

One-rdg. _____
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Filed: 03-15-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 060

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri City Code, known as the Land
2 Development Code, by adding a new section, to be known as Section 36-
3 336, Reasonable Accommodation Policy and Procedure, to Article III,
4 Division 3, Subdivision I.
5
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
8 MISSOURI, as follows, that:
9

10 Section 1 – Chapter 36 of the Springfield, Missouri City Code, known as the Land
11 Development Code, Article III - Zoning Regulations, Division 3 - Administration,
12 Enforcement, and Review, Subdivision I - Administration and Enforcement, is hereby
13 amended as follows
14

15 (Note: Underlined language is to be added. ~~Stricken~~ language is to be removed):
16

17 36-336. Reasonable Accommodation Policy and Procedure.
18

19 (1) Purpose and Scope. This Section implements the policy of the City of
20 Springfield, Missouri on requests for reasonable accommodation in its
21 rules, policies and procedures for persons with disabilities. Any person
22 with a disability may request a reasonable accommodation with respect to
23 the land use or zoning laws, rules, policies, practices or procedures of the
24 City pursuant to this Section. Nothing in this Section requires persons with
25 disabilities or operators of group homes for persons with disabilities which
26 are operating in accordance with applicable zoning, licensing, and land
27 use laws, to seek reasonable accommodation under this Section.
28

29 (2) Definitions. For the purposes of this Section the following definitions shall
30 apply, unless specifically defined in this section all terms have the same
31 meaning as contained in 36-321:
32

33 (a) Applicant. An individual, group or entity making a request for

34 reasonable accommodation pursuant to this Section. This definition
35 shall also include the disabled person making said request or a
36 person acting on behalf of, and at the request of said disabled
37 person.

38 (b) City. The City of Springfield, Missouri.

39 (c) Department. The Department of Building Development Services of
40 the City.

41 (d) Disabled Person. Any individual: (1) with a physical or mental
42 impairment that substantially limits one or more major life activities;
43 (2) individuals who are regarded as having such an impairment; and
44 (3) individuals with a record of such an impairment.

45 (e) Major Life Activity. Those activities that are of central importance to
46 daily life, such as seeing, hearing, walking, breathing, performing
47 manual tasks, caring for one's self, learning, and speaking. This list
48 of major life activities is not exhaustive.

49 (f) Physical or Mental Impairment. Includes, but is not limited to,
50 orthopedic, visual, speech, and hearing impairments, cerebral palsy,
51 autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer,
52 heart disease, diabetes, Human Immunodeficiency Virus infection,
53 mental retardation, emotional illness, drug addiction (other than
54 addiction caused by current, illegal use of a controlled substance),
55 and alcoholism.

56 (g) Reasonable Accommodation. Means a change, exception, or
57 adjustment to a rule, policy, practice, or service that may be
58 necessary for a person with a disability to have an equal opportunity
59 to use and enjoy a dwelling.

60 (h) Substantially Limits. Means that an individual's limitation is
61 "significant" or to a "large degree".

62 (i) Zoning Ordinance. The City of Springfield, Missouri Zoning
63 Ordinance, as defined in 36-300.

64
65 (3) Requesting Reasonable Accommodations.

66
67 (a) In order to make a dwelling available to one or more individuals with
68 disabilities, an applicant may request a reasonable accommodation
69 relating to the various land use or zoning rules, policies, practices or
70 procedures of the City applicable to such housing.

71
72 1. A request by an applicant for reasonable accommodation made
73 pursuant to this Section shall be made in writing or orally to the
74 Director of the Department.

75 2. When making a request for a reasonable accommodation
76 pursuant to this section, an applicant shall provide:

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78 a. the name and address of the owner of the property, if
79 other than the applicant; and

- b. explain the type of accommodation requested; and
- c. explain the relationship between the requested accommodation and the disability, if the need for the accommodation is not readily apparent.

(b) All requests for reasonable accommodation made pursuant to this Section shall be made in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability.

(c) The Department shall provide reasonable assistance necessary to an applicant in making a request for reasonable accommodation throughout the process.

(4) Procedure.

(a) The Director of the Department shall make an initial review of the request for reasonable accommodation upon receipt of such a request. The Director may approve a request for reasonable accommodation upon the information provided in the application, if all the requirements needed to grant a request for reasonable accommodation are met by the application. The Director may make such investigation or request such information from the applicant, as provided herein, to determine the disposition of the application.

1. The request for reasonable accommodation shall be forwarded to the Administrative Review Committee (ARC) when:

- a. the Director does not have the authority to grant the request for reasonable accommodation, or
- b. the Director fails to grant the request for reasonable accommodation within thirty (30) days of the receipt of the request.

2. Nothing in this section shall prohibit the Director from consulting with the ARC regarding requests for reasonable accommodation or from consulting with the applicant to supplement their application, if possible.

(b) The ARC, as established in Section 36-352, shall have the authority to consider and act on requests for reasonable accommodation. The ARC shall issue a written determination within thirty (30) after receiving the request for reasonable accommodation from the Director of the Department, and may: (1) grant the accommodation request; or, (2) deny the request.

1. ARC may approve a request for reasonable accommodation

126 upon the information provided in the application, if all the
127 requirements of the request for a reasonable accommodation
128 are met by the application, without meeting with the applicant.

129 2. In no event shall the ARC deny a request for reasonable
130 accommodation without the applicant being afforded an
131 opportunity to meet with the ARC.

132
133 (c) If reasonably necessary to reach a determination on the request for
134 reasonable accommodation, the ARC may, prior to the end of said
135 thirty (30) day period, request additional information from the
136 applicant, specifying in detail what information is required. The
137 applicant shall have fifteen (15) days after the date of the request for
138 additional information to provide such information. In the event a
139 request for additional information is made, the thirty (30) day period
140 to issue a written determination shall be stayed. The ARC shall
141 issue a written determination within thirty (30) days after receipt of
142 the additional information. If the applicant fails to provide the
143 requested additional information within said fifteen (15) day period,
144 the ARC shall issue a written determination within thirty (30) days
145 after expiration of said fifteen (15) day period.

146 (d) The ARC is entitled to obtain information that is necessary to
147 evaluate if a requested reasonable accommodation may be
148 necessary because of a disability.

149
150 1. If an applicant's disability is obvious, or otherwise known to the
151 ARC, and if the need for the requested accommodation is also
152 readily apparent or known, then the ARC shall not request any
153 additional information about the applicant's disability or the
154 disability-related need for accommodation.

155 2. If the applicant's disability is known or readily apparent to the
156 ARC, but the need for the accommodation is not readily
157 apparent or known, the ARC may request only information that
158 is necessary to evaluate the disability-related need for the
159 accommodation.

160 3. If the applicant's disability is not obvious, the ARC may request
161 reliable disability-related information that:

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163 a. is necessary to verify that the person meets the definition
164 of disability,

165 b. describes the needed accommodation, and

166 c. shows the relationship between the person's disability
167 and the need for the requested accommodation.

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169 (e) Information provided to ARC for a request for accommodation under
170 this section, shall be kept confidential, as permitted by law. The
171 Department shall provide written notice to the applicant, and any

172 person designated by the applicant to represent the applicant in the
173 application process, of any request received by the Department for
174 disclosure of any information or documentation which the applicant
175 submitted in applying for a reasonable accommodation pursuant to
176 this section. The Department will provide reasonable cooperation
177 with the applicant, to the extent allowed by law, in actions initiated
178 by the applicant to oppose the disclosure of such information or
179 documentation.

180
181 (5) Findings for Reasonable Accommodation.

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183 (a) The following findings, while not exhaustive of all considerations and
184 findings that may be relevant, shall be made before any action is
185 taken to approve or deny a request for reasonable accommodation
186 and shall be incorporated into the record relating to such approval or
187 denial:

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189 1. whether the accommodation requested may be necessary to
190 afford one or more persons with disabilities equal opportunity to
191 use and enjoy a specific dwelling;

192
193 a. to show that a requested accommodation is necessary;
194 there must be an identifiable relationship, or nexus,
195 between the requested accommodation and the
196 applicant's disability.

197
198 2. Whether the requested accommodation would impose undue
199 financial or administrative burdens on the City;

200
201 (b) a request for reasonable accommodation, made pursuant to this
202 section, shall be denied if it is found that:

203
204 1. the request for reasonable accommodation was not made by or
205 on behalf of a person with a disability, or

206 2. there is no disability-related need for the accommodation, or

207 3. the requested reasonable accommodation is not reasonable.

208
209 a. A request for reasonable accommodation is not
210 reasonable if:

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212 i. the requested reasonable accommodation would
213 impose an undue financial or administrative burden
214 on the City, or

215 ii. the requested reasonable accommodation would
216 require a fundamental alteration to the City's zoning
217 regulations.

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(c) When a request for reasonable accommodation is denied, reasonable efforts shall be made to cooperate with the applicant to provide an alternative reasonable accommodation that will address the applicant's disability-related needs without resulting in a fundamental alteration to the City's zoning regulations or the imposition of an undue financial and administrative burden on the City.

1. If, after reasonable efforts, an alternative reasonable accommodation is not approved, the applicant's request for a reasonable accommodation shall be denied.

(d) Findings made, whether approving or denying the request for reasonable accommodation, shall be in writing and shall state the grounds thereof. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the applicant by certified mail, return receipt requested and by regular mail.

(6) Appeals.

(a) Within thirty (30) days after the date the ARC mails a written adverse determination to the applicant, the applicant may appeal the adverse determination.

(b) Appeals shall be to the Board of Adjustment pursuant to Section 36-364. All determinations on appeal shall address and review the findings made by the ARC pursuant to this section.

(c) The Department shall provide reasonable assistance necessary to an applicant wishing to appeal a denial of a request for reasonable accommodation to the Board of Adjustment. The applicant is entitled to be represented at all stages of the proceedings identified in this Section by a person designated by the applicant.

(7) Fees. The City shall not impose any fees or costs in connection with a request for reasonable accommodation under the provisions of this Section or an appeal of a denial of such request by the ARC. Nothing in this ordinance obligates the City to pay an applicant's attorney fees or costs.

(8) Stay of Enforcement. While an application for reasonable accommodation or appeal of a denial of said application is pending, the City will not enforce the zoning ordinance against the applicant.

(9) Record-keeping. The City shall maintain records of all oral and written requests submitted under the provisions of this Section, and the City's

264 responses thereto, as required by state law.

265

266 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to
267 affect any suit or proceeding now pending in any court or any rights acquired or liability
268 incurred nor any cause or causes of action accrued or existing, under any act or
269 ordinance repealed hereby, or shall any right or remedy of any character be lost,
270 impaired, or affected by this ordinance.

271

272 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
273 phrase of this ordinance is for any reason held to be invalid, such decision shall not
274 affect the validity of the remaining portions of this ordinance. The Council hereby
275 declares that it would have adopted the ordinance and each section, subsection,
276 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
277 sections, subsections, sentences, clauses, or phrases be declared invalid.

278

279 Section 4 – This ordinance shall be in full force and effect from and after
280 passage.

281

282 Passed at meeting: _____

283

284 _____
285 Mayor

286

287 Attest: _____, City Clerk

288

289 Filed as Ordinance: _____

290

291 Approved as to form: *Richard T. Wieden*, Assistant City Attorney

292

293 Approved for Council action: *Greg Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 060

FILED: 03-15-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To add a new Section 36-336, Reasonable Accommodation Policy and Procedure, to Division 3, Subdivision I., Administration and Enforcements, of the Zoning Ordinance that will provide a reasonable accommodation policy and procedure for persons with disabilities (Staff recommends approval).

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – REASONABLE ACCOMMODATION POLICY AND PROCEDURE AMENDMENTS

Planning and Zoning Commission initiated amendments to the off-street parking requirements and other related sections of the Zoning Ordinance to allow review and consideration for persons with disabilities at their meeting on October 3, 2013.

The Federal Fair Housing Act requires the City to apply its regulations in a manner that does not discriminate against persons with disabilities. The City is required by Federal law to provide “reasonable accommodation”, and Building Development Services currently applies that standard to requests received for modification to single-family dwellings for medical needs. The City has informally handled these on a case by case basis. The implementation of this procedure brings us into compliance with accepted practice.

The proposed amendment will allow the Director of Building Development Services and/or the Administrative Review Committee (ARC) the ability to grant exemptions to the Zoning Ordinance requirements to make reasonable accommodations for persons with disabilities following the requirements in Exhibit A. These amendments will replace the current Administrative Ruling (2011) and City Council resolution (2004) that BDS currently uses in these situations. Any appeals of ARC’s decisions would go to the Board of Adjustment for a public hearing.

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments.

Supports the following Field Guide 2030 goal(s): Chapter 7, Housing; Major Goal 2, Promote diversity of housing types in development and redevelopment patterns; Objective 2a, Remove barriers to innovative design concepts.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will allow staff the ability to make reasonable accommodations for persons with disabilities following certain requirements.
2. Objective 17 of the Growth Management and Land Use element of the Comprehensive Plan states that Springfield should work to ensure a wide range of choices in living arrangements throughout the urbanized area.

REMARKS:

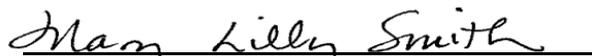
The Planning and Zoning Commission held a public hearing on March 3, 2016, and recommended approval, by a vote of 5 to 0, of the proposed changes to the Zoning Ordinance described in "Exhibit A."

The Planning and Development Staff recommends approval of the proposed amendments in "Exhibit A."

Submitted by:



Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

Exhibit A, Proposed Changes to Zoning Ordinance Redlined Version
Exhibit B, Record of Proceedings

Exhibit A

PROPOSED CHANGES TO ZONING ORDINANCE REDLINED VERSION REASONABLE ACCOMMODATION POLICY AND PROCEDURE AMENDMENTS

NOTE: Language to be added is underlined.

36-336. Reasonable Accommodation Policy and Procedure.

- (1) *Purpose and Scope.* This Section implements the policy of the City of Springfield, Missouri on requests for reasonable accommodation in its rules, policies and procedures for persons with disabilities. Any person with a disability may request a reasonable accommodation with respect to the land use or zoning laws, rules, policies, practices or procedures of the City pursuant to this Section. Nothing in this Section requires persons with disabilities or operators of group homes for persons with disabilities which are operating in accordance with applicable zoning, licensing, and land use laws, to seek reasonable accommodation under this Section.

- (2) *Definitions.* For the purposes of this Section the following definitions shall apply, unless specifically defined in this section all terms have the same meaning as contained in 36-321:
 - (a) *Applicant.* An individual, group or entity making a request for reasonable accommodation pursuant to this Section. This definition shall also include the disabled person making said request or a person acting on behalf of, and at the request of said disabled person.
 - (b) *City.* The City of Springfield, Missouri.
 - (c) *Department.* The Department of Building Development Services of the City.
 - (d) *Disabled Person.* Any individual: (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.
 - (e) *Major Life Activity.* Those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking. This list of major life activities is not exhaustive.
 - (f) *Physical or Mental Impairment.* Includes, but is not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

- (g) Reasonable Accommodation. Means a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.
- (h) Substantially Limits. Means that an individual's limitation is "significant" or to a "large degree".
- (i) Zoning Ordinance. The City of Springfield, Missouri Zoning Ordinance, as defined in 36-300.

(3) Requesting Reasonable Accommodations.

- (a) In order to make a dwelling available to one or more individuals with disabilities, an applicant may request a reasonable accommodation relating to the various land use or zoning rules, policies, practices or procedures of the City applicable to such housing.
 - 1. A request by an applicant for reasonable accommodation made pursuant to this Section shall be made in writing or orally to the Director of the Department.
 - 2. When making a request for a reasonable accommodation pursuant to this section, an applicant shall provide:
 - a. the name and address of the owner of the property, if other than the applicant; and
 - b. explain the type of accommodation requested; and
 - c. explain the relationship between the requested accommodation and the disability, if the need for the accommodation is not readily apparent.
- (b) All requests for reasonable accommodation made pursuant to this Section shall be made in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability.
- (c) The Department shall provide reasonable assistance necessary to an applicant in making a request for reasonable accommodation throughout the process.

(4) Procedure.

- (a) The Director of the Department shall make an initial review of the request for reasonable accommodation upon receipt of such a request. The Director may approve a request for reasonable accommodation upon the information provided in the application, if all the requirements needed to grant a request for reasonable accommodation are met by the application. The Director may make such investigation or request such information from the applicant, as

provided herein, to determine the disposition of the application.

1. The request for reasonable accommodation shall be forwarded to the Administrative Review Committee (ARC) when:

- a. the Director does not have the authority to grant the request for reasonable accommodation, or
- b. the Director fails to grant the request for reasonable accommodation within thirty (30) days of the receipt of the request.

2. Nothing in this section shall prohibit the Director from consulting with the ARC regarding requests for reasonable accommodation or from consulting with the applicant to supplement their application, if possible.

(b) The ARC, as established in Section 36-352, shall have the authority to consider and act on requests for reasonable accommodation. The ARC shall issue a written determination within thirty (30) after receiving the request for reasonable accommodation from the Director of the Department, and may: (1) grant the accommodation request; or, (2) deny the request.

- 1. ARC may approve a request for reasonable accommodation upon the information provided in the application, if all the requirements of the request for a reasonable accommodation are met by the application, without meeting with the applicant.
- 2. In no event shall the ARC deny a request for reasonable accommodation without the applicant being afforded an opportunity to meet with the ARC.

(c) If reasonably necessary to reach a determination on the request for reasonable accommodation, the ARC may, prior to the end of said thirty (30) day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have fifteen (15) days after the date of the request for additional information to provide such information. In the event a request for additional information is made, the thirty (30) day period to issue a written determination shall be stayed. The ARC shall issue a written determination within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information within said fifteen (15) day period, the ARC shall issue a written determination within thirty (30) days after expiration of said fifteen (15) day period.

(d) The ARC is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be

necessary because of a disability.

1. If an applicant's disability is obvious, or otherwise known to the ARC, and if the need for the requested accommodation is also readily apparent or known, then the ARC shall not request any additional information about the applicant's disability or the disability-related need for accommodation.
2. If the applicant's disability is known or readily apparent to the ARC, but the need for the accommodation is not readily apparent or known, the ARC may request only information that is necessary to evaluate the disability-related need for the accommodation.
3. If the applicant's disability is not obvious, the ARC may request reliable disability-related information that:
 - a. is necessary to verify that the person meets the definition of disability,
 - b. describes the needed accommodation, and
 - c. shows the relationship between the person's disability and the need for the requested accommodation.

(e) Information provided to ARC for a request for accommodation under this section, shall be kept confidential, as permitted by law. The Department shall provide written notice to the applicant, and any person designated by the applicant to represent the applicant in the application process, of any request received by the Department for disclosure of any information or documentation which the applicant submitted in applying for a reasonable accommodation pursuant to this section. The Department will provide reasonable cooperation with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such information or documentation.

(5) Findings for Reasonable Accommodation.

(a) The following findings, while not exhaustive of all considerations and findings that may be relevant, shall be made before any action is taken to approve or deny a request for reasonable accommodation and shall be incorporated into the record relating to such approval or denial:

1. whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;
 - a. to show that a requested accommodation is necessary;

there must be an identifiable relationship, or nexus, between the requested accommodation and the applicant's disability.

2. Whether the requested accommodation would impose undue financial or administrative burdens on the City;

(b) a request for reasonable accommodation, made pursuant to this section, shall be denied if it is found that:

1. the request for reasonable accommodation was not made by or on behalf of a person with a disability, or
2. there is no disability-related need for the accommodation, or
3. the requested reasonable accommodation is not reasonable.

a. A request for reasonable accommodation is not reasonable if:

- i. the requested reasonable accommodation would impose an undue financial or administrative burden on the City, or
- ii. the requested reasonable accommodation would require a fundamental alteration to the City's zoning regulations.

(c) When a request for reasonable accommodation is denied, reasonable efforts shall be made to cooperate with the applicant to provide an alternative reasonable accommodation that will address the applicant's disability-related needs without resulting in a fundamental alteration to the City's zoning regulations or the imposition of an undue financial and administrative burden on the City.

1. If, after reasonable efforts, an alternative reasonable accommodation is not approved, the applicant's request for a reasonable accommodation shall be denied.

(d) Findings made, whether approving or denying the request for reasonable accommodation, shall be in writing and shall state the grounds thereof. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the applicant by certified mail, return receipt requested and by regular mail.

(6) Appeals.

- (a) Within thirty (30) days after the date the ARC mails a written adverse determination to the applicant, the applicant may appeal the adverse determination.
 - (b) Appeals shall be to the Board of Adjustment pursuant to Section 36-364. All determinations on appeal shall address and review the findings made by the ARC pursuant to this section.
 - (c) The Department shall provide reasonable assistance necessary to an applicant wishing to appeal a denial of a request for reasonable accommodation to the Board of Adjustment. The applicant is entitled to be represented at all stages of the proceedings identified in this Section by a person designated by the applicant.
- (7) *Fees.* The City shall not impose any fees or costs in connection with a request for reasonable accommodation under the provisions of this Section or an appeal of a denial of such request by the ARC. Nothing in this ordinance obligates the City to pay an applicant's attorney fees or costs.
- (8) *Stay of Enforcement.* While an application for reasonable accommodation or appeal of a denial of said application is pending, the City will not enforce the zoning ordinance against the applicant.
- (9) *Record-keeping.* The City shall maintain records of all oral and written requests submitted under the provisions of this Section, and the City's responses thereto, as required by state law.

Exhibit B

**RECORD OF PROCEEDINGS
Planning and Zoning Commission March 3, 2016**

Reasonable Accommodation Amendments
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to add a new section 36-336, Reasonable Accommodation Policy Procedure to Division 3, Subsection 1, Administration and Enforcement of the Zoning Ordinance. Planning and Zoning Commission initiated amendments to the off-street parking requirements and other related sections of the Zoning Ordinance to allow review and consideration for persons with disabilities at their meeting on October 3, 2013. The Federal Fair Housing Act requires the City to apply its regulations in a manner that does not discriminate against persons with disabilities. The City is required by Federal law to provide "reasonable accommodation", and Building Development Services currently applies that standard to requests received for modification to single-family dwellings for medical needs. The City has informally handled these on a case by case basis. The implementation of this procedure brings us into compliance with accepted practices. The proposed amendment will allow the Director of Building Development Services and/or the Administrative Review Committee (ARC) the ability to grant exemptions to the Zoning Ordinance requirements to make reasonable accommodations for persons with disabilities following the requirements.

These amendments will replace the current Administrative Ruling (2011) and City Council resolution (2004) that BDS currently uses in these situations. Any appeals of ARC's decisions would go to the Board of Adjustment for a public hearing.

Ms. Cox asked if all requests for reasonable accommodations have to be accompanied by an official statement, i.e., doctor, prescription, or other prescribed requirements that allow for that accommodation and how long is the process.

Mr. Hosmer stated that it would be on a case by case basis and would need to meet ADA requirements and the process could take as little as a few minutes.

Mr. Baird asked where the language came from.

Mr. Hosmer stated that Greene County had adopted a similar procedure, but the City has worked with the Law Department for the appropriate language.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Ms. Cox motions that we approve Reasonable Accommodation Amendments (Citywide). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards



Bob Hosmer, AICP
Principal Planner