

STAFF REPORT

DOCKET #: UDO-120

STAFF: Reed

REQUEST

This UDO text amendment is proposed by the Winston-Salem City Council to establish a notification process for adjoining neighbors whenever a request for reasonable accommodation is going to a committee of the City Council.

BACKGROUND

Currently the process for a reasonable accommodation does not include any public notification. The process does not require a public hearing or any public notification. The City Council desires notification be made to adjoining property owners as a courtesy whenever a reasonable accommodation request goes through the committee process.

ANALYSIS

Because the City Council desires to establish a notification process for reasonable accommodation requests, the City Attorney recommended the requirement be made a part of the UDO. The proposed language puts the burden of notification on the applicant and does not include any additional responsibilities of the Planning Board, Planning staff, or Inspections staff.

RECOMMENDATION

APPROVAL

UDO-119
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD A SECTION REGARDING REQUESTS FOR REASONABLE
ACCOMMODATION

Be it ordained by the _____, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article VI Administration and Amendments is amended by adding the following Section:

6-6.1 REQUEST FOR REASONABLE ACCOMMODATION

Any person eligible under the Federal Fair Housing Act, as amended, may request relief from the requirements of this Ordinance by applying for reasonable accommodation, to the City Council, which may consider the request through its committee process.

The committee shall consider and make a recommendation to the City Council for its consideration. Prior to the committee considering a request for reasonable accommodation, the applicant shall provide evidence that the adjoining property owners have received notification of the request by registered or certified mail or personal delivery.

The City Council shall grant the accommodation requested if it finds that the accommodation is (1) reasonable and (2) necessary (3) to afford handicapped persons equal opportunity to use and enjoy housing.

Section 2. This ordinance shall be effective upon adoption.