

CP

ORDINANCE NO. 5429

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155 OF THE LOMBARD VILLAGE CODE IN REGARD TO FAMILY AND GROUP CARE FACILITIES

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1:

A. That on January 26, 2004, the Village of Lombard Plan Commission held a public hearing, pursuant to notice duly published in accordance with law, in connection with the zoning ordinance amendment set forth below.

B. That on January 26, 2004, the Village of Lombard Plan Commission recommended the zoning ordinance amendment hereinafter set forth to the President and Board of Trustees.

C. The President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations of the Plan Commission herein by reference as if they were fully set forth herein.

SECTION 2: That Title 15, Chapter 155 of the Lombard Village Code is amended by deleting Section 155.219 in its entirety and adding a new Section 155.219 thereto, which shall read in its entirety as follows:

155.219: REGULATIONS FOR FAMILY AND GROUP CARE FACILITIES

The purpose of these regulations includes the conserving of the taxable value of land and buildings, and the lessening and avoiding of congestion in the public streets, promotion of the public welfare, and securing and promoting the quiet, seclusion, clean air, and clean surroundings in residential areas. In order to provide for group housing and accomplish these purposes, the following group occupancies of family

care and group care facilities shall be permitted within any zone where residences occupied by families are permitted, provided that such facilities receive administrative approval from the Director of Community Development.

A. Administrative Approval of Permitted Use for Family Care Facilities.

The Director of Community Development shall give administrative approval to family care facilities, as a permitted use, provided that the following conditions are present:

1. No other family or group care facility is located within 300 feet.
2. The operator is licensed or certified by the appropriate state agency.
3. The facility has paid professional support staff, provided by a sponsoring agency.
4. The facility complies with the zoning regulations for the district in which the site is located.

The Director shall rescind any approval if the above conditions are not met.

B. Conditional Use Approval of Group Care Facilities.

Group care facilities are conditional uses in any zoning district where occupancy of a dwelling by a family is permitted and shall be subject to the same procedures and process for considering such conditional uses as all other conditional uses.

Approval of such conditional uses shall be given only when each of the following conditions are present:

1. No other family or group care facility is located within 300 feet.
2. The proposed use complies with all of the requirements and standards applicable for a conditional use under this Chapter 155.
3. The facility complies with the zoning regulations for the district in which the site is located.

The Director of Community Development shall grant administrative approval to any group care facility for which a conditional use has been granted and which is operated in conformance with any conditions and stipulations contained in the Conditional Use Ordinance.

SECTION 3: That Title 15, Chapter 155, Section 155.602, Table 6.3, of the Lombard Village Code is amended by inserting below "Fraternities and Dormitories" in "Use. Residential" the phrase "Group Care Facility" followed by "One (1) space per resident and staff, licensed to drive." in "Parking Requirements."

SECTION 4: That Title 15, Chapter 155, Section 155.802, of the Lombard Village Code is amended by revising the definition of "Family Care Facility" as contained therein to read in its entirety as follows:

FAMILY CARE FACILITY is a non-medical facility for housing no more than eight (8) unrelated persons who, due to advanced age, handicap, pregnancy, or status as a minor unable to live with parents or guardian, require assistance and/or supervision, and who reside together as a single housekeeping unit, plus paid professional support staff provided by a sponsoring agency. Excluded from the definition of family care facilities are homes in which non-handicapped residents are persons convicted by a court of competent jurisdiction of the manufacture or distribution of controlled substances (as this term is used in the United States Code and Illinois Statutes) or currently illegally using, or addicted to, controlled substances, and homes where resident tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

SECTION 5: That Title 15, Chapter 155, Section 155.802, of the Lombard Village Code is amended by revising the definition of "Group Care Facility" as contained therein to read in its entirety as follows:

GROUP CARE FACILITY is a residential facility which is the same as Family Care Facility except that the operator is not licensed or certified by the appropriate state agency, or the facility is not supervised by paid professional support staff provided by a sponsoring agency, or, whether licensed and/or supervised or not, the facility has nine (9) or more persons plus staff.

SECTION 6: That Title 15, Chapter 155, Section 155.802, of the Lombard Village Code is amended by revising the definition of "Handicapped Person" as contained therein to read in its entirety as follows:

HANDICAPPED PERSON is a person who is handicapped pursuant to the

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provisions of the Fair Housing Act of 1988 or the Illinois Human Rights Act, and any subsequent amendments thereof.

SECTION 7: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ___ day of _____, 2004.

First reading waived by action of the Board of Trustees this 19th day of February, 2004.


Passed on second reading this 19th day of February, 2004, pursuant to a roll call vote as follows:

AYES: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom


NAYS: None

ABSENT: None

APPROVED by me this 19th day of February, 2004.

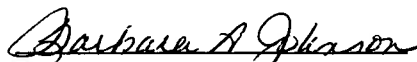

William J. Mueller
Village President

ATTEST:


Barbara Johnson
Deputy Village Clerk

Published by me in pamphlet form this 23rd day of February, 2004.

ATTEST:


Barbara A. Johnson
Deputy Village Clerk