



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: November 3, 2022
CASE NO: PZ 1072-2022
REQUEST: Hold a Public Hearing and forward a recommendation to City Council to amend Appendix A of the Unified Development Code relating to the definition of Family Care Facilities

SUMMARY OF PROPOSAL

Earlier this year we become aware of an Oxford House operating in Peoria on Roxbury Lane (aka Oxford House-Volente). Oxford Houses are self-run and self-supported sober-living home for persons recovering from drug and alcohol addiction. The umbrella Oxford House organization is comprised of a board of directors and chapters which provide the support and resources for operations as a not-for-profit. The number of residents in each house ranges from six to fifteen; there are houses for men, houses for women, and houses which accept women with children. Peoria currently has five Oxford Homes operating throughout the City, four of which established chapters after the Oxford Home on Roxbury Lane.

We contacted the Oxford House- on Roxbury Lane to explain that zoning approval was required to operate a group living facility. The Oxford House on Roxbury Lane responded with a request for reasonable accommodation asking the City to treat the House as a family under the City's definition, as a single family use, and without limitation on the number of unrelated persons who can reside together as a family ("Request"). The Request was made pursuant to the Federal Fair Housing Act and the Americans with Disabilities Act.

The Request was reviewed by our legal staff along with outside counsel Ancel-Glink. Regardless of the Request, To avoid potential legal challenges under the Fair Housing Act and the Americans with Disabilities Act, the definition of *Family Care Facility* should be modified to eliminate the exclusion of persons with a disability that arises from current use or addiction.

10.3 DEFINED TERMS

Family Care Facility: A non-medical facility for the housing of no more than eight unrelated persons (inclusive of residential staff), who, due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single housekeeping unit. Excluded from the definition of family care facilities are homes in which residents are criminal offenders or former criminal offenders. ~~Excluded from this definition are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the US Code and Illinois Statutes.~~

Group Care Facility: A residential facility which is the same as a Family Care Facility except that it may house nine to 15 persons.

Permitted Use Table

		KEY:														Blank cell = Not Permitted			■ = Permitted			□ = Special Use			
USE CATEGORY	SPECIFIC USE	A1	P1	RE	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	N1	CN	C1	CG	C2	B1	I1	I2	I3	Use Performance Standard	
COMMERCIAL																									
Group Living (see 5.6.2.B)	Family Care Facility	□ [†] ■		□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■	□ [†] ■											5.3.1.C	
	Group Care Facility	□		□	□	□	□	□	□	□	□	□ [†] ■	□ [†] ■											5.3.1.C	

The following performances standards would apply:

C. Group Care Facility and Family Care Facility

No group occupancy permitted with administrative approval (see 2.5) shall be approved by the Zoning Administrator unless they find all of the following standards are met:

1. The number of residents complies with requirements of this development code.
2. The parking requirements as set by this development code have been met.
3. The proposed use is not within 600 feet of another existing group occupancy that requires a use with administrative approval, or one which has obtained a use permitted with approval or special use in lieu of a use with administrative approval. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.
4. In order to ensure that the structure and rooms are used as originally designed and intended, the proposed use will not require or include structural alterations as that term is defined in the Building Code adopted by the City.
5. The structure meets the requirements of the City's housing, building and fire codes as set forth in the Code of the City of Peoria or the codes adopted by reference.
6. Users and occupants have received any and all required approvals from other governmental bodies which permits use of the premises in conformance with the approval for which they have applied.
7. For group occupancy there shall be a minimum of 120 square feet of bedroom space for every two residents for residential uses. In determining the number of people in any group occupancy, the Zoning Administrator shall assume that no more than two persons will occupy any bedroom.
8. For group occupancy, the property owner or agent shall inform occupants of the property in writing either in a written lease or by a sign prominently posted at the property that the occupants shall not park in other than the provided off-street parking from midnight to 6:00 a.m.
9. Any group occupancy required by law to obtain a license from the state or its subdivisions for family care facilities and group care has received a license permitting it to operate from the relevant governmental body and a permit or approval document for the specific address indicating the specific address is approved and identifying the number of residents included in that approval.
10. Group Care Facilities and Family Care Facilities that do not meet the above standards for administrative approval can be approved as special uses through the special use approval procedures (See [2.9](#)).

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The Development Review Board recommends APPROVAL of the proposed text amendment so that the matter can be forwarded to City Council.