

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.

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 6, 2023
7:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF JUNE 1, 2023

EXPLANATION OF PROCEDURE TO AUDIENCE

PLANNING AND ZONING COMMISSION BUSINESS

ITEM 1: PC 23-10

Discussion by the Planning & Zoning Commission regarding a short-term rental ordinance.

NEW BUSINESS

ADJOURNMENT UNTIL JULY 20, 2023

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
JUNE 1, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Kent Lynn
Robert Helton
Steve Marx

MEMBERS ABSENT: Justin Peck, Vice-Chair
Ron Crouch
James Clemmer

STAFF PRESENT: Matt Becker, Acting City Attorney (filling in for Ray Jones)
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, 73008 on Thursday May 25, 2023 at 11:00 a.m.

Charles Snyder, Chair called the meeting to order and gave the invocation. Motion was made by Kent Lynn, seconded by Steve Marx to approve the May 4, 2023 Planning and Zoning Commission minutes with the amendment on page 4 - changing the word "detour" to "deter". The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 1: **PC 23-05**
Consider a request by Brian Eisele, Applicant and property owner, for special permission that will allow for the construction of a 1,200 ft² accessory structure at 3917 N Riverside Drive.

LEGAL DESCRIPTION: Sect. 16-T12N-R4W SE Qtr., Royce Browns Riviera 006 000 Lots 5 & 6.

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a special permission request to construct a 1,200 ft² accessory structure at 3917 N. Riverside Dr. He reviewed the zoning of the surrounding properties. The setbacks for this corner lot are 25' in the front, 25' on the sides and 20' in the rear. The proposed structure will be used for personal storage, and measures 1,200 ft². He mentioned special permits allow for the accessory structure to be no larger than 50% of the gross floor area of the primary building or 10% of the total lot area. Structure cannot be placed over top of any utility easements.

Charles Snyder, Chair brought it to the attention of the applicant that current legal counsel for the City believes that the building size must meet both criteria (structure must be less than 50% of the gross floor area of house and 10% of total lot area).

Mr. Eisele, Applicant and property owner said he has no problem with coming down from 1,200 ft² to 900 ft² on the proposed structure.

Mr. Matt Becker, Acting City Attorney read the ordinance. Accessory buildings (special use) under this section should not exceed in size greater than 50% of the gross floor area of the primary building or 10% of the total recorded lot area of the lot in which the primary building is located. If you exceed either of the two percentages, you violate the ordinance.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. stated he is the applicant for the accessory building.

Charles Snyder, Chair explained regardless of how the Planning Commission votes on the request, you will have to meet the setback requirements.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. said yes. So, the structure will have to be 25' from the house or road.

Brendan Summerville, Comm. Dev. Associate stated 25' from the side and 20' from the rear.

Commissioner Helton asked why the applicant wants such a large building.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. said he has two cars, lawn equipment that used for a half-acre of land, and woodworking tools and equipment for home remodeling.

Commissioner Helton asked if the 900 ft² building would be fine.

Mr. Eisele, Applicant and property owner of 3917 N. Riverside Dr. said yes.

Motion was made by Steve Marx, seconded by Kent Lynn to recommend approving the special permission request at 3917 N. Riverside Dr., and require applicant to meet the setbacks. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 2: **PC 23-06**

Consider a request by Robert Freeman, Applicant and property owner, for special permission that will allow for the construction of a 500 ft accessory structure at 4708 N. Donald Ave.

LEGAL DESCRIPTION: Sect. 16-T12N-R4W NE Qtr., Stockton Addition 001 017

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a special permission request to construct a 500 ft² accessory structure at 4708 N. Donald Ave. He reviewed the zoning of the surrounding properties. Setbacks for this lot are 25' in the front and 10'

and 5' on the sides and a rear setback of 20'. The proposed structure will be used as a garage. The existing garage will be demolished. The applicant has acknowledged that the accessory building may not be constructed within the property setbacks.

Commissioner Lynn asked if the building will be used for a garage.

Mr. Freeman, Applicant and property owner for 4708 N. Donald Ave., said yes.

Motion was made by Kent Lynn, seconded by Steve Marx to recommend approving the special permission request at 4708 N. Donald Ave., and require applicant to meet the setbacks. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

ITEM 3: **PC 23-07**

Consider a request by Jason Rios, Applicant and property owner, for special permission that will allow for the construction of a 440 ft² accessory structure at 2505 N. Tropicana Ave.

LEGAL DESCRIPTION: Sect. 20-T12N-R4W SW Qtr., Deville Park Block 012 Lot 004 S75FT.

ACTION: Brendan Summerville, Comm. Dev. Associates presented the staff report to consider a special permission request to construct a 400 ft² accessory structure at 2505 N. Tropicana Ave. He reviewed the zoning of 2505 N. Tropicana Ave. and the surrounding properties; and the lot characteristics for 2505 N. Tropicana Ave. The setbacks are 25' in the front, 10' and 5' on the sides, and 20' in the rear. The proposed structure will be for storage. The structure must not be larger than 50% of the gross floor area of the house or 10% of the total lot area. Request meets both of these standards.

Mr. Rios, Applicant and property owner for 2505 N. Tropicana was present.

Charles Snyder, Chair asked about the kind of proposed siding for the accessory structure.

Mr. Rios, Applicant and property owner said he will put up something real nice. I can brick building if necessary.

Motion was made by Steve Marx, seconded by Robert Helton to recommend approving the special permission request at 2505 N. Tropicana Ave. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Robert Helton, Steve Marx. NAY- None. ABSTAIN- None. The motion carried unanimously 4 - 0.

NEW BUSINESS

Brendan Summerville, Comm. Dev. Associate stated we will be hearing two minor subdivision cases at the June 15, 2023 Planning and Zoning Commission meeting. Also, on July 6, 2023 Planning and Zoning Commission meeting, we will be discussing an ordinance on short term rentals; and then

the meeting after that we will be discussing comprehensive plan in regard to MUD, Mixed Unit Development.

Commissioner Lynn stated he will be gone July 6, 2023 on vacation. He asked if Staff could push back the short-term rental discussion because he would really like to be part of the discussion.

Charles Snyder, Chair asked about the results of the City Council decision on the special use permit for the rink gallery at 3200 N. Rockwell Ave.

Brendan Summerville, Comm. Dev. Associate stated the applicant pulled their application on the day of the City Council meeting.

Commissioner Marx stated the Chamber of Commerce will be selling records, and all of the proceeds go to the Putnam City music program.

Motion was made by Steve Marx, seconded by Kent Lynn to adjourn. The motion carried unanimously 4 - 0.

BETHANY

Oklahoma

City of Bethany

Planning & Zoning Staff Report

July 6, 2023

Short Term Rental Ordinance

Discussion: Short-term rentals, vacation home rentals, etc. have been a growing trend in the way travelers visit and stay within cities. Currently, the City of Bethany has no ordinance that governs, monitors, or regulates these operations. Staff have received multiple inquiries regarding the legality and regulation of these businesses, in addition to code enforcement concerns over temporary tenants.

Should further input and/or alterations be made to the proposed ordinance?

Ordinance: The proposed ordinance requires prospective operators to apply for and obtain a license through the City of Bethany prior to operation. Licensing may only occur after an annual fee of \$150 has been paid, an inspection of the property by the city inspector, hotel occupancy tax forms, and proof of liability insurance coverage. By virtue of these requirements, a short-term rental location will be held to standards that uphold city standards, occupancy limits set by the Bethany Fire Chief, permits the city to intake hotel tax (5.5%, §38.63), and would provide a codified chain of accountability for code violations.

The proposed ordinance holds the guests and operators to standards that are fitting of the Bethany code of ordinances. In the event of noise, garbage, disorderly conduct, and parking the proposed ordinance states that the guests will be held responsible for these violations. While the operator is responsible for maintaining 24-hour availability to both guests and the city. The goal of this clause is to ensure that inquiries from both the guests and city may be heard by the operator, so that they can be quickly addressed. The proposed ordinance does allow for the city to revoke the license of an operator at any time if it is deemed fit and necessary to do so.

For the sake of comparison, the proposed ordinance would not be the first within Oklahoma or the OKC Metro. Cities that have an ordinance and require licensing include Oklahoma City, Tulsa, Norman, and Broken Arrow. The cities of Edmond and Mustang define short term rentals in their respective ordinances, however, they both levy hotel tax on short-term rentals. The proposed ordinance in Bethany most closely resembles that of Norman in both wording and fees at \$200 for an annual license. Broken Arrow, Tulsa, and Oklahoma City all utilize similar ordinances, however, have radically different fee structures, charging \$500, \$375, and \$24 respectively.

Conclusion: There is an established and clear need for a short-term rental ordinance in Bethany, as noted by the public and staff. The way this proposed ordinance addresses it is one that allows for fair and consistent regulation by the city, while also maintaining accountability between guests and operators.

Discussion Questions:

1. Should a certain zoning category be required to have a short-term rental permit?
 - a. Should special permission be required for permit approval?
2. Should alterations be made to the proposed fees?
3. Should greater stipulations be placed on the licensing of a short-term rental location?
4. Is there specific wording that should be changed to be more fair, more stringent, or more specific regarding certain items?

City	Est. Short Term Rental Properties	Fee	Est. Annual Revenue
Bethany	15	\$150	\$2,250
Oklahoma City	1,200	\$24	\$28,800
Tulsa	650	\$375	\$243,750
Norman	275	\$200	\$55,000
Broken Arrow	175	\$500	\$87,500
Mustang	38	N/A	N/A
Edmond	140	N/A	N/A

Planning & Zoning Commission Meeting

6 July 2023

PC 23-10

Discussion – Short-Term Rental Ordinance

Definitions and Scope

- Short-Term Rentals consist of services that allow property owners to rent rooms or homes for a period less than 30 days.
 - Made popular in recent years through services like AirBnB and Vrbo
- Short-Term Rentals provide additional or alternate options for travel lodging; often at a lower cost to that of a hotel.

Why would Bethany need such an ordinance?

- Input from citizens, developers, and city staff have called for an ordinance covering short-term rentals since 2018.
- An ordinance as such would benefit the city by allowing:
 - Licensing and inspection of homes to ensure adherence to codes.
 - Accountability in the event of code violations and nuisances.
- Such an ordinance would allow for the city to take in additional hotel tax.
- Without an ordinance in place, no such options would be allowed to take place.

Neighboring Cities

City	Year Enacted	Is a license required?	Fee
Oklahoma City	2019	Yes	\$24
Tulsa	2019/2020	Yes	\$375
Norman	2020	Yes	\$200
Broken Arrow	2019/2023	Yes	\$500
Edmond*	2021	No	N/A
Mustang*	2014	No	N/A

*Fee is not required but hotel tax is collected

Analysis & Discussion

- The demand for regulation of short-term rentals has been made clear by citizens and city staff
- The collection of hotel tax would benefit the city.
 - Inspections and permitting costs would be covered by the proposed fees.
- A chain of accountability for code violations would be codified.
 - This allows for code enforcement to more easily identify responsible parties.
- The proposed ordinance would enforce parking requirements to a degree that would minimize or eliminate the impact on neighbors.