



MEMORANDUM

Council Agenda
Item No. XI. S
12/17/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

1. Amendment to revise the definition of the use unit Lodging Accommodations: Home Sharing in Section 59-9350.38.1 to match the revised definition that is proposed in the Chapter 13 Home Sharing licensing ordinance.
2. Amendment to revise Sections 59-9350.38.1(I) to strengthen language on Board of Adjustment consideration of restrictive covenants for special exception applications and 59-9350.39.1(J) to strike the two-night minimum stay requirement and to strengthen language regarding Board of Adjustment consideration of traffic concerns for special exception applications.
3. Ordinance on final hearing relating to Zoning and Planning Code, amending Chapter 59 of the Oklahoma City Municipal Code, 2020, amending Article IV – Administrative Procedures, by amending Section 59-4250 – Discretionary review procedures, relating to Special Exception Uses, by clarifying entitled parties and revocation process; amending Article VI – Zoning Base Districts, by amending Section 6100.1 (Table) Agricultural and Residential Districts Use Regulations, to rename home sharing use unit; and by amending Section 7300.1 (Table) Neighborhood Conservation Districts Use Regulations, to rename home sharing use unit; and amending Article IX – Use Standards, by amending Section 59-9350 – Standards for specific uses, relating to Lodging Accommodations: Home Sharing; and providing for an effective date.

Background:

On January 15, 2019, City Council adopted Ordinances 26,081 and 26,082 regarding short term rentals, or “home sharing.” (Items IX. A and B. respectively.) These ordinances define the home sharing lodging use and establish specific standards, including that a Special Exception (SE) must be obtained by the Board of Adjustment if the home share site is not the primary residence of the host. All home sharing uses must obtain a license. Home sharing properties that are the primary residence of the host within a Historic Preservation zoning district must receive both a license and obtain a SE.

Since the adoption of these ordinances, Council members, Board of Adjustment members, and residents have continued to discuss concerns regarding SE home sharing uses and their impacts on neighborhoods. In response, the Municipal Counselor’s office researched possible ordinance changes for further regulating SE home shares and offered legal perspectives about the effectiveness and legality of these ideas. The Planning Department was then asked by the City Manager’s Office to convene focus groups with residents, home share operators, City staff, and

Board of Adjustment members to further consider if these or other ordinance changes would address concerns about non-owner-occupied home shares and the SE process.

The result of this process are two ordinances for consideration, one that proposes changes to the home share licensing process in Chapter 13 and another that proposes changes to the Use Standards for Commercial Lodging: Home Sharing in Chapter 59.

On June 18, 2024, City Council introduced the ordinance and referred it to the Board of Adjustment and Planning Commission (Item IV.A).

On July 10, 2024, the Planning Commission discussed the ordinance at a Special Meeting.

On August 8, 2024, the Planning Commission introduced the ordinance and set it for public hearing on September 12, 2024.

On August 15, 2024, the Board of Adjustment introduced the ordinance and continued it to the October 3, 2024 meeting.

On September 12, 2024, the Planning Commission unanimously recommend approval of the ordinance.

On September 13, 2024, the Board of Adjustment discussed the item at a Special Meeting.

On October 3, 2024, the Board of Adjustment unanimously approved as amended a recommendation to City Council.

Summary of proposed changes:

The proposed changes to Chapter 59 pertain only to home shares that receive a Special Exception. The following six items would apply to both Special Exception renewals and to new applications for a home share Special Exception:

- Clarify the process for the revocation of a Special Exception permit;
- Add a provision that a special exception must be obtained if the dwelling unit is the host's primary residence but the host engages in home sharing/short term rental for more than ten (10) nights in a calendar month;
- Clarify that, in Historic Preservation Districts, the home sharing/short term rental accommodation shall be located on the same parcel as the host's primary residence and the host's primary residence must be occupied by the host at the time of the rental;
- Reduce the maximum term for a Special Exception permit from 10 years to 3 years;
- Clarify how a renewal application is considered timely;
- Establish a two-night minimum stay.

The following three items apply only to a new SE Home Share application and not to applications for the renewal of a Special Exception:

- Establish concentration limits within a neighborhood;
- Establish an off-street parking requirement; and
- Allow the Board of Adjustment to consider private covenants that prohibit home sharing.

Proposed Amendment #1:

Staff has requested an amendment to revise the definition of the use unit *Lodging Accommodations: Home Sharing* to match the revised definition that is proposed in the companion Chapter 13 Home Sharing Licensing Ordinance. This Amendment #1 would revise the definition as follows:

§ 59-8300.51.1 Lodging Accommodations: Home Sharing/short term rental or home sharing/short term rental accommodation: Lodging accommodations that are provided in a dwelling unit or room(s) in a dwelling unit for rent for a temporary period of time less not to exceed more than 30 consecutive days per renter/guest, and the dwelling unit is the host's primary residence; provided if the dwelling unit is located within a Historic Preservation District or said dwelling unit is not the primary residence of the host, a special exception must be obtained from the Board of Adjustment. The use of a dwelling unit for such purpose must meet the use standards of Section 9350.38.1 Lodging Accommodations: Home Sharing.

Proposed Amendment #2:

Councilman Stonecipher has requested the following revisions:

- Amend § 59-9350.38.1(I) to strengthen the language on BOA consideration of restrictive covenants for special exception applications; and
- Strike the two night minimum stay requirement included at § 59-9350.38.1(J); and
- Add a new § 59-9350.38.1(J) to strengthen language regarding BOA consideration of traffic concerns for special exception applications.

Review:

Planning Department

Recommendation: Amendments be approved and Ordinance be adopted.