

ORDINANCE NO. 2870

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING THE CITY'S CODE OF ORDINANCES TO CREATE A VARIANCE PROCESS FOR DISABLED OR HANDICAPPED INDIVIDUALS TO REQUEST FOR REASONABLE ACCOMMODATIONS FROM THE CITY REGULATIONS TO ALLOW EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Federal Fair Housing Act requires a local governmental entity to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

WHEREAS, court cases have held that before a local government can be sued for violating the above provision of the Fair Housing Act, a request must be made to the local governmental entity for a reasonable accommodation through the local governments established procedures used to adjust the rules, policy, practices or service in question.

WHEREAS, the City's current variance process requires a variance request to be reviewed based on certain criteria, which may not be applicable to a request for a reasonable accommodation under the Fair Housing Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The City Commission of the City of Holly Hill hereby creates Section 82-322 (Evaluation of Request for Accommodations Pursuant to the Fair Housing Act) to read as follows:

Sec. 82-322. (Evaluation of Request for Accommodation Pursuant to the Fair Housing Act.)

1) A request may be made by the property owner or authorized representative for a request for an accommodation from the City's rules, policy, practices or service to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling. The request shall be on an approved form issued by the City and must contain the following:

- a) Proof of ownership of the property which the request is being made or authorization from the property owner.
- b) Specifically identify the rules, policies, practices or services from which relief is being requested.
- c) Identify the nature of the disability of the occupants of the dwelling.
- d) Outline the minimum relief that is necessary to allow a handicapped person to use and enjoy the dwelling.
- e) Described in detail how the requested relief is necessary to allow a person with the above identified disability to be able to reasonably use and enjoy the dwelling.
- f) Access must be granted to the necessary City employees to inspect the dwelling.

2) The City shall evaluate all necessary criteria, facts, rules, laws, etc., to make a determination as to whether the requested accommodation is reasonable, including but not limited to:

- a) The policies and objectives of the City's Comprehensive Plan including the Future Land Use designation of the property in question.
- b) The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question.
- c) The surrounding neighborhood, including zoning and future land use designations of the surrounding area.
- d) The capacity of existing City utilities and infrastructures to accommodate the requested use.

e) Existing traffic patterns and traffic problems in the area that currently exists or may become a problem if the requested relief were granted.

f) Potential for noise, dust or other impacts to the neighborhood.

g) Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues.

h) The existence of any current code violations.

3) The Board of Planning and Appeals shall review the application and all relevant facts and laws and make a recommendation to the City Commission to approve, deny or approve with conditions. The City Commission shall make the final determination.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall become effective immediately upon its adoption.

Section 5. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Commission of the City of Holly Hill, Florida, at its regularly scheduled meeting held in Commission Chambers at City Hall on the 25th day of May, 2010.

It was moved by Commissioner Reed and seconded by Commissioner Towsley that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

ROLL CALL VOTE AS FOLLOWS: (Ordinance 2870):

Mayor Roland D. Via	Yes
Commissioner John Penny	Yes
Commissioner Rick Glass	Yes
Commissioner Mark Reed	Yes
Commissioner Liz Towsley	Yes

ADOPTED THIS 25th DAY OF MAY, 2010.

The within and foregoing Ordinance was introduced and read on second reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 8th day of June, 2010.

It was moved by Commissioner Glass and seconded by Commissioner Penny that said Ordinance be adopted. A roll call vote of the Commission held on said motion to adopt the Ordinance resulted as follows:

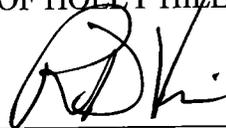
ROLL CALL VOTE AS FOLLOWS: (Ordinance 2870):

Mayor Roland D. Via	Yes
Commissioner John Penny	Yes
Commissioner Rick Glass	Yes
Commissioner Mark Reed	Yes
Commissioner Liz Towsley	Yes

ADOPTED THIS 8th DAY OF JUNE, 2010.

WHEREUPON, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 8th day of June, 2010 for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA



Roland D. Via, Mayor



Oel Wingo, Ph.D., City Manager

Attest:



Joshua Fruecht, City Clerk