

- 1 i. A congregate living facility, Type 1, 2(A), 3 and 4, shall not be located within
- 2 a radius of one thousand (1,000) feet of another congregate living facility; and
- 3 ii. A congregate living facility, Type 1 shall be located wherever a single-family
- 4 dwelling unit is a permitted use.
- 5 iii. Location of Type 2, 3 and 4.

6 (a) Districts.

- 7 1. Type 2(A) shall be permitted in the RM and RH districts as a permitted
- 8 use, provided that it is not located within a radius of twelve hundred
- 9 (1,200) feet of another congregate living facility, Type 2 and five
- 10 hundred (500) feet from a single-family residential district, unless
- 11 approved as a conditional/requested use by Council.

12 2. Type 2(B) shall be:

- 13 a. ~~Prohibited in single-family residential districts;~~ A Type 2 (B) shall
- 14 b. Prohibited not be located within a radius of five hundred (500) feet
- 15 of a single-family residential district unless approved by Council;
- 16 c. Prohibited within one thousand (1,000) feet of a Type 1, 2(A), 3, or
- 17 4 congregate living facility; and
- 18 d. There shall be no more than four (4) Type 2(B) congregate living
- 19 facilities within a ½ mile radius.

20 (b) Access.

- 21 1. Type 2(B), shall be located within a quarter (¼) road mile of a collector
- 22 or arterial roadway to ensure minimal access is required for
- 23 emergency vehicles.
- 24 2. Type 3 and 4 shall have primary access to a collector or arterial
- 25 roadway, provided that a Type 3 and Type 4 facility having twenty-five
- 26 (25) residents or less may be located on a local street.

27 (c) Location.

- 28 1. Types 2(A) and 3, shall be located within five (5) road miles of a full
- 29 service professional fire-rescue station.
- 30 2. Type 2(B), shall be located within one and one-half (1.5) road miles of
- 31 a full service professional fire-rescue station and three (3) road miles
- 32 of a full service medical Hospital to reduce the time required for
- 33 emergency response.
- 34 3. Type 4, shall be located within three (3) miles of a full service
- 35 professional fire-rescue station.

36
37 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
38 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
39 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
40 this Ordinance shall prevail to the extent of such conflict.

41
42 **SECTION 3.** Should any section, paragraph, sentence, clause, or phase of this
43 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision

1 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
2 thereof, other than the part so declared to be invalid.

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4 **SECTION 4.** This Ordinance shall become effective immediately upon adoption
5 of the Village Council following second reading.

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1 **PASSED** this ____ day of _____, 2017, upon first reading.

2

3 **PASSED AND ADOPTED** this ____ day of _____ 2017, on second and final reading.

4

5 **WELLINGTON**

6 **FOR**

AGAINST

7
8 BY: _____
9 Anne Gerwig, Mayor

10
11 _____
12 John T. McGovern, Vice Mayor

13
14 _____
15 Michael Drahos, Councilman

16
17 _____
18 Michael J. Napoleone, Councilman

19
20 _____
21 Tanya Siskind, Councilwoman

22
23
24 **ATTEST:**

25
26 BY: _____
27 Chevelle D. Nubin, Clerk

28
29 **APPROVED AS TO FORM AND**
30 **LEGAL SUFFICIENCY**

31
32 BY: _____
33 Laurie Cohen, Village Attorney
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