

CITY COUNCIL CONFERENCE MINUTES

November 26, 2019

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 26th day of November, 2019, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Bierman, Hall,
Holman, Petrone, Scanlon, Scott,
Wilson, Mayor Clark

ABSENT:

Councilmember Carter

Item 1, being:

CONTINUED DISCUSSION REGARDING SHORT TERM RENTALS. (COMMERCIAL HOME SHARING SUCH AS AIRBNB, HOME AWAY, AND VRBO).

Ms. Jane Hudson, Director of Planning and Community Development, said short-term rentals (STRs) have been discussed since February 2018, and more recently on October 8, 2019. She said discussions have included zoning, licensing, and inspections. She highlighted zoning districts where STRs would be an allowed use to include R-1, Single Family Dwelling District; R-1-A, Single Family Attached Dwelling District; R-2, Two Family Dwelling District; RM-2, Low Density Apartment District; RM-4, Mobile Home Park District; RM-6, Medium Density Apartment District; R-3, Multi-Family Dwelling District; RO, Residence Office District; CO, Suburban Office Commercial District; C-1, Local Commercial District; C-2, General Commercial District; C-3, Intensive Commercial District; TC, Tourist Commercial District; and MUD, Mixed Use Development District. She said districts requiring Council approval or a Special Use Permit include PUD, Planned Unit Development; SPUD, Small Planned Unit Development; and O-1, Office Institutional District. She said districts not allowing STRs include RC, Rural Commercial District; I-1, Light Industrial District; I-2, Heavy Industrial District; and M-1, Restricted Industrial District.

During the October discussion, it was suggested that if an applicant's license is denied, suspended, or revoked, the applicant could re-apply for a Special Use zoning.

Councilmember Wilson asked why STRs will not be allowed in A-1, General Agricultural District, and A-2, Rural Agricultural District, and Ms. Jeanne Snider, Assistant City Attorney, said Council recently discussed Hip Campers that enables users to search for available campsites based on location, natural landscape, activities offered, and amenities. She said Staff did not have clear direction for adding Hip Campers to the ordinance. Councilmember Wilson said she would like Hip Campers to be allowed in A-1 and A-2 districts as well as other STR allowed districts.

Ms. Hudson asked if STRs are allowed in residential districts, is Council okay with commercial uses in residential districts. Mr. Darrel Pyle, City Manager, said occupancy comes to mind and the occupancy remains a residential occupancy. He said all commercial uses are not the same and in this particular instance that commercial use is still a residential occupancy.

Councilmember Hall said the issue throughout the entire discussion process is whether STRs are lodging or short-term rentals. She said the City has never settled that point, which is why the R-1 issue keeps coming up. She said to operate a Bed and Breakfast (B&B) in R-1, a Special Use permit is required, so why would the City allow STRs in R-1 without requiring a Special Use permit? She said if the STR is a commercial use similar to B&Bs then the requirements should be the same. Also, to operate a B&B the owner has to reside at the location if the business is operating in R-1 or R-2. She said there are inconsistencies between these two types of lodging.

Ms. Snider said there are over 200 STR units in Norman and inspections would be performed by the Code Enforcement Division, which currently inspects 65 hotel/motel/B&B locations for annual licensing. She said inspection of 200 or more STR units would be Staff intensive. She said Oklahoma City does not require inspections, but does require an affidavit be executed and notarized by the applicant certifying the dwelling is in compliance with the City's minimum property maintenance, building, electrical, mechanical, and plumbing codes. Oklahoma City also requires the dwelling to have working smoke detectors, carbon monoxide detectors, and a functional fire extinguisher.

Councilmember Scott felt STRs should be required to have an inspection since they operate as a business, but understands City Staff is stretched pretty thin right now so perhaps a waiver of liability should be required if Council decides not to require inspections. Councilmember Scanlon suggested inspection for the initial license then random inspections in subsequent years.

Ms. Snider asked if there was consensus among Council to license up to four locations per applicant and anything over four would require a Special Use permit and Councilmembers said yes.

Councilmember Hall said it seems important to require an initial inspection for licensing purposes. She said STRs are currently operating in Norman without benefit to the City and the City has only had one egregious complaint on one property. She wants to move forward and begin licensing, but also wants to keep the process consistent and as simple as possible. She said if problems arise with the process Council can revisit the requirements.

Councilmember Petrone asked how the requirements would affect Home Owner Associations (HOAs) and Ms. Snider said STR requirements would be subject to whatever would be applicable with HOA covenants. She said some HOAs do not allow STRs or rental properties.

Ms. Snider said she will email the draft ordinance to Council for review and move forward with STR requirements as discussed.

Items submitted for the record

1. Memorandum dated November 26, 2019, from Jane Hudson, Planning and Development Director, and Jeanne Snider, Assistant City Attorney, to the Honorable Mayor and City Councilmembers, with Exhibit A, City Council Conference minutes of October 8, 2019, Exhibit B, Chapter 22 Zoning Ordinance – Districts permitting Short Term Rentals (STR); and Exhibit C, the City of Oklahoma City Development Services Department Property Compliance Affidavit

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The meeting was adjourned at 6:15 p.m.

ATTEST:



City Clerk



Mayor Pro Tem

