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**THE VILLAGE OF BLOOMINGDALE**  
DUPAGE COUNTY, ILLINOIS

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**ORDINANCE**  
NUMBER 2020-24

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**AN ORDINANCE AMENDING  
TITLE 11 OF  
THE VILLAGE OF BLOOMINGDALE  
CODE OF ORDINANCES  
(ALLOWANCE OF GROUP HOMES)**

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FRANCO A. COLADIPIETRO, Mayor

JANE E. MICHELOTTI, Village Clerk

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Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 12th day of October 2020

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**ORDINANCE NO. 2020-24**

**AN ORDINANCE AMENDING  
TITLE 11 OF  
THE VILLAGE OF BLOOMINGDALE  
CODE OF ORDINANCES  
(ALLOWANCE OF GROUP HOMES)**

**WHEREAS**, the Village of Bloomingdale (hereinafter referred to as "Village") is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

**WHEREAS**, Title 11 of the Village's Code of Ordinances provides for the Village's general zoning provisions;

**WHEREAS**, the Village's Zoning code currently provides for regulations and restrictions related to the number of residents permitted to reside in a single home;

**WHEREAS**, the Village Board finds it necessary and proper pursuant to its Home Rule Powers to amend said Code, Chapter, and Section providing for the allowance of Group Homes, as further defined herein, within the Village; and

**WHEREAS**, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village's Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

**Section One - Recitals**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section Two - Adoption of Findings and Recommendations**

The Board of Trustees hereby adopts the Findings and Recommendations of the Commission as if fully set forth herein, as Exhibit "A", which is attached hereto and made a part hereof.

**Section Three – Amendment Title 11**

Title 11 (Zoning Regulations) Chapter 2 (Rules and Definitions) Section 2 (Definitions) shall be amended by adding a definition of "Group Home", as follows:

Group Home:

A specialized residential care home serving up to five (5) unrelated persons with developmental disabilities and no more than two (2) resident support staff, which is licensed, certified or accredited by appropriate local, state or national bodies. Group homes do not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is the treatment of a communicable disease.

Title 11 (Zoning Regulations) Chapter 7 (Residence Districts) Article D (R-2 Single-Family Residence District) Section 2 (Permitted Uses) shall be amended, as follows:

A. Uses permitted in the R-1 district.

B. Group Homes as defined in Section 11-2-2 of this Code and subject to the following conditions:

1. Occupancy: Occupancy of a group home shall not exceed a maximum of seven (7) unrelated persons, including five (5) residents and two (2) resident support staff.

2. Spacing: A group home may be located no closer than two thousand five hundred feet (2,500') from another group home and no more than five (5) group homes total, shall be permitted in the Village. This requirement may only be waived if the village board finds that the cumulative effect of such uses would not alter the

residential character of the neighborhood; would not create an institutional setting; and would not adversely affect surrounding properties.

3. Residential Character: A group home shall be designed to be compatible in size, type and building material to adjacent homes. In addition, a group home shall have no signage or activities that would alter the residential character or appearance of the dwelling. With the exception of those office activities and meetings which involve only the resident staff of the group home in which they occur, no office use or agency meetings may be held within the group home.

4. Traffic Generation and Parking: A group home shall not generate any more traffic than typically associated with a single-family residence, nor require more vehicular parking than exists on a local residential street or the parking spaces assigned to the dwelling unit.

5. Maintenance: Group homes shall be maintained in a safe, sanitary and attractive condition at all times, in conformance with all applicable local, state and federal codes and ordinances.

6. Licensing: Group homes shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate local, state and national bodies charged with the regulation of group homes and shall adhere to all governing local, state and national codes and regulations. Group homes not licensed by local, state or national licensing, certification, or accreditation processes shall not be allowed. In addition, the group home sponsor shall supply the village with the following information:

a. Location of the group home.

b. Name, address, and qualifying references of the sponsoring agency.

c. Letter of explanation elaborating on the maximum number of residents to be served, general programming, hours of operation and maximum number of and qualifications of staff to be assigned to the group home. Whenever clients are present, at least one qualified staff person, as determined appropriate by current Illinois Department of Mental Health and Developmental Disabilities standards, shall be present in the group home at all times.

d. Evidence of appropriate local, state and/or national licensing, certification or accreditation for the facility and/or agency, as required.

e. Building floor plan and plat of survey.

f. Proof of agency ownership, option to own, or signed lease for the residence to be occupied. Ownership or lease of the group home by residents of the facility shall be permitted provided agency ownership and leasing requirements as set forth by the Illinois Department of Mental Health and developmental Disabilities and delineated in section 115.300 - environmental management of living arrangements, paragraphs b) and c) are complied with.

7. Biannual Inspection: Group homes, as determined necessary by the Director of Community and Economic Development or his/her designee, shall be subject to two (2) unannounced inspections per year which shall include an inspection fee, pursuant to the Village's fee schedule. The inspections are to

ensure that all of the regulations in this and all other village ordinances are adhered to as a responsibility of receiving special use approval for such a use in a dwelling. The first such inspection shall occur as part of the village's review process for the group home. Failure to comply with the provisions of this or any other codes or ordinances will result in the revocation of the occupancy permit for the group home.

#### **Section Four – Codification**

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

#### **Section Five – Home Rule Preemption**

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

#### **Section Six – Effective Date:**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

#### **Section Seven - Publication**

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

#### **Section Eight - Conflict Clause**

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

#### **Section Nine – Saving Clause**

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village's Municipal Code, which are hereby declared to be separable.


**Section Ten - Recording**

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 12th day of October, 2020.

  
\_\_\_\_\_  
Franco A. Coladipietro  
Village President

ATTEST:

  
\_\_\_\_\_  
Jane E. Michelotti  
Village Clerk

**Exhibit A**  
**Findings of Fact**



**Village of Bloomingdale  
Planning and Zoning Commission**

201 S. Bloomingdale Road  
Bloomingdale, IL 60108  
Tel: 630-671-5694  
Fax: 630-893-1596

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**MEMORANDUM**

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**To:** President Coladipietro & Board of Trustees

**From:** Len Jaster, Chairman  
Bloomingdale Planning and Zoning Commission

**Date:** September 15, 2020

**Subject:** Planning and Zoning Commission's Findings of Fact and Recommendations  
Village of Bloomingdale ("Petitioner")  
Text Amendments to Chapter 2 (Rules and Definitions) and Chapter 7 (Residence  
Districts), as it relates to allowances for Group Homes within the Village  
PC Case No. 2020-107

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**I. Issue:**

At their September 15, 2020 meeting, the Planning and Zoning Commission conducted a public hearing, as required by State statute, on a text amendment proposed for the Village's Zoning Regulations, Chapter 2 (Rules and Definitions) and Chapter 7 (Residence Districts), as it relates to creating allowances for Group Homes within the R-2, Single-Family Residence District, in the Village.

**II. Analysis: Discussion and Determination of the Planning and Zoning Commission:**

The Planning and Zoning Commission reviewed the staff report dated August 27, 2020, as well as testimony from the Director of Community and Economic Development at the public hearing on September 15, 2020.

As many are aware, the Village currently regulates the number of residents permitted in a home, including group homes, within the definition of "family", in the Village of Bloomingdale's Zoning Code. The definition of family is as follows:

**FAMILY:** One or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than three (3) persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A "family" may include two (2) roomers, boarders, or permanent guests, whether or not gratuitous.

In general, and as the definition states, using the definition of "family" would restrict a group home to three (3) people, which would include caretakers. So two residents and one caretaker. Staff has received a request for a group home, to permit five (5) residents and two (2) caretakers, for a total of seven (7) total persons. As a result of the request, staff has researched different communities in the area, to determine how group homes were regulated in different municipalities. Based on the



research completed, staff is recommending that the regulations and restrictions discussed during the public hearing and included in this report, be included in the Village of Bloomingdale's Zoning Code, as it relates to allowing group homes.

Staff explained that while the applicant does have another group home within the Village, the process that was undertaken in 2004 to approve it, was not necessarily a recommended process for this type of request and that a text amendment to create specific allowances for a group home, as was being proposed, was the more appropriate approach in this situation.

Staff provided the Commission with an overview of the proposed changes to the current regulations, which included the following amendments to Chapter 2 (Rules and Definitions) and Chapter 7 (Residence Districts):

**Changes to Chapter 2 (Rules and Definitions), Section 11-2-2 (Definitions)**

Pursuant to the research conducted by staff, it is recommended that the following language be inserted:

**11-2-2 Definitions:**

**Group Home:**

A specialized residential care home serving up to five (5) unrelated persons with disabilities and no more than two (2) resident support staff, which is licensed, certified or accredited by appropriate local, state or national bodies. Group homes do not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is the treatment of a communicable disease.

**Changes to Chapter 7 (Residence Districts), Article D (R-2 Single-Family Residence Districts), Section 11-7D-2 (Permitted Uses)**

Pursuant to the research conducted by staff, it is recommended that the following language be inserted, subject to its current format, as it relates to uses within the R-2, Single-Family Residence District:

- A. Uses permitted in the R-1 district. (ord. 69-12, 4-23-1969)
- B. Group Homes as defined in Section 11-2-2 of this Code and subject to the following conditions:
  - 1. Occupancy: Occupancy of a group home shall not exceed a maximum of seven (7) unrelated persons, including five (5) residents and two (2) resident support staff.
  - 2. Spacing: A group home may be located no closer than two thousand five hundred feet (2,500') from another group home and no more than five (5) group homes total, shall be permitted in the Village. This requirement may only be waived if the village board finds that the cumulative effect of such uses would not alter the residential character of the neighborhood; would not create an institutional setting; and would not adversely affect surrounding properties.

3. **Residential Character:** A group home shall be designed to be compatible in size, type and building material to adjacent homes. In addition, a group home shall have no signage or activities that would alter the residential character or appearance of the dwelling. With the exception of those office activities and meetings which involve only the resident staff of the group home in which they occur, no office use or agency meetings may be held within the group home.
4. **Traffic Generation and Parking:** A group home shall not generate any more traffic than typically associated with a single-family residence, nor require more vehicular parking than exists on a local residential street or the parking spaces assigned to the dwelling unit.
5. **Maintenance:** Group homes shall be maintained in a safe, sanitary and attractive condition at all times, in conformance with all applicable local, state and federal codes and ordinances.
6. **Licensing:** Group homes shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate local, state and national bodies charged with the regulation of group homes and shall adhere to all governing local, state and national codes and regulations. Group homes not licensed by local, state or national licensing, certification, or accreditation processes shall not be allowed. In addition, the group home sponsor shall supply the village with the following information:
  - a. Location of the group home.
  - b. Name, address, and qualifying references of the sponsoring agency.
  - c. Letter of explanation elaborating on the maximum number of residents to be served, general programming, hours of operation and maximum number of and qualifications of staff to be assigned to the group home. Whenever clients are present, at least one qualified staff person, as determined appropriate by current Illinois Department of Mental Health and Developmental Disabilities standards, shall be present in the group home at all times.
  - d. Evidence of appropriate local, state and/or national licensing, certification or accreditation for the facility and/or agency, as required.
  - e. Building floor plan and plat of survey.
  - f. Proof of agency ownership, option to own, or signed lease for the residence to be occupied. Ownership or lease of the group home by residents of the facility shall be permitted provided agency ownership and leasing requirements as set forth by the Illinois Department of Mental Health and developmental Disabilities and delineated in section 115.300 - environmental management of living arrangements, paragraphs b) and c) are complied with.
7. **Biannual Inspection:** Group homes, as determined necessary by the Director of Community and Economic Development or his/her designee, shall be subject to two (2) unannounced inspections per year which shall include an inspection fee, pursuant to the Village's fee schedule. The inspections are to ensure that all of

the regulations in this and all other village ordinances are adhered to as a responsibility of receiving special use approval for such a use in a dwelling. The first such inspection shall occur as part of the village's review process for the group home. Failure to comply with the provisions of this or any other codes or ordinances will result in the revocation of the occupancy permit for the group home.

Various Commissioners questioned certain regulations as they related to parking, minimum bedroom sizes and maintenance. Staff explained that the proposed language included regulations for traffic and parking, and that the language stated that it should not generate any more traffic than typically associated with a single-family residence. The Director also indicated that additional language was included and summarized the language included in the proposed text.

The Director confirmed that even though the property is in a single-family district, the use as a group home under the Building Code, is considered "institutional" and as such would require different building and life safety regulations and requirements, versus a home being used as a single-family residence. Inspections by both the Fire Marshal and the Building Commissioner will be required, as a function of the use and any accessibility or life safety requirements set forth in these codes, will be required. Additionally, the home will have to provide all necessary licensing and proof of certification/accreditation by any and all local, state or federal agencies and codes.

As it relates to maintenance of the property, staff indicated that a group home would be subject to the same property maintenance requirements as a single-family residence and as such, violations could be written in the same manner. Should the property ever cease to operate as a group home and become vacant, the Village would enforce the same property maintenance requirements as any other single-family home, including the specific examples raised by the Commission, which included unkempt landscaping and condition of the structure. Lastly, the Commission commented on the definition being proposed for a "group home". As they were generally satisfied with the proposed language, they requested that it be amended to further clarify that any permitted Group Home should be to serve persons with developmental disabilities.

### **III. Recommendation of the Planning and Zoning Commission**

On a motion duly made by Commissioner Flood and seconded by Commissioner King, the Planning and Zoning Commission recommends approval of the text amendment to the Zoning Regulations, Chapter 2 (Rules and Definitions) and Chapter 7 (Residence Districts), as it relates to Group Homes in the R-2, Single-Family Residence District, as set forth in the staff report of the Director of Community and Economic Development dated August 27, 2020 and the testimony presented at the Planning and Zoning Commission hearing of September 15, 2020, subject to further legal review and the recommendation that the first sentence of the proposed definition for a group home be revised to include the following.

- A specialized residential care home serving up to five (5) unrelated persons with **developmental** disabilities and no more than two (2) resident support staff, which is licensed, certified or accredited by appropriate local, state or national bodies.

#### **The Roll Call Vote:**

Ayes: Commissioners Flood, King, Vitacco, Coleman, Troiola, Damato and Chairman Jaster  
Nays: None

Absent: None  
Other Considerations: None  
Minority Report: None

Respectfully submitted,

Leonard Jaster  
Chairman  
Planning and Zoning Commission  
September 15, 2020

**IV. Procedural Requirements:**

**Date of Hearing:** September 15, 2020

**Date Petition Filed  
with Village Clerk:** Not Applicable

**Supporting Data:** See staff report

**Other Data Required By Planning and Zoning Commission:**

Yes Statement of compliance and evidence demonstrating that the proposed amendment will conform to the standards established for zoning amendments.

**Affidavits:**

Y Publication NA Compliance  
NA Disclosure NA Posting

**Notice:**

NA Notice sent to the persons to whom the current real estate tax bills are sent, if any, as shown on the record of the local real estate tax assessor for all lots lying within 250 feet of the property lines of the lot for which amendment is sought (Copy of list attached).

Y Publication of a notice of the time, place and purpose of the public hearing on the proposed amendment by the Village Clerk in a newspaper of general circulation within the Village of Bloomingdale not more than 30 days nor less than 15 days in advance of such hearing (Copy of notice attached). **August 24, 2020 – Daily Herald**

NA Posting by the applicant, for a period of not less than 10 days prior to the public hearing, of the notice as furnished by the Village Clerk.

The notice shall be posted on the property for which the amendment is sought as follows:

Unimproved Lot: Not more than 15 feet from the front lot line and not less than four feet above and not more than six feet above the ground and placed in a manner so as not be obscured from the street.

Improved Lot: On the front entrance door of the improvement thereon, or placed in a similar manner as for an unimproved lot.

**Written Protest:**

- N/A Written protest received which is signed and acknowledged by the owners of 20% of the frontage proposed to be altered.
- N/A Written protest received which is signed and acknowledged by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.
- N/A Written protest received which is signed and acknowledged by the owners of 20% of the frontage immediately adjoining or across the alley from the frontage proposed to be altered.
- No Copy of the written protest served by the protestor(s) on the applicant for the proposed amendment.
- No Copy of the written protest served by the protestor(s) on the attorney for the applicant for the proposed amendment.

**Hearing/Meeting:**

- Yes Public Hearing/meeting on the proposed amendment. Date(s) of hearing/meeting or continuation thereof: September 15, 2020  
Date Hearing/Meeting Closed for this portion of the amendments: September 15, 2020

**V. Findings of Fact and Recommendations – Statutory Requirements**

- Yes A concurring vote of a majority of Planning and Zoning Commission members present (with a minimum of four concurring votes) recommending granting or denying an application for the proposed amendment was had at the meeting held on the following date:  
**September 15, 2020**
- Yes Report to the Village Board containing the number of Planning and Zoning Commission members present and the names of those voting for or against the motion.
- Yes Written findings of fact and recommendations submitted to the Village President and Board of Trustees by the Planning and Zoning Commission within 45 days after the close of the hearing on the proposed amendment.

**Attachments:**

1. Staff Report from the Director of Community and Economic Development dated August 27, 2020