

ORDINANCE NO. 9091-120

**AN AMENDMENT TO THE ZONING ORDINANCE OF
THE CITY OF URBANA, ILLINOIS**

(COMMUNITY LIVING FACILITIES)

WHEREAS, The City Council of the City of Urbana approved Resolution No. 9091-R5, "A Resolution Approving the City of Urbana's Plan as Required by the Community Residence Location Planning Act" on August 21, 1990; and

WHEREAS, said City of Urbana's Plan recommends certain amendments to the Zoning Ordinance of the City of Urbana to assure compliance with the United States Fair Housing Amendments Act of 1988 and the State of Illinois Community Residence Location Planning Act (CRLPA) of 1989; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Zoning Ordinance in accordance with the zoning text amendments recommended in the City of Urbana's Plan; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case 1399-T-91; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission conducted a public hearing on Plan Case 1399-T-91 on April 4, 1991; and

WHEREAS, the Urbana Plan Commission voted on April 4, 1991 to forward Plan Case 1399-T-91 and the amendment described herein to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendment described herein substantially conforms to the recommendations of the City of Urbana's Plan as Required by the Community Residence Location Planning Act; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that the Zoning Ordinance of the City of Urbana, Illinois is hereby amended as follows:

Section 1. Section II-3, entitled "Definitions", is hereby amended to change the definition of "Dwelling, Community Living Facility" to read as follows:

Dwelling, community living facility: A dwelling designed to provide supervision, food, lodging and other services to a service dependent population as herein defined, living and cooking together in a single cooperative housekeeping unit, in which medical or nursing care is not a principal use. The residents of a community living facility shall consist of:

- (1) A basic group of members of a service dependent population; and
- (2) Additional staff persons providing supervision of service to the basic group.

Section 2. Section II-3, entitled "Definitions", is hereby amended to add the following definition of "Mental or physical disability":

Mental or physical disability: A mental, intellectual or physical impairment or a combination of mental, intellectual or physical impairments;

1. That are unlikely to continue for a significant amount of time or indefinitely; and
2. That result in functional limitations in three or more of the following areas of major life activities:
 - a. Self-care;
 - b. Receptive or expressive language;
 - c. Learning;
 - d. Mobility;
 - e. Self-direction;
 - f. Capacity for independent living;
 - g. Economic self-sufficiency; and
3. Reflects the disabled person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life-long or extended duration.

Section 3. Section II-3, entitled "Definitions", is hereby amended to change the definition of "Service dependent population" to read as follows:

Service dependent population: Groups who by reason of mental or physical disability require supervision offered in connection with residence in a community living facility as herein defined. Such groups shall reside as members of a single housekeeping unit in a quasi-parental relationship

with staff. Said groups shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such services arises during or immediately following a sentence of incarceration for a criminal offense.

Section 4. Article V, Table V-1, entitled "Table of Uses" is hereby amended to designate "Dwelling, Community Living Facility, Category II" as permitted by right in the R-3 Single/Two Family Residential Zoning District by inserting a "P" in Table V-1 and as permitted by conditional use in the R-2 Single Family Residential Zoning District by inserting a "C" in Table V-1, as follows:

PRINCIPAL USES

R-2 R-3

Dwelling, Community Living Facility,
Category II

C P

Section 5. Section V-6, entitled "Regulation of community living facilities", is hereby amended to read as follows:

Sec V-6. Regulation of community living facilities.

Community living facilities listed as permitted in Table V-1 shall be restricted as follows:

- A. No community living facility shall be located or established within one thousand five hundred (1,500) feet of another community living facility when located in the AG, R-1, R-2 and R-3 zoning districts, except by special use permit.
- B. No community living facility shall be located or established within one thousand (1,000) feet of another community living facility when located in the R-4, R-5, R-6, R-6B, R-7, B-1A, B-1, B-2, B-3U and MOR zoning districts, except by special use permit.

This Ordinance shall be in full force and effect from or after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 15th day of April, 1991.

PASSED by the City Council on this 15th day of April 1991.



Ruth S. Brookens

Ruth S. Brookens, City Clerk

by Sharon K. Menges, Deputy Clerk

APPROVED by the Mayor this 20th day of April, 1991.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

Certificate of Publication

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the News-Gazette on the 10th day of May, 1991, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



(a:clf.ord)