

**AN ORDINANCE TO AMEND THE TOWN OF CARRBORO'S
LAND USE ORDINANCE TO PROVIDE FOR REASONABLE ACCOMMODATIONS**

****DRAFT 4-2-2018****

BE IT ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE FOLLOWING:

Section 1. Article V of the Carrboro Land Use Ordinance is amended to establish the following new "Section 15-97 Reasonable Accommodations":

Section 15-97. Reasonable Accommodations

(a) The Board of Aldermen is authorized to grant reasonable accommodations under the Federal Fair Housing Act and Americans with Disabilities Act under the circumstances set forth in this section.

(b) An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift or condemnation.

(c) An application for a reasonable accommodation shall be filed with the Administrator and contain: (1) the applicant's contact information (name, mailing address, telephone number, fax number, and email address); (2) the contact information for the owner(s) of the property (if different from the applicant); (3) the address of the property at which the reasonable accommodation is requested; (4) a description of the reasonable accommodation requested; (5) a statement explaining how and why the request meets the standards for a reasonable accommodation (see subsection (f) below); and (6) the notarized signature of the applicant and property owner(s) (if different from the applicant). No filing fee shall be required for the application.

(d) The Board shall hold a quasi-judicial hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members.

(e) The quasi-judicial hearing shall be noticed in accordance with Section 15-102(1) and conducted in accordance with Sections 15-103 through 15-106 to the extent not inconsistent with this Section.

(f) The Board shall grant a reasonable accommodation to any provision of the Land Use Ordinance if the Board finds by the greater weight of the evidence that the proposed reasonable accommodation is both reasonable and necessary, in accordance with the following:

(1) “Reasonable”

An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the Town and/or constitute a substantial or fundamental alteration of the Town’s Land Use Ordinance provisions; and

(2) “Necessary”

An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the affects of the particular disability or handicap, and would afford persons with disabilities equal opportunity to enjoy and use housing in residential districts in the Town.

(g) After the Board approves a reasonable accommodation, the applicant shall follow all applicable Land Use Ordinance procedures for the approval of any permits, certificates, or other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Board.

Section 2. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance is effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2018.

Ayes: ____
Noes: ____
Absent: ____