



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1920-44

File ID: O-1920-44

Type: Zoning Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 40

In Control: City Council

Department: Planning and
Community
Development
Department

Cost:

File Created: 02/21/2020

File Name: Medical Special Exception Amendment

Final Action:

Title: CONSIDERATION OF ORDINANCE O-1920-44 UPON SECOND AND FINAL READING: 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.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-44 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-44 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 06/23/2020

Agenda Number: 40

Attachments: O-1920-44, O-1920-44 annotated, Staff Report -
Medical Special Exception jh, 5-14-20 PC Minutes -
O-1920-44

Project Manager: Jane Hudson, Director of Planning & Community Developm

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	03/12/2020	Postponed				Pass
	Action Text: A motion was made by Boeck, seconded by Bahan, that this Zoning Ordinance be Postponed . The motion carried by the following vote:						
1	Planning Commission	05/14/2020	Recommended for Adoption at a subsequent City Council Meeting	City Council	06/09/2020		Pass
	Action Text: A motion was made by Boeck, seconded by Williford, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 6/9/2020. The motion carried by the following vote:						
1	City Council	06/09/2020	Introduced and adopted on First Reading by title only				Pass
	Action Text: That this Zoning Ordinance be Introduced and adopted on First Reading by title only. by consent roll call						

Text of Legislative File O-1920-44

Body

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, an allowance that 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, and this was ultimately added as a Special Exception by Ordinance No. O-1314-15, an amendment to allow for a temporary second dwelling unit for documented medical reasons in the rural area of the City, as follows:

“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 it 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

Currently, to request this Special Exception, an application for Medical Hardship is sent to Board of Adjustment for review. Per above, if the Special Exception application is approved, it is for 3-years and then the request must be renewed. The renewal process consists of a second application; which means that the applicant incurs additional fees and costs 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 Special Exception 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 amendment proposed 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 additional years, 9 years total) the applicant is required to resubmit the application packet to the Board of Adjustment for approval.

Planning Commission, at their meeting of May 14, 2020, those present unanimously recommended adoption of Ordinance O-1920-44 by a vote of 8-0.