

(Published in the Journal Record on this _____ day of _____, 2024)

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND PLANNING CODE, AMENDING CHAPTER 59 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, AMENDING ARTICLE II, SECTION 2150, TO ADD DEFINITION FOR ACCESSORY DWELLING; AMENDING ARTICLE VI, TABLE 6100.1, TO ALLOW ACCESSORY DWELLINGS AS A CONDITIONAL USE IN THE NC, R-1, R-2, R-3, AND R-4 DISTRICTS; AMENDING ARTICLE VIII, SECTION 8200, TO ADD 8200.05 ACCESSORY DWELLINGS AS A RESIDENTIAL USE UNIT CLASSIFICATION; AND AMENDING ARTICLE IX, SECTION 9350, TO ESTABLISH USE CONDITIONS FOR ACCESSORY DWELLINGS.

ORDINANCE

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

SECTION 1: That Chapter 59, Article II, Section 2150 of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

CHAPTER 59

ZONING AND PLANNING CODE

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ARTICLE II. DEFINITIONS

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§ 59-2100. - General rules of Construction.

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§ 59-2150. - Definitions.

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2150.2. *General Definitions.*

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Accessory Building: A subordinate building or a portion of the main building, the use of which is located on the same lot and is incidental to the dominant use of the main building or premises.

Accessory Dwelling: A dwelling that is accessory to a Principal Dwelling on the same parcel. This includes a building or part of a building that provides complete independent living facilities for one (1) or more people, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

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SECTION 2: That Chapter 59, Article VI, Section 6100 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.

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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		A A	RA 2	R A	R- 1	R- 1Z L	R -2	R -3	R- 3 M	R- 4 M	R -4	R- MH -1	R- MH -2
8350.2	Aboveground Flammable Liquid Storage: Restricted	SE	SE	SE	S E	SE	S E	S E	SE	SE	S E	SE	SE
<u>8200.05</u>	<u>Accessory Dwelling</u>				<u>C</u>		<u>C</u>	<u>C</u>			<u>C</u>		
8300.2	Adult Day Care Facilities	SE	SE	SE	S E	SE	S E	S E	SE	SE	S E	SE	SE
8150.1	Agricultural Processing: General	SP											

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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											
8300.25	Child Care Centers	SE	SE	SE	S E	SE	S E	S E	SE	SE	S E	SE	SE

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USE		A A	RA 2	R A	R- 1	R- 1Z L	R -2	R -3	R- 3 M	R- 4 M	R -4	R- MH -1	R- MH -2
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	S P	SP	S P	S P	SP	SP	S P	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		

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8250.6	Domestic Violence Shelters	SP	SP	SP	S P	SP	S P	S P	SP	SP	S P	SP	SP
8250.7	Emergency Shelters and Feeding Sites	SP	SP	SP	S P	SP	S P	S P	SP	SP	S P	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	S P	SP	S P	S P	SP	SP	S P	SP	SP
8300.43	Funeral and Interment Services: Interring	SP	SP	SP	S P	SP	S P	S P	SP	SP	S P	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	S P	SP	S P	S P	SP	SP	S P	SP	SP
8250.10	High Impact Institutional	SP	SP	SP	S P	SP	S P	S P	SP	SP	S P	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

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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 Protection and Utility: General	P	C	C	C	C	C	C	C	C	C	C	C
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				S P	SP	S P	C	C	C	C		
8300.50	Lodging Accommodations : Campground	SE											C
8300.51.1	Lodging Accommodations : Home Sharing	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:	P	P	P	P	P	P	P	P	P	P		

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USE	A A	RA 2	R A	R- 1	R- 1Z L	R -2	R -3	R- 3 M	R- 4 M	R -4	R- MH -1	R- MH -2
	Residential-Oriented											
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
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
8200.12	Multiple-Family Residential							P ²	P	P		

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8250.16	Murals	C	C	C	C	C	C	C	C	C	C	C
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
8250.17	Residential Facilities for Dependent and Neglected Children	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
8150.7.2	Roof Garden	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	

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USE		A A	RA 2	R A	R- 1	R- 1Z L	R -2	R -3	R- 3 M	R- 4 M	R -4	R- MH -1	R- MH -2
8300.68	Spectator Sports and Entertainment: High Impact	SP											
8350.14	Stockyards	SP											
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	S P	SP	S P	S P	SP	SP	S P	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	S E	SE	S E	S E	SE	SE	S E	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 VIII, Section 8200 of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

ARTICLE VIII. USE UNIT CLASSIFICATIONS

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§ 59-8200. - Residential use unit classifications

Residential use unit classifications include the occupancy of living accommodations on a non-transient basis and shall specifically exclude those providing 24-hour hospital care and those providing forced residence, including detention and correction facilities.

8200.05 Accessory Dwelling: A dwelling unit that is accessory to a Principal Dwelling on the same parcel. This includes a building or part of a building that provides complete independent living facilities for one (1) or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

8200.1. Congregate Care Housing and Convalescent Homes. Residential facilities that provide residents support services and 24-hour nursing home care. These are not treatment centers for people with emotional or mental disturbances or drug or alcohol problems, or those who exhibit anti-social behavior, nor are these facilities for criminal offenders. The facilities do not contain retail activities that are open to and marketed towards the general public. Typical uses include nursing homes and hospices for the elderly or terminally-ill.

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SECTION 4: That Chapter 59, Article IX, Section 9350, STANDARDS FOR SPECIFIC USES, of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

ARTICLE IX. USE STANDARDS

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§ 59-9350. - Standards for specific uses

Certain uses of land or buildings exhibit unique characteristics that necessitate the application of special standards in order to coexist with adjacent and nearby uses, and the neighborhood or land use areas in which they are to be placed. The use matrices and provisions included in Article VI, Zoning Base Districts, and Article VII, Special Purpose and Overlay Districts, indicate whether the use is a prohibited, permitted, conditional, special exception or special permit use. The specific standards for that use are included below.

9350.1. Aboveground Flammable Liquid Storage: General (59-8350.1).

- A. The site shall be at least five acres in size.
- B. No aboveground storage tank use shall be permitted within 1,000 feet of a residential zoning district or use, except that a caretaker's or watchman's house shall be exempt from this restriction.
- C. The setback line for any aboveground storage tank shall be not less than 100 feet from any lot line or greater if determined necessary by the City Council.
- D. A chain-link fence or noncombustible wall eight feet in height from finished grade shall be provided around the use. Signs warning of the potential hazard, no less than four square feet in area, shall be posted along the fence at no less than 200-foot intervals.
- E. Diking around any storage area, to a minimum height for containment of complete spillage from the largest tank(s), must be constructed.
- F. These aboveground tank(s) must be used only for wholesale sales distributors and/or for use in vehicles owned by the owner of the tank(s).
- G. All flammable liquid storage must meet all requirements of the Oklahoma City Fire Department plus all state and federal air and water quality and/or protection standards. Such storage will be limited to Class I and II rated motor fuels only.

* * *

9350.2.1. Accessory Dwelling (8200.05).

- A. The site is located in the Urban Medium (UM), or Urban High (UH) Land Use Typology Area as identified and defined in Chapter 2 (Development Guide), part 2.0 (Land Use Plan) of the comprehensive plan.
- B. The site is zoned Single-Family Residential District (R-1), or the site is zoned NC, R-2, R-3, or R-4 and is occupied by a Single-Family structure.
- C. A Building Permit is required when a new Accessory Dwelling is constructed, or when an existing structure is converted to an Accessory Dwelling.
- D. Accessory Dwellings shall be subject to the standards of this section. Accessory Dwellings, including any Accessory Building that includes an Accessory Dwelling, are not subject to the standards of Section 59-12200 Standards for accessory buildings, structures, and uses.
- E. For the purposes of this section, a Principal Dwelling is the Dwelling closest to the street and constitutes the Primary Use of a parcel.
- F. General Standards
 - 1. A maximum of one Accessory Dwelling per parcel is permitted. The Accessory Dwelling may be any one of these types of Accessory Dwellings:
 - a. Detached. A detached Accessory Dwelling is an independent structure or a dwelling unit above or beside a detached garage.

- b. Attached. An attached Accessory Dwelling is attached to the Principal Dwelling and has a separate entrance from the Principal Dwelling.
 - c. Internal. An attached Accessory Dwelling is attached to the Principal Dwelling and does not have a separate entrance from the Principal Dwelling.
 - 2. One family is permitted per Accessory Dwelling.
 - 3. Accessory Dwellings shall be addressed separately from the Primary Dwelling.
- G. Use Restrictions
 - 1. The Accessory Dwelling shall not be divided from the property ownership of the Principal Dwelling.
 - 2. Manufactured Homes (as defined in 59-2150.2) are not allowed.
- H. Utility Connections. The Accessory Dwelling may:
 - 1. have a separate water meter and wastewater connection, if approved by the Utilities Department; or
 - 2. share water meter and wastewater connections with the Principal Dwelling.
- I. Building Siting & Massing
 - 1. Lot Coverage. The zoning district lot coverage requirement applies to all structures (as defined in 59-2150) on the lot, including new and existing Accessory Dwellings and all other accessory structures.
 - a. The lot coverage of an Accessory Dwelling in combination with all other accessory structures and paving shall not exceed the following limits:
 - Lots up to 15,000 sf: 15%
 - Lots over 15,000 sf: 10%
 - 2. Building Height. The maximum height of the Accessory Dwelling shall not exceed 25 feet, as defined in 59-2150 Building Height.
- J. Location of an Accessory Dwelling on parcel
 - 1. Detached Accessory Dwellings shall be located in the rear yard and meet setback regulations of the zoning district, except:
 - a. If an existing home is located at the rear of a property, a new second Dwelling may be located on the front of a property. The new Dwelling is considered the Principal Dwelling and shall meet all setback, height, lot coverage and parking requirements of the zoning district. The existing home is then considered an Accessory Dwelling and is exempt from the height and setback requirements of this section.
 - b. An existing accessory structure on a property that was constructed prior to the adoption of this section may be considered an Accessory Dwelling if the Accessory Dwelling is allowed by Section 9350.69.A and B and the structure meets, or is improved to meet, all City building code requirements. The existing accessory structure is exempt from the setback requirements of the zoning district.
 - 2. Required Distance Between Buildings. An Accessory Dwelling shall meet the requirements for distance between detached accessory buildings and main buildings as described in 59-12100. E. (2).
 - 3. If no vehicular access is available to the Accessory Dwelling, a minimum three-foot wide pathway shall be provided for emergency services to access the rear Accessory Dwelling without having to egress through the primary dwelling. This access shall be from the front of the property or for corner lots may be from the side street.

- K. Parking. No off-street parking is required unless the pavement of the frontage street is less than 26 feet in width. If the pavement is less than 26 feet in width, a minimum of one off-street parking space shall be provided in addition to the parking required for the Principal Dwelling.
 - 1. If off-street parking is provided, it shall meet the requirements in Article X Off-Street Parking, Loading, and Access, with the exception that an improved alley may provide primary access for an Accessory Dwelling.
 - 2. No new parking space shall be allowed in front of the Principal Dwelling.

- L. Design
 - 1. Decks above the second floor are prohibited.
 - 2. Porches, Balconies, Decks, and Patios.
 - a. Porches and patios (covered or uncovered) at the ground level are allowed.
 - b. Second floor outdoor space, including, but not limited to balconies and decks:
 - 1. shall not exceed 100 square feet in area.
 - 2. shall be oriented toward the front property line except that balconies or decks located on corner lots may be oriented toward the side street.
 - 3. shall include a sight-proof sidewall along the full depth of the deck or balcony that limits views into the nearest adjacent property.
 - 3. Materials. Materials shall meet the City’s adopted residential building codes and the building design standards of the zoning district or overlay district. Manufactured Homes (as defined in 59-2150.2) are not allowed.

* * *

INTRODUCED AND READ in the open meeting of the City Council of The City of Oklahoma City, Oklahoma, on this _____ day of _____, 2024.

PASSED by the City Council of The City of Oklahoma City, Oklahoma on this _____ day of _____, 2024.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma on this _____ day of _____, 2024.

ATTEST:

CITY OF OKLAHOMA CITY

CITY CLERK

MAYOR

REVIEWED for form and legality.

Assistant Municipal Counselor