

---

ORDINANCE NO. O-1920-44

ITEM NO. 13

---

**STAFF REPORT**

**ITEM:** AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN, SECTION 441, THE BOARD OF ADJUSTMENT, TO AMEND THE RENEWAL PROCEDURE UNDER PARAGRAPH 7(f) FOR A SPECIAL EXCEPTION TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWELLING TO RELIEVE A MEDICAL HARDSHIP; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**BACKGROUND:** In early 2014, Planning staff had received several requests from citizens in the rural area of the City to allow for a second dwelling unit on certain properties; this allowance would permit a family member to live on-site to help care for aging/ill parents or family members needing frequent assistance/care.

Staff presented this information to Council Committee and Council adopted the following changes to Board of Adjustment responsibilities, Sec. 441, in Chapter 22, Zoning Ordinance.

Special Exception section was amended by Ordinance No. O-1314-15; this amendment was to allow for a temporary second dwelling unit for documented medical reasons in the rural area of the City.

*"To permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to 3 years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every 3-years by filing a new application. Once the need for the mobile home no longer exists, the mobile home must be removed."  
(O-1314-15)*

**Special Exceptions Defined and Enumerated is as follows in the Zoning Ordinance:**

*A special exception is defined as follows: "A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special exceptions if specific provision or such special exceptions is made hereafter."*

## **DISCUSSION:**

### **Application Process**

An application for Medical Hardship is sent to Board of Adjustment for review. As noted, if the Special Exception application is approved, it is for 3-years and then the request must be renewed. This renewal process consists of a second application; meaning additional fees and costs are incurred by the applicant to continue the use of the second residential unit.

### **Board of Adjustment Discussion**

Discussion between staff and the Board of Adjustment brought forward the request to allow staff to administratively approve the renewal of the Medical Hardship if the conditions have not changed. The applicant would still be required to provide the doctor's note and site plan but would not be required to pay the application fees, legal ad and certified ownership list. The application fee and associated costs can add up to approximately \$500 or more depending on the cost of the certified ownership list and legal announcement in the Transcript.

The proposed amendment is as follows:

(f) To permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to 3 years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every 3 years by filing a new an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed.

**STAFF RECOMMENDATION:** Staff proposes the amendment will allow staff to administratively approve two renewals; after two administrative renewals (two administrative renewals is equal to 6 years) the applicant is required to resubmit the application packet to the Board of Adjustment for approval.