision.
8. Once submitted, signatures on a protest petition may not be withdrawn except upon written request submitted before the petition is deemed valid by the City.
9. A protest petition may be deemed invalid if:
 - a. It does not meet minimum threshold criteria;
 - b. It contains fraudulent or altered signatures; or
 - c. It fails to comply with required forms, timing, or verification standards.

10. The following do not justify elevation of appeal on their own:

- a. general opposition to STRs
- b. objections without evidence of specific impacts
- c. personal dislike of short-term rentals
- d. appeals filed solely to block spacing or density

E. Hearing Procedures

Hearing procedures for appeals of Short-Term Rental decisions shall be conducted in a fair, orderly, and impartial manner in accordance with the following requirements:

1. Authority and Scheduling.
 - a. Hearings shall be conducted by the Planning Commission.
 - b. Upon receipt of a complete and timely appeal, the City shall schedule a hearing within forty-five (45) days after the receipt of the written notice of appeal.
 - c. Written notice of the hearing date, time, and location shall be provided to the Appellant at least seven (7) days prior to the hearing.
 - d. The Planning Commission may continue, postpone, or reschedule hearings when necessary to obtain additional information, secure attendance of witnesses, or ensure proper notice to the parties.
2. No member of the Planning Commission may participate in, deliberate on, or decide any appeal if the member:
 - a. Has a financial interest in the property or the outcome of the appeal;
 - b. Has a personal, professional, or business relationship with the Appellant or any party to the proceeding that could reasonably be perceived to influence their judgment;
 - c. Has been directly involved in the investigation, enforcement action, or administrative decision being appealed; or
 - d. Has any other conflict that would cause a reasonable person to question the member's impartiality.
3. Members of the Planning Commission shall not engage in ex parte communications regarding any matter under consideration, except in accordance with law or formally during the hearing.
4. Conduct of Hearing
 - a. The Planning Commission shall open the hearing with a summary of the decision under appeal and the procedural rules.
 - b. The City shall present its evidence, testimony, and supporting documentation first.
 - c. The Appellant shall then have the opportunity to present evidence, testimony, documents, and witnesses relevant to the appeal.
 - d. Both parties may offer rebuttal evidence, subject to the discretion of the Appeal Authority.

- e. Both the City and Appellant may present evidence, testimony and witnesses. Members of the public may also provide testimony relevant to the matter under consideration.
- 5. The City shall maintain a record of the hearing, which may consist of written minutes, audio recordings, or both. All documents, exhibits, and materials submitted shall be included in the official record.
- 6. Deliberation and Decision
 - a. After closing the hearing, the Planning Commission shall deliberate in accordance with City procedures.
 - b. The Planning Commission may affirm, reverse, modify, deny or remand the decision.
 - c. The Planning Commission may consider:
 - 1. whether staff correctly applied the STR ordinance
 - 2. whether the decision is supported by evidence
 - 3. whether proper procedures were followed
 - 4. whether the applicant provided required materials
 - d. The review does not reconsider the permit as a land-use entitlement.
 - e. A written decision shall be issued within a reasonable timeframe and shall include findings of fact, conclusions, and the final determination.
 - f. To prevent appeals from being used to block or delay other STR applications, the Planning Commission may dismiss the appeal if it determines the appeal was filed:
 - 1. without a legitimate basis
 - 2. to delay or prevent another STR permit
 - 3. to manipulate spacing or density restrictions
 - 4. without specific evidence supporting the appeal
- 7. Elevation to the Planning Commission is NOT a Conditional Use Permit by default, unless expressly stated. However, the Planning Commission may impose conditions that function similarly to a CUP (parking, hours, occupancy, noise limits), without converting the STR into a zoning entitlement.
- 8. The hearing shall be conducted pursuant to the Hearing Procedures outlined in this chapter. The written decision of the Planning Commission constitutes the City's final administrative action. Further review, if any, shall be sought through the appropriate judicial process allowed by law.

F. City Staff Elevated Appeal

1. The Administrator shall elevate an STR application to the Planning Commission for public hearing when any of the following apply:
 - a. Separation or Density Conflicts:
 1. The application does not meet required spacing or density limits, but the applicant is requesting an exception, or
 2. The application conflicts with an existing STR but the conflict is disputed.
 - b. The STR involves a unique or unconventional structure (e.g., movable units, glamping units, historic structures)
 - c. Operational Characteristics
 1. Proposed occupancy exceeds the standard limits.
 2. The applicant intends to host events or gatherings more frequently than allowed administratively.
 3. The STR is associated with commercial activity (retreats, workshops, recurring gatherings).
2. Even if none of the automatic conditions apply, the Administrator may elevate the application to the Planning Commission if:
 - a. there is substantial uncertainty about compliance with STR regulations
 - b. the site or structure warrants discretionary review, or
 - c. the operational plan creates impacts beyond the scope of administrative authority.

Applications elevated to the Planning Commission shall follow the requirements set out in this chapter.

AB. Initial Compliance Requirements and Timeline

To ensure an orderly transition to the new Short-Term Rental (STR) regulations, all existing and new STRs must meet the following initial compliance requirements within the designated timelines.

1. All STR owners must submit a complete Short-Term Rental Permit application within sixty (60) days after the ordinance takes effect. Applications must include required forms, documents, fees, and owner or management agent information.
2. Owners seeking grandfathered or legal nonconforming status must provide acceptable proof of lawful STR operation prior to adoption of the ordinance within the same sixty (60) days.

3. Owners must ensure all safety standards are met, including:
 - a. Smoke and carbon monoxide detectors
 - b. Fire extinguishers
 - c. Clear egress routes
 - d. Any other building or fire code requirements
 - e. Safety compliance must be confirmed prior to permit approval.
4. Documentation of required liability insurance coverage must be included with the permit application.
5. Owners must provide the name and 24-hour contact information for a local contact or management agent able to respond promptly to issues.
6. Within 10 days of receiving a permit, owners must:
 - a. Post required information inside the STR (permit number, occupancy, parking, local contact, emergency info).
 - b. Update all advertisements and online listings to include the valid permit number and accurate property details.
7. Any open code violations or unpaid taxes or fees must be resolved prior to receiving a permit.
8. Any STR that fails to submit a complete application within 60 days or fails to meet initial compliance requirements within prescribed timelines must cease operation until a permit is approved.

AC. Violations not exclusive.

The provisions of this Article are in addition to any other violations enumerated within the ordinances of the Code of the City of Bel Aire. This Article in no way limits the penalties, actions or abatement procedures which may be taken by the City for a violation of any ordinance of the City of Bel Aire or Statute of the State of Kansas.

AD. Severability.

If any one or more sections, subsections or other part of this Ordinance shall be declared invalid by a court of competent jurisdiction, it is the intent of the City that the remaining portions of the Ordinance shall remain effective. The City states that it would have enacted such remaining portions irrespective of the fact that one or more sections, subsections, or other part of the Ordinance have been held invalid.