

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Thursday, January 11, 2024, 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
JANUARY 18, 2024
7:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF NOVEMBER 2, 2023

EXPLANATION OF PROCEDURE TO AUDIENCE

PLANNING AND ZONING COMMISSION BUSINESS

ITEM 1: PC 23-10

Discuss and vote to either approve or disapprove a short-term rental ordinance.

NEW BUSINESS

ADJOURNMENT UNTIL FEBRUARY 8, 2024

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Justin Peck, Vice-Chair
Ron Crouch
Robert Helton
James Clemmer
Steve Marx
Trent Reid

MEMBERS ABSENT: Kent Lynn

STAFF PRESENT: Ray Jones, City Attorney
Amanda McCellon, Comm. Dev. Director
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 Thursday, October 26, 2023 at 11:00 a.m.

Charles Snyder, Chair called the meeting to order. Ron Crouch gave the invocation. Motion was made by Justin Peck, seconded by James Clemmer to approve the October 19, 2023 Planning and Zoning Commission minutes with one correction. Change "BRBO" to "VRBO". The votes are as follows: AYE- Charles Snyder, Justin Peck, Robert Helton, James Clemmer, Steve Marx, Trent Reid. NAY- None. ABSTAIN- Ron Crouch. The motion carried 6-0-1.

ITEM 1: PC 23-13

Consider a request from Frank McLendon, Applicant and Property Owner to amend the approved PUD for Bethany Village, located at the NW corner of NW 36th Street and N. Divis Ave.

LEGAL DESCRIPTION:

SE Qtr. Sect. 17 T12N-R2W (I.M.) Bethany, Oklahoma County, Oklahoma; said tract being more particularly described as follows: COMMENCING at the Southwest corner of said SE/4; thence N89°42'12" E along the South line of said SE/4 a distance of 1540.25 feet; thence N00°17'48"W a distance of 33.00 feet to the POINT OF BEGINNING; thence N00°42'07"W a distance of 600.01 feet; thence N89°42'12"E a distance of 177.00 feet; thence N00°02'01"W a distance of 160.00 feet; thence N89°42'12"E a distance of 230.00 feet; thence S00°02'12"W a distance of 400.00 feet to the POINT OF BEGINNING Said tract contains 278,901 square feet or 6.40 Acres, more or less.

(City Council will vote on this item on November 21, 2023.)

ACTION: Amanda McCellon, Comm. Dev. Director presented the staff report for an amendment to the existing PUD at the NW corner of NW 36th Street and N. Divis Ave. The setbacks that were approved in 2020 were a front of 25', sides of 5' and 10', and a rear of 15'. There are going to be 27 duplex units.

Amanda McCellon, Comm. Dev. Director summarized the zoning of the surrounding properties.

Amanda McCellon, Comm. Dev. Director explained the analysis and required action. So, the PUD for Bethany Village was approved in October of 2020; and the final plat approved in September of 2021. The public improvements were approved in May, 2023. The applicant notified staff in September, 2023 that the rear porches encroached on the utility easement by two feet. So, we worked with the engineers and Staff made a recommendation either the PUD be amended or corrective action on the placement of the structures take place. The engineering staff stated that the requested amendment would not negatively impact the health, safety, and welfare for future residents. The applicant chose to amend the PUD and reduce the minimum rear yard setbacks from 15' to 10'.

Frank McLendon, Applicant spoke to the Planning and Zoning Commission. He stated he is wanting to reduce the building line from 20' to 10' same as the utility easement. Also, in one of the paragraphs it said I was encroaching on the utility easement, and that is not true. Actually, encroaching into the building line that I didn't know was there by eight feet. There are three lots to the north that back up to the park have a 15' utility easement; and I am requesting the build line from 20' to 15' on those lots. Two of the houses I started on, the slabs encroached over the building line by 8'. My construction manager brought it to my attention, and I contacted the city.

Ray Jones, City Attorney stated he is satisfied from a legal standpoint that nothing will encroach easements, and there are no public health issues.

Justin Peck, Vice-Chair asked if any additional trees will be planted along the outline by the park.

Frank McLendon, Applicant stated there were four trees added.

Motion was made by Steve Marx, seconded by James Clemmer to recommend approving the PUD amendment located at the NW corner of NW 36th Street and N. Divis Ave (Bethany Village). The votes are as follows: AYE- Charles Snyder, Justin Peck, Robert Helton, Steve Marx, Ron Crouch, James Clemmer, Trent Reid. NAY- None. ABSTAIN- None. The motion carried 7 - 0.

NEW BUSINESS

Ray Jones, City Attorney indicated he will probably have the short-term rental ordinance ready for the next meeting.

Motion was made by Justin Peck, seconded by Trent Reid to adjourn. The motion carried unanimously 7 - 0.



Department of Planning & Community Development

City of Bethany

Planning & Zoning Staff Report

January 18, 2024

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.

Ordinance: The proposed ordinance exists to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of the city's hotel occupancy tax. The ordinance further defines all terminology associated with short-term rentals, including guests, contacts, operators, permits, etc. It is important to note that within this ordinance, a guest is designed as an overnight occupant renting the short-term rental unit (STRU) and a single rental period may not exceed thirty (30) days.

The ordinance would require operators to obtain a permit from the City of Bethany; this process includes a certification inspection performed by the City of Bethany Building Inspector, a list containing the contact information of all associated property owners, a designated contact person, proof of liability insurance coverage on the rental unit, and a completed hotel occupancy tax form.

Action: Discuss and vote to either approve or disapprove this short-term rental ordinance.

158.045 SHORT-TERM RENTALS

(A) The purpose of this article is to establish regulations for the use of privately-owned dwellings as Short-Term Rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of the CITY's Hotel Occupancy Tax.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Bethany, Oklahoma.

GUEST. The overnight occupants renting a Short-Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.

CONTACT PERSON. The Owner, Operator, or person designated by the Owner or the Operator, who shall be available by telephone or in-person for the purpose of responding to concerns or requests for assistance related to the Owner's Short-Term Rental.

OPERATOR. The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short-Term Rental.

OWNER. The person or entity that holds legal or equitable title to the Short-Term Rental property.

SHORT-TERM RENTAL. A privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, rented by the public for consideration and used for dwelling, lodging or sleeping purposes for any period less than thirty (30) consecutive days.

The following are exempt from the regulations under this article: hotel, motel, dormitory, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable, or educational purposes, and any housing owned by a governmental agency and used to house its employees for governmental purposes.

SHORT-TERM RENTAL PERMIT. A permit issued by the City authorizing the use of a privately-owned dwelling as a Short-Term Rental.

SHORT-TERM RENTAL UNIT. One or more habitable rooms forming a single habitable division within a Short-Term Rental, or an entire undivided Short-Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and /or single rental payment.

(C) SHORT-TERM RENTAL PERMIT REQUIRED. It shall be unlawful for any person or entity to rent, or offer to rent, any Short-Term Rental without a valid Short-Term Rental Permit issued under this Article.

1. Any violation of the Short-Term Rental Ordinance may result in the revocation of the permit by the Community Development Director:

- a) after notice of the violation and the failure to remedy the violation within a period of (30) days; or
- b) after three or more violations in a permit year regardless of remediation.
- c) the holder of a permit may appeal any revocation to the Board of Adjustment [§158.088].
- d) a permit that has been revoked after any appeal may not be reinstated during the same year.

(D) SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS. An applicant shall submit an application for a Short-Term Rental Permit using a format and method promulgated by the City Manager or his/her designee.

1. An application packet for a Short-Term Rental Permit shall be completed and submitted to the City of Bethany Community Development Department by the owner of the Short-Term rental on forms provided by the City of Bethany Community Development Department and shall include the following information:

- a) A list of all property owners of the Short-Term Rental including names, addresses and telephone numbers. Property ownership for the purpose of this Ordinance shall consist of those persons listed on the Oklahoma County tax records.
- b) A certification by a City of Bethany Building Inspector.
- c) The name, address and telephone numbers of the Contact Person who shall be responsible for authorized to respond to complaints concerning the use of the short-term rental.
- d) Proof of liability insurance coverage on the Short-Term Rental.
- e) Completed Hotel Occupancy Tax Form [§38.67]

3. An applicant for a Short-Term Rental Permit shall pay to the City a permit fee of one hundred fifty dollars (\$150).

4. A separate Short-Term Rental Permit application and permit fee must be submitted for each individual Short-Term Rental Unit. Each individual Short-Term Rental Unit shall be assigned a unique permit number upon permit issuance of the City.

5. Prior to issuance of a Short-Term Rental Permit, the Operator shall allow an on-site inspection of the Short-Term Rental Unit by a City Building Inspector, to ensure the absence of any nuisances. [§93.35]

6. A Short-Term Rental Permit issued under this Article shall be valid for a period of one calendar year from the date of issuance. The Short-Term Rental Permit shall expire immediately upon any change in Owner of the Short-Term Rental Unit. The Short-Term Rental Permit is non-transferrable.

7. The Owner has a duty to notify the City within twenty (20) calendar days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this article.

8. An applicant for Short-Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365 calendar days.

(E) SHORT-TERM RENTAL OPERATIONAL REQUIREMENTS.

1. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City:

- a) The unique Short-Term Rental Permit number assigned to the Short-Term Rental Unit;
- b) Operator name and number;
- c) Contact Person name and number;
- d) The location of any on-site and off-site parking spaces available for Guests;
- e) The overnight and daytime occupancy limits;
- f) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- g) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Article; and
- h) Notification that all functions such as weddings, parties or other gatherings are prohibited in the Short-Term Rental, with the exception of the Central Business District.

2. The Operator shall operate a Short-Term Rental in compliance with the following:

- a) Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located, set forth in [§158, Appendix A]
- b) City of Bethany Sign Ordinance, as applicable, set forth in [§§153.01-153.22]
- c) Maximum occupancy limits prescribed by the City Fire Chief, pursuant to the International Fire Code as adopted in [§150.001]
- d) City of Bethany Hotel Occupancy Tax Ordinance, set forth in [§§38.61-38.84]
- e) City of Bethany Noise and Sound Level Regulation Ordinance, set forth [insert here]
- f) City of Bethany Garbage Collection Ordinance, set forth [§93.20]
- g) During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Contact Person shall be available by telephone or in-person for the purpose of responding to concerns or requests for assistance

related to the condition, operation, or conduct of Guests of the Short-Term Rental. The Contact Person shall respond within sixty (60) minutes of being notified of concerns of requests for assistance regarding the condition, operation, or conduct of Guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance

- h) The hours of 10:00 pm until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Ordinance.

3. An advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short-Term Rental Permit number assigned by the City.

(F) NOTIFICATIONS OF COMPLAINTS. Complaints related to the operation of a Short-Term Rental, including but not limited to complaints concerning noise, garbage, parking and disorderly conduct by Guests, shall be reported to the City Code Enforcement Office.