

AMENDMENT TO THE ZONING ORDINANCE OF LINN VALLEY, KANSAS

ARTICLE 12: SUPPLEMENTARY DISTRICT REGULATIONS

TEXT AMENDMENT– Section 12.9 Short-Term Rentals

- A. Definition.** The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:
1. "Accessory Dwelling Unit" means a Dwelling Unit that is located on the same lot as, but is incidental to a principal Use, where the principal Use is a dwelling unit.
 2. "Dwelling Unit" means any room or group of rooms located within a structure, and forming a single habitable unit with common facilities which are intended for living, sleeping, cooking, and eating. Recreational vehicles (RVs) and campers are included under this definition.
 3. "Non-owner Occupied" means any dwelling unit in which the owner resides less than 183 days per calendar year.
 4. "Owner" means the individual or individual(s), natural or corporate, in possession of lawful title to real property.
 5. "Owner Occupied" means any dwelling unit in which the owner resides for more than 182 days per calendar year.
 6. "Premises" means a lot or contiguous lots under common ownership, together with all buildings, structures, and appurtenances existing thereon.
 7. "Rent" means provide or to offer for possession or occupancy a dwelling unit, or any portion thereof, for a short-term basis, to a transient guest for consideration, pursuant to a written, oral, or implied agreement.
 8. "Short-term" means a period of time that is less than thirty (30) days in length.
 9. "Short-term Residential Rental Property" means any premises having one or more dwelling units, or portions thereof, that are rented, on a short-term basis, to one or more transient guests.
 10. "Transient Guest" means any person who occupies a dwelling unit, or portion thereof, on a short-term basis, other than the owner, the owner's immediate family (related by blood, marriage, or adoption), or any person residing with the owner on short-term residential rental property.
- B. Short-term Rentals.** Short-term rentals are permitted within the City on an annual basis subject to the standards herein. The dwelling unit shall comply with all applicable federal, state, and local laws, including but not limited to collection and certification of payment of taxes and procurement of any required licenses and permits, the use and development standards of the underlying zoning district, occupancy limits, and all property maintenance, building, fire, electrical, mechanical, and plumbing codes. Short-term rentals are permitted within in City within all housing types, and subject to the following standards:
1. Short-term rentals that are owner-occupied shall provide proof at the time of permitting demonstrating that such dwelling is their primary residence through at least two of the following

documents: proof of valid vehicle registration, federal or state tax returns or other financial documentation, proof of voter registration, a utility bill, and/or any other legal documentation deemed sufficient by the City.

2. Only one short-term rental contract and registration is permitted per licensed dwelling unit, regardless of building type.
 3. The proposed registrant, owner, and other local emergency contact information shall be provided at the time of registration.
 4. Upon registration and renewal, the City may require the dwelling unit be inspected by the Building Inspector or Fire Department to ensure no code violations are observed.
 5. No exterior evidence that the property is being used as a short-term rental is allowed, including signage.
 6. Fire extinguishers and a working, battery-powered flashlight or other emergency lighting device shall be located in each dwelling unit that is workable during an electrical power outage.
 7. No more than two persons per each bedroom being rented plus one additional person per dwelling unit, not to exceed eight guests per dwelling unit, shall occupy the dwelling unit at any given time.
 8. The short-term rental unit may not be rented or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests.
- C. Registration Requirements.** Registration is required with the City including the following information and documentation, upon forms provided by the director of community development department:
1. The common name of the property, if any, and exact street address of each dwelling unit to be registered, including unit number and total number dwelling units in each dwelling structure
 2. The legal names of all owners of the property
 3. The complete mailing address and physical address of all owners
 4. Telephone numbers of each owner, including mobile phone numbers
 5. Date of birth of all owners
 6. If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address, and phone number of the any of the following shall be provided: For a corporation, a corporate officer, and the chief operating officer; For a partnership, the managing partner; For a limited liability company, the managing or administrative member; For a limited partnership, a general partner; For a trust, a trustee; or For a real estate investment trust, a general partner, or an officer.
 7. The full name, address, telephone number, and email address of the operator to handle the affairs of the property. The operator shall reside within fifty (50) miles of the City limits. The designated operator may be different from the owner of the property.
- D.** Short-term rental operators are required to have a liability insurance policy with a minimum coverage of \$300,000 and must provide proof of this coverage as part of the permitting process.

E. Exemptions. The provisions of this Article shall not apply to the following:

1. Bed and Breakfasts
2. Campgrounds
3. Hotels or motels
4. Any short-term residential rental property fully operational prior to the Effective Date of this Article as per Section 20.2. These properties shall hence be considered nonconforming and subject to the conditions of Article 15 of the zoning regulations.

F. Revocation. The City retains its right to deny, suspend or revoke the license when the short-term dwelling unit fails to meet or uphold any provisions of the Linn Valley, Kansas Municipal Code. Such dwelling units may not be eligible for registration within two years upon the issuance of denial, suspension, or revocation of the license.