

ORDINANCE NO. 3735

TITLE: AN ORDINANCE AMENDING SECTION 18.20.110 OF THE ALBANY MUNICIPAL CODE BY THE ADDITION OF SUBPARAGRAPH (E), PROVIDING FOR A SPECIAL USE PERMIT FOR THE LOCATION AND OCCUPANCY OF A TRAILER OUTSIDE A MOBILE HOME PARK UNDER CONDITIONS OF MEDICAL HARDSHIP AND AS A TEMPORARY BUILDING FOR SPECIFIC USES.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMENDMENT

That Section 18.20.110 of the Albany Municipal Code, is amended by the addition of subparagraph (e) to read as follows:

"A special use permit may be issued by the Planning and Zoning Commission of the city of Albany to an applicant showing an undue hardship. The special use permit shall not exceed one (1) year in length and shall be for use on a single lot in accordance with the following provisions:

- (a) MEDICAL HARDSHIP. The applicant must demonstrate to the Commission with supporting factual information that nonconformance is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobile home to be used can meet all city, county and state health and building requirements and is to be used in conjunction with another permanent residential structure on the same lot. The written application for medical hardship special use permit shall be submitted to the Planning and Zoning Commission at least fifteen (15) days prior to consideration and shall contain:
 - (1) A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;
 - (2) A property plan showing in detail the proposed location and site of the mobile home with respect to the surrounding area, setbacks, existing structures and improvements to be made.
 - (3) A signed petition indicating approval of all legal property owners within seventy-five (75) feet of the subject property.
- (b) PERMIT. A permit issued for medical hardship shall include the following:
 - (1) There shall be no change in occupancy under the permit;

- (2) Mobile homes shall not be expanded or attached to a permanent structure;
 - (3) Mobile homes shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral without paying a sewer hookup charge.
 - (4) The mobile homes shall be required to meet all setback requirements of residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets.
- (c) TEMPORARY BUILDING USE. A special use permit may be issued by the Planning and Zoning Commission so as to provide adequate temporary building space for the following uses only:
- (1) Night watchman;
 - (2) Construction, education and nonprofit organizations, providing that the said mobile home or structure to be used can meet all the required building and health codes. The applicants for such a special use permit shall make written application which shall include the following information:
 - (aa) A statement of intended use and length of time for use;
 - (bb) A property plan showing in detail the proposed location and size of the mobile home with respect to the surrounding area, setbacks, structures and improvements to be made.
 - (cc) A petition or signed statement indicating the approval of all legal property owners within two hundred (200) feet of the proposed location.
 - (3) The permit as issued shall contain the following restrictions:
 - (aa) There shall be no change in occupancy under the permit;
 - (bb) Mobile homes shall not be included or sold as a part of any property on which it is located;
 - (cc) Mobile homes shall not be expanded or have attached permanent structures;
 - (dd) Mobile homes shall have approved connections to utility systems as required by the city;

- (ee) Use shall be limited to the function as set forth in the application for the permit.
- (d) RIGHT OF REVOCATION. The Planning and Zoning Commission shall have the right to revoke any special use permit granted under this section within thirty (30) days notice, if upon inspection the use is found to be in noncompliance with the application for which the permit is issued.
- (e) RENEWAL. The permit as issued shall not exceed a period of one (1) year from the date of issue at which time it shall expire. The Planning and Zoning Commission shall notify holders of a permit at least thirty (30) days prior to the date of expiration. Applicants for renewal of the special use permit under this section shall contain the same information as though the application was for an original special use permit.

PASSED BY THE COUNCIL: September 26, 1973

SIGNED BY THE MAYOR: September 26, 1973

EFFECTIVE DATE: October 26, 1973

Robert Davis
 /s/ Mayor

ATTEST:

Ernest W. Isham
 /s/ Ernest W. Isham
 City Recorder