



**To:** Tulsa City Councilors

**From:** Susan Miller, AICP, Director, Tulsa Planning Office

**Date:** November 8, 2022

**Re:** Possible Council initiation of zoning code amendments relating to principal use Day Cares

Recently, the need to look more closely at regulations regarding Day Care uses has come to the attention of the Tulsa Planning Office and several City Councilors. The City of Tulsa Zoning Code currently has two classifications for Day Care uses:

1. Family Child Care Homes
  - a. Accessory to an allowed household living use
  - b. Limited to no more than 7 children
  - c. Requires operator to reside in the home
  - d. Must be properly licensed by the State of Oklahoma
2. (Principal use) Day Cares
  - a. Principal use care of children or adults that requires a special exception in residentially zoned districts
  - b. Not required to be used for household living (operator is not required to reside in the home)
  - c. No limit on number of children or adult clients

Principal use day cares require special exception approval by the Board of Adjustment if located in a residential zoned district and must also meet a minimum lot size that is greater than that required for residences in the district. For example, to construct a single-family home in the RS-3 district, the minimum lot area required is 6,900 square feet and the minimum lot width required is 60 feet. If a special exception is approved for a principal use day care, the minimum lot area is increased to 12,000 square feet and the minimum lot width is increased to 100 feet. (The greater lot size is also required for all other uses permitted by special exception in a residential zoned district.)

The larger lot requirements for principal use day cares appear to be creating barriers to opening new day care facilities in repurposed single-family homes in that a variance from the Board of Adjustment (requiring a hardship) is required to vary the lot size requirement. A proposed solution to this barrier would be an amendment to the Zoning Code to remove the larger lot requirements for principal use day cares while maintaining the requirement for a special exception to locate a principal use day care in a residential zone. (The larger lot size for other special exception uses in residential districts would not be affected.) In reviewing requests for special exceptions, the Board of Adjustment must consider the effect of the use on the



surrounding properties and impose any necessary conditions to ensure compatibility with the surrounding neighborhood.

If the City Council chooses to initiate the change, Tulsa Planning Office will draft an amendment to the Zoning Code to allow the same minimum lot size requirements for principal use day cares as currently exist for single-family homes in residentially zoned districts.