

ORDINANCE NO. 2022 - 23

AN ORDINANCE AMENDING THE SEARCY ZONING CODE; PROVIDING FOR REASONABLE ACCOMMODATIONS PROCEDURE RELATED TO CERTAIN LAND USED WITHIN THE CITY OF SEARCY, ARKANSAS; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Searcy, Arkansas, recognizes the need to provide certain accommodations related to certain land uses pursuant to the Fair Housing Act;

WHEREAS, the City of Searcy, Arkansas, finds that the need to adopt this amendment to the Searcy Zoning Code to permit persons within the City to utilize their lands in a manner that is consistent with the expectations of their neighbors and in compliance with certain federal law.

WHEREAS, in light of the need to establish a process to permit land uses and reasonable accommodations for those uses, an emergency exists and this ordinance is necessary to provide for the public peace, health, safety and welfare and that, as a result of this need, an emergency exists.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. The Searcy Zoning Code is amended to add Article 9-5 to-wit:

“Art. 9-5: Request for Reasonable Accommodations. A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice or procedure restricts fair housing opportunities. In this context, “reasonable accommodation” means alleviating specific regulations, policies and procedures that restrict persons who are handicapped, as defined by the Fair Housing Laws, from housing opportunities. Request for reasonable accommodation applications will be considered by the City of Searcy Planning Commission to provide a determination of approval. The Planning Commission may approve any application that satisfies all of the following conditions:

1. The accommodation will ensure that the City complies with Fair Housing Laws and provides greater housing opportunities for individuals with disabilities.
2. The housing, which is the subject of the request for reasonable accommodation, will be used by one or more individuals with disabilities protected under Fair Housing Laws.
3. The requested accommodation is necessary to make housing available to one or more individuals with disabilities protected under the Fair Housing Laws.

4. The requested accommodation will not impose an undue financial or administrative burden on the City.
5. The requested accommodation will not require a fundamental and unreasonable change in the nature of:
  - A. The City's Land Use Plan;
  - B. The City's Zoning Plan;
  - C. Building Codes;
  - D. Any regulation necessary to protect the health and safety of occupants.

9-5-1. Request for Reasonable Accommodation Application: A Request for Planning Commission Action in a form provided by the City of Searcy Code Enforcement Office no later than the end of the first business day of the month preceding the month in which Planning Commission Action is requested. The staff will provide a submittal packet when Request for Planning Commission Action has been filed and the applicant shall submit all requested material five (5) business days from the first of the month. Such items shall include:

1. Name and address of the applicant;
2. Statement that the applicant is the owner or authorized agent of the owners of the property for which the request for reasonable accommodation is being made;
3. Address of the property;
4. Detailed description for the request for reasonable accommodation and any proposed improvements required.
5. The application shall be accompanied by the prescribed fee as indicated in the Schedule of Fees.

9-5-2: Appeals. Appeal process shall be handled within Art. 2-3 of this code.”

Section 2. All ordinances, resolutions or other actions adopted by the City of Searcy in conflict with the provisions of this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Emergency Clause. The City Council finds that in light of the need to provide for the public peace, health, safety and welfare of the Citizens of Searcy, Arkansas, an emergency exists and that this ordinance shall be in full force and effect immediately upon the passage of this ordinance and this emergency clause.

PASSED AND ADOPTED this 9<sup>th</sup> day of August, 2022.

/s/ Kyle Osborne  
Mayor of Searcy

ATTEST:

/s/ Jerry Morris  
City Clerk