

ORDINANCE NO. F- 1700

AN ORDINANCE AMENDING THE TEXT OF THE WHEATON CITY CODE AND ZONING ORDINANCE – GROUP CARE HOMES

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on February 12, 2013, amending certain provisions of the City Code and Zoning Ordinance pertaining to the regulations of Group Care Homes; and

WHEREAS, the Corporate Authorities of the City have determined that it is appropriate to amend the definition of Group Care Homes in the City's Zoning Ordinance; and

WHEREAS, the amendment of the definition of Group Care Homes in the City Zoning Ordinance directly impacts group care home special uses in the R-3 and R-4 zoning districts of the City; and

WHEREAS, it is necessary and appropriate to amend the special uses in Subsections 3 “Special Uses” of the R-3 and R-4 Zoning District Ordinance, Articles IX and X, so they are consistent with the amendment of the definition of Group Care Homes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: Pursuant to the Findings of fact made and determined by the City of Wheaton Planning and Zoning Board, Article VI -- Group Care Homes Sec. 26-167. Definitions, and Article 2, Definitions of the Wheaton Zoning Ordinance is amended by deleting the existing definition of “Group Care Home” in its entirety and replacing it with the following definition:

“Group Care Home: Group Care Home means (a) one residential dwelling maintained as a single housekeeping unit occupied by special needs individuals or (b) no more than two residential dwellings occupied by special needs individuals on the same zoning lot each being operated as a separate housekeeping unit but both being under the control and management of a single not-for-profit organization. In both instances no more than a total of 15 persons, including caregivers, shall occupy one residential dwelling or two residential dwellings in combination with each other. The total number of occupants of a Group Care Home may be further limited by the conditions of the Special Use Permit where lawful. The occupants of a Group Care Homes are not required to meet the definition of a “Family” as set forth in the Zoning Ordinance. Notwithstanding other provisions of this Zoning Ordinance, two dwellings on a single zoning lot shall not require five hundred (500) feet of separation. A Group Care Home of two dwellings on a single zoning lot shall satisfy the bulk regulations, parking requirements, and other requirements and standards applicable to the zoning district and zoning lot as if the two

dwellings were one. A group care home dwelling may have separate bath and kitchen facilities for live in staff. For purposes of this definition the term "special needs individuals" includes, but is not limited to, developmentally disabled persons, alcoholics, the mentally ill, or other persons participating in counseling, respite or rehabilitation programs. Group Care Homes shall provide a program structured to meet the social, rehabilitative, and respite needs of persons residing therein, in a residential community setting.

Prior to admitting residents, the Group Care Home shall file for and obtain a license from the appropriate Federal, State, or County agencies. If no license is required by a Federal, State, or County agency, the Group Care Home shall file for and obtain a Group Care Home license as provided for by Chapter 26 of the Wheaton City Code. A valid existing Federal, State, County or City license shall be a condition precedent to the issuance of a Special Use Permit.

Prior to admitting residents, the Group Care Home shall obtain a letter approving the occupancy from the City Planner, pursuant to certifying that all codes and standards have been satisfied. The Group Care Home shall house such staff persons as is required to meet the standards of the licensing agencies. A foster care home shall not be classified as a Group Care Home, unless it fails to meet the definition of "Family" contained in Article II of this ordinance."

Section 2: That subsection 3, Group Care Homes, "Special Use Permit Required" of Article IX, "R-3 Residential District", of Section 9.1 of the Zoning Ordinance of the City of Wheaton is hereby repealed and rescinded in its entirety and replaced with the following:

3. Group Care Homes with 6-15 occupants, including staff persons, within a single residential dwelling and which shall not be located within 500 feet of another Group Care Home or a Group Care Home located in two (2) residential dwelling units on a single zoning lot, with a combined total of 6-15 occupants, including staff persons, each being operated as a separate housekeeping unit, but both being under the control and management of a single not-for-profit organization and only where the two (2) residential dwellings are in full compliance with the bulk requirements of the R-3 zoning district.

Section 3: That subsection 3, Group Care Homes, "Special Use Permit Required" of Article X, "R-4 Residential District", of Section 10.1 of the Zoning Ordinance is hereby repealed and rescinded in its entirety and replaced with the following:

3. Group Care Homes with 6-15 occupants, including staff persons, within a single residential dwelling, and which shall not be located within 500 feet of another Group Care

Home or a Group Care Home located in two (2) residential dwelling units on a single zoning lot, with a combined total of 6-15 occupants, including staff persons, each being operated as a separate housekeeping unit but both being under the control and management of a single not for profit organization and only where the two (2) residential dwellings are in full compliance with the bulk requirements of the R-4 zoning district.

Section 4: In all other respects, the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective form and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


Sean Bennett Hagan
City Clerk


Michael Gresk
Mayor

Roll Call Vote

Ayes:	Councilman Rutledge Councilman Saline Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Suess Mayor Pro Tem Mouhelis
Nays:	None
Absent:	Mayor Gresk

Motion Carried Unanimously

Passed: March 4, 2013

Published: March 5, 2013

