
Prepared by Nathan Foster, nfoster@incog.org, 918.579.9481

Item

Consider amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for principal and accessory short-term rental uses, to identify zoning districts in which such uses are permitted, and to establish supplemental use regulations for such uses.

Background

Over the past few years, the City of Tulsa has seen a significant increase in residential properties being rented on a short-term basis. Typically, the residence is marketed through an online platform, such as AirBnB or VRBO (Vacation Rental by Owner), and accommodates guests for periods of time less than 30 days.

The City of Tulsa Zoning Code currently classifies any property being rented for less than 30 days as "Lodging". Within the "Lodging" use category there are a number of subcategories such as hotels, campgrounds, and bed and breakfasts. The current City interpretation is that all short-term rentals shall be classified as bed and breakfasts. Bed and breakfasts require special exception approval by the City Board of Adjustment (BOA) when they are situated in residentially zoned areas.

Short-term rentals come in a variety of forms that the current zoning code language does not address. The intent of this amendment would be to provide clarification as to how short-term rentals are classified and to apply additional regulations and requirements for property owners who wish to operate within residential areas. In the past couple of years, there have been multiple cases presented to the BOA for this use. Of those cases, 16 were approved, 6 were denied and 5 were withdrawn. Due to the controversial nature of some of these cases, Councilors Ben Kimbro (District 9) and Blake Ewing (District 4) organized and held Town Hall meetings on October 10, 2017 and October 11, 2017. Following the Town Hall meetings, staff at INCOG and across City departments started researching best practices and discussing technical details of a potential short term rental program for the City of Tulsa.

The Tulsa City Council officially initiated the process to amend the zoning ordinance on August 29, 2018. Since initiation, a working group comprised of representatives from the Tulsa Planning Office, City Legal, and the Mayor's office was formed to discuss and draft a proposal. Additional meetings were held with representatives from Working in Neighborhoods (Inspections), Development Services (Permits), and Finance (Licensing). Councilor Kara Joy McKee (District 4) held a Town Hall meeting on January 12, 2019 at Central Center to solicit feedback and discuss the proposal.

A draft ordinance has been developed through meetings with the working group and refined following input from the public meetings and other stakeholders. The proposal would establish 2 types of short-term rentals:

1. Accessory Use Short-Term Rentals
2. Principal Use Short-Term Rentals

Short-term rentals would be classified as accessory when the principal use of the lot will remain a residence and the occupants of that residence would be renting their own home or part of their home to a single party of guests on a short-term basis. The current proposal would permit accessory use short-term rentals by right without a public hearing.

Short-term rentals would be classified as a principal use if the owner intends to list the property full-time as a short-term rental and has no intention of having actual residents living in the property. Under the current draft, a principal use short-term rental would still be required to obtain approval by the City of Tulsa Board of Adjustment. That process would include notification to neighbors within 300' of the proposal, a sign placed on the property in advance of the meeting, and a publication in the newspaper regarding the proposal.

Both classifications of the use would be required to obtain a license from the City of Tulsa in order to legally operate. The proposed license would be required to be renewed each year and hosts would be required to provide certain information to the City of Tulsa. The licensing process would determine whether the proposed short-term rental will be principal or accessory and will require a local contact for the property who can be contacted in case of violations.

Staff Recommendation

Approval of the proposed amendments to Tulsa Zoning Code as shown in Attachment I

Explanation for Continuance

Staff recommendation was presented at the general meeting of the Tulsa Metropolitan Area Planning Commission on March 21, 2019. At that time, Planning Commissioners requested two changes to proposed zoning code language pertaining to Short-Term Rentals:

1. Staff recommendation only permitted short-term rental units to be rented to one "party of guests" at one time. The amendment increases allowable parties of guests to 4 with a maximum allowance of 8 individuals at any one time. For example, a short-term rental could be rented to 4 separate parties of 2 guests.
2. Staff recommendation required special exception approval for principal use short-term rental units located within residential zoning districts. The amendment would permit principal use short-term rental units by right without the need for a public hearing and neighborhood engagement.

Requested amendments are attached as "Attachment II"

Attachment I

Chapter 5 – Residential Districts

Section 5.020, Table 5-2: R District Use Regulations

USE CATEGORY	RE	RS-					RD	RT	RM-			RMH	Supplemental Regulations
Subcategory Specific use	1	2	3	4	5			0	1	2	3		
COMMERCIAL													
Lodging													
Short-term rental	<u>S</u>	Section 40.375											

Chapter 10 – Mixed-use Districts

Table 10 2: MX District Use Regulations

USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
COMMERCIAL				
Lodging				
Bed & breakfast	S	S <u>P</u>	S <u>P</u>	Section 40.060
Short-term rental	<u>S</u>	<u>P</u>	<u>P</u>	Section 40.375
Hotel/motel	-	P	P	Section 40.170

Chapter 15 – Office, Commercial, and Industrial Districts

Section 15.020, Table 15-2: O, C and I District Use Regulations, page 15-3

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
COMMERCIAL												
Lodging												
Bed & Breakfast	S	S	S	S	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S	S	S	Section 40.060
Short-Term Rental	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	Section 40.375

Chapter 25 – Special Districts

Section 25.020, Table 25-1: AG District Use Regulations

USE CATEGORY	AG	Supplemental Use Regulations
COMMERCIAL		
Lodging		
Short-term Rental	<u>S</u>	Section 40.375

Chapter 35 – Building Types and Use Categories

35.050-G Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. [Examples of](#) specific lodging use types include:

1. Bed and Breakfast

~~A detached house~~ [An establishment](#) in which the owner/operator offers overnight accommodations ~~and meal service~~ to guests for compensation. [A bed and breakfast may serve meals to guests and concurrently rent rooms to more than one party of guests. Subject to the supplemental use regulations, a bed and breakfast may be rented for on-site events.](#)

2. Hotel/Motel

An establishment, other than a bed and breakfast, [short-term rental](#) or rural retreat, in which temporary lodging is offered for compensation. A hotel/motel use may include an accessory bar.

3. Recreational Vehicle Park/ Campground

An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

4. Rural Retreat

An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational facilities and dude ranches or working farm learning centers.

5. [Short-Term Rental](#)

[A dwelling unit, or a portion thereof, in which temporary lodging is offered for compensation to one party of guests. For purposes of this section, “party of guests” shall mean an individual or group renting or seeking to rent the entirety of the short-term rental. Short-Term Rentals can be principal or accessory uses.](#)

Chapter 40 – Supplemental Use and Building Regulations

40.375 Short-Term Rental

The supplemental use regulations of this section apply to all principal use short-term rentals.

40.375-A When occupied by a party of guests, the short-term rental shall not be separately rented to any other individual or party of guests.

40.375-B A short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.

40.375-C Events are not permitted in conjunction with a short-term rental use. Examples of events include, but are not limited to, weddings, receptions, anniversaries, private parties, and business seminars.

40.375-D A register of short-term rental guests must be maintained and made available to city code enforcement upon request.

40.375-E External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include, but are not limited to, the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

40.375-F No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

45.185 Short-Term Rental - Accessory

45.185-A Description

The rental of all or a portion of a dwelling unit, which is the primary residence of a household, to one party of guests for temporary lodging for a period of less than 30 consecutive days. For purposes of this section, “party of guests” shall mean an individual or group renting or seeking to rent the entirety of the short-term rental.

45.185-B General

The supplemental use regulations of this section apply to all accessory use short-term rentals.

1. When occupied by a party of guests, the short-term rental shall not be separately rented to any other individual or party of guests.

2. An accessory short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.
3. An accessory short-term rental may only be rented to one party of guests at any one time and may not exceed more than eight (8) individuals in the dwelling unit.
4. A register of short-term rental guests must be maintained and made available to city code enforcement upon request.
5. On-site events are not permitted in conjunction with an accessory short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.
6. External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
7. No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

Attachment II – Amendments requested by TMAPC

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Lodging												
Bed & Breakfast	S	S	S	S	S P	S P	S P	S P	S	S	S	Section 40.060
Short-Term Rental	P	P	P	P	S	S	S	Section 40.375				

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An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational facilities and dude ranches or working farm learning centers.

10. [Short-Term Rental](#)

[A dwelling unit, or a portion thereof, in which temporary lodging is offered for compensation to a party or parties of guests. For purposes of this section, “party of guests” shall mean an individual or group renting or seeking to rent the entirety of the short-term rental. Short-Term Rentals can be principal or accessory uses.](#)

Chapter 40 – Supplemental Use and Building Regulations

40.375 Short-Term Rental

The supplemental use regulations of this section apply to all principal use short-term rentals.

40.375-A short-term rental may be rented to up to 4 parties of guests not to exceed 8 individual guests at one time.

40.375-B A short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.

40.375-C Events are not permitted in conjunction with a short-term rental use. Examples of events include, but are not limited to, weddings, receptions, anniversaries, private parties, and business seminars.

40.375-D A register of short-term rental guests must be maintained and made available to city code enforcement upon request.

40.375-E External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include, but are not limited to, the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

40.375-F No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

45.186 Short-Term Rental - Accessory

45.185-A Description

The rental of all or a portion of a dwelling unit, which is the primary residence of a household, to a party or parties of guests for temporary lodging for a period of less than 30 consecutive days. For purposes of this section, “party of guests” shall mean an individual or group renting or seeking to rent the entirety of the short-term rental.

45.185-B General

The supplemental use regulations of this section apply to all accessory use short-term rentals.

1. An accessory short-term rental may be rented to up to 4 parties of guests not to exceed 8 individuals in the dwelling unit, including residents of the home.

2. An accessory short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.
3. A register of short-term rental guests must be maintained and made available to city code enforcement upon request.
4. On-site events are not permitted in conjunction with an accessory short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.
5. External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
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