

February 19, 2004

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

**Subject: PC 03-43: Text Amendment to the Lombard Zoning Ordinance –
Family and Group Care Facilities**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village is requesting text amendments to the Zoning Ordinance as it relates to Family and Group Care regulations.

After due notice and as required by law, the Plan Commission conducted a public hearing for the petition on January 26, 2004. William Heniff, Senior Planner explained that the Village applied for a Community Development Block Grant (CDBG) to facilitate right-of-way, parking and utility improvements for properties located along East North Broadway. As part of this submittal to DuPage County, the Village was required to provide a letter stating that the Village Code meets the provisions of the Fair Housing Act. Staff directed Counsel to provide a letter to this effect. In review of our codes, Counsel found that the Village should modify provisions within the Zoning Ordinance to verify that we are in compliance with the Act.

He then noted that the proposed amendments include changes to the standards of group and family care establishments, modifies the definitions of “Family Care Facility”, “Group Care Facility” and “Handicapped Person”, and modified the associated parking standards for family and group care facilities. Staff is using Counsel’s opinion as the primary basis for the amendments.

He stated that the proposed amendments are not site specific and will be generally applicable within the Village. Thus, the amendments are not intended to benefit specific property, but are intended to reduce conflicts within the existing Zoning Ordinance and to create consistencies with the Fair Housing Act and the Illinois Human Rights Act.

The proposed amendments would not affect any of the existing group care or family care homes in the Village as they make the provisions for these facilities less restrictive than currently referenced in code. The amendments create no non-conformities because the proposed regulations clarify the nature of group or family care home regulations. They are also intended to create consistencies between regulations associated with the types of residential housing available in the Village.

He then stated that the proposed amendments are less restrictive in the following aspects:

Family Care facilities are listed within Sections 155.405 through 155.410 (i.e., the R1 through R6 residential zoning districts) as permitted uses, subject to the provisions noted in Section 155.219. However, Section 155.219 notes that the Director of Community Development can approve these facilities should they meet the associated provisions of the chapter and meet the standards for conditional uses. This last provision creates a contradiction with the previously noted zoning district regulations that notes family care facilities as a permitted use.

The proposed amendment is intended to clarify that family care facilities are indeed permitted uses. The Village can establish reasonable regulations. Counsel recommends elimination of the vehicle parking provisions for family care uses, as they would be required to meet the same parking standards as any single-family residence. However, Counsel suggests listing and enumerating the parking provisions noted in Table 6.3 of Section 155.602 (C) for Group Care Uses, and suggests that one space per licensed driver to be required.

The Housing and Residential Land-Use Areas section of the January 1998 Comprehensive Plan identifies the goal to provide for housing to meet the needs of a maturing and diverse population. Group and family care housing is one type of housing that is needed to provide housing to all types of residents. Therefore, these amendments are intended to advance the housing goals of the Plan.

The Village has a history of amending its Zoning Ordinance to address evolving circumstances and to reflect modifications associated with case law and new legislation. The proposed amendments are consistent with established Village policy in this regard. Staff feels that the proposed amendment is consistent with the objectives of the residential districts and is in keeping the Village's development regulations for residential properties.

He mentioned how the Ordinance will be changed. He mentioned that there needs to be a change on page 7, which should read "one space per resident or staff, licensed to drive."

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor or against this petition. He then opened the meeting to the Commissioners.

Commissioner Olbrysh confirmed with Counsel that the proposed amendments are being considered so the Village meets the provision of the Fair Housing Act.

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After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 03-43.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

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