



Planning Commission Meeting – 3.6.2024 – City of Shawnee, Oklahoma

Staff Report | TXT01-24

Date: 3.1.2024

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Subject: Staff Report – Public hearing and consideration of a proposed text amendment to Section 22-299-309 of the Zoning Code, which provides guidance about Short-Term Rentals (STR) in the City of Shawnee, OK.
Case No. TXT01-24

Background

When it is necessary to amend the Zoning Code's language, the change must first be presented to the Planning Commission for consideration. The Planning Commission must review and make a recommendation to the City Commission regarding any text amendments presented by staff.

In the Shawnee, Oklahoma Zoning Code, Sec. 22-645. - Planning commission recommendation required. states: "The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city commission a report and recommendation on the proposed change."

Discussion

Staff previously presented a draft ordinance for short-term rentals (STR) for review and discussion. The Planning Commission recommended approval of the ordinance. Since then, staff have had additional discussions regarding short-term rentals, which led to further amendments to the ordinance. Due to the changes, the ordinance is brought before the Planning Commission for an additional review of an amended draft ordinance for short-term rentals.

Short-term rentals are also known as home-sharing or vacation rentals. One definition of a short-term rental is a dwelling unit offered or provided to a guest by an owner or operator for a fee for fewer than thirty consecutive nights. Several platforms assist travelers and hosts with short-term rentals. AirBnb and VRBO (Vacation Rental By Owner) are two well-known example platforms.

Findings

- There is a demand for short-term rentals in Shawnee, OK.
- There are active short-term rentals in the City.
- The Zoning Code currently only offers guidance on "Bed and Breakfast" operations.
- Regulations to establish guidelines and procedures in order to protect citizens and the City are necessary.


Staff Recommendation

Based on the review of the draft ordinance and the listed Findings, staff recommends that the Planning Commission recommend to the City Commission APPROVAL of TXT01-24 for the proposed text amendment to Section 22-2990-309 of the Zoning Code.

Recommendation Options

- Approval of Case No. TXT01-24 for the proposed text amendment to Section 22-299 - 309 of the Zoning Code as presented by staff and indicated on the accompanying ordinance.
- Denial of the application for TXT01-24.
- Deferral of Case No. TXT01-24 with a request for additional and specific information to a certain date.
- Approval of Case No. TXT01-24 as amended by the Planning Commission.

This text amendment will be heard at the City Commission meeting on Monday, March 18, 2024, at 6:00 pm.

 City of Shawnee Oklahoma Commission Meeting 04/15/2024 6:00

CURRENT ITEM

MOTION

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28. Consideration of an ordinance amending Section 22-299 to Section 22-309 of the Zoning Code of the City of Shawnee, Pottawatomie County, Oklahoma, mor...

VOTE RESULTS

YES

Cami Engles

YES

Daniel Matthews

YES

Lauren Richter

YES

Mark Sehorn

YES


Ed Bolt

YES

Yannah Frazier

Carried 6-0-0

Pull up for precise seeking



3:51:04

AN ORDINANCE AMENDING SECTION 22-299 TO SECTION 22-309 OF THE ZONING CODE OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, MORE SPECIFICALLY KNOWN AS RESERVED, TO SHORT TERM RENTAL, RESIDENTIAL. BY AMENDING SAID SECTIONS OF SAID ZONING CODE: PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma, on the 15th day of April 2024, to revise certain sections of the zoning code.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said amendment pursuant to notice as required by law and has submitted its final report and recommendation regarding said amendment to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said amendment to be adopted

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the Sections 22-299 to 22-309 of the Zoning Code be amended to include the following:

Sec. 22-299 Purpose

It is the purpose and intent of this chapter to establish regulations for privately owned residential property used as vacation homes and rented to transient occupants for periods of less than thirty (30) days in the municipal limits of the City of Shawnee, Oklahoma, so as to minimize the adverse effects of short-term rental uses on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of residential neighborhoods in which short-term rental properties are located.

Sec. 22-300 - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Event is defined as an event with the purpose of making money or where a venue is hired for a commercial function where attendees are charged entry, which may include, but is not limited to, events such as parties, entertainment events, and attractions.

Conditional Use Permit means the process of review, recommendation, and conditional approval of a specific use (short-term rentals) is permitted by the City Commission.

Guest means a person who rents or occupies a short-term rental alone or with others.

Owner shall mean any person, firm, trust, or other legal entity that owns the property where a short-term rental is located.

Responsible Party shall mean the primary contact for the short-term rental, aside from the owner, that can be reached by the occupant or city staff in the event of an emergency or other issue.

Short-term rental means any dwelling unit, portion thereof, or habitable accessory dwelling unit for rent for a temporary period of up to 30 days per guest.

Short-term rental license means the process of reviewing and approving a specific residence to engage in a short-term rental.

Sec. 22-301. – General Requirements.

1. Application and approval of a Conditional Use Permit is required before application of the license is approved.
2. An annual short-term rental license may be issued to eligible applicants by the city. A short-term rental license is a privilege that may be denied, suspended, revoked, or not renewed.
3. Short-term rental units shall only be utilized by those individuals who are renting said units, and then only for the purposes of overnight accommodations.
4. Short-term rentals shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise beyond what is allowed under city code, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
5. A licensee or guest of a short-term rental shall not use or allow the use of sound equipment, amplified music, and musical instruments.
6. A licensee or guest of a short-term rental shall not violate any parking ordinances of the Shawnee City Code. Suitable parking based on proposed occupancy must be available on-site, and the use of street parking as the primary guest parking is not allowed.
7. Guest occupancy limits are established for each short-term rental.
8. Anyone under the age of eighteen (18) is prohibited from renting a short-term rental.
9. All short-term rental properties shall pay a license application fee and a license renewal fee, as noted in the City Fee Schedule.
10. All short-term rental properties shall be inspected by the City annually.
11. Short-term rental licenses shall not be transferrable.
12. No person shall offer or engage in a short-term rental in or on any part of the property not approved for residential occupancy. Examples include but are not limited to a vehicle or RV parked on the property, storage shed, trailer, garage, or any temporary structure such as a tent.

Sec. 22-302. - Permitted zoning districts.

- R-1 (Single-Family Residential District)
- R-2 (Medium Density Residential District)
- R-3 (Multifamily Residential District) -- single-family, duplex, & triplex dwellings only
- C-4 (Central Business District)
- A-1 (Rural Agricultural District) with overlay LPZ (Lake Protection Zone)
- A-1 (Rural Agricultural District)

Sec. 22-303. - Short-term rental, residential; license required; compliance with applicable codes.

1. No person shall manage or operate a short-term rental without an annual license, as provided herein, issued by the Community Development Department.
2. Licenses for short-term rental shall expire annually on the date the license was originally granted or immediately upon change of ownership. Licenses may be renewed annually upon filing a renewal application with the Community Development Department.
3. No license shall be issued or renewed until the applicant verifies that tax permits have been issued by the State of Oklahoma and provides evidence that all applicable collection of taxes will take place or is taking place.
4. No license shall be issued or renewed where taxes are delinquent and are owed by the owner or operator of the property or if the property violates any section of the Shawnee City Code. No renewal shall be issued for a property deemed to breach the Shawnee City Code until such violation is resolved through final disposition of a prosecution filed in the Municipal or District Court or upon certification by the building code official that the property is in compliance with applicable codes.
5. No short-term rental license shall be issued until a Conditional Use Permit (CUP) has been approved by the City.
6. No person shall offer or engage in a short-term rental without complying with applicable building and fire codes.
7. Use of a short-term rental for any commercial events is prohibited. Each short-term rental shall comply with all applicable noise ordinances.
8. The number of occupants at any given time in a short-term rental unit shall not exceed the number of beds.
9. One on-site parking space is required per every four beds.

Sec. 22-304. - Required information to be posted and provided to guests.

The license holder shall post the following information in a prominent location in the interior, clearly visible to guests, and provide a packet of the information, summarizing the restrictions applicable to short-term rental use, including:

- a) The license registration, which includes license number;
- b) Owner's name and phone number;
- c) Local emergency contact (within one hour driving time of the short-term rental) name and phone number;
- d) Occupancy limits;

- e) The location of any on-site and off-site parking spaces available for guests;
- f) Parking restrictions;
- g) Noise restrictions, including the prohibition on the use of sound equipment, amplified music, and musical instruments;
- h) Information on open burning or relevant burn bans;
- i) Information on applicable water restrictions;
- j) Trash and recycling collection rules and dates;
- k) Prohibition on the use of the short-term rental for commercial events; and
- l) Floor plan with fire exits and escape routes.

Sec. 22-305. - Application form, short-term rental, residential; license; process.

An application for a short-term rental license shall be submitted to the Community Development Department on a form supplied by the City, which shall contain the following information and attestations. The applicant also agrees to furnish any necessary documentation upon request of the City.

- a) The name, street address, mailing address, and telephone number of the owner of record of the property where the short-term rental will be located, a mailing address (if different), cell phone number, and email address;
- b) The name, street address, telephone number, and email address of a local emergency contact, who can access the rental within one hour's driving time; this information shall remain current with the City for the duration of the short-term rental license;
- c) Proof of current, valid property insurance;
- d) Proof of tax permit from the Oklahoma Tax Commission;
- e) Proof of payment of any applicable taxes as of the date of submission of the application;
- f) The number of bedrooms and the proposed occupancy limits;
- g) A diagram showing the proposed layout of the property use and any on-site parking available;
- h) A floor plan indicating fire exits and escape routes;
- i) All required egress windows in bedrooms must be operational and free from breaks or cracks;
- j) Operational smoke detectors and carbon monoxide detectors as required by the Building Code and fire extinguishers as required by the Fire Code;
- k) That the property complies with applicable provisions of the City's minimum property maintenance, building, electrical, mechanical, and plumbing codes; and
- l) Any other information requested by the City.

Any fraud, material misrepresentation, or false statements contained in the attestations, required documentation, or correlating application material shall be grounds for immediate revocation of a short-term rental license. Furthermore, all requirements shall be continuously maintained throughout the duration of the permit. These requirements shall be verified as having been met through an annual inspection.

Sec. 22-306. - Conditional Use Permit (CUP) Application form; process.

- 1. A Conditional Use Permit (CUP) application shall be submitted to the Community Development Department for review. An application for a residential short-term rental license shall accompany the CUP application.
- 2. The Planning Commission shall hold a public hearing thereon and shall transmit its recommendation for the Conditional Use Permit application to the City Commission.
- 3. The City Commission may authorize or deny the issuance of a Conditional Use Permit for the use of the land or buildings as requested for short-term rental.
- 4. The Planning Commission and City Commission may set conditions for any Conditional Use Permit approval in conducting reviews, including but not limited to conditions on days and hours of operation, use restrictions, parking, setbacks, screening, signage, lighting, noise, and other standards and operational safeguards essential to the welfare and protection of adjacent property and the community as a whole.
- 5. If approved, the applicant shall remain in compliance with any specified conditions of the Conditional Use Permit. The City Commission shall have the authority to revoke any Conditional Use Permit that violates established conditions upon public hearing and notice to the permit holder.
- 6. If the property is sold or transferred to another owner, the approval of a new Conditional Use Permit shall be required for the Short-Term Rental to continue operating.

Sec. 22-307. - Suspension, revocation; notice and appeal; complaint process.

- 1. A license issued may be suspended or revoked by the City for failure to pay applicable sales and/or occupancy taxes due or for violation of any section of the Shawnee City Code or state law.
- 2. Failure to renew the short-term rental license annually will require a new license application to be submitted and charged the initial fee as described in the City Fee Schedule.
- 3. A resident within 300 feet of the short-term rental may file a complaint with the City if they feel the short-term rental unit is non-compliant with the provisions of this ordinance.

4. No license shall be suspended or revoked until the owner has been accorded written notice of the violation(s) and administrative hearing with the City.
5. The decision to suspend or revoke the license may be appealed to the City Commission by filing notice thereof with the City Clerk within ten days of said action.

Sec. 22-308. - Covenants; deed restrictions; overlay requirements.

This division or any section therein is not intended to be construed in derogation of, or in conflict with, any restrictive covenant, deed restriction, or lease agreement that may be applicable. This division or section therein shall be subject to any applicable overlay district or provision thereof or any zoning restriction unique to a particular area or parcel.

Sec. 22-309. - Penalty.

Violation of Sections 22-229 through 22-308 shall be deemed a Class C offense. Each day a short-term rental is operated in violation of said section shall constitute a separate offense.

SECTION 2. REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance, are repealed.

SECTION 3. SEVERABILITY. The provisions of this ordinance are severable, and if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 4. CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

PASSED AND APPROVED this 15th day of April, 2024.

(SEAL)
ATTEST:

ED BOLT, MAYOR

LISA LASYONE, MMC, CITY CLERK

Approved as to form and legality this 15th day of April, 2024.

JOSEPH M. VORNDRAN,
CITY ATTORNEY

RESOLUTION NO. ____

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY AMENDING PORTIONS OF THE ZONING CODE OF THE CITY OF SHAWNEE PURSUANT TO SECTIONS 22-301 OF CHAPTER 22 OF THE CITY CODE; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

WHEREAS, The City, through the passage of Ordinance No.2599NS has adopted a City Fee Schedule as a part of the Code of the City of Shawnee, Oklahoma that contains the description of various fees administered by the City;

WHEREAS, pursuant to Ordinance No. 2599NS Subsequent versions, adoptions, and updates of the City Fee Schedule shall be accomplished by resolution of the City Commission;

WHEREAS, Chapter 22, Sections 22-301, provides for the setting, and updating, of the Zoning Code of the City of Shawnee from time to time by resolution of the City Commission, and that such rates shall be described in the City Fee Schedule; and

WHEREAS, the City Commission wishes to update the City Fee Schedule in a manner described below so as to set the e Zoning Code of the City of Shawnee pursuant to Sections 22-301.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. Accordingly, the City Fee Schedule is hereby updated in that Sections 22-301 of Chapter 22 of the Zoning Code of the City of Shawnee, Oklahoma is hereby amended to read as follows:

Part II Chapter 22 Art VII Div 5 Sec 22-301	Planning and Development	General Requirements: License Application fee	\$180.00
Part II Chapter 22 Art VII Div 5 Sec 22-301	Planning and Development	General Requirements: License Renewal fee	\$100.00

Section 2. **Adoption and Update of City Fee Schedule.** That attached hereto is the updated portion of the City Fee Schedule as created above (Exhibit 'A') and the updated City Fee Schedule in whole (Exhibit 'B'). This Resolution updates and changes City Fee Schedule only to the extent as described above. All other existing fees, fines, bonds, and insurance amounts described in the City Fee Schedule, not expressly updated herein, shall remain the same, and are otherwise re-adopted, for full force and effect, in the Code of the City of Shawnee.

Section 3. **Effective Date.** The effective date of the fee changes in this Resolution is May 15, 2024.

[Signature Page to Follow]