PLAN COMMISSION
Wednesday, November 13, 2019
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: October 30, 2019

3. OLD BUSINESS

   A. Text Amendment
      Municipal Use Exemption  19PLND-0077
      A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4.
      Municipal Use Exemption, to revise language related to the process and noticing of municipal
      use exemptions.

4. NEW BUSINESS

   A. Text Amendment
      Accessory Dwelling Units  19PLND-0097
      A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to revise the
      definition of coach house and regulations related to accessory dwelling units.

5. PUBLIC COMMENT

6. ADJOURNMENT

The next meeting of the Plan Commission is scheduled for WEDNESDAY, DECEMBER 11, 2019 at 7:00
P.M. in JAMES C. LYTLE CITY COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items is subject to change. Information about the Plan Commission is available online at:
http://www.cityofevanston.org/plancommission. Questions can be directed to Meagan Jones, Neighborhood and Land Use
Planner, at 847-448-8170 or via e-mail at mmjones@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing
mobility or communications access assistance should contact the Community Development Department 48 hours in advance
of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las
quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a
847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES
PLAN COMMISSION
Wednesday, October 30, 2019
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Colby Lewis (Chair), Teri Dubin, Carol Goddard, John Hewko, Andrew Pigozzi, Jane Sloss

Members Absent: Jennifer Draper, George Halik, Peter Isaac

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Brian George, Assistant City Attorney

Presiding Member: Chairman Lewis

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:00 P.M.

2. APPROVAL OF MEETING MINUTES: September 11, 2019 & September 25, 2019

Commissioner Goddard made a motion to approve the September 11, 2019 meeting minutes. Seconded by Commissioner Hewko. The Commission voted, 6-0, to approve the minutes of September 11, 2019.

Commissioner Sloss made a motion to approve the September 25, 2019 meeting minutes. Seconded by Commissioner Goddard. The Commission voted, 6-0, to approve the minutes of September 25, 2019.

3. NEW BUSINESS

A. Text Amendment

New Residential Zoning District 19PLND-0090

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to create a new general residential zoning district designation with a maximum height limit of 3 and one-half stories.

Ms. Jones provided an overview of the proposal for both 19PLND-0090 and 19PLND-
She provided information on the proposed rezoning area, The 2005 Canal-Green Bay Road/Ridge Avenue Church Street Study Area Report which provided recommendations for a new zoning district R5a. Ms. Jones then explained the changes that would occur with the proposed rezoning, primarily the reduction in maximum building height from 50 feet to 42 feet.

Chair Lewis alerted the taxpayers within a 500 foot radius of the subject area can submit a written request for continuance.

Thomas Ramsdel, attorney representing property owner Victoria Kathrein, stated that his client has been accumulating parcels for over 10 years and has recently secured legal and zoning expertise. He stated that there has not been enough time to review the proposal and gather proper documents and information to state her case. They requested that the item be continued to the December 11, 2019 meeting.

A brief discussion followed regarding whether to continue the item to the November 13, 2019 meeting or the December 11, 2019 meeting.

Commissioner Pigozzi made a motion to continue this item to the December 11, 2019 meeting. Commissioner Hewko seconded the motion. A roll call vote was taken and the motion passed, 4-2.

Ayes: Hewko, Lewis, Pigozzi, Sloss
Nays: Dubin, Goddard

B. Map Amendment
   Emerson Street Rezoning
   19PLND-0089
   A Zoning Ordinance Map Amendment pursuant to City Code Title 6, Zoning, to rezone properties located north of Emerson Street roughly between Asbury Avenue to the east, Gilbert Park and former Mayfair railroad property to the west, and the block north of Foster Street to the north, from the existing R5 General Residential District zoning district to a new general residential zoning district with a height limit of 3 and one-half stories.

Commissioner Sloss made a motion to continue this item to the December 11, 2019 meeting. Commissioner Pigozzi seconded the motion. A roll call vote was taken and the motion passed, 5-1.

Ayes: Dubin, Hewko, Lewis, Pigozzi, Sloss
Nays: Goddard

4. PUBLIC COMMENT
There was no public comment.
5. ADJOURNMENT

Commissioner Goddard made a motion to adjourn the meeting. Commissioner Dubin seconded the motion.

A voice vote was taken and the motion was approved by voice vote 6-0. The meeting was adjourned at 7:22 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
Plan Commission

Text Amendment

Municipal Use Exemption
19PLND-0077
Memorandum

To: Chair and Members of the Plan Commission

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Municipal Use Exemption
19PLND-0077

Date: November 8, 2019

Request
Staff and the Zoning Committee recommend amending Section 6-7-4 of the Zoning Ordinance, Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on October 24, 2019.

Analysis
Background
At the August 28, 2019 Plan Commission meeting, the Commission discussed the proposed text amendment regarding Municipal Use Exemptions and what edits may need to be made to the Zoning Code as it relates to this provision. The Commission ultimately voted to send the proposal to the Zoning Committee for further discussion. The Zoning Committee then held a meeting on October 16, 2019 and discussed in more detail possible changes that could be made to the Zoning Code related to the exemption. More specifically, a significant amount of discussion centered on requiring additional review and providing additional notice to the public for said review.

Currently, Section 6-7-4. Municipal Use Exemptions, calls for Design and Project Review (DAPR) Committee and City Council to review proposed City projects. This section does not require mailed notices to be sent out nor for legal notices to be published prior to their review.

6-7-4. - MUNICIPAL USE EXEMPTION.
Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district. The City Council may approve buildings and
structures owned and operated by the City that do not comply with all of the requirements of the underlying district, if they are necessary for the provision of desired City services and if the adverse impact on surrounding properties resulting from such noncompliance is minimized. Adverse impacts may be minimized by design, architectural treatment, screening, landscaping and/or placement on the lot. Such plan for reduction of adverse impact shall be subject to review by the Design and Project Review Committee.

**Revised Proposal Overview**

Per the Zoning Committee discussion staff is proposing to amend Section 6-7-4 to revise language related to mailed notice for review of proposed municipal uses. Specifically, staff will amend the zoning ordinance as described below.

**6-7-4. - MUNICIPAL USE EXEMPTION.**

(A) Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district except where mandatory planned development minimum thresholds for that district are met.

(B) Where the construction of buildings and structures owned or operated by the City do not comply with all of the requirements of the underlying district, the City Council may authorize that construction if

1. the noncompliance is necessary and most beneficial for the City to perform the desired services and
2. The City should take reasonable steps to minimize adverse impacts on surrounding properties resulting from such noncompliance.

(C) If City Council approval is required for the project, said project shall be exempt from the variation review process. The Design and Project Review Committee shall review the planned construction prior to City Council taking action and provide recommendations regarding the minimization of potential adverse impacts by design, architectural treatment, screening, landscaping and/or placement on the lot.

1. Prior to City Council approval of the project, the City will provide notice of the Design and Project Review Committee meeting, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

2. Prior to the construction of the project, the City will provide notice of the Design and Project Review Committee meeting, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and
other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

(D) Where mandatory planned development minimum thresholds for that district are met the process for review of planned developments as stated in Section 6-3-6 shall be followed instead of the procedures listed in this section.

The proposed Text Amendment will provide additional notice for projects that are proposed by the City in a manner that more closely resembles non-municipal uses.

Other Municipalities
Staff reviewed regulations from bordering municipalities and other comparable communities for research on example ordinances and trends. Wilmette requires approval of a Special Use for the construction of new municipal buildings; interior renovations, maintenance/repair, or replacement of equipment in existing parks are excluded. Variations must also be approved by the Wilmette Zoning Board of Appeals. In Chicago, zoning regulations are applied to both public and private developments “unless expressly exempted or provided for” in the zoning ordinance. In Winnetka, Essential Public Uses (defined as the use of any real property, building or other structure owned and operated by the Village for the purpose of providing an essential public service or for the purpose of providing communications for or between any development of the Village) are permitted by-right while Nonessential Public Uses are considered Special Uses.

In Ann Arbor, the City and the Ann Arbor Downtown Development Corporation are exempt from requirements within their recently adopted Unified Development Code though the Code still applies to other government agencies or public education institutions. In Cambridge, Massachusetts, local government facilities are largely Permitted Uses with the main exception of service facilities which are Special Uses. In some residential districts, government uses are permitted but governed by separate Institutional Use Regulations.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to revise procedures for municipal use exemptions meets the standards for approval of amendments per Section 6-3-4-5- of the City Code. The proposal is consistent with the goals, objectives, and policies of the Comprehensive General Plan through its promotion of increased efficiency related to application processing and review. The proposal will have no effect on the overall character of existing development, presence of adverse effects on the value of adjacent properties, and adequacy of public facilities and services. The proposed text amendment will not have any adverse effects on the values of the properties in the area and ensure that there is consistency within existing Zoning Code regulations.

Recommendation
Staff believes the proposed text amendment to revise language related to the process
and noticing of municipal use exemptions meets the standards for approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council for the proposed revised text amendment.

**Attachments**

- Draft Zoning Committee Minutes from October 16, 2019
- Zoning Committee Packet from October 16, 2019
- Plan Commission Minutes from August 28, 2019
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, October 16, 2019
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Terri Dubin, Carol Goddard, Peter Isaac, Colby Lewis

Members Absent: Jennifer Draper

Other Plan Commission Members Present: none

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Hugh DuBose, Assistant City Attorney
Brian George, Assistant City Attorney

Presiding Member: Peter Isaac, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Isaac called the meeting to order at 7:02 pm.

2. MINUTES

Approval of April 10, 2017 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Goddard made a motion to approve the minutes. Commissioner Lewis seconded the motion. A voice vote was taken and the minutes were approved, 4-0.

3. NEW BUSINESS

A. TEXT AMENDMENT
Municipal Use Exemption 19PLND-0077

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Ms. Jones provided an overview of the proposed text amendment and the discussion that occurred on the item during the August 28, 2019 Plan Commission meeting.

Chair Isaac asked the Commission if the changes should be made to any use being permitted.
Commission Lewis asked if all municipal uses should be a Special Use. Chair Isaac responded that it may not make sense to do so in all areas. Commissioner Dubin added that section B of the proposed amendment addresses this partially though it is somewhat troubling on who determines what is necessary.

Chair Isaac pointed out that this section only addresses a building and not the use, using the pumping station as an example. Commissioner Lewis stated that a use may be an annoyance such as a facility that emits smells but otherwise meets building requirements and benefits the City.

Chair Isaac indicated that, as stated, the exemption would apply to any use anywhere. However, if standards are noncompliant, a variance or Special Use would need to be pursued.

Commissioner Lewis asked what the downside would be of having all uses be a Special Use and going through that review process. If a use is not permitted it would have to go through a process. Mr. Mangum clarified that the uses would be considered a government institution and regulated based off of that classification.

Chair Isaac stated that the code language states “prior to construction” not “prior to approval of use” and neighbors would just need to have notice that the use is coming and construction is occurring. Commissioner Dubin suggested substituting “use” in place of “construction”.

Commissioner Lewis asked why municipal uses should be treated differently. There could be additional vetting done as is done for developers proposing a project. Chair Isaac pointed out that developers already go through an internal process within their organizations then come to the City for review.

Commissioner Lewis stated that the additional process would give people an opportunity to provide feedback.

Chair Isaac suggested that on the use side, all could be permitted but if in an area where the use is usually not permitted, public notice could be provided.

Commissioner Lewis inquired as to what the impetus for the proposed amendment was. Mr. Mangum stated that the pumping station on Church Street was the impetus. There were neighborhood meetings held by the Alderman and a review process through DAPR and City Council, however, there was no mailed or newspaper notice per the current regulations.

Chair Isaac stated that the process was not hidden. There are notices in publications, newsletters and ward meetings; however, if you do not use those things you will not have any notice.
Ms. Jones pointed out that typically for government buildings and uses, City Council approves the funding and process for the project early on. Then project details are reviewed.

Chair Isaac asked for direction with regards to section A, specifically if the use is not permitted, if notice be required to be sent. Commissioner Lewis stated that the Committee should consider all scenarios that could occur under section A.

Chair Isaac reiterated that before a building materializes, Council approves it to move forward. All uses are considered to be permitted uses. He then suggested that if not expressly permitted in the underlying zoning, notice should be provided 30 days prior to Council granting that initial approval.

Commissioner Lewis inquired about the ability to request a continuance and its purpose asking what benefit is there for an individual and stating that could allow for organizing as additional notice could.

Chair Isaac stated that the pumping station went before DAPR out of abundance of caution.

Ms. Janet Steidl stated that City uses could be small or very large and asked why not consider requiring 1,000 ft. notice instead of 500 ft. Chair Isaac responded that more notice is generally better than less notice.

Chair Isaac then stated that section B needs to be rewritten and (a) should read “necessary or desirable”. Commissioner Lewis added that “most beneficial” could also be added. Chair Isaac then suggested that (b) should read that the City should take reasonable steps to minimize adverse impacts. Commissioner Lewis stated that he thinks (b) essentially says the City will “do its best” which could allow more leeway in how it meets that purpose.

Mr. DuBose asked the Commission if Sections (a) and (b) are needed. Commissioner Lewis responded that he feels those sections are there to provide for necessary deliberation and show there will be some due diligence done to mitigate impacts. Chair Isaac added that those sections provide some assurance that if the use does not meet underlying zoning requirements that discussion will take place. Mr. DuBose emphasized that he is trying to define where the line is if more leeway is provided.

Chair Isaac stated that it is good to have a framework and reasonable accommodation. Discussion followed regarding Section C and why a project would only go to DAPR if it was otherwise large enough to go to Plan Commission as a planned development.

Commissioner Lewis asked if a use or building is violating underlying zoning; why not send it to the Zoning Board of Appeals (ZBA)? It could go there or Plan Commission. Mr. Mangum clarified what items go to ZBA and Plan Commission as well as when City Council approval is required for those items.
Chair Isaac proposed to remove the first section of C. Discussion followed regarding which Board, Commission or Committee to include in the review process and how public participation is handled. Ms. Jones clarified that DAPR is essentially an open staff meeting and is an open meeting. She added that there are a number of people who feel they are better able to voice their opinions on a project prior to it reaching City Council.

Ms. Steidl asked how mitigation of impacts is determined. She added that municipal projects should go through the same process as regular projects to ensure that review.

Commissioner Lewis stated that certain issues are codified. Plan Commission provides a bit of a check in the review process but language would need to be added relating to ZBA review.

Mr. DuBose confirmed that the ZBA rules would need to be changed if municipal uses were to be reviewed.

Chair Isaac stated that the municipal use exemption is useful and should exist then inquired what form it should take.

Mr. Mangum asked if the Committee felt that large projects should be reviewed as planned developments. Commissioner Lewis responded that they should. There is a need to have municipal uses exist so the exemption is still ok but the planned development thresholds should be matched to trigger that review.

Chair Isaac stated that the public wins with layers of public review, open forums and publications.

Ms. Steidl suggested looking at the other municipalities mentioned for guidance and not reinvent the wheel. Uses should also be defined.

Commissioner Lewis stated that specific uses could be defined to determine what kicks in the additional review. Discussion then centered on altering section A and if too much alteration would in essence removes the municipal use exemption.

Mr. Mangum provided an overview of Code Section 6-7-3 Exemption of Nonessential Public Services and a brief discussion followed regarding the Church Street Pumping Station and water being under the City of Evanston jurisdiction.

Commissioner Goddard suggested changing municipal uses to a special use. This could help where the use is prohibited but may create issues where the use is permitted by right.

The Committee then discussed where to amend language in the proposal. Specifically the Committee stated that 1) language regarding planned development thresholds should be added to Section A, 2) sections B and C be switched and a section regarding
notice be added, 3) in Section C, should Council approval be needed that a project does not need to go through the variation process.

Commissioner Lewis suggested having a scale to determine when a project such as Robert Crown Center or a new Civic Center should go through an additional review process. Mr. Mangum clarified that planned development thresholds are dependent on the zoning district and that the Crown Center went through ZBA and City Council review process due to a parking variation.

Commissioner Lewis motioned to recommend the amendment with revised wording included in the Committee’s talking points. Commissioner Goddard seconded the motion. A roll call vote was taken and the Committee voted unanimously, 4-0, to recommend approval of the proposed amendment.

Ayes: Dubin, Goddard, Isaac, Lewis
Nays:

4. **ADJOURNMENT**

Commissioner Lewis made a motion for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:37 p.m.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:13 P.M.

2. APPROVAL OF MEETING MINUTES: August 7, 2019

Commissioner Dubin then made a motion to approve the minutes, seconded by Commissioner Isaac. The Commission voted, 4-0, with one abstention to approve the minutes of August 7, 2019.

3. OLD BUSINESS

A. Text Amendment

Special Events in the U2 District 19PLND-0032
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-15-7-2 of the Zoning Ordinance, to revise permitted uses of the U2 University Athletic Facilities District.

Chair Lewis stated that though there is a quorum for the meeting, there is not a quorum for this agenda item due to a new commissioner not being fully up to date on previous hearing information; therefore no action could be taken and the hearing would need to be continued.

Commissioner Isaac made a motion to continue this item to the September 11, 2019 Plan Commission meeting. Commissioner Dubin seconded the motion.
voice vote was taken and the motion passed, 4-0, with one abstention.

Ayes: Dubin, Halik, Isaac, Lewis, Sloss  
Nays:  
Abstentions: Hewko

4. NEW BUSINESS

A. Text Amendment  
Accessory Recreational Cannabis Use  19PLND-0078  
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to create definitions for recreational and medical cannabis related uses, establish any applicable general provisions for such uses, establish any applicable parking requirements for such uses, and amend the permitted and special uses in the Business, Commercial, Downtown, Research Park, Transitional Manufacturing, Industrial, and Special Purpose and Overlay zoning districts.

Commissioner Isaac made a motion to continue this item to the September 11, 2019 Plan Commission meeting. Commissioner Dubin seconded the motion. A voice vote was taken and the motion passed, 5-0.

Ayes: Dubin, Hewko, Isaac, Lewis, Sloss,  
Nays:  

B. Text Amendment  
Municipal Use Exemption  19PLND-0077  
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Mr. Mangum provided an overview of the proposed text amendment, explaining existing regulations and stating that the impetus for it was a referral from the Planning & Development Committee.

Commissioner Isaac stated that there are items in the language that are contradictory and asked if a project is permitted in any district, under what circumstances subsections B or C would be needed. Mr. Mangum responded that sections B and C relate to the new construction of buildings or structures. If there is new construction with a permitted use, it would be noncompliant with underlying district regulations and the proposed procedures would follow with DAPR and City Council review. Commissioner Isaac summarized that it is the difference between use and the actual structure, Mr. Mangum replied that that is the most likely outcome. Commissioner Isaac clarified that a use allowed through Section A can be in any district and would not have to come before the
Plan Commission, however in B, if City purchased an existing building to put in a new use, would the City need to seek approval at that point. Mr. Mangum stated that it would not unless there is some other change being made to the space that triggers a noncompliance with the code.

Commissioner Isaac then asked if, under B where “noncompliance is necessary” is there a situation where it may not be necessary but instead be favorable to the City. It seems the “necessary” standard is too high. Also, with regards to the wording referencing minimizing impact to surrounding properties, impact is minimized from what? Mr. Mangum responded that it depends on what the potential impact is; there could be some design treatment provided to mitigate it. He then added that the sections referenced are currently within the Zoning Code but could also be amended.

Chair Lewis clarified that there is no substantial difference between the existing code language and the proposed subsection A. Mr. Mangum responded that is correct. The current language could be read as unclear as to whether Council approval is required for the first instance of a particular proposed use.

Commissioner Sloss inquired if there was a circumstance that brought this text amendment about. Mr. Mangum replied that the water pump station constructed on McDaniel Avenue and Church Street lead to a closer look at noticing requirements due to it not having the same requirements as other non-municipal projects.

Chair Lewis asked if there is any affected scale for this, for example, if the building is 20,000 square feet would it go through a planned development process or would it be by right. Mr. Mangum stated that the intent was not to change regulations regarding that. Chair Lewis stated that the existing regulations permit for large buildings to be built without going through a planned development process. Mr. Mangum responded that the use would otherwise be a special use, if the use does not require a special use then a planned development would not be necessary. There is some interpretation there. He then gave an example of the Robert Crown Center which went before the Zoning Board of Appeals.

Chair Lewis opened the hearing to questions from the public. Hearing none he then opened the hearing to public testimony. One person, Janet Steidl, spoke on behalf of Joan Safford who supports the proposed amendment but expressed that it should be stronger, requiring a 1,000 foot distance requirement for municipal uses and should also be reviewed by the Plan Commission since it permits questions and testimony from the public. It also meets at a time that is more accessible to members of the public.

Chair Lewis closed the public hearing and the Commission began deliberation.

Commissioner Isaac stated that he believes Chair Lewis’s questions and Ms. Safford’s suggestions are well taken. He added that proposed subsection C could be made much
simpler by requiring the City to follow the same process as any other proposed project. If the proposed use goes outside the bounds of a zoning district it should go through the same process.

Commissioner Sloss asked if there were any other municipalities that were researched for this particular item. Mr. Mangum stated that he does not believe so but that during the Planning & Development Committee meeting, Ms. Safford referenced several other communities that have some kind of procedure.

Chair Lewis stated that the Commission can move to approve the proposed amendment, to ask for a modification to the proposal, reject the proposal or refer to the Zoning Committee as the change is substantial enough to warrant additional discussion. Mr. DuBose confirmed that referral was an option.

The Commission reviewed the standards for approval of text amendments. There was discussion that the proposed amendment meets the spirit of the first standard of meeting the goals of the Comprehensive Plan but may not go far enough in enforcing those standards. There was some disagreement on the second standard of compatibility with surrounding developments and whether or not it applied to the proposed amendment and if it does there is potential for it not to depending on the project. The final two standards were seen as project specific.

Commissioner Isaac made a motion to refer this item to the Zoning Committee for further review and discussion with respect to strengthening the noticing requirements as it relates to the scale of variance of the development proposed by the City. Commissioner Sloss seconded the motion. A roll call vote was taken and the motion passed, 5-0.

Ayes: Dubin, Hewko, Isaac, Lewis, Sloss
Nays:

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

Commissioner Isaac made a motion to adjourn the meeting. Commissioner Dubin seconded the motion.

A voice vote was taken and the motion was approved by voice vote 5-0. The meeting was adjourned at 7:55 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
Plan Commission

Text Amendment

Accessory Dwelling Units
19PLND-0097
Memorandum

To: Chair and Members of the Plan Commission

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Accessory Dwelling Units
19PLND-0097

Date: November 8, 2019

Request
Staff and the Economic Development Cooperative recommend a Zoning Ordinance
Text Amendment to revise the definition of coach house and regulations related to
accessory dwelling units.

Notice
The Application has been filed in conformance with applicable procedural and public
notice requirements including publication in the Evanston Review on October 24, 2019.

Analysis

Background
At the September 23, 2019 Planning & Development Committee meeting, the
Committee discussed proposed amendments relating to Accessory Dwelling Units
(ADUs). These amendments, brought forth through a collaboration with the Economic
Development Cooperative (EDC) and City staff, intend to address inequitable
opportunities to develop ADUs based on zoning that have been identified through
community outreach and research on ADUs. The Committee referred the proposed
amendments to the Plan Commission for further discussion.

One of the City Council’s 2019-2020 goals is Expansion of Affordable Housing. ADUs
have been identified as a viable strategy to help reach that goal by providing more
affordable housing unit options in different Evanston neighborhoods. ADUs also enable
residents to age in place and can help existing low- or moderate income homeowners
remain in the community through the rental of their property’s ADU.

There are a number of existing coach houses and accessory dwelling units within the
City. Zoning currently allows for one accessory dwelling unit per single family detached
dwelling. Existing units are allowed to be rented to non-family members if they are
Proposal Overview
Staff is proposing to amend several sections within the Zoning Code related to Coach Houses and Accessory Structures. This includes Sections 6-4-6-2. General Provisions for Accessory Uses and Structures, 6-4-6-3. Allowable Accessory Uses and Structures (Detached from Principal Structure), 6-4-6-4. Special Regulations Applicable to Garages, Table 16-B. Schedule of Minimum Off-Street Requirements, and 6-18-3. Definitions as detailed below:

Section 6-18-3. - Definitions

| COACH HOUSE: | A single detached secondary or accessory dwelling unit located on the same zoning lot as the principal residential structure dwelling unit including a garage. Tenants of coach houses may be unrelated to the owners of the principal residential structure. A maximum of one (1) coach house is allowed per Single Family Detached Dwelling-zoning lot. |

Section 6-4-6-2. – General Provisions for Accessory Uses and Structures

(G) No accessory building shall exceed fourteen and one-half (14 1/2) feet in height for a flat roof or mansard roof, or twenty (20) feet measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages and coach houses in Section 6-4-6-4 of this Chapter.

Section 6-4-6-3. - Allowable Accessory Uses and Structures (Detached From Principal Structure)

(B) Table 4-A — Permitted accessory buildings, structures and uses:

<table>
<thead>
<tr>
<th>1. Accessory dwelling units to principal residential structure to single-family detached homes</th>
<th>Yard</th>
<th>District</th>
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<tr>
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<td>R</td>
<td>Both</td>
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Section 6-4-6-4.- Special Regulations Applicable to Garages and Coach Houses

Garages and coach houses for Evanston landmarks and structures in City Council designated historic districts shall be subject to the following requirements:

(A) Height:

1. For garages and coach houses with flat and mansard roofs, height requirements for accessory buildings apply, as set forth
2. All garages and coach houses without flat or mansard roofs shall be no taller than three-fourths (3/4) the height of the principal structure, measured to the roof apex, but in no case shall the height exceed twenty-eight (28) feet.

(B) Yards: All garages and coach houses shall meet the setback requirements for accessory structures, as set forth in Section 6-4-6-2 of this Chapter.

(C) Roofs: The roof of the garage or coach house shall be compatible in pitch and shape with the roof of the principal structure.

Coach Houses not located in City Council designated historic districts shall be subjected to the following requirements:

(A) Height:

1. For coach houses with a flat or mansard roof, an increase of one (1) foot in height shall be allowed for every one (1) foot in additional setback provided from any property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty (20) feet.

2. For coach houses without flat or mansard roofs, an increase of one (1) foot in height shall be allowed for every one (1) foot additional setback provided from any property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty-eight (28) feet.
Table 16-B: Schedule of Minimum Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Coach house</th>
<th>1 parking space for each dwelling unit within the coach house; if the coach house meets affordability criteria or transit-oriented criteria, no parking space is required.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Transit-oriented criteria is met if the coach house is within a designated Transit-Oriented Development area or within a one-thousand (1,000) foot distance of a Metra, PACE, or Chicago Transit Authority public transit bus stop or train station.</td>
</tr>
<tr>
<td></td>
<td>Affordability criteria is met if, at the time of coach house construction, the household income of the owner that builds a coach house is at or below 80% of the area median income (AMI), as determined annually by the Illinois Housing Development Authority. Affordability criteria is also met if a unit within the principal structure or coach house is rented at or below 80% AMI for a period of ten (10) years.</td>
</tr>
</tbody>
</table>

During the Planning & Development Committee discussion there was concern expressed regarding the proposed parking requirement waiver for coach houses. It was noted that there is already a lack of parking in some areas that could be affected by the proposed change. It was also noted that some research shows that tenants of ADUs tend to own fewer vehicles. Ultimately there was a general consensus to have additional research and discussion regarding how to approach the parking requirement.

Other Municipalities
Staff looked at other municipalities to see what zoning regulations were in place regarding accessory dwelling units. Wilmette permits Accessory Living Units (ALUs, handout attached) within existing single family homes, but not as separate accessory structures. Winnetka permits ADUs, existing prior to March 20, 2012, within coach houses or located “in combination with a non-residential accessory use in a single accessory building”.

Oak Park permits ADUs in coach houses provided they are on a lot that is at least 6,500 square feet and primarily used for a single family home. Additionally, only one coach house is permitted per lot and is subject to similar regulations as garages, with heights not to exceed that of the principal building. No additional off-street parking is required with the addition of a coach house. In Park Forest, IL, one ADU is permitted per principal structure on the zoning lot but must be part of said principal structure (attic, basement or attached garage). There is a one parking space per dwelling unit requirement for ADUs. In South Elgin, IL, ADUs are permitted either as part of the principal structure or in an accessory structure such as a garage or coach house. The number of ADUs cannot be any greater than the number of principal dwellings on the lot. One parking space per ADU is required.

Lexington, KY is considering a text amendment that would permit ADUs throughout its
residential districts. In its proposal, one ADU would be permitted per lot with setbacks either meeting that of the primary structure (if attached) or meeting those of other accessory structure setback requirements. With regards to parking, one additional space may be permitted for those ADUs located in a zone with a max parking requirement.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to revise the definition of coach houses and regulations related to accessory dwelling units meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the goals, objectives, and policies of the Comprehensive General Plan, specifically: 1) addressing concerns regarding housing cost and affordability and, 2) maintaining the appealing character of Evanston’s neighborhoods while guiding change. The regulations would enable homeowners to construct accessory units that would provide affordable housing options that still fit within the context of the existing neighborhood.

The proposal will likely have no negative effects on the overall character of existing development, the value of adjacent properties, or adequacy of public facilities and services. New construction would be reviewed by City staff and would need to comply with all building code requirements.

Recommendation
Staff believes the proposed text amendment to revise the definition of coach house and regulations related to accessory dwelling units meets the standards for approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council for the proposed text amendment.

Attachments
ADU Local Opportunity Map
Packet from September 23, 2019 Planning & Development Committee Meeting
2018 American Planning Association (APA)- Zoning Practice
    Zoning to Promote Garage Apartments
2016 Housing Network Article -
    Accessory Dwelling Units- A Smart Growth Tool for Providing Affordable Housing
Wilmette Handout on Accessory Living Units
APA Handout on ADU Regulation Examples
New ADU Opportunities

Evanston has approximately:

- 1,734 two-flats and apartments
- 348 townhomes

Of these 2,082 residential properties, approximately 824 of them could support an ADU with a living space of 600 square feet or larger. The following images visually display these 824 properties, demonstrating that properties in Evanston’s 5th, 2nd, and 9th Wards would predominantly gain the opportunity to build an ADU with this ordinance change.

Image 1: Entire Map of ADU Opportunities Under Consideration
Image 2: North of Dempster St

Image 3: South of Dempster St
Memorandum

To: Honorable Mayor and Members of City Council

From: Johanna Leonard, Community Development Director
Sarah Flax, Housing and Grants Manager
Scott Mangum, Planning and Zoning Manager
Melissa Klotz, Zoning Administrator

Subject: Consideration of Proposed Amendments to Zoning to Facilitate Development of Coach Houses/Accessory Dwelling Units for Referral to Plan Commission

Date: September 23, 2019

Recommended Action

The Evanston Development Cooperative and staff request consideration by City Council of amendments to zoning code related to coach houses/accessory dwelling units (ADUs) and referral of those amendments to Plan Commission in order to effectively expand affordable housing options across Evanston.

Potential amendments include the following:

1. Allow one ADU per principal residential structure, removing the current limitation to single-family detached residences

2. Waive the additional parking requirement for an ADU when there is an affordability restriction of 10 or more years for either the principal residence or ADU, and on properties within TOD areas or within a certain distance to public transit

3. Increase the maximum height for an ADU when there are increased setbacks from property lines that abut another property.

Livability Benefits:
Built Environment: Support housing affordability; provide compact and complete streets and neighborhoods; and

Equity & Empowerment: Ensure equitable access to community benefits, and support poverty prevention and alleviation.
Climate & Energy: Improve energy and water efficiency, reduce greenhouse gas emissions

Summary:
In collaboration with staff, the Evanston Development Cooperative (EDC) proposes these amendments to address inequitable opportunities to develop ADUs based on zoning that have been identified through community outreach and research on ADUs. EDC seeks direction from City Council pertaining to the type of residential property, maximum height, and parking requirements for ADUs. Guidance from City Council is requested relating to proposed changes to these regulations, and referral to Plan Commission to amend zoning code based on that guidance.

ADUs have been identified as a strategy to address affordable housing needs throughout Evanston neighborhoods and wards. They can increase the supply of affordable housing units in single-family neighborhoods with limited options for rental housing, while also helping low or moderate-income residents stay in the community with rental income and increased property equity. Further, ADUs can enable Evanston’s growing senior population to age in place.

1. Expand the type of property on which an ADU is allowed to one per residential structure:

Zoning currently allows for one ADU per single-family detached dwelling. Residential properties such as townhomes and two-flats that meet current building lot coverage, impervious surface coverage, and setback requirements are excluded from having an ADU. By allowing one ADU per principal residential structure, property owners in more neighborhoods have the opportunity to provide new housing options as long as all other zoning requirements are met.

There are a significant number of two-flats in R3 zoning districts, particularly in historically lower-income neighborhoods, whose owners are unable to benefit from this housing option (see attached map of potentially eligible properties). Several owners of two-flats in the 2nd and 5th Wards have reached out to EDC about building an ADU, with one specifically interested in providing affordable housing in the ADU.

2. Removal of additional off-street parking requirement:

EDC requests consideration of eliminating the parking requirement for ADUs with rental restrictions. There are precedents for eliminating the parking requirement for affordable housing: the inclusionary housing ordinance eliminates the parking requirement for affordable units in covered developments, and the Zoning Board of Appeals has recommended and City Council has granted parking variances for units with affordability restrictions at 80% of the area median income for 10 years. EDC requests guidance from City Council on a similar approach for ADUs.

In addition, EDC requests consideration of eliminating the parking requirement for ADUs in TOD areas, where reduced parking is already permitted for multi-family structures, as well as for ADUs in close proximity to public transportation such as CTA and Pace bus stops. Facilitating the development of ADUs in areas with access to public transit
encourages multi-modal transportation use and expands affordability options in high-cost housing areas.

These changes will facilitate achievement of City Council’s goal of expanding affordable housing options by making it more feasible to build ADUs. EDC has interest from property owners in the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, and 9th Wards whose ability to build an ADU is hindered by current zoning.

An ADU’s smaller size and lower rent reduces the likelihood of car ownership by the occupant. In addition, the current requirement of one additional off-street parking space for an ADU increases cost and impervious surface coverage.

3. Increase maximum permitted height of ADUs and garages:

Zoning currently limits the height of accessory structures as follows:

- 14.5 feet for a flat or mansard roof across Evanston
- 28 feet for all other roofs in designated historic districts, based on the height of the principal structure
- 20 feet for all other roofs in non-historic districts

To ensure that new ADUs fit the character of the neighborhoods in which they are being constructed and do not negatively impact abutting properties, the height of ADUs and garages should extend beyond the current 20-foot limit only when additional setbacks to adjacent properties are provided. For example, ADU height could be proportionally increased by one foot for every additional foot of setback. Example, an ADU with 8 foot setbacks from both side yards would be allowed a height of 25 feet. This would allow the development of larger ADUs that can accommodate larger households, are more cost-effective to construct by reducing the need for dormers, and can keep roof pitches within manufacturers’ warranty guidelines.

Attachments:
Map of Properties Currently Unable to Add an ADU
Map of TOD Areas
Properties that cannot construct a coach house under current ordinance:

- Apartment building with 2 to 6 units, any age (Class code 2-11)
- Old style row house (town home), over 62 years of age (Class code 2-10)
ISSUE NUMBER 5
PRACTICE GARAGE APARTMENTS
Zoning to Promote Garage Apartments

By Anne Brown, Vinit Mukhija, and Donald Shoup, FAICP

American cities have a large supply of garages that could be converted into affordable apartments, but off-street parking requirements prevent converting most of these garages into housing for people.

Converted garages in single-family neighborhoods are variously called second units, accessory dwelling units, garage apartments, granny flats, and backyard cottages. To convert a garage into an apartment, off-street parking requirements typically force a home owner to replace the two garage parking spaces with two new off-street parking spaces, plus an additional off-street parking space for the new apartment. These parking requirements make it almost impossible—financially and physically—for most home owners to legally convert garages into housing.

To make it easier to convert garages into housing, some cities have removed parking requirements for the second units. Although the residents of the garage apartments are less likely than others to own cars, many do own cars—some of which are parked on the street. Thus, converting a two-car garage into an apartment can add three cars parked on the street, and neighbors may fear that the conversions will congest on-street parking.

This dilemma can be resolved in neighborhoods with a residential parking permit district. We propose that cities remove the off-street parking requirements for single-family homes that have second units, and limit the number of on-street parking permits at that address to the number of cars that can park in front of the property. Managing on-street parking in this way can eliminate fears that converting garages into housing will flood the street with parked cars.

NOT IN MY NEIGHBOR’S BACKYARD

While reduced parking requirements for garage apartments can increase the supply of affordable housing, home owners often oppose garage conversions in their own neighborhood because of concerns about on-street parking. Explaining why she opposed garage apartments, one planning commissioner in a Southern California city said that she bought her house in a neighborhood “where I wouldn’t have to worry if I was going to be able to park in front of my own house.” Garage conversions can face severe political problems if local officials fear that the new residents will create parking problems.

This fear is exaggerated. A study of middle-income single-family home owners in the Los Angeles area found that 75 percent of garages were used to store old furniture or other household goods, not cars. Figure 1 shows two of these garages, where cars are out and just about everything else is in. In addition, many older garages are too small to accommodate larger modern vehicles such as pickup trucks or sports utility vehicles. Garage conversions are unlikely to displace many cars from garages because many cars are already in driveways or on the streets. Nevertheless, many residents fear garage conversions will lead to overcrowded on-street parking. How can cities remove off-street parking requirements for houses with garage apartments without crowding on-street parking and arousing political opposition?

TABLE 1. SHARE OF UNPERMITTED SINGLE-FAMILY UNITS IN THE LARGEST METROPOLITAN STATISTICAL AREAS, 2000–2014

<table>
<thead>
<tr>
<th>MSA</th>
<th>Increase in Number of Housing Units</th>
<th>Number of Building Permits</th>
<th>Number of New Units without Permits</th>
<th>Percentage of New Units without Permits</th>
<th>Wharton Regulatory Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>454,728</td>
<td>155,344</td>
<td>299,384</td>
<td>66%</td>
<td>0.51</td>
</tr>
<tr>
<td>New York</td>
<td>566,167</td>
<td>235,846</td>
<td>330,321</td>
<td>58%</td>
<td>0.63</td>
</tr>
<tr>
<td>Boston</td>
<td>205,337</td>
<td>86,102</td>
<td>119,235</td>
<td>58%</td>
<td>1.54</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>317,891</td>
<td>153,821</td>
<td>164,070</td>
<td>52%</td>
<td>1.03</td>
</tr>
<tr>
<td>Chicago</td>
<td>514,888</td>
<td>292,800</td>
<td>222,088</td>
<td>43%</td>
<td>0.06</td>
</tr>
<tr>
<td>Miami</td>
<td>298,554</td>
<td>186,632</td>
<td>109,922</td>
<td>37%</td>
<td>NA</td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>398,169</td>
<td>279,401</td>
<td>118,768</td>
<td>30%</td>
<td>0.33</td>
</tr>
<tr>
<td>Dallas</td>
<td>608,604</td>
<td>459,609</td>
<td>148,995</td>
<td>24%</td>
<td>-0.35</td>
</tr>
<tr>
<td>Atlanta</td>
<td>582,114</td>
<td>471,479</td>
<td>110,635</td>
<td>19%</td>
<td>0.04</td>
</tr>
<tr>
<td>Houston</td>
<td>581,674</td>
<td>526,312</td>
<td>55,362</td>
<td>10%</td>
<td>-0.19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,528,127</strong></td>
<td><strong>2,849,346</strong></td>
<td><strong>1,678,781</strong></td>
<td><strong>37%</strong></td>
<td></td>
</tr>
</tbody>
</table>

Complete sources and methodology available in “Converting Garages into Housing,” published in the Journal of Planning Education and Research.

Instead of requiring off-street parking to prevent crowded on-street spaces, cities can better manage the on-street parking. Parking is not the only reason why neighbors may object to garage conversions, but it is a major reason and a politically powerful one. If cities remove on-street parking problems as an objection to garage apartments, the other issues (such as concerns about noise or attracting lower-income residents to high-income neighborhoods) can be discussed more openly. Other zoning regulations for second units (location, size, safety, construction materials, and occupancy limits) can remain largely unchanged.

REFORMING OFF-STREET PARKING REQUIREMENTS

One way to manage on-street parking is to limit the number of cars permitted to park on the street. In residential permit parking (RPP) districts, the city can limit the number of on-street parking permits for cars registered at any address with a second unit. An RPP district is necessary but not sufficient to prevent garage conversions from crowding the curb. Although cities create permit districts only where parking is already scarce, they can be irresponsible about the number of permits issued.

For example, a political firestorm erupted in San Francisco when journalists discovered that romance novelist Danielle Steel had 26 residential parking permits for her mansion in Pacific Heights.

To solve the on-street parking problem, cities can impose an if-then condition for garage conversions: if an owner receives a permit to convert a garage into housing, then the owner accepts a limit on the number of on-street parking permits at that address. This if-then condition can be included in the zoning for single-family neighborhoods with RPP districts.

There are good precedents for this if-then policy. In 2016, Washington, D.C., halved its off-street parking requirements for multifamily buildings near transit with the provision that the residents cannot receive residential parking permits (§702.1(c)). In 2017, California adopted legislation that prohibits local governments from requiring any off-street parking for some multifamily developments “when on-street parking permits are required but not offered to the occupants of the development” (Government Code §65913.4(d)(1)(C)). Limiting the number of on-street parking permits at every address with a converted garage can eliminate the parking-related concerns of neighbors and thus reduce the political opposition to garage conversions.

The option to convert a garage into housing in exchange for limiting parking permits is far less restrictive than prohibiting garage conversions entirely. Furthermore, if a city limits the number of on-street parking permits only at addresses with second units, the neighbors without second units can continue receiving permits as usual. Because the if-then permit solution does what off-street parking requirements were intended to do—manage on-street parking congestion—cities can remove the off-street parking requirements altogether.

Some cities offer permits that allow residents to park on the street in front of their own driveway, effectively creating a reserved curb space in front of every house and substantially increasing the on-street parking supply. If residents convert their garages into housing, these block-your-own-driveway permits can give property owners a guaranteed on-street parking space for themselves, guests, home help, and service vehicles.

LEGALIZING UNPERMITTED GARAGE CONVERSIONS

After a city has created a clear path for legal garage conversions, it can begin targeted code enforcement for illegally converted garages following a grace period, during which home owners may comply with new regulations. While heavy-handed enforcement would previously have been “inhumane” due to the widespread displacement it would have caused, enforcement can now encourage...
TABLE 2. COST AND REVENUE FOR CONVERTING A TWO-CAR GARAGE INTO A 400-SQUARE-FOOT APARTMENT

<table>
<thead>
<tr>
<th></th>
<th>Low</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Construction Cost</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural plans</td>
<td>$3,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Permit fees</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Construction</td>
<td>$45,000</td>
<td>$60,000</td>
</tr>
<tr>
<td>Fixtures</td>
<td>$10,000</td>
<td>$12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$60,000</td>
<td>$80,000</td>
</tr>
<tr>
<td><strong>Monthly Gross Revenue</strong></td>
<td>$1,440</td>
<td>$1,440</td>
</tr>
<tr>
<td><strong>Monthly Net Revenue</strong></td>
<td>$843</td>
<td>$668</td>
</tr>
</tbody>
</table>

Complete sources and methodology available in “Converting Garages into Housing,” published in the Journal of Planning Education and Research.

regularizing illegal conversions along with a limit to on-street parking. For example, Lawndale, California, requires an inspection and a report that “states whether the property is in compliance with the requirements for off-street parking” before any residential property is sold. A similar inspection-at-sale requirement in other cities would lead home owners to upgrade or remove conversions.

Garages converted without a legal permit are surprisingly widespread in the U.S. To estimate the increase in the number of unpermitted single-family housing units in the 10 largest Metropolitan Statistical Areas (MSAs), we compared the number of new single-family housing units reported in the U.S. Census with the number of single-family building permits reported by the U.S. Department of Housing and Urban Development. (Detached inhabited garages are counted as single-family housing units in both data sets.) Column 4 in Table 1 suggests that, between 2000 and 2014, 37 percent of new single-family units were unpermitted. In total, 1.7 million unpermitted housing units were added in the 10 largest MSAs.

Column 5 shows the Wharton Residential Land Use Regulatory Index, which measures the strictness of land-use regulation. MSAs with more regulation have higher values and those with less regulation have lower values. The MSAs with more regulatory barriers to new housing (Boston, Los Angeles, New York, and Philadelphia) have high shares of unpermitted units in their metropolitan areas, while the MSAs with fewer barriers (Atlanta, Dallas, and Houston) have low shares. Providing a pathway to legalization can greatly reduce the number of illegal garage conversions.

THE ECONOMICS OF GARAGE CONVERSIONS

Converting garages into housing can have far-reaching benefits for home owners, including an improved financial footing. According to Pearl Remodeling, a company that converts garages into livable space in Los Angeles, the cost of converting a two-car garage into a 400-square-foot apartment ranges from $60,000 to $80,000. If the home owner finances the conversion at five percent interest over a 15-year period, monthly loan payments would be between $474 and $633 per month. Using Craigslist, we surveyed rental listings of second units in Los Angeles County in May 2016 and estimated that the average rent for a 400- to 450-square-foot second unit in Los Angeles is $1,440, so the rent from a garage apartment can cover the mortgage payments and give the home owner between $602 and $793 a month in additional income. If the owner pays $60,000 for the conversion without borrowing, the rate of return on the investment is 25 percent per year and the payback period is 3.9 years; if the conversion cost is $80,000, the rate of return is 18 percent per year and the payback period is 5.4 years.

Some owners may not want to borrow money to convert a garage, or may have too little equity to do so. A policy that can help in this case is being tested in Portland, Oregon. The government offers to build a second unit on a single-family property if the home owner agrees to allow a homeless family to live in it rent-free for five years, after which the home owner has unrestricted use of the property. The sites considered for the second units are close to public transit, schools, grocery stores, and day care, and the formerly homeless families receive full support from social services.

The government’s cost to build the second unit is around $75,000, about the same as the cost to convert a garage into a second unit—far less than the average $372,000 per unit it costs to build subsidized affordable housing in California.

If a city wants to provide housing for homeless families, subsidizing second units can be cheaper than subsidizing the rent for existing apartments.

Unlike rent subsidies, which increase the demand for affordable housing, subsidized second units increase the supply of affordable housing. After five years, home owners get the second units at no cost.

If an agency is committed to providing shelter for a specific group, subsidized second units can be a cost-neutral or even a less expensive alternative.

For example, because the U.S. Department of Veterans Affairs offers a wide array of programs to help homeless veterans, it can also offer to pay for converting garages into housing in exchange for letting veterans occupy the new housing rent-free for a specified period. This offer seems especially appropriate if the home owner appreciates a veteran’s service to the country and if the neighbors approve of (or at least hesitate to publicly oppose) allowing a formerly homeless military veteran to live nearby.
Garage Conversions and Urban Design

The scale large and bad design of some high-density infill projects often provoke opposition from home owners who want to preserve their neighborhood’s physical character. In contrast, garage apartments do not overwhelm existing houses and may even go unnoticed by neighbors. Garage conversions merely swap people for cars or storage, leaving exteriors virtually unchanged. Critics cannot say that a converted garage will be out of scale in the neighborhood because the garage is already there. Garage apartments create horizontal, distributed, and almost invisible density instead of vertical, concentrated, and obtrusive density. Home owners may begin to consider their garages like unfinished attics or basements that can be converted into living space when the need arises. With a garage conversion, no one has to build more housing because it’s already there. The problem is that the city requires it to be reserved for cars, not people.

Figure 2 shows single-family homes with converted garages in front of and behind the house. Both have enough parking to accommodate two, three, or more cars parked in the driveway or on the street in front of the house.

Because most garage conversions have been illegal, most of them have been in backyards where they are inconspicuous. Few home owners would be foolhardy enough to illegally convert a street-facing garage into housing because it would be obvious to everyone, including city inspectors. The investment would be risky because of the high chance of being cited for two violations: converting the garage to housing and not having the required off-street parking. Nevertheless, street-facing garages may be the most suitable for conversion to housing, for several reasons.

First, street-facing garages already comply with zoning-required setbacks and height limits. Second, converting a street-facing garage into an apartment will not reduce privacy in the home owner’s or the neighbors’ backyards. The garage apartment’s resident will also have more privacy with a separate entrance to the street. Third, converting a street-facing garage that is part of the house into an apartment should be cheaper than converting a freestanding backyard garage. The apartment can connect with the electricity, central heating, air conditioning, and plumbing in the main house, and can have a door into the main house if the apartment is occupied by a family member or caregiver. Fourth, fire engines or ambulances can easily access a garage apartment in the front, removing an objection often raised against backyard cottages. Fifth, garage residents will provide more eyes on the street, and the home owners can feel safer while they are away if someone is living in the former garage. Sixth, converting a street-facing garage into an apartment can improve both the architecture of the house and the urban design of the street. Street-facing garages can be much more valuable for people than for cars.

All this can be accomplished with little effect on parking or aesthetics. Cars can still park side-by-side in the driveway of a front-facing converted garage. If a garage abuts the sidewalk and has no driveway, the city can issue a block-your-own-driveway permit to provide a guaranteed on-street parking space along the curb cut in front of the house. Moreover, a city can require design review for any garage conversion to ensure that it is consistent with the design of both the house and the neighborhood.

The two renderings in Figure 3 illustrate the improvements possible when a residential facade replaces a garage door that formerly dominated the front of a house. (The entry door to the second unit can be in the side setback.)

Affordable Housing

Off-street parking requirements in single-family neighborhoods prevent on-street parking congestion mainly by preventing second units, and most garage conversions that do occur are confined to the unregulated housing market rather than the formal market. Some home owners ignore not just parking requirements but also important safety precautions when converting their garages without building permits. These unregulated garage units may then not adhere to building codes, thus exacerbating existing concerns over the safety of converted garages.

Urban economists have argued that high housing prices result not from a shortage of land, but from a zoning-induced shortage of building permits. Parking reforms that allow second units can provide a new supply of small, well-located, and high-quality dwellings within walking distance of stores and public transit. Allowing home owners to convert their garages into second units will allow the market to supply more housing with less parking and less traffic.

By creating new affordable housing, garage conversions can reduce the demand for existing affordable housing—which is in short supply—by increasing both the number of units and their geographical availability. If reformed parking requirements
allow it, garage apartments can create income-integrated communities not only in the sense of income diversity within a neighborhood but also of people with different incomes living on the same piece of property. The garage apartments will be what has been called naturally occurring affordable housing (NOAH): units that are affordable without being supported by public subsidies. Because the residents of the new garage apartments will not be competing for the existing supply of affordable housing, the benefits of the new NOAH units will trickle sideways and benefit everyone seeking affordable housing.

Property-rights advocates can see that it will increase owners’ ability to manage their property. Environmentalists can see that it will reduce energy consumption, air pollution, and carbon emissions. Elected officials can see that it will encourage infill development and reduce traffic congestion without any new taxes. Contractors can see that it will increase investment in new housing. Urban designers can see that unobtrusive microapartments will enable people to live at higher density without being overwhelmed by cars. Libertarians can see greater opportunities for individual choice. Older people can see the potential to have on-site housing for caregivers or boomerang children. Opponents of illegal second units can see the potential for cities to legalize or remove these units.

Home owners can see the opportunities for guest quarters or rental income. Potential residents can see the prospect of affordable housing close to their workplace. Across the political spectrum, the left can see that garage conversions provide affordable, mixed-income housing in good neighborhoods, while the right can see they are 100 percent capitalist.

If many home owners convert their garages into apartments, cities can consider charging market prices for the on-street parking permits and spending the revenue to improve public services in the neighborhood. Everyone will have an incentive to economize on curb parking. Some residents who formerly parked their cars at the curb will park in the driveway, and others might sell an old car that isn’t worth the price of an on-street parking permit. If more home owners convert their garages into apartments, rising permit prices will prevent a curb parking shortage, and will increase the revenue to pay for neighborhood public services.

**CONCLUSION**

One goal of city planning is to avoid conflicts before they happen, such as by regulating setbacks, fence heights, signs, and other features of real estate. Off-street parking requirements help to avoid conflicts about on-street parking, but they have serious unintended consequences, one of which is reducing the supply of housing. Garage conversions can increase the supply of housing but off-street parking requirements inhibit converting garages into housing.

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**ALL PARKING IS POLITICAL**

Diverse interests from across the political spectrum may support reducing the off-street parking requirements for second units if a city limits the number of on-street parking permits at any address with a second unit. Taken together, reforms for both on-street and off-street parking regulations are likely to appeal to important interest groups.

Housing advocates can see that allowing garage conversions will create affordable homes without requiring any subsidy.

**SAMPLE LOCAL LEGISLATION**

Off-street parking requirements shall be removed where the following conditions are met:

- The lot sits within a residential parking permit district; and
- On-street parking permits are limited.
- This condition shall remain in effect so long as the normally required number of off-street spaces are not provided on the lot.

**SAMPLE STATE LEGISLATION**

[A] local agency . . . shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- The accessory dwelling unit is located within one-half mile of public transit.
- The accessory dwelling unit is located within an architecturally and historically significant historic district.
- The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- When there is a car-share vehicle located within one block of the accessory dwelling unit.

[Excerpted from California Government Code §65852.1(a)]

**COMMENTARY**

In California, all cities and counties must allow garage conversions and other second units through a ministerial review process (Government Code §65852.2).

Additionally, the California Vehicle Code authorizes block-your-own driveway permits (§22507.2):

A local authority may, by ordinance, authorize the owner or lessee of property to park a vehicle in front of the owner’s or lessee’s private driveway when the vehicle displays a permit issued pursuant to the ordinance authorizing such parking. The local authority may charge a nonrefundable fee to defray the costs of issuing and administering the permits.

Cities can issue block-your-own-driveway permits in neighborhoods zoned for single-family residential use. Block-your-own driveway permits substantially increase the on-street parking supply and give property owners a guaranteed on-street parking space for themselves, guests, home help, and service vehicles.

This is not an unprecedented approach. Hermosa Beach, California, has authorized block-your-own driveway permits since 1989 (§10.32.080). Here is the city’s permit application and the original ordinance: http://bit.ly/2uycyXT.
Off-street parking requirements put space for cars ahead of housing for people by making it difficult to convert garages into apartments. Instead, cities should remove off-street parking requirements for houses within RPP districts and limit the number of on-street parking permits at any address where a garage has been converted to housing. Limiting parking permits will prevent on-street parking congestion and help make garage conversions politically feasible. By increasing both home values and the supply of affordable housing, this parking reform can achieve individual and collective benefits of converting garages into housing without creating costs to neighboring home owners.

Parking reform for garage conversions can be offered first as a pilot program in one district. If the first district where garage conversions are allowed is successful, the policy can be offered in other parts of the city. Because they offer flexibility and may be adopted on a piecemeal basis, the parking reforms can allow residential districts to implement gradual change at the neighborhood level. The policy can also be expanded to allow other kinds of second units such as new detached structures, additions to the main house, or carve-outs in the main house, such as basement apartments. Parking reform can reduce the barriers to all forms of second units in both old and new housing while removing concerns about on-street parking congestion.

Parking reforms offer a simple solution to encourage the addition of affordable housing while also providing home owners with improved choice and opportunities for mortgage financing and home equity loans. While parking regulations will change, other city regulations for second units, particularly building and safety codes, can remain the same. Existing garage conversions can be grandfathered if they are brought up to code, as is often done with other nonconforming land uses. New houses can also be built with second units or designed with garages and other spaces that are ready for conversion to second units.

The most appropriate method of managing on-street parking for houses with second units will depend on the nature of the neighborhood. In older neighborhoods with narrow lots, for example, only one on-street parking permit may be possible for a house with a second unit. In newer neighborhoods with wider lots, several parking permits for a house with a second unit may not crowd the street. Even in the densest neighborhoods, cities can allow second units such as basement flats if they manage the on-street parking properly. In this way, relatively minor parking reforms can allow home owners to create second units and adapt the urban landscape to a new future, one garage at a time.

Note: This article is condensed from “Converting Garages into Housing,” in the Journal of Planning Education and Research.

ABOUT THE AUTHORS

Anne Brown is a PhD candidate in the Department of Urban Planning at the University of California, Los Angeles and a graduate student researcher in UCLA’s Lewis Center for Regional Policy Studies and the UCLA Institute of Transportation Studies. Her research examines the intersection of transportation equity, finance, and travel behavior. Brown’s dissertation research investigates the equity implications of ride-hail services.

Vinit Mukhija is a professor and department chair of urban planning in the Luskin School of Public Affairs at UCLA. His research focuses on informal housing and slums in developing countries and “Third World-like” housing conditions (including colonias, unpermitted trailer parks, and illegal garage apartments) in the U.S. He is particularly interested in understanding the nature and necessity of informal housing, and strategies for upgrading and improving living conditions in unregulated housing. His work also examines how planners and urban designers in both developing and developed countries can learn from the everyday and informal city.

Donald Shoup, FAICP, is distinguished research professor in the Department of Urban Planning at UCLA. His research has focused on how parking policies affect cities, the economy, and the environment. Shoup is a Fellow of the American Institute of Certified Planners and an Honorary Professor at the Beijing Transportation Research Center. In 2015, he received APA’s National Excellence Award for a Planning Pioneer.
ARE YOUR PARKING STANDARDS BLOCKING GARAGE APARTMENT CONVERSIONS?
An accessory dwelling unit (ADU) is a residential unit that is secondary to the primary residence of the homeowner. It can be an apartment within the primary residence or it can be an attached or freestanding home on the same lot as the primary residence. The concept of an accessory dwelling unit is to have an additional complete residence, meaning a place for sleeping, bathing, and eating independent of the primary home. An ADU is a tool for providing affordable rental housing and promoting smart growth. These smaller housing units are typically infill units built where there is existing infrastructure, making greater use of the already developed land.

**The Value of an Accessory Dwelling Unit**

An accessory dwelling unit creates affordable housing in two ways: the secondary (accessory) dwelling is a small rental unit that will ordinarily rent at a price within the means of lower income persons; at the same time, the rental income from the accessory dwelling unit can render the primary residence more affordable by virtue of the income it generates for the resident owner of the primary residence.

Ordinarily, the accessory dwelling unit is smaller than the primary residence of the homeowner. But, if permitted by the local government, the owner may choose to live in the smaller unit and rent out what was the primary residence. At first blush this arrangement may seem odd, but in the case of a family that now has a single elderly member living on a fixed income, this arrangement can provide the perfect affordable living solution; a more appropriately sized living space and a higher rental income.

AARP engaged the American Planning Association (see resources sidebar on page 20) to develop a model state act and local ordinance as a resource for meeting the affordable needs of elder Americans. ADUs are particularly well suited for lower income elderly because in addition to increasing affordability, the elderly homeowner may also obtain companionship and needed services from the tenant in the ADU. The use of ADUs can assist the elderly to “age in place”. An example of this cited in the Public Policy Institute publication is from Daly City, California:

This cottage is an example of a detached accessory dwelling unit built in the side/backyard with roof lines, colors, and architectural design that matches the larger primary home.
Permitting accessory dwelling units is a way for government to create an environment in which the private sector can produce affordable housing, without having to invest public dollars. Removing the land use barriers which prevent accessory dwelling units from being built may be all that local government needs to do for affordable accessory dwelling units to be built. This is an example of how regulatory reform can increase the supply of affordable housing.

Promotion of ADUs as an Affordable Housing Strategy

When the SHIP Legislation was adopted in 1992, included in the list of regulatory reform items for consideration by all SHIP jurisdictions (all counties and entitlement cities in Florida), was permitting accessory dwelling units in all residential areas. Most jurisdictions did not opt to include this incentive, but a number of jurisdictions in Florida do make some provision for accessory dwelling units.

In 2004, Chapter 163 Florida Statutes, was amended to include Section 163.31771 entitled “Accessory dwelling units.” The law encourages local governments in Florida, especially those in urban areas, to permit accessory dwelling units in all areas zoned for single-family residential use. The purpose of this legislation is to increase the production of affordable rental housing. To that end, the statute provides that “an application to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to extremely low income, very low income, low income or moderate income person or persons.” The statute also states that each affordable accessory dwelling unit shall apply toward satisfying the affordable housing component of the housing element in the local government’s comprehensive plan. Local governments in Florida are, of course, empowered to permit accessory dwelling units without this statute, but the statute brings this underutilized tool to the fore and makes...
explicit the connection to local government comprehensive planning obligations.

**Considerations for ADU Ordinances**

Accessory dwelling units could be permitted without adoption of a separate ordinance by simply having accessory dwelling units enumerated as a permitted use within the single family residential use category. It is unlikely, however, that this will be the chosen vehicle, as it fails to provide the parameters for the development and use of accessory dwelling units, which are key to successfully balancing the production of affordable rental housing with the concerns of the existing single family homeowners.

Virtually all ADU ordinances require that the owner reside in either the primary or the secondary unit. But there are a number of issues that can be decided differently depending upon community needs. All programs for the development of ADUs should consider the following:

- **Conditional use or “by right”** – If the ADU is a conditional use, a public hearing would be required – this makes the process more difficult for the applicant, but provides a forum for input from the neighborhood. If the ADU is “by right” it is a permitted use and, provided the application meets the requirements in the ordinance, it will be approved administratively, without public hearing.

- **Permitting process** – To encourage the development of ADUs, local government can create a user friendly process for construction which includes expedited processing (a requirement under the SHIP program), a manual to help the homeowner, and a staff person charged with overseeing the program.

- **Size regulations** – ADU ordinances commonly have a minimum lot size for the total parcel and a maximum ADU size. The goal is to maintain the aesthetic integrity of the single family neighborhood. Performance standards rather than arbitrary size limitations may better address neighborhood concerns.

- **Design requirements** – To ensure compatibility and maintain the aesthetic character of the neighborhood, an ADU ordinance may set forth minimum design standards and have architectural review requirements.

- **Parking requirements** – To avoid parking problems in an urban area, the ordinance may require that there be sufficient on-street parking or off-street parking, or may require that parking be at the back of the residence.

- **Type of unit** – Different considerations may apply if the ADUs are within the primary residence, such as a basement apartment; attached to the primary residence, such as a garage apartment; or detached from the primary residence, such as a cottage.

- **Occupancy restrictions** – Some ordinances may prescribe the maximum number of people who can live in the ADU or the type of renters, such as limiting the rental to relatives or the elderly.

- **Incentives to produce ADUs** – Loans for the production of the ADU may make it easier to monitor for affordability and assist the local government in directing applicants on its rental waiting lists to affordable ADUs.

- **Monitoring** – Some ADU programs have an annual affidavit requirement or other means for monitoring whether the ADU continues to be used in accordance with the local ADU requirements.
ADUs do not have to be an afterthought. New construction of single-family homes could also include construction of an ADU. “Carriage houses” accessible from alleys are commonly found in the “New Urbanism” or Traditional Neighborhood Design. But without an ADU ordinance requirement that these units be affordable, the carriage houses in this “new urbanism” community exceed affordable rents, as the desirability of the traditional neighborhood design development drives housing prices out of the affordable range.

One of the keys to a successful program is the information and technical assistance provided to the community and the prospective developer/owner of an ADU. To ensure the success of its program, Montgomery County, Maryland has a guidebook to assist applicants through the permitting process for accessory apartments. The County also assists the applicant by having a staff person assigned to help applicants through the process.

In 2004, the Environmental Protection Agency gave the city of Santa Cruz California the National Award for Smart Growth Achievement for its Accessory Dwelling Unit Policies and Regulations, which includes a manual for developing ADUs, including architectural designs. You can access the Santa Cruz manual and ADU prototypes on line at: http://www.cityofsantacruz.com/home/showdocument?id=8875

If your local government would like technical assistance to help develop an accessory dwelling unit ordinance or navigate the issues to be addressed with accessory dwelling unit ordinances, contact the Florida Housing Coalition at (850) 878-4219, or Jaimie Ross at ross@flhousing.org

*Florida Statute 420.9076 (4) “At a minimum, each advisory committee shall make recommendations on affordable housing incentives in the following areas: (c) the allowance of affordable accessory residential unit in residential zoning districts.

**Jamie A. Ross** is the President & CEO of the Florida Housing Coalition. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Nationally, she serves on the Boards of Grounded Solutions Network and the Innovative Housing Institute. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.
An Accessory Living Unit (ALU) is defined as a dwelling unit within and subordinate to a single-family residence that provides separate accommodations for living, eating, and sleeping while maintaining the exterior appearance of a single-family home. The ALU is intended to provide another housing option for those 62 years of age or older and the disabled. The ALU ordinance is applicable to single-family homes in the R, R1, and R2 zoning districts.

To protect the single-family character of the Village, the creation of ALUs within existing single-family homes is carefully defined by the ordinance and will be enforced through the Community Development Department. This will allow the creation of accessory living units as a special use in the three single-family and townhouse zoning districts. A special use is one that must be reviewed by the Zoning Board of Appeals (ZBA) and approved by the Village Board before it may commence. The ZBA process requires all property owners and occupants within 250 feet of the property to be notified of the application and hearing date before the Zoning Board.

**Requirements for Accessory Living Units**

1. The principal dwelling or the accessory living unit must be occupied by the owner(s) of the subject property as the owner(s) principal place of residence for at least six (6) months of the year.

2. The resident of the principal dwelling or the accessory living unit must be fifty five (55) years of age or older, or disabled.

3. The maximum size of the accessory living unit is limited to twenty-five percent (25%) of the total area of the principal structure. The minimum size of the accessory living unit shall not be less than six-hundred (600) square feet.

4. Only one (1) accessory living unit is permitted on any lot.

5. An accessory living unit must be located wholly within the principal structure on the lot. No accessory living unit is permitted in any accessory structure.

6. The principal structure on the lot must maintain a single-family appearance with a single, common front entrance on the principal structure shared by the principal dwelling and the accessory living unit.

7. Any second entrance for the accessory living unit may be located at the rear or side of the principal structure.

8. Only the owner(s) of the subject property may apply for a special use for an accessory living unit.

9. An accessory living unit is illegal if it is established without an approved special use permit.
10. If granted by the Village Board, a special use for an accessory living unit automatically expires when the Zoning Administrator determines that one (1) or more of the requirements of this section have not been met. When a detached single-family dwelling that includes an accessory living unit is sold, the special use associated with the accessory living unit continues provided that the requirements of this section are met by the new owner(s).

11. The owner(s) granted a special use to establish an accessory living unit must file an affidavit with the Village annually, no later than ten (10) days after the date of the anniversary on which the Village Board granted the special use, stating that the accessory living unit complies with all the provisions of this Ordinance.

**Process**

Approval of ALUs is through the special use process. Please see the ZBA handbook for information and a ZBA application.

For more information, please contact the Community Development Department at (847) 853-7550 or comdev@wilmette.com.
Lexington, KY

The city of Lexington, Kentucky is considering a text amendment to permit accessory dwelling units (ADUs) throughout residential districts. This text amendment avoids several common pitfalls found in many other ADU ordinances that act as poison pills to substantially limit the feasibility of most ADUs. Full ordinance text is available at tinyurl.com/LexingtonADU. The relevant portions of the proposed text amendment are reproduced below:

Definition

DWELLING UNIT, ACCESSORY (ADU) – A smaller, secondary independent housekeeping establishment located on the same lot as a principal dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

(a) Detached structures. Examples include converted garages or new construction.
(b) Attached units are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

General Regulations for Accessory Dwelling Units (ADUs)

(a) **Construction**
   An ADU may be created through new construction, alteration of an existing structure, addition to an existing structure, or conversion of an existing structure to an ADU while simultaneously constructing a new primary dwelling unit on the site.

(b) **Number of Units**
   One (1) ADU is permitted per lot.

(c) **Minimum Lot Size**
   None.

(d) **Maximum ADU Size**
   800 square feet. For a detached ADU, Article 15-6(c) also applies [limiting the size of accessory buildings, including ADUs, to the greater of fifty percent of the total square footage of the primary structure or 625 square feet].

(e) **Maximum Floor Area (FAR) and Lot Coverage**
   For an attached ADU, the maximum FAR and lot coverage shall be that of the underlying zone.
   For a detached ADU, Article 15-6(c) shall apply.

(f) **Yard requirements**
   For an attached ADU, the yard requirements shall be those required for a principal structure in the underlying zone. For a detached ADU, the ADU shall be located behind the rear wall of the
principal residence. Article 15-6 [requiring a three (3) foot setback for any accessory building, including an ADU] shall also apply.

(g) **Maximum Height**
   For an attached ADU, the maximum height shall be that of the underlying zone. For a detached ADU, Article 15-6 shall apply.

(h) **Off-Street Parking**
   For ADUs located in a zone with a maximum parking requirement, one (1) additional space may be permitted.

(i) **Short-Term Rentals**
   If either dwelling unit is used as a short-term rental, as defined in the Code of Ordinances, the property owner is required to occupy one of the dwelling units.

(j) **Design Standards**
   Entrances: Only one (1) pedestrian entrance to the structure may be located on the primary wall plane of the dwelling unit.

   **Exterior Stairs:** Any exterior stairs to serve as the primary entrance to an ADU shall be located on the side or rear of the primary dwelling.

(k) **Alterations of existing structures**
   If a detached ADU is created from an existing detached accessory structure that does not meet one or more of the standards within [this article], the structure is exempt from the standard(s) it does not meet as per Article 3-2. However, as per Article 4-4, any alteration that would result in the structure becoming less conforming with those standards it does not meet is not allowed.
Village of Park Forest, IL


ARTICLE III: USES

§ III-4.C.8.d. Use of Garages. The area above vehicle parking spaces in a detached garage shall not be used as habitable space, and may not contain a kitchen, bathroom, or sleeping area. In an attached garage, such space may be used as habitable space with a kitchen, bathroom, and/or sleeping area for an accessory dwelling unit in accordance with § III-4.D.1 (Accessory Dwelling Unit).

§ III-4.D. Accessory Dwelling Units and Home Occupations. Subject to building permit approval, accessory dwelling units are permitted in the R-1 and R-2 Districts, and home occupations are permitted in all residential zoning districts, provided that the following standards are met for each type of use.

1. Accessory Dwelling Unit.
   a. Location. An accessory dwelling unit is permitted as part of the existing principal structure on the zoning lot, such as an attic, basement, or attached garage.
   b. Number. One accessory dwelling unit is permitted per single-family dwelling unit.
   c. Size. An accessory dwelling unit may not exceed 40 percent of the gross floor area of the principal structure on the lot, or 800 square feet, whichever is less.
   d. Occupancy. On lots with accessory dwelling units, the property owner must maintain his or her permanent residence in either the principal structure or the accessory dwelling unit.
   e. Entrances. An accessory dwelling unit may have an entrance from the exterior and/or interior of the principal structure.

ARTICLE V: OFF-STREET PARKING AND LOADING

§ V-2.C. Off-Street Parking Requirements. Table V-2-A. Off-Street Parking Requirements establishes the minimum vehicular parking requirements for the listed uses.

Table V-2-A. Off-Street Parking Requirements

<table>
<thead>
<tr>
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<th>Parking Requirement</th>
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<td>Residential</td>
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<tr>
<td>Accessory Dwelling Unit</td>
<td>1 per dwelling unit</td>
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ARTICLE XII: DEFINITIONS

§ XII-2.

Accessory Dwelling Unit: A small, self-contained residential dwelling unit often referred to as a mother-in-law suite, or a granny flat, that is secondary to a larger residential dwelling unit within which it is located.

Single-Family Dwelling: A building that contains one dwelling unit, which is not attached to any other dwelling units with the exception of an "Accessory Dwelling Unit."
Village of South Elgin, IL

Link to full UDO text: https://www.southelgin.com/vertical/sites/%7B5D95C9C3-6931-4CBF-AA90-3AC331AA0266%7D/uploads/South_Elgin_UDO_FullUDO_final_092718.pdf

SECTION 156.07: USES

§ 156.07.D.4. Accessory Dwelling Units. Accessory dwelling units are permitted in all residential zoning districts within a principal or accessory structure subject to approval of site plan review (§ 156.03.A.2 (Site Plan Review)) and provided that the following standards are met.

a. Accessory Dwelling Unit.

1) Location. An accessory dwelling unit located in a principal structure may be located anywhere within a principal structure. An accessory dwelling unit located in an accessory structure is allowed in the rear yard only.

2) Number. The number of accessory dwelling units on a lot shall be no greater than the number of principal dwelling units on a lot.

3) Size. The maximum size of an accessory dwelling unit shall be 900 square feet

4) Design. An accessory dwelling unit shall be designed to be clearly secondary to the principal dwelling unit on the site. For accessory dwelling units located in an accessory structure, the exterior materials of the dwelling unit must be compatible with the primary dwelling unit, including siding and trim materials, window design, roof shape, roof pitch, and roof material.

SECTION 156.08: PARKING AND LOADING

§ 156.08.B.3. Off-Street Parking Requirements. Table 156.08.B-1. Off-Street Parking Requirements establishes the minimum vehicular parking requirements for the listed uses.

Table 156.08.B-A. Off-Street Parking Requirements

<table>
<thead>
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<th>Parking Requirement</th>
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<td>Residential</td>
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</table>

SECTION 156.12: DEFINITIONS

§ 156.12.B.

Accessory Dwelling Unit (ADU): A small, self-contained residential dwelling unit that is secondary to a larger residential dwelling unit located on the same lot.

Single-unit Dwelling: A building that contains one dwelling unit, which is not attached to any other dwelling units with the exception of an "Accessory Dwelling Unit."