

April 5, 2018

President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

**Re: Application of Village of Oak Park for
Consideration of an Amendment to
Community Residence Requirements – PC
18-05**

Dear President and Board of Trustees:

In September of 2017, the Village President and Board of Trustees officially referred the matter of community residence requirements in the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) to the Plan Commission (“Commission”). The Village President and Board of Trustees requested that the Commission consider whether the community residence requirements in the Zoning Ordinance should be amended.

Notice and Hearing.

In January and February of 2018, the Commission held workshop meetings on the community residence requirements in the Zoning Ordinance.

On February 14, 2018, legal notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation within the Village of Oak Park.

Pursuant to legal notice, the Commission conducted a public hearing on the application on March 1, 2018, at which time and place a quorum of the members of the Commission was present.

On March 21, 2018, legal notice of a continued public hearing was published in *The Wednesday Journal*, a newspaper of general circulation within the Village of Oak Park.

Pursuant to legal notice, the Commission conducted a continued public hearing on the application on April 5, 2018, at which time and place a quorum of the members of the Commission was present.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant, the Village of Oak Park, is an Illinois municipal corporation and a home rule unit of local government.

2. In its request, the Village President and Board of Trustees asked the Commission to consider whether it is appropriate to change the requirements for community residences in the Zoning Ordinance.

3. The Commission heard testimony, and reviewed materials, regarding potential amendments to the requirements for community residences in the Zoning Ordinance.

4. The Commission reviewed research and materials regarding the authority of the Village with regard to community residences, and the ways in which other municipalities address community residence uses.

5. The Commission also considered that the Federal Fair Housing Act and the Federal Americans With Disabilities Act both require the Village to make reasonable

accommodations to the requirements of the Zoning Ordinance when required under those Acts.

6. The Commission determined that the current community residence requirements in Subsection 8.4(E) of the Zoning Ordinance are appropriate.

7. The Commission determined that Subsection 8.4(E) of the Zoning Ordinance would be improved by the addition of language addressing requests for reasonable accommodations relative to community residences.

8. The Commission determined that the use matrix in Table 8-1 of the Zoning Ordinance would be improved by making community residences a permitted use in all residential zoning districts (R-1, R-2, R-3-50 & 35, R-4, R-5, R-6 and R-7) without a resident count limitation.

9. The Commission determined that the definition of community residence in Section 2.3 of the Zoning Ordinance would be improved by changing the phrase “functional disability” therein to “disability,” and by removing the last sentence of the definition, which references distinguishing community residences by the number of residents therein.

10. Village staff supports: (i) the inclusion of language recognizing that requests for reasonable accommodations may be made relative to community residences, (ii) allowing community residences as permitted uses in all residential zoning districts (R-1, R-2, R-3-50 & 35, R-4, R-5, R-6 and R-7) without a resident count limitation, and (iii) modifying the definition of community residence by eliminating the word “functional” as it precedes the word “disability,” and by removing the last sentence of the definition, which references distinguishing community residences by the number of residents therein.

RECOMMENDATION

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Commission, sitting as a Zoning Commission, hereby recommends to the Village President and Board of Trustees that the application be GRANTED, as modified, and that the community residence requirements in the Zoning Ordinance be modified as follows:

First, by the addition of a new Subsection 8.4(E)(4), to read in its entirety as follows:

Requests for reasonable accommodations will be reviewed and acted upon in accordance with federal, state, and local laws and regulations.

Second, by making community residences a permitted use in all residential zoning districts (R-1, R-2, R-3-50 & 35, R-4, R-5, R-6 and R-7) without a resident count limitation in the use matrix in Table 8-1 of the Zoning Ordinance.

Third, by modifying the definition of community residence in Section 2.3 of the Zoning Ordinance to read as follows, with deletions struck through:

A residence licensed, certified, or accredited for specialized residential care home by the appropriate state or federal agencies, that functions as a single housekeeping unit for the housing of unrelated persons with ~~functional~~ disabilities who share responsibilities, meals, recreation, social activities, and other aspects of residential living. ~~The use matrix in Table 8-1 distinguishes sizes of community residents by number of residents; this number includes any caretakers that live on-site.~~

This report adopted by a 6 (In favor) to 1 (Opposed) to 1 (Abstention) vote of the Plan Commission, sitting as a Zoning Commission, this 5th day of April, 2018.