

TITLE 6: ZONING
CHAPTER 5: RESIDENCE DISTRICTS
ARTICLE E. COMMUNITY RESIDENTIAL HOMES

SECTION:

- 6-5E-1: Purpose**
- 6-5E-2: State Licensing**
- 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. The Village desires 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 ensuring 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 State statutes.
- 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 greater than six (6) 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) persons, including persons with disabilities and support staff residing on the property, who are permitted to reside in a residential zoning district as of right was arrived at by taking the current average household size in the Village as published by the U.S. Census Bureau of two and thirty four -hundredths (2.34) persons, rounded to three (3), and multiplied by two (2).
- J. That the maximum number of twelve (12) persons, including persons with disabilities and support staff residing on the property, 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 as published by the US Census Bureau of two and thirty four - hundredths (2.34) persons, rounded to three (3), and multiplied by four (4).

6-5E-2: STATE LICENSING

All community residential homes providing services for which a State license is required must obtain and maintain such licenses as a condition of operating a community residential home in the Village.

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 as well as all the applicable State licensing requirements.

In addition to filing an application, the party seeking issuance of a Special Use permit shall submit such evidence as may be requested by the Zoning Board and 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 6-14-11 (D).

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: r 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 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:

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 persons with disabilities and any support staff residing on the premises allowed under zoning ordinance definition of "family"	P 6	P 6	P 6	P 6	P 6	P 6
Spacing distance	None	None	None	None	None	None
7 - 12 persons, including any support staff residing on the premises	SUP 7-12	SUP 7-12	SUP 7-12	SUP 7-12	SUP 7-12	SUP 7-12
Minimum spacing distance	1,500'	1,200'	1,000'	1,000'	500'	800'

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

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

* Not to exceed current property maintenance, building, and fire codes for residential properties.