

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Thursday, July 13, 2023, at 11:00 a.m.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The city may waive the 48-hour rule if signing is not the necessary accommodation.

(PLANNING AND ZONING COMMISSION MEETING WILL BE HELD IN THE CITY COUNCIL CHAMBER AT BETHANY CITY HALL - 6700 NW 36TH ST., BETHANY, OK 73008)

AGENDA
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
JULY 20, 2023
7:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF JULY 6, 2023

EXPLANATION OF PROCEDURE TO AUDIENCE

PLANNING AND ZONING COMMISSION BUSINESS

ITEM 1: PC 23-11

Discussion by the Planning & Zoning Commission regarding Mixed-Use Developments (MUDs) as they relate to the Comprehensive Plan & Code of Ordinances.

NEW BUSINESS

ADJOURNMENT UNTIL AUGUST 3, 2023

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
JULY 6, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Justin Peck, Vice-Chair
Kent Lynn
Robert Helton
Steve Marx
James Clemmer

MEMBERS ABSENT: Ron Crouch

STAFF PRESENT: Ray Jones, City Attorney
Amanda McCellon, Comm. Dev. Director
Brendan Summerville, Comm. Dev. Associate
Linda Hlinicky, Adm. Assistant

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Thursday, June 29, 2023, at 11:00 a.m.

Charles Snyder, Chair called the meeting to order. Justin Peck gave the invocation. Motion was made by Steve Marx, seconded by Robert Helton to approve the June 1, 2023 Planning and Zoning Commission minutes as mailed. The votes are as follows: AYE - Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- James Clemmer, Justin Peck. The motion carried 4-0-2.

ITEM 1: **PC 23-10**
Discussion by the Planning & Zoning Commission regarding a short-term rental ordinance.

ACTION: Amanda McCellon, Comm. Dev. Director explained we will present this first draft of the proposed ordinance and discuss it. Then we will bring the proposed ordinance back to the table with any revisions we come up with; and when we feel good about the ordinance, we will send the ordinance forward to the City Council.

Brendan Summerville, Comm. Dev. Associate presented the staff report to discuss the proposed ordinance for short-term rentals. He explained how this ordinance could help the City of Bethany. The proposed ordinance could benefit the city by allowing licensing and inspection of homes to ensure that homes comply with codes, and accountability of code violations and nuisances. Also, ordinance would allow for the city to take in additional hotel tax. The proposed ordinance would enforce parking requirements to a degree that would minimize the impact on neighbors. A survey of surrounding cities was presented as it relates to the short-term rentals. OKC, Tulsa,

Norman and Brown Arrow all have short-term rentals ordinances. Fees range from \$24 to \$500. All these cities have an annual license and require inspections.

Some of the questions/ideas that came up through the discussion of the proposed ordinance are as follows:

- How do we know how much hotel tax each short-term rental will have to pay and if they are paying?
- What are we defining as a home (R-1 or R-2)?
- Abide by building codes.
- Consider a license fee that would cover all staff time for inspections from all departments involved, etc.
- Look into notifying Vrbo and AirBnB to tell their customers to check the local municipality on what they need to do to apply for a short-term rental.
- Will detached garages be allowed to be used as a short-term rental?
- Explore if there is a violation of the ordinance whether we can make it unlawful, and then issue a fine through code enforcement.
- Enforce proposed ordinance on people who are currently operating short-term rentals?
- Guidance on not allowing detached sheds/garages as a short-term rental unit.
- On the introduction of this ordinance use the terms, "health, safety, and welfare."
- For communities with restrictive covenants – maybe add some wording, "this ordinance does not affect any restrictive covenants precluding the rental of property."
- The possibility of a person renting a house and having a wedding or pool party if it is a suitable location.
- Fire Marshall can determine the maximum amount of people that can stay at house, and the owner has to show the parking is available for the percentage each person driving a car.
- Explore the idea of the applicant going through the Special Use process.
- Possibility of not allowing short-term rentals.

After the above discussion, it was decided that staff would come back with a revised proposed ordinance with the above comments and review other cities ordinances, for the Planning and Zoning Commission review in 60 days.

Motion was made by James Clemmer, seconded by Justin Peck to adjourn. The votes are as follows: AYE- Charles Snyder, Justin Peck, Kent Lynn, Robert Helton, James Clemmer, Steve Marx. The motion passed unanimously 6 – 0.



City of Bethany

Planning & Zoning Staff Report

July 20, 2023

Mixed Use Development Discussion

Discussion:

Mixed Use Developments (MUDs) are a zoning category within the Bethany code of ordinances which allow for the combination of commercial and residential land uses. How are these land uses defined, what is the intent of this land use, and how have other municipalities adopted this land use in terms of density and design?

What changes, if any, should be made to the ordinance regarding MUDs?

Background & Analysis:

Mixed Use Development (MUD) is a type of land use which supports a combined commercial and residential structure(s). A traditional MUD facilitates a commercial establishment on the ground floor with a residential dwelling unit on the floor above. This land use has existed, in one form or another for thousands of years, with examples being found in Pompeii, Mesopotamia, and the Indus River Valley. MUDs are particularly prevalent within the Von Thünen Model (*See Figure 1*), which dictates that the urban core (where MUDs would likely be) is among the highest value land in an urban area, thus necessitating land use efficiency.

Through the nineteenth and early twentieth centuries, this was the predominant style of urban centers around the world; with remnants that can be seen on many historic American main streets. This style of construction though began to fall out of favor on account of two historic events: *Euclid v. Ambler* (1926) and the Post-War Suburban Boom.

Euclid v. Ambler is a foundational Supreme Court case in which zoning was formally established as a “police power” of cities, on the grounds that cities have a responsibility to protect the health, safety, and welfare of their citizens. The prevailing principle which arose from this case is referred to as Euclidean Zoning, which is the practice of dividing properties solely on their uses, and thus controlling development by excluding certain practices from categories. While this allowed for zoning as we know it, to come into fruition, it had the unintended side-effect of promoting urban sprawl and the deterioration of urban centers.

Created in part by Euclidean Zoning, the post-war suburban boom was the beginning of auto-centric developments that pushed further from the traditional urban core. The need for housing in the post-war market facilitated the creation of subsidized housing developments, with the most famous example being “Levittown;” affordable and easily constructed single-family dwellings on the urban periphery. This trend has continued into the present day, with neighborhoods being constructed ever further from the urban core.

MUDs, however, have been making a resurgence in recent years as it has been found that this zoning category produces “stronger” cities than the Euclidean models. Land use efficiency is the primary factor, in that it allows for two land uses to occupy one space, but this also refers to municipal utilities. In areas with higher density, particularly MUDs, cities are responsible for smaller stretches of utilities, which make them easier and less costly to maintain. This combined with the higher value and high concentration of MUDs allows cities to become more resilient, as their lower operating costs and owner burdens prove to be more stable in the event of economic downturns. In addition to the solidity of real estate, MUDs are also more likely to create and sustain jobs than other forms of development.

Comprehensive Plan & Ordinance:

The 2030 Comprehensive Plan defines and illustrates the need for MUDs, a means to create walkable, vibrant urban neighborhoods in a manner that increases residential and commercial availability. While not explicitly stated, the comprehensive plan and code of ordinances imply that MUDs are of the traditional style, with residential units above commercial space; thus, achieving aspects of both the continued growth of Bethany’s commercial sector and the goals of Missing Middle Housing.

The code of ordinances is consistent with the comprehensive plan, in that it is clearly stated that MUDs are intended to “create opportunities to increase development intensity within targeted area. Shifting from more traditional neighborhoods toward a mix of commercial and residential uses, Mixed-Use Districts define the uses of land and character of the improvements to promote compatibility between residential and nonresidential uses. These districts also are intended to encourage redevelopment of underutilized parcels and infill development...” (§158.023.04). The utilization of brownfield development (infill) maximizes the use of space throughout the city, while also negating the effects of empty properties on existing businesses. MUDs in their traditional design, make the most of this by allowing multiple buildings to fit where only one single-use building may otherwise be placed.

Further analysis illustrates the goal of MUDs, as well as the overall intent to develop a traditional style structure “Ensure that development in mixed-use areas is of high quality and provides walkable, livable, vibrant environments, which provide interest through use of varied forms, materials, details, and colors, especially at the ground floor and second story” (§158.023.04, A (5)). While this definition is vague, it does allow for developers to avoid designing a single-purpose structure, and instead construct a building that can be used for a wide-array of land uses throughout its lifecycle.

Conclusion: Mixed Use Developments are a combined land use that allows for a more efficient use of land and resources. While the definitions that the code and comprehensive plans are vague, they do maintain an intent that guides the designs of buildings in this zoning category. Instead of following Euclidean models that allow for a certain category of land uses to exist in a

zone, an MUD dictates what may be operated in this space by virtue of the building itself; thus, creating long range stability and opportunities with reduced municipal costs and greater land use efficiency.

Discussion Questions:

1. What, if anything, should change about Bethany’s definition of MUDs?
2. Should MUDs be subject to stricter design standards?
 - a. Would MUDs and other zoning categories be strengthened by a form-based code?
3. Would the proposed expansion of the CBD have an impact on the opportunities for MUDs?

Tables & Figures

Figure 1

