



Village of Oak Park

STAFF REPORT

TO: Plan Commission

REVIEW DATE: March 1, 2018

FROM: Village Staff

PREPARED BY: Craig Failor, Village Planner

PROJECT TITLE

PC 18-05: Zoning Ordinance Text Amendment – Community Residence. The Village is requesting an amendment to the Oak Park Zoning Ordinance, Article 8 (“Uses”), Section 8.4 (“Principal Use Standards”), Subsection 8.4(E) (“Community Residence”) by adding: “4. Requests for reasonable accommodations will be reviewed and acted upon in accordance with federal, state, and local laws and regulations.”

APPLICANT INFORMATION

APPLICANT Village of Oak Park
123 Madison Street
Oak Park, IL 60302

Analysis

Description

After a two and half year process to update and revise the Village’s Zoning Ordinance, the Village Board reviewed and approved the recommended document in September 2017 with a few items to be remanded to the Plan Commission for further consideration. One of those is the subject of this staff report – *community residence*. The previous and current Zoning Ordinance contains regulations for this land use. After public comment at a village board meeting, the direction by the Village Board to the Plan Commission was to look at ensuring the new Zoning Ordinance language was appropriate and within the Village’s legal parameters.

Plan Commission Discussion

The Plan Commission held working sessions in January and February 2018 to review possible scenarios for *community residence* language changes. It was determined that additional legal review was necessary. The Plan Commission attorney was asked by the Commission and directed by staff to review and comment on this subject. At the February meeting, the Plan Commission attorney presented a memorandum (attached) to the Plan Commission detailing State and Federal regulations as well as examples from other similar communities. The Plan Commission reviewed and discussed the memorandum and concluded with direction to set a public hearing.

The Plan Commission determined that the Zoning Ordinance should be slightly modified to include language relative to the “reasonable accommodations” process based on the fact that both the Fair Housing Act and the Americans with Disabilities Act require that a municipality must “*reasonably accommodate a disabled person by making changes in rules, policies, practices or services [including requirements in zoning ordinances] as is necessary to provide that person with access to housing that is equal to that of those who are not disabled.*” The Fair Housing Act provides in this regard that it is unlawful to refuse “*to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.*” The Americans with Disabilities Act’s regulations provide in this regard that a “*public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.*”

Z o n i n g O r d i n a n c e

Article 8 (“Uses”), Section 8.4 (“Principal Use Standards”), Subsection 8.4(E) (“Community Residence”) is the subject section of the Zoning Ordinance. Additional language would be added to this section.

R e c o m m e n d a t i o n

At the conclusion of the working sessions, the Plan Commission directed staff to prepare a public hearing for a Zoning Ordinance text amendment which includes language relative to only the reasonable accommodations process.

Staff believes, as does the Plan Commission attorney, that the current zoning language is appropriate and within the Village’s legal authority as written. However, a recommendation offered by the Plan Commission attorney during discussions to include language, which can be considered progressive, recognizing the reasonable accommodation process was agreed to. Staff is in support of this change to the Zoning Ordinance.

End of Report.

- c. Plan Commission
Greg Smith; Klein, Thorpe & Jenkins / Plan Commission Attorney
Tammie Grossman, Development Customer Services Director
Michael Bruce, Zoning Administrator