

ORDINANCE NO. _____

AN ORDINANCE, 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 DISTRICT 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.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Chapter 59, Article IV, Section 59-4250 of the Oklahoma City Municipal Code, 2020, as amended, is hereby amended to read as follows:

CHAPTER 59

ZONING AND PLANNING CODE

* * *

ARTICLE IV. - ADMINISTRATIVE PROCEDURES

* * *

§ 59-4250. Discretionary review procedures.

4250.1. Special Exception Uses.

- A. *Establishment and Purpose.* The City of Oklahoma City has previously established the process for granting special exception uses. The special exception allows the location of certain uses while maintaining adequate protection of the surrounding area. If consideration is given to setting,

physical features, compatibility with surrounding land uses, and traffic and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses, even though they generally do not conform with traditional use groupings in specific zoning districts.

- B. *Parties Entitled to Request Special Exception Uses.* Applications for special exception uses may be filed by the owner of, ~~or any person having a right of ownership in,~~ or any person authorized by the owner of, any property in the City.
- C. *Authority and Execution.* The Board of Adjustment shall review each case on its own merits, apply the criteria established herein and, if appropriate, authorize said use by granting a special exception for it.
- D. *Procedure.*
 - (1) *Applications.* Applications for special exception uses shall be filed in accordance with the requirements of this section on forms provided by the City.
 - (2) *Site Plan to Be Filed.* A complete site plan shall be filed with each application for a special exception. The site plan shall show location of all structures and shall give graphic evidence of compliance with all development regulations of the zoning district in which the special exception is to be located and compliance with the general standards for the specific use.
 - (3) *Acceptance of Application.* Staff shall review the application for completeness. Upon receipt of a complete application, Staff shall schedule the application for an upcoming Board of Adjustment agenda for consideration and shall distribute the application to other appropriate departments for review.
 - (4) *Action by the Board of Adjustment.* The Board of Adjustment shall consider the application in accordance with adopted deadlines. The Board may take action in the form of approval, approval with conditions or denial of applications for special exceptions.
- E. *Standards for Special Exception Approval.* Prior to approval of an application for special exception, the Board of Adjustment shall make a determination that the following standards have been met:
 - (1) The proposed use shall be in harmony with the policies of the adopted Comprehensive Plan.
 - (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

- (3) The proposed use shall not adversely affect the use of neighboring properties in accordance with the applicable zoning district regulations.
- (4) The proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
- (5) Adequate utility, drainage, parking, loading, access, signs and other necessary public facilities to serve the proposed use shall meet all standards and provisions of City codes applicable to the zoning district classification of the property.
- (6) The Board of Adjustment shall ensure that all reasonable precautions are taken to protect nearby existing and anticipated development from hazardous and obnoxious conditions. The Board of Adjustment can impose specific conditions regarding location, design and operation to assure safety and to prevent a nuisance.
- (7) If necessary to protect the general public and to protect the use of neighboring property from potential loss of use or decrease in land value, the Board of Adjustment may require additional sight-proof screening and landscaping according to standards contained in Article XI, Landscaping and Screening Regulations, of this chapter.

F. *Conditions.*

- (1) *Site Plan Must Be Followed.* All uses approved by a special exception shall commence and be maintained in accordance with the approved site plan.
- (2) *Failure to Comply.* Whenever Staff finds that any proposed construction or occupancy does not, in its opinion, substantially comply with the terms of the special exception, it shall refer the question to the Board of Adjustment for its review at a public hearing pursuant to the procedures set forth in this section.
- (3) *Amendment.* When the holder of a special exception determines that an extension of time or modification of a site plan, or other requirements, is necessary, he/she shall apply in the same manner as the original application.
- (4) *Expiration.* All approvals of a special exception shall expire by default if either:

- (a) If the use is not established or construction is not initiated within 12 months; or
- (b) If the use once established has been discontinued or abandoned for a period of 12 months.

(5) Revocation. A special exception may be revoked by subsequent action of the Board of Adjustment after 30 days' notice to the applicant and a public hearing before said Board of Adjustment, upon a finding that the conditions imposed on the issuance of the Special Exception have not been satisfied. Notification of the hearing shall conform to the provisions of Section 59-4150. If a special exception is revoked pursuant to this Section, the Board of Adjustment shall not approve a special exception for home sharing for the same property address for a period of one (1) year.

G. *Records of Special Exception Uses.* A record of all applications for special exception uses, including action taken by the Board of Adjustment, shall be kept on file by Staff and copies shall be available, on request, to any person, for a fee specified by the City.

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SECTION 2: That Chapter 59, Article VI, Section 6100.1 (Table) of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

ARTICLE VI. - ZONING BASE DISTRICTS

* * *

§ 59-6100. - Agricultural and Residential Districts.

* * *

| TABLE 6100.1: AGRICULTURAL AND RESIDENTIAL DISTRICTS USE REGULATIONS KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance Reference Section 59-9350 for standards for specific uses identified as (C), (SE), or (SP). | | | | | | | | | | | | | |
|--|--|----|-----|----|-----|-------|-----|-----|------|------|-----|--------|--------|
| USE | | AA | RA2 | RA | R-1 | R-1ZL | R-2 | R-3 | R-3M | R-4M | R-4 | R-MH-1 | R-MH-2 |
| 8350.2 | Aboveground Flammable Liquid Storage: Restricted | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |

TABLE 6100.1: AGRICULTURAL AND RESIDENTIAL DISTRICTS USE REGULATIONS

KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance
Reference [Section 59-9350](#) for standards for specific uses identified as (C), (SE), or (SP).

| USE | | AA | RA2 | RA | R-1 | R-1ZL | R-2 | R-3 | R-3M | R-4M | R-4 | R-MH-1 | R-MH-2 |
|----------|--|----|-----|----|-----|-------|-----|-----|------|------|-----|--------|--------|
| 8300.2 | Adult Day Care Facilities | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |
| 8150.1 | Agricultural Processing: General | SP | | | | | | | | | | | |
| 8150.2 | Agricultural Processing: Limited | P | C | C | C | C | C | C | C | C | C | C | C |
| 8150.2.1 | Animal Raising: Chickens and Quail | C | C | C | C | C | C | C | C | C | C | C | C |
| 8150.3 | Animal Raising: Commercial | P | C | C | C | C | C | C | C | C | C | C | C |
| 8150.4 | Animal Raising: Commercial Feedlots | SP | | | | | | | | | | | |
| 8150.5 | Animal Raising: Personal | P | C | C | C | C | C | C | C | C | C | C | C |
| 8300.7 | Animal Sales and Services: Auctioning | SP | | | | | | | | | | | |
| 8300.9 | Animal Sales and Services: Horse Stables | P | | | | | | | | | | | |
| 8300.10 | Animal Sales and Services: Kennel and Veterinary, General | SP | | | | | | | | | | | |
| 8300.11 | Animal Sales and Services: Kennel and Veterinary, Restricted | P | | | | | | | | | | | |

TABLE 6100.1: AGRICULTURAL AND RESIDENTIAL DISTRICTS USE REGULATIONS

KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance
Reference [Section 59-9350](#) for standards for specific uses identified as (C), (SE), or (SP).

| USE | | AA | RA2 | RA | R-1 | R-1ZL | R-2 | R-3 | R-3M | R-4M | R-4 | R-MH-1 | R-MH-2 |
|----------|---|----|-----|----|-----|-------|-----|-----|------|------|-----|--------|--------|
| 8300.25 | Child Care Centers | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |
| 8150.6.1 | Community Garden | C | C | C | C | C | C | C | C | C | C | C | C |
| 8300.27 | Communications Services: Antennas | C | C | C | C | C | C | C | C | C | C | C | C |
| 8300.28 | Communications Services: Broadcast Towers | C | C | C | C | C | C | C | C | C | C | C | C |
| 8300.30 | Communications Services: Telecommunication Towers | C | C | C | C | C | C | C | C | C | C | C | C |
| 8250.2 | Community Recreation: General | C | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8250.3 | Community Recreation: Property Owners Association | P | P | P | P | P | P | P | P | P | P | P | |
| 8250.4 | Community Recreation: Restricted | C | C | C | C | C | C | C | C | C | C | C | C |
| 8150.6.2 | Composting | P | P | P | C | C | C | C | C | C | C | C | C |
| 8200.1 | Congregate Care Housing and Convalescent Homes | | | | | | | | | C | C | | |
| 8250.6 | Domestic Violence Shelters | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |

TABLE 6100.1: AGRICULTURAL AND RESIDENTIAL DISTRICTS USE REGULATIONS

KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance
Reference [Section 59-9350](#) for standards for specific uses identified as (C), (SE), or (SP).

| USE | | AA | RA2 | RA | R-1 | R-1ZL | R-2 | R-3 | R-3M | R-4M | R-4 | R-MH-1 | R-MH-2 |
|----------|---|----|-----|----|-----|-------|-----|-----|------|------|-----|--------|--------|
| 8250.7 | Emergency Shelters and Feeding Sites | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8300.40 | Family Day Care Homes | P | P | P | P | P | P | P | P | P | P | P | P |
| 8250.8 | Forced Detention or Correction Facilities | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8300.43 | Funeral and Interment Services: Interring | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8150.6.3 | Greenhouse | P | P | P | C | C | C | C | C | C | C | C | C |
| 8200.3 | Group Residential | | | | | | | | | | P | | |
| 8350.5 | Hazardous Waste Disposal | SP | | | | | | | | | | | |
| 8250.9 | Heavy Public Protection and Utility | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8250.10 | High Impact Institutional | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8150.6.4 | Home Garden | P | C | C | C | C | C | C | C | C | C | C | C |
| 8150.6.5 | Hoop House | P | P | P | C | C | C | C | C | C | C | C | C |
| 8150.7 | Horticulture | C | C | C | | | | | | | | | |
| 8250.11 | Library Services and Community Centers | | C | C | C | C | C | C | C | C | C | C | C |
| 8250.12 | Light Public | P | C | C | C | C | C | C | C | C | C | C | C |

TABLE 6100.1: AGRICULTURAL AND RESIDENTIAL DISTRICTS USE REGULATIONS

KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance
Reference [Section 59-9350](#) for standards for specific uses identified as (C), (SE), or (SP).

| USE | | AA | RA2 | RA | R-1 | R-1ZL | R-2 | R-3 | R-3M | R-4M | R-4 | R-MH-1 | R-MH-2 |
|---------|---|----|-----|----|-----|-------|-----|-----|------|------|-----|--------|--------|
| | Protection and Utility: General | | | | | | | | | | | | |
| 8250.13 | Light Public Protection and Utility: Restricted | P | P | P | P | P | P | P | P | P | P | P | P |
| 8200.4 | Live/Work Units | | | | | | | | | | | | |
| 8300.49 | Lodging: Accommodations Bed and Breakfast | | | | SP | SP | SP | C | C | C | C | | |
| 8300.50 | Lodging Accommodations: Campground | SE | | | | | | | | | | | C |

| | | | | | | | | | | | | | |
|-----------|--|----|----|----|----------------|----|----|----|----|----|----|----|----|
| 8300.51.1 | Lodging Accommodations: Home Sharing/ <u>Short Term Rental</u> | C | C | C | C | C | C | C | C | C | C | C | |
| 8250.14 | Low Impact Institutional: Neighborhood-Related | P | C | C | C | C | C | C | C | C | C | C | C |
| 8200.5 | Low Impact Institutional: Residential-Oriented | P | P | P | P | P | P | P | P | P | P | | |
| 8450.1 | Mining and Processing: Minerals and Raw Material | SP | | | | | | | | | | | |
| 8450.2 | Mining and Processing: Oil and Gas | V | V | V | V | V | V | V | V | V | V | V | V |
| 8200.7 | Manufactured (Mobile) Home Residential | P | | | C ¹ | | | | | | | P | P |
| 8200.8. | Model Home | | | | P | | | | | | | | |
| 8200.9 | Model Home Accessory Parking Lot | | | | C | | | | | | | | |
| 8200.10 | Manufactured (Mobile) Home Residential: Construction | C | C | C | C | | | | | | | | |
| 8200.11 | Manufactured (Mobile) Home Residential: Medical Hardship | SE | SE | SE | SE | | SE | SE | | | SE | | |
| 8250.15 | Moderate Impact Institutional | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |

| | | | | | | | | | | | | | |
|----------|--|----|----|----|----|----|----|----|----------------|----|----|----|----|
| 8200.12 | Multiple-Family Residential | | | | | | | | P ² | P | P | | |
| 8250.16 | Murals | P | P | P | P | P | P | P | P | P | P | P | P |
| 8300.56 | Participant Recreation and Entertainment: Outdoor | SP | | | | | | | | | | | |
| 8300.60 | Personal Storage | | | | | | | | | | SP | | |
| 8150.7.1 | Rainwater Harvesting | C | C | C | C | C | C | C | C | C | C | C | C |
| 8250.17 | Residential Facilities for Dependent and Neglected Children | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8250.18 | Residential Facilities for Drug or Alcohol Treatment Centers | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8150.7.2 | Roof Garden | C | C | C | C | C | C | C | C | C | C | C | C |
| 8150.8 | Row and Field Crops | P | P | P | | | | | | | | | |
| 8350.12 | Sanitary Landfill | SP | | | | | | | | | | | |
| 8200.13 | Senior Independent Living | | | | | | | | | P | P | | |
| 8200.14 | Single-Family Residential | P | P | P | P | P | P | P | P | P | P | P | |
| 8300.68 | Spectator Sports and Entertainment: High Impact | SP | | | | | | | | | | | |
| 8350.14 | Stockyards | SP | | | | | | | | | | | |

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|---------|--|----|----|----|----|----|----|----|----|----|----|----|----|
| 8200.15 | Three- and Four-Family Residential | | | | | | | P | P | P | P | | |
| 8200.16 | Two-Family Residential | | | | | | P | P | P | P | P | | |
| 8250.19 | Transitional Mental Health Residential Facility | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| 8400.2 | Transportation Facilities: Aircraft | SP | | | | | | | | | | | |
| 8400.3 | Transportation Facilities: Surface Passenger | SP | | | | | | | | | | | |
| 8450.3 | Underground Injection Wells: Disposal Wells | SE | | | | | | | | | | | |
| 8450.4 | Underground Injection Wells: Enhanced Recovery Wells | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |
| 8150.9 | Urban Farm | C | C | C | C | C | C | C | C | C | C | C | C |

FOOTNOTES: TABLE 6100.1

¹ Mobile Home Residential in R-1, as a conditional use, requires one mobile home per five acres.

² No more than eight dwelling units.

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SECTION 3: That Chapter 59, Article VII, Section 7300.1 (Table) of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

ARTICLE VII. - ZONING BASE DISTRICTS

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§ 59-7300. - Neighborhood Conservation District.

| TABLE 7300.1: NC NEIGHBORHOOD CONSERVATION DISTRICT USE REGULATIONS KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance Reference Section 59-9350 for standards for specific uses identified as (C), (SE), or (SP). | | | | | | |
|--|--|----|----|----|----|----|
| USE | NC DISTRICT - TRACT | | | | | |
| | | 1 | 2 | 3 | 4G | 5 |
| 8350.1 | Aboveground Flammable Liquid Storage: General | SE | SE | | SE | SE |
| 8350.2 | Aboveground Flammable Liquid Storage: Restricted | SE | SE | SE | SE | SE |
| 8300.1 | Administrative and Professional Offices | | | | P | P |
| 8300.2 | Adult Day Care Facilities | SE | SE | SE | SE | SE |
| 8300.6 | Animal Interment Services | SE | SE | SE | SE | SE |
| 8150.5 | Animal Raising: Personal | P | P | P | P | P |
| 8150.3 | Animal Raising: Commercial | P | P | P | P | P |
| 8300.8 | Animal Sales and Services: Grooming | | | | P | P |
| 8300.13 | Automotive: Parking Lots, as a Principal Use | | | P | P | |
| 8300.23 | Building Maintenance Services | | | | P | P |
| 8300.24 | Business Support Services | | | | P | P |
| 8300.25 | Child Care Centers | SE | SE | SE | SE | SE |
| 8300.28 | Communications Services: Broadcast Towers | SP | SP | SP | SP | SP |
| 8300.29 | Communications Services: Limited | | | | P | P |
| 8300.30 | Communications Services: Telecommunications Towers | SP | SP | SP | SP | SP |
| 8250.2 | Community Recreation: General | SE | SE | SE | P | P |
| 8250.3 | Community Recreation: Property Owners Association | P | P | P | P | P |

| | | | | | | |
|---------|--|----|----|----|----------------|----------------|
| 8250.4 | Community Recreation: Restricted | C | C | C | P | P |
| 8200.1 | Congregate Care Housing and Convalescent Homes | | C | C | | |
| 8300.32 | Convenience Sales and Personal Services | | | | P | P |
| 8250.5 | Cultural Exhibits | | | | P ² | P ² |
| 8350.3 | Custom Manufacturing | | | | P | P |
| 8250.6 | Domestic Violence Shelters | SP | SP | SP | SP | SP |
| 8300.36 | Eating Establishment: Drive-In | | | | P ² | P ² |
| 8300.37 | Eating Establishment: Sitdown ³ | | | | P ² | P ² |
| 8300.38 | Eating Establishment: Sitdown, Alcohol Permitted | | | | C | C |
| 8300.39 | Eating Establishment: Sitdown, Limited Alcohol Permitted | | | | P | P |
| 8250.7 | Emergency Shelter and Feeding Sites | SP | SP | SP | SP | SP |
| 8300.41 | Food and Beverage Retail Sales | | | | P ² | P ² |
| 8250.8 | Forced Detention and Correction Facilities | SP | SP | SP | SP | SP |
| 8300.43 | Funeral and Interment Services: Interring | SE | SE | SE | SE | SE |
| 8350.5 | Hazardous Waste Disposal | SP | SP | SP | SP | SP |
| 8250.9 | Heavy Public Protection and Utility | SP | SP | SP | SP | SP |
| 8250.10 | High Impact Institutional | SP | SP | SP | SP | SP |
| 8150.7 | Horticulture | | | | P | P |
| 8300.48 | Laundry Services | | | | P | P |
| 8250.11 | Library Service and Community Centers | C | C | C | P | P |

| | | | | | | |
|-----------|--|----|----|----|-------------------|-------------------|
| 8250.12 | Light Public Protection and Utility: General | C | C | C | P | P |
| 8250.13 | Light Public Protection and Utility: Restricted | P | P | P | P | P |
| 8250.14 | Low Impact Institutional: Neighborhood-Related | C | C | C | P | P |
| 8200.5 | Low Impact Institutional: Residential-Oriented | P | P | P | | |
| 8300.51.1 | Lodging Accommodations: Home Sharing/ <u>Short Term Rental</u> | C | C | C | | C |
| 8300.52 | Medical Services: General | | | | P | P |
| 8300.53 | Medical Services: Restricted | | | | P | P |
| 8450.1 | Mining and Processing: Minerals and Raw Material | SP | SP | SP | SP | SP |
| 8450.2 | Mining and Processing: Oil and Gas | V | V | V | V | V |
| 8250.15 | Moderate Impact Institutional | SE | SE | SE | SE | SE |
| 8200.12 | Multiple-Family Residential | | P | P | P | P |
| 8250.16 | Murals | P | P | P | P | P |
| 8300.55 | Participant Recreation and Entertainment: Indoor | | | | P ² | P ² |
| 8300.56 | Participant Recreation and Entertainment: Outdoor | | | | SE ² | SE ² |
| 8300.58 | Personal Services: General | | | | P ² | P ² |
| 8300.59 | Personal Services: Restricted | | | | P ² | P ² |
| 8300.61 | Repair Services: Consumer | | | | P | P |
| 8300.62 | Research Services: Restricted | | | | P | P |
| 8250.17 | Residential Facility for Dependent and Neglected Children | SP | SP | SP | SP | SP |
| 8250.18 | Residential Facility for Drug or Alcohol Treatment Centers | SP | SP | SP | SP | SP |
| 8300.63 | Retail Sales and Service: General | | | | P ^{1, 2} | P ^{1, 2} |
| 8350.12 | Sanitary Landfill | SP | SP | SP | SP | SP |

| | | | | | | |
|---------|--|-----------------|-----------------|-----------------|-----------------|----------------|
| 8200.14 | Single-Family Residential | P | P | P | | P |
| 8300.67 | Spectator Sports and Entertainment: General | | | | SE ² | |
| 8300.68 | Spectator Sports and Entertainment: High Impact | SP ² | SP ² | SP ² | SP ² | |
| 8300.69 | Spectator Sports and Entertainment: Restricted | | | | P ² | P ² |
| 8200.15 | Three- and Four-Family Residential | | P | P | P | P |
| 8250.19 | Transitional Mental Health Residential Facilities | SP | SP | SP | SP | SP |
| 8400.2 | Transportation Facilities: Aircraft | SP | SP | SP | SP | SP |
| 8400.3 | Transportation Facilities: Surface Passenger | SP | SP | SP | SP | SP |
| 8200.16 | Two-Family Residential | P | P | P | | P |
| 8450.4 | Underground Injection Well: Enhanced Recovery Well | SE | SE | SE | SE | SE |

FOOTNOTES: TABLE 7300.1

¹ Pawnshops are not permitted. In addition, convenience stores are not permitted; these are small grocery stores serving a market area larger than the immediate neighborhood, normally generating a high level of quick turnover traffic and open after 10:00 in the evening.

² The owner/operator of any property who wishes to serve or sell alcoholic beverages, as defined by State law and subject to State licensing requirements, for on-premises consumption as an accessory function of the primary use of the property, shall meet the conditions below. If the conditions cannot be met, then said property owner/operator may apply for a Special Permit. The facility in which the alcoholic beverages are served or sold must comply with the City's building code requirements.

- If food or beverages are consumed in an outdoor seating/activity area between the hours of 11:00 p.m. and 8:00 a.m., the outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest abutting property line of a residential use. Distances shall be measured from the closest edge of the outdoor seating/activity area to the nearest abutting property line of the residential use.
- The area allocated to the sale and consumption of alcoholic beverages shall not exceed 15,000 square feet.

³ Any Planned Unit Development or Simplified Planned Unit Development adopted prior to the effective date of this ordinance that permitted the 8300.37 Eating Establishment: Sitdown, Alcohol Not Permitted use unit shall be permitted to develop according to the 8300.38 Eating Establishment: Sitdown, Alcohol Permitted or 8300.39 Eating Establishment: Sitdown, Limited Alcohol Permitted uses provided they meet the applicable conditions, unless the PUD/SPUD specifically prohibited said uses.

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SECTION 4. That Chapter 59, Article IX, Section 59-9350 of the Oklahoma City Municipal Code, 2020, as amended, is hereby amended to read as follows:

* * *

ARTICLE IX. - USE STANDARDS

* * *

§ 59-9350. Standards for specific uses.

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§ 59-9350.38.1. Lodging Accommodations: Home Sharing/Short Term Rental.

- A. The rental of the entire dwelling unit or portion of the dwelling unit is less than home or bedroom(s) may not exceed 30 consecutive days per renter/guest.
- B. The host shall be required to comply with any applicable building or fire codes adopted by the City, including but not limited to working smoke detectors, a carbon monoxide detector and a functioning fire extinguisher.
- C. The host must obtain a home sharing/short term rental license.
- D. All applicable fees and taxes must be collected and paid.
- E. A special exception must be obtained for home sharing/short term rental where the dwelling unit: property:
 - (1) is not the primary residence of the host; or
 - (2) is the primary residence of the host but the host engages in home sharing/short term rental for more than ten (10) nights in a calendar month; or
 - (2)(3) is located within the boundaries of a Historic Preservation District, in which case the home sharing/short term rental accommodation shall be located on the same parcel as property shall be the host's primary residence and the host's primary residence shall be occupied by the host at the time of the rental.

Provided, a special exception shall not be required for any property at which, prior to January 15, 2019, lodging accommodations in a dwelling or room(s) in a dwelling were provided for rent for a temporary period of time less than not exceeding 30 consecutive days per guest and for which a home sharing license has been granted by the Supervisor of Licenses pursuant to Section 13-510 of this Code.

- F. A special exception pursuant to Subsection E of this section may be granted for a ~~maximum~~ period of up to three (3) ten (10) years. ~~When~~

Before the time period expires, if the applicant desires to continue the use, the applicant shall file a new application or timely renewal application for a special exception and have the case reviewed by the Board of Adjustment. For purposes of this Section, a renewal application will be considered timely if it is accepted by Planning Department staff prior to the expiration date of the previous special exception. If the applicant desires to continue the use but has not submitted a timely renewal application, the application shall be considered a new application. All new and renewal applications must be reviewed and approved by the Board of Adjustment.

- G . A special exception to operate a home sharing/short term rental accommodation shall not be approved for more than ten percent (10%) of the total number of dwelling units in a platted block or, if unplatted, the total number of dwelling units in a block, as that term is defined in this Chapter; provided this subsection shall not prevent the timely renewal of any home sharing/short term rental Special Exception that was lawfully issued to the operator of the home sharing/short term rental accommodation prior to the effective date of this ordinance. If staff is unable to determine the total number of dwelling units in a block or platted block, staff may require applicant to submit a listing of all such dwelling units. At least one (1) home share/short term rental special exception shall be allowed on each block or platted block regardless of the number of dwelling units.
- H . When applying for a special exception, the applicant shall provide the Board of Adjustment a site plan or photo showing the parking spaces to be used in conjunction with the home sharing/short term rental accommodation. The home sharing/short term rental accommodation shall provide one off-street parking space for every four occupants; provided this subsection shall not prevent the timely renewal of any home sharing/short term rental Special Exception that was lawfully issued to the operator of the home sharing/short term rental accommodation prior to the effective date of this ordinance.
- I. When evaluating an application for a home sharing/short term rental Special Exception, the Board of Adjustment may consider any restrictive covenant which both 1) specifically identifies home sharing/short term rental, as that term is defined in Section 13- 500 of this Code, as a prohibited use of the real property on which the use would occur and 2) is filed of record against the real property on which the use would occur; provided this subsection shall not prevent the timely renewal of any home sharing/short term rental Special Exception that was lawfully issued to the operator of the home sharing/short term rental accommodation prior to the effective date of this ordinance.
- J . If the dwelling unit being offered for home sharing/short term rental is not the primary residence of the host, the rental of the dwelling unit may not be less than two (2) nights per renter/guest.

* * *

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect in 60 days, on the _____ day of _____, 2025.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma this 19TH day of NOVEMBER, 2024.

PASSED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma, on the ____ day of _____, 2024.

CITY CLERK

MAYOR

REVIEWED for form and legality.



ASSISTANT MUNICIPAL COUNSELOR