

## CHAPTER 5

### RESIDENCE DISTRICTS

#### ARTICLE E. COMMUNITY RESIDENCE HOMES

##### SECTION:

- 6-5E-1: Purpose**
- 6-5E-2: Criteria for the Issuance of an Administrative Occupancy Permit**
- 6-5E-3: Standards for the Issuance of a Special Use Permit**
- 6-5E-4: Spacing and Density Requirements**
- 6-5E-5: Chart Outlining Zoning Provisions Related to Community Residential Homes**

**6-5E-1: PURPOSE:** It is declared to be the policy and intent of the Board of Trustees of the Village to assure that there are adequate available sites for community residences within the Village. In order to attain this goal, the Board of Trustees has done and has taken into consideration the following:

- A. In accordance with the Plan for Compliance with the Community Residence Location Planning Act that the Mayor and Board of Trustees approved at the June 11, 1990 regular Village Board meeting, the Village is demonstrating that adequate provisions are being made to provide for sites for community residential homes serving people with disabilities in areas zoned primarily for single-family residential use and to comply with the Federal Fair Housing Act of 1988.
- B. That the established spacing requirements for community residential homes will foster the integration of such residences into the residential nature of single-family residential neighborhoods.
- C. That the established density standards are necessary to preserve the Village's ability to protect the public safety and to provide for adequate public facilities.

- D. That the Village is fully committed to ensure that persons with disabilities are able to live in appropriate community residential homes which operate to promote their safety residing within all residentially zoned areas of the community.
- E. That the Village desires to promote the State and local public policy of deinstitutionalization of persons with disabilities which benefit both the individual and the community as a whole, because it enhances the individual lives of all disabled persons and improves society through the integration of persons with disabilities into the mainstream of their community.
- F. That the Village finds that the dispersal of community residential homes will directly encourage and facilitate the implementation of the residential setting intent of the State statute.
- G. That it is necessary to protect the health, safety and welfare of the residents of the community residential homes by requiring compliance with all applicable State statutes, regulations and licensing requirements as well as all building, fire and safety ordinances and regulations of the Village.
- H. That community residential homes of seven (7) or more persons with disabilities pose sufficient different and unique problems relating to the health and safety of the residents as well as the appearance of "institutionalization" and the Village shall require that such community residential homes apply for and receive a special use permit prior to occupancy.
- I. That the maximum number of six (6) unrelated persons who are permitted to reside in a residential zoning district as a right through an administrative occupancy permit was arrived at by taking the current average household size in the Village of two and ninety five-hundredths (2.95) persons, rounded to three (3), multiplied by two (2).
- J. That the maximum number of twelve (12) unrelated persons who are permitted to reside in a residential zoning district upon the issuance of a special use permit was arrived at by taking the current average household size in the Village of two and ninety five-hundredths (2.95) persons, rounded to three (3), multiplied by four (4).

**6-5E-2: CRITERIA FOR THE ISSUANCE OF AN ADMINISTRATIVE**

**OCCUPANCY PERMIT:** Any community residential home consisting of four (4) or more residents shall not be occupied by any resident unless the sponsor shall have first obtained from the Village Manager or his designee an administrative occupancy permit authorizing the use of the dwelling unit as a community residential home.

All community residential homes shall be licensed in accordance with the "Standards and Licensure Requirements for Community-Integrated Living Arrangements" as established by the Department of Mental Health and Developmental Disabilities or the Department of Public Health.

All administrative occupancy permits shall be issued upon written application upon forms furnished by the Village Manager or his designee. The application shall be under oath and shall state the following:

- A. The date of application;
- B. The name and address of the applicant, and if a corporation the name and address of the registered agent, president, secretary and treasurer, and if a partnership, the name and address of all partners, including limited partners;
- C. The proposed location of the community residential home;
- D. The number of residents to be housed in the community residential home;
- E. The proposed date of occupancy by residents;
- F. The number of other persons that will reside within the dwelling unit, classified according to their respective duties;
- G. The number of other persons that will work at the home or provide support services at the home to its residents, classified according to their respective duties; and
- H. Any other information that the Village Manager may reasonably require.

The application shall be accompanied by reliable evidence that the sponsor is licensed or similarly authorized by an agency of the State of Illinois of competent jurisdiction to operate the proposed community residential home in the proposed location. The absence of such evidence shall constitute sufficient grounds to deny the administrative occupancy permit.

The application shall also be accompanied by a certificate or affidavit of the sponsor that the residents to be housed in the community residential home have been evaluated and screened as required under applicable statutes and administrative regulations and that the residents are capable of community living if provided with an appropriate level of supervision, assistance, and support services. The applicant or sponsor shall be responsible for updating the application within fourteen (14) days of any change and at a minimum of once a year.

No administrative occupancy permit shall be issued for a community residential home that does not comply with any ordinance of the Village or applicable regulation of the State of Illinois or its agencies.

No administrative occupancy permit shall be issued for a community residential home that does not comply with the provisions of this Article.

An administrative occupancy shall not be required to operate a community residential home consisting of three (3) or fewer residents.

The Village Manager may revoke an administrative occupancy permit on the following grounds:

- A. The permit was obtained by fraudulent means, material misrepresentation or by submitting false information;
- B. The sponsor is no longer licensed or authorized by an agency of the State of Illinois of competent jurisdiction to operate a community residential home at the location specified in the permit;
- C. The sponsor has unlawfully refused to permit an inspection of the home by an authorized official of the Village; or
- D. The dwelling unit has been determined by an appropriate official of the Village to be unsafe for human habitation.

Prior to the revocation of an administrative occupancy permit, the Village Manager or his designee shall investigate whether probable cause for revocation may exist and, if so, shall notify the sponsor in writing of reasons for the proposed revocation and grant the sponsor the opportunity to appear before the Village Manager or his designee at a time and place specified within such notice. Such hearing shall be held not less than ten (10) days after the notice is received by the sponsor. Hearings shall be conducted under rules issued by the Village Manager. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel. If after the hearing the Village Manager or his designee determines that the permit should be revoked, a written order revoking the permit shall be issued.

An administrative occupancy permit is not transferable to any other person.

**6-5E-3: STANDARDS FOR THE ISSUANCE OF A SPECIAL USE PERMIT:**

Any community residential home consisting of seven (7) or more residents shall not be

occupied by any residents unless and until the sponsor has first obtained a special use permit as provided for in this Section.

No special use permit shall be recommended by the Zoning Board for any community residential home, unless it shall find that each and every one of the following criteria are met:

- A. That the design, location and operation of the community residential home will not be detrimental to or endanger the public health, safety and welfare;
- B. That the community residential home will not substantially diminish the economic value of properties in the vicinity of the proposed home;
- C. That the granting of the permit would not result in the concentration of community residential homes or of such other facilities for service dependent populations such that the nature and character of the area would be substantially altered; and
- D. That the proposed use of the affected property complies with all the applicable ordinances of the Village.

In addition to supplying all of the information required for an administrative occupancy permit, the party seeking issuance of a special use permit shall submit such evidence as may be requested by the Mayor and Board of Trustees to make the findings required by this Section.

The issuance of a special use permit for a community residential home shall also be in accordance with the provisions of Section 6-14-14, subsections I, J, K and L of this Title 6, provided, however, that the references to subsections H in I1 and J2 shall, solely for purposes of this Section, be amended to read Section 6-5E-2.

**6-5E-4: SPACING AND DENSITY REQUIREMENTS:** In order to avoid a saturation/concentration effect in the siting of community residential homes, spacing requirements have been established to regulate the siting and operation of community residential homes in the Village.

Due to the unique character of street configuration within the Village, a standard for the appropriate number of community residential homes related to the size of a block is not appropriate. Therefore, this Section includes a minimum spacing distance established according to a simple formula; Required lot frontage in the zoning district x 10 (an average number of homes per block in a residential area laid out on the typical grid system). These numbers establish a distance that is comparable to one community residential home per block.

The spacing requirements would assume that saturation/concentration would not occur in any one area of the Village. It is the intent of these requirements to assimilate residents of community residential homes into the entire community rather than establishing concentrations of community residential homes in any one neighborhood.

**6-5E-5: CHART OUTLINING ZONING PROVISIONS RELATED TO COMMUNITY RESIDENTIAL HOMES:** The foregoing provisions of this Article as to administrative occupancy permits, special use permits, numbers of unrelated persons residing in a residential home and spacing requirements relative to community residential homes located in all residential zoning districts are outlined in the following chart:

Bottom of Page Left Intentionally Blank

CHART OF  
VILLAGE OF LINCOLNSHIRE  
ZONING PROVISIONS RELATED TO  
COMMUNITY RESIDENTIAL HOMES

NUMBER OF RESIDENTS PER COMMUNITY RESIDENTIAL HOME*	ZONING DISTRICTS				
	R1	R2	R2A,R3	R4	R5
Up to a maximum number of unrelated persons with disabilities allowed under zoning ordinance definition of "family"	P 3	P 3	P 3	P 3	P 3
Spacing distance	None	None	None	None	None
4 - 6 unrelated persons	P-A	P-A	P-A	P-A	P-A
Minimum spacing distance	1500'	1200'	1000'	500'	800'
7 - 12 unrelated persons	SUP	SUP	SUP	SUP	SUP
Minimum spacing distance	1500'	1200'	1000'	500'	800'

P = Permitted as of right under zoning definition of "family" with no restrictions or conditions.

P-A = Permitted as of right through an administrative occupancy permit that requires licensing or certification and a spacing requirement no greater than indicated here.

SUP = Permitted by special use permit with objective standards and rational spacing requirement no greater than indicated here.

\* And per the most recent edition of the BOCA National Property Maintenance Code standards for all Residential Properties, Section PM-403.3. (Ord. 90-1182-66)