

AN ORDINANCE 14-114
ENTITLED

AN ORDINANCE AMENDING SUBSECTION 2.01 6(n) OF THE ALBANY DOUGHERTY ZONING ORDINANCE SO AS TO ADOPT A FORMAL POLICY ON REASONABLE ACCOMMODATION; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, this Commission by Ordinance 13-171 adopted on February 26, 2013, updated its Zoning Ordinance regarding community residence requirements; and

WHEREAS, the City, adopting the instant amendment wishes to make clear that the City understands and agrees with the mandate that disabled individuals are entitled to "equal opportunity to use and enjoy a dwelling[.]" 42 U.S.C.A. § 3604(f)(3)(B); and

WHEREAS, it would be in the best interests of the citizens of the City of Albany to adopt a formal policy on Reasonable Accommodation,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title II, Article 2 of the Zoning Ordinance shall be amended such that Section 2.01 6(n) of Community Residence Requirements shall hereafter read as follows:

Section 2.01 6(n): Reasonable Accommodation

Purpose

It is the policy of the City of Albany, pursuant to the Fair Housing Amendments Act of 1988, to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing for individuals with disabilities. The purpose of this section is to provide a formal procedure under which a disabled person may request a reasonable accommodation in the application of zoning policy, practice or procedures, and to establish relevant criteria to be used when considering such requests, all so as not to limit meaningful access to housing for the disabled.

Applicability

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures; or even waiving certain requirements when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning policy, practice or procedure acts as a barrier to fair housing opportunities.

This section is intended to provide for minor structural modifications and/or regulatory exceptions. Nothing in this section shall be interpreted to require the city to waive or reduce development or building fees associated with the granting of a reasonable accommodation request.

Application

Requests for reasonable accommodation shall be in writing and provide the following information:

A. Required information:

1. Applicant's name, address, and telephone number
2. Address of the property for which the request is being made
3. The name and address of the property owner and the owner's written consent to the application
4. The current use of the property
5. General information about the nature of the disability of the subject individual(s) that are the focus of the request
6. Zoning code provision, regulation or policy from which accommodation is being requested
7. Explain how the requested accommodation relates to the needs of the disabled person(s)

- B. Review with other land use applications:** If the project for which a reasonable accommodation request is being submitted also requires some other land use approval (such as a rezoning) then the applicant shall submit the reasonable accommodation application first for a determination before proceeding with the other applications.

Approval Authority

1. **Director of Planning.** The Director of Planning has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Director of Planning may refer the matter to the Planning Commission and or the Historic Preservation Commission as appropriate.
2. **Planning Commission.** The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any other land use request.
3. **Historic Preservation Commission.** The Historic Preservation Commission has the authority to decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any exterior design modifications.

Notice Requirements

No advance notice or public hearing is required for consideration of reasonable accommodation requests before the Director of Planning. Requests for reasonable accommodation subject to review by the Planning or Historic Preservation Commissions shall require advance notice but no public hearing. In this situation, advance notice shall be accomplished by including the request in the advertisement of the meeting agenda.

Decision

The Director of Planning shall render a written decision or refer the matter to the Planning Commission within 7 days after the application is complete. The Planning or Historic Preservation Commission shall approve, approve with conditions or deny the application, in writing, within 30 days of receiving the application from the Director of Planning.

Findings

The reviewing authority shall approve the application, with or without conditions, if it can make the following findings:

1. The housing will be used by a disabled person;
2. The requested accommodation is necessary to make specific housing available to a disabled person;

3. The requested accommodation would not impose an undue financial or administrative burden on the city; and

4. The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

Appeal


A decision by the Director of Planning may be appealed within thirty (30) days to the Planning Commission and a decision of the Planning or Historic Preservation Commission may be appealed to the City Commission within thirty (30) days.

Fees

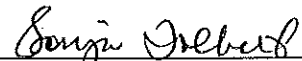
There shall be no fee for an application requesting reasonable accommodation. If the project for which the request is being made requires other planning permit(s) or approval(s), fees for applicable applications shall apply as established. There shall be no fees for appeals to decisions on reasonable accommodation.

SECTION 2. This ordinance shall become effective immediately upon its adoption.

SECTION 3. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:


CITY CLERK
Adopted: July 22, 2014

Introduced By Commissioner: Domnie Postell
Date(s) read: July 22, 2014