

ORDINANCE NO. (2010) 3605

AN ORDINANCE TO AMEND ORDINANCE NO. (2003) 3250 ENTITLED "THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION"

Section One. That a new Section 3.17, Special Exceptions be established as follows:

**3.17. Special exceptions.**

**A. Applicability.** The Board of Adjustment is authorized to grant special exceptions for the special circumstances set forth in this section to allow for a reasonable accommodation under the Federal Fair Housing Act.

**B. Application.** An application for a special exception under this section shall be submitted to the Board of Adjustment by filing a copy of the application with the Planning Director. No filing fee shall be required for such application.

**C. Approval process.** The procedures set forth in Section 3.15.C for variances shall apply to Staff Review and Report, Public Hearing Notice and Action of the Board of Adjustment.

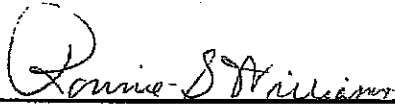
**D. Approval criteria.** The Board of Adjustment shall grant a special exception to any provision of this ordinance as a reasonable accommodation under the Federal Fair Housing Act if the Board finds by the greater weight of the evidence that the proposed special exception is:


(i) "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 ordinance provisions); and

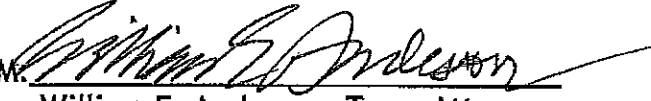
(ii) "Necessary." An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the affects of the particular disability or handicap), and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential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

**Section Two.** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 21<sup>st</sup> day of December, 2010.

  
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Ronnie S. Williams, Mayor

ATTEST:   
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Judy Bass, Town Clerk

APPROVED AS TO FORM:   
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William E. Anderson, Town Attorney