PLAN COMMISSION
Wednesday, August 12, 2020
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, Plan Commission members and City staff will be participating in this meeting remotely.

Due to public health concerns, residents will not be able to provide public comment in-person at the meeting. Those wishing to make public comments at the Plan Commission meeting may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the Plan Commission online comment form available by clicking here or visiting the Plan Commission webpage: https://www.cityofevanston.org/government/agendas-minutes/plan-commission and clicking on Public Comment Form.

Community members may watch the Plan Commission meeting online through the Zoom platform:

Join Zoom Meeting
https://zoom.us/j/97685327267?pwd=OHiwcTFDcnpGaW1USTZQNDFrNnh1dz09

Meeting ID: 976 8532 7267
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1. CALL TO ORDER / DECLARATION OF QUORUM

2. SUSPENSION OF THE RULES: Members participating electronically or by telephone

3. APPROVAL OF MEETING MINUTES: July 8, 2020

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 que 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).
4. NEW BUSINESS

A. Text Amendment - Accessory Dwelling Units 20PLND-0047
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to revise regulations related to accessory dwelling units, including coach houses, specifically to Accessory Uses and Structures (Section 6-4-6), Building Lot Coverage in the R1-R6 Zoning Districts (Sections 6-8-2 through 6-8-8), Off-Street Parking and Loading (Section 6-16, Table 16-B), and Definitions (Section 6-18-3).

B. Text Amendment - Micro Dwelling Units (Tiny Homes) 20PLND-0038
Andrew Gallimore submits for a Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to establish a definition for Micro Dwelling Units (Section 6-18-3) and establish regulations for their construction and use within residential districts (Section 6-8; Section 6-16).

C. Map Amendment - 1910-1946 Orrington Avenue & 714-716 Foster Street 20PLND-0048

5. OTHER BUSINESS

A. Revisions to Plan Commission Administrative Rules and Procedures

6. PUBLIC COMMENT

7. ADJOURNMENT

The next meeting of the Plan Commission is scheduled for **WEDNESDAY, September 9, 2020** via a virtual meeting. That information will be provided on the meeting agenda.
MEETING MINUTES
PLAN COMMISSION
Wednesday, July 8, 2020
7:00 P.M.
Virtual Meeting through Zoom Platform

Members Present: Peter Isaac (Chair), Jennifer Draper, George Halik, John Hewko

Members Absent: Brian Johnson

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Nicolas Cummings, Deputy City Attorney

Presiding Member: Chair Isaac

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Isaac called the meeting to order at 7:01 P.M. Ms. Jones called the roll and a quorum was established.

2. SUSPENSION OF THE RULES Members participating electronically or by telephone

Commissioner Halik made a motion to suspend the rules to allow for electronic or telephone participation. Seconded by Commissioner Draper. A roll call vote was taken and the motion passed, 4-0.


Commissioner Hewko made a motion to approve the minutes from the May 13, 2020 meeting. Seconded by Commissioner Halik. A roll call vote was taken and the motion passed, 4-0.

4. DISCUSSION

A. Accessory Dwelling Units

Chair Isaac stated that this agenda item is for discussion only and no action will be taken at this meeting.
Mr. Mangum provided an overview of past amendments that were approved in 2018 and November of 2019. He then introduced regulations staff is working on seeking additional feedback from the Commission on following a referral from City Council.

Chair Isaac asked if there were any members of the public who wished to comment on the item.

Dick Co of Evanston Development Cooperative (EDC) stated that EDC is in support of revising the code as it relates to ADUs and commends staff for bringing it forward. He continued sharing that EDC has heard from over 100 homeowners that have said they wish to downsize, bring in an elderly relative or have a child move back in. He added that with regards to maximum ADU size, there shouldn't be a need to specifically separate this out for detached ADUs as the Zoning Code would dictate what size would be permissible on a particular lot. For attached ADUs 1,000 square feet is a reasonable maximum. Mr. Co then stated that outside parking should not be counted towards building lot coverage which could help create accessible ADUs and that the maximum allowed height should be equitable to even out heights of properties within and outside of historic districts, 20 feet for flat roofs and 25 feet for sloped roofs would be reasonable and help lower the cost of construction.

Mr. Robinson Markus thanked staff for working with EDC. He then stated that there is an historical connection between race and exclusionary housing at the municipal level, giving the example of St. Louis enacting zoning laws that would expressly prohibit anything other than single family homes after taking into consideration existing single family areas with deeds that prohibited selling to African Americans. Mr. Markus continued stating that most of Evanston’s single family districts were adopted in 1921 emphasizing the need to establish a socioeconomic and racially diverse community. Mr. Markus then referenced a study done by University of California-Berkeley studying local government regulations and their effects on ADU development which stated that more flexibility in code requirements lead to more ADUs, no off street parking requirements also lead to an increase in the number of ADUs as ADU owners tend to have half the number of vehicles. He added that the City should legalize internal ADUs as this will help make them more accessible across incomes. He added that permitting one attached and one detached ADU should be considered. Exempt detached ADUs from sprinkler requirements if they are not in principal structure as should be done for smaller units.

Ms. Tracy Fulce-Gentle stated that she is excited for the direction the City is moving with being more flexible with ADUs and would like to see that continue. In her case, she is considering aging parents and how to keep them safe. She expressed that the parking question is disconcerting, if someone does not drive that makes a difference in being able to place an additional unit and could make it more difficult.
Ms. Sue Loellbach with Connections for the Homeless and Joining Forces for Affordable Housing stated her support for amending the code to more easily permit ADUs and that she is watching how they can become more affordable. She stated that the Zoning Code is a moral document, as is the City's budget, and should be reviewed and revamped to preserve property values and the character of the community. She is happy that an amendment is being considered and stated that it will increase the flexibility in how people can use their property which will help create affordable housing solutions.

The Commission then began discussion. Chair Isaac stated that he will go down the list of items to consider and the Commission can discuss each item.

Commissioner Halik asked if there was a survey of ADUs in Evanston and their characteristics. Mr. Mangum responded that he does not believe there has been a comprehensive look, which is difficult to do. They have traditionally been in coach houses in older neighborhoods.

Commissioner Halik then asked if there would be any change to lot coverage proposed. Mr. Mangum stated that it is proposed to remain the same as the underlying zoning district. He added that staff is looking at removing the requirement of open parking counting towards building lot coverage.

Chair Isaac asked if the new definition would cause a property to be classified as multi-family at the assessor level. Mr. Mangum responded that the County is currently looking at how income restricted property could be classified and that EDC may have taken a look into this. Mr. Markus stated that a coach is currently classified as a 2-02 or 2-03 which is a small single family home. He is uncertain how an attached ADU would be classified.

Chair Isaac asked if there was a limit on the age of a building that could construct an internal ADU. Mr. Mangum responded there is none considered at this time.

Chair Isaac then asked if there would be more than one ADU allowed per zoning lot and if the Commissioners had any thoughts on that. He continued that it is probably more appropriate to limit to one ADU per zoning lot then revisit in a few years after seeing how new regulations are received. Commissioner Halik agreed.

Chair Isaac then asked for feedback on maximum ADU size. Commissioner Halik stated that 1,000 square feet is a reasonable size as a maximum and if it gets much bigger than that it could be divided into multiple units. Chair Isaac then asked if a minimum would be considered. Mr. Mangum responded that there is no suggestion and that the building code would dictate that standard. A percentage of the principal structure could also be considered.
Chair Isaac then inquired about ingress and egress. Typically two means are required. If there is an internal ADU and the entrance cannot be in the front of the house, if someone has an existing space but must reduce it to the maximum allowed for an ADU is there a possibility of making it more cost prohibitive. Mr. Mangum stated that it could be a different requirement for attached versus detached ADUs.

Commissioner Hewko asked what the methodology was for determining the standards in other municipalities and in this case. Commissioner Halik responded that staff and the Commission should consider who the ADUs are for and that could dictate the appropriate unit size. Commissioner Hewko added that at what point is an ADU made unaffordable and defeating the purpose of adding affordable units. Chair Isaac stated that 1,000 square feet is typically enough for a two-bedroom unit.

Chair Isaac mentioned the maximum proposed height, 20 feet for flat roofs, 28 for sloped roofs with additional height possible with added setbacks (1 additional foot of height if 1 additional foot of setback is added). The Commission previously recommended capping the height at that of the primary structure which was taken out by City Council.

Commissioner Halik expressed that setbacks are not a major concern for a smaller building but the structure should not be taller than the principal structure or taller than two-stories with about 10 feet per floor being considered. Chair Isaac stated that an accessory structure is required to be 20 feet or less, if a sloped roof then taller but if a taller building is needed then additional setback should be provided. Commissioner Halik responded that a sloped roof is more about existing characteristics of the home and neighborhood and he does not see a strong connection to setbacks.

Commissioner Draper stated that the height regulation was useful but almost was not doing enough for an additional level and parking was an integral part of it. She is ok with the regulations that allow for additional height but worries it is not doing enough. Would only be able to have a living space above the garage.

Chair Isaac stated that 28 feet is approximately 2.5 stories and stated that increasing the height cannot allow more than 2 stories or enable the ability to have a mezzanine for example.

Chair Isaac then moved on to off street parking. He asked the Commission if a distinction should be made between properties that do not currently provide required parking and those that do. This would keep a property from expanding its nonconformity.

Commissioner Draper stated that if off-street parking is to be waived then the proposal to not have 200 square feet of outside parking area count towards building lot coverage should be removed as she would not like to increase impervious surface coverage.
Chair Isaac stated that the one pedestrian entrance to the structure language could be revised to make sure it is clear that an entrance is not added to the front façade. Regarding exterior stairs staff should consider corner lots that have a second frontage when formulating language.

Commissioner Halik stated that regarding the proposed 5 feet separation between the principal building and an ADU, that is the minimum for light and air and seems very tight and does not feel like Evanston. Commissioner Draper agreed and said that 10 feet feels better.

Chair Isaac inquired about the sprinkler requirement, asking if there is a requirement for new single family dwelling units. Mr. Mangum responded that there is a requirement for new single family homes or new accessory units or coach houses. There is a state requirement that exempts that in some areas such as California.

Commissioner Halik asked if it makes sense for sprinklers to be required in a small dwelling ADU. Commissioner Draper responded that it seems like there should be a minimum size that triggers that requirement Chair Isaac stated that they cost a lot to install and could cause ADU construction to be cost prohibitive. Commissioner Halik agreed.

Ms. Jones stated that in some cases for commercial properties, the Fire Department has allowed for alternative plans to be created in lieu of sprinkler systems. This may be an option but would need to be approved by the Fire Department. Chair Isaac questioned if the process to obtain an alternative plan could also be cost prohibitive.

Mr. Mangum stated that the City of Chicago is considering changing off-street parking requirements from two parking spaces to one per single family dwelling unit. Chair Isaac asked if the idea would be to reduce the parking requirement and exempt ADUs. Mr. Mangum responded that would be the idea. Commissioner Halik stated that the homeowner could make that space into something else and add an ADU so the requirement should stay at 2 parking spaces per dwelling unit and not permit a home to reduce the amount of existing parking provided.

Commissioner Hewko clarified if staff is looking for consensus on feedback on the items listed. Mr. Mangum stated that there was a good amount of feedback provided and staff can create some proposed language for an amendment and bring that back for further discussion.

Commissioner Draper stated that this is a good time to bring up proposed changes regarding ADUs.

**As this a discussion item, no action was taken at this time.**
5. OTHER BUSINESS

A. Revisions to Plan Commission Rules and Procedures

Ms. Jones provided a brief overview of the changes that are proposed for the Commission Rules and Procedures.

Chair Isaac stated that there probably will not take up much discussion time. He then started discussing the public comment timing and asked if there were any comments or questions on this item. He stated it is rare for someone to go over 2 or 3 minutes but stated he does not recall a group using up 10 minutes of time.

Commissioner Halik commented that 10 minutes seems to be a large amount of time for a group to present, especially if one person is speaking as a representative for the group. Draper asked where it came from. Ms. Jones stated that there was another section that listed 10 minutes, in practice the timing has been flexible depending on the number of people speaking and the amount of information being presented for, say a requested continuance.

Chair Isaac agreed that 10 minutes seemed a bit too long and that the Commission could vote ahead of a presentation to provide additional time as needed.

Chair Isaac summarized the change to the article addressing continuance requests and stated that the 1,000 feet distance requirement and clarification on process makes sense. However, the written request does not address people who cannot be present and have to wait until after a petitioner has presented and he wondered if it needed to be written or if a person could state and be present.

Commissioner Draper stated that the procedures do not clearly state when a continuance can be requested and should be clarified to right after an applicant has made a presentation.

Commissioner Halik asked if, in reality the presentation of the applicant is irrelevant when a person knows they will request a continuance. He suggested that continuances be requested before a presentation.

Commissioner Draper agreed and said it makes sense to put in writing- allowing people to provide comments if they will not be coming to the next meeting. The rules and procedures should be made clear and read how it is practiced. Commissioner Hewko stated that a person may know they will request a continuance ahead of time but may not know exactly what portion of the applicant’s testimony they wish to rebut.
Chair Isaac suggested that a continuance should be submitted after an applicant presentation and before public comment as sometimes questions raise concerns. Mr. Mangum clarified that the Rules stated a continuance can be requested after the applicant presentation but before public questions and comments. Ms. Jones added that the Zoning Ordinance states that a request for continuance may be requested to rebut information presented by the applicant.

Chair Isaac suggested that an applicant’s response to questions and comments could also present information a person wishes to rebut.

Chair Isaac stated that it would make sense to put into law what is done in practice, specifically to allow people to provide questions or comments if they know they will not be able to attend the meeting for a continued item.

Commissioner Draper stated that the ability to request a continuance should be made at the beginning of a meeting. Chair Isaac does not want neighbors and residents to feel like they are treated unfairly; the regulations should not be completely lax but should not be so onerous that it is unachievable.

Commissioner Halik expressed that requiring a written request creates a record that could be used for follow-up. Chair Isaac suggested that it could be possible for someone to stand and make a verbal request for a continuance, stating what information they wish to refute, during the public hearing. The statement would then still be a part of the record for that hearing and the person could be held to that statement.

Ms. Jones interjected that a member from the public suggested creating a public comment form in which they will state what specific information they wish to rebut. This could be included information in the packet that is sent out prior to a meeting.

Commissioner Halik asked if a resident disagrees with something within the packet, could they then ask for a continuance before the applicant presentation.

Chair Isaac stated that he would be hesitant to allow that to happen as it could lead to getting multiple continuances for different items related to an agenda. Commissioner Halik thinks the continuance process is abused but sees Chair Isaac’s point.

Commissioner Hewko agreed that a form could be provided at the meetings. Commissioner Draper stated the form would need to be very specific and state what information a resident intends to rebut.

Commissioner Hewko then inquired about eliminating the 500 ft. radius for continuances. Mr. Mangum stated that the Zoning Code does not present an ability to request a continuance for amendments but does provide ability to submit a petition for
map amendments that would lead to requiring a ¾ Council approval for a proposed amendment. This change will be consistent with the Code.

Chair Isaac then summarized the proposed change increasing the amount of days before a meeting that information must be submitted for presentation and said that seemed reasonable. Commissioner Draper asked for clarification on when items are sometimes submitted after the packet has gone out or new information is presented during a meeting. Ms. Jones responded that what is proposed is more for items that are intended to go into the meeting packet that is posted and sent to Commissioners to ensure that both the Commission and members of the public have time to review the information. There are sometimes when items are submitted after the packet has gone out but those items are still provided to the Commission, posted, and made a part of the record for that agenda item.

Chair Isaac asked if there were any additional changes. Ms. Jones responded that the final change clarifies the Commissioners’ responsibility in ensuring they have reviewed meeting recordings and minutes for any item they were not present for if they wish to vote on that item.

6. PUBLIC COMMENT

There was no public comment.

7. ADJOURNMENT

Commissioner Halik made a motion to adjourn the meeting. Commissioner Draper seconded the motion.

A roll call vote was taken and the motion was approved by voice vote 4-0. The meeting was adjourned at 8:31 pm.

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

Accessory Dwelling Units
Memorandum

To: Chair and Members of the Plan Commission

From: Johanna Nyden, 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
20PLND-0047

Date: August 7, 2020

Request
Staff recommends a Zoning Ordinance Text Amendment to revise regulations related to accessory dwelling units, including coach houses, specifically to Accessory Uses and Structures (Section 6-4-6), Building Lot Coverage in the R1-R6 Zoning Districts (Sections 6-8-2 through 6-8-8), Off-Street Parking and Loading (Section 6-16, Table 16-B), and Definitions (Section 6-18-3).

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on July 23, 2020.

Analysis

Background
At the January 13, 2020 City Council meeting, the Council approved Ordinance 171-O-19 (attached), a text amendment to the Zoning Ordinance, revising the definition of and regulations for Coach Houses. These amendments intended to begin addressing inequitable opportunities to develop Accessory Dwelling Units (ADUs). The approved amendments included:

- Revisions to the definition of a coach house to the following:
  A single detached secondary or accessory dwelling unit located on the same zoning lot as the principal residential structure 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 zoning lot (Section 6-18-3);
- Inclusion of coach houses in general regulations for accessory uses and
structures;

- Addition of regulations specific to the setbacks, roof types and height of coach houses within designated historic districts and creation of a new section providing height regulations for coach houses outside of designated historic districts, as well as allowance for additional height allowances with additional setbacks (Section 6-4-6-4);
  
  *Note* - a proposed provision recommended by the Commission to prohibit the coach house height from exceeding the height of the principal structure was ultimately omitted by Council;

- Revision of parking requirements for coach houses which allows for no additional parking spaces if the coach house meets affordability criteria or transit-oriented criteria.

Previously, in April 2018 the Coach House definition was revised to clarify that tenants of a coach house may be unrelated to the owners of the principal residential structure.

During the March 9, 2020 City Council meeting, Ald. Braithwaite made a referral to establish more comprehensive zoning regulations for other types of ADUs beyond coach house regulations, including attached ADUs such as basement units.

**Considerations for more Comprehensive Regulations**

Staff has begun to evaluate potential revisions to regulations and received input from the Plan Commission. Attachments are included with regulations from Chicago, Wilmette, Oak Park, South Elgin, Park Forest, Lexington, KY, and Long Beach, CA in addition to ADU policy reports and guidance from the American Planning Association, Urban Land Institute and AARP.

Based on feedback from the Plan Commission’s discussion on July 8, 2020, specifically on the topics of height, size, parking, and separation between accessory and principal structures, staff proposes the following text amendment. Items where direction was provided by the Commission are highlighted with an explanation of the changes. The full text of the proposed text amendment with new language underlined and removed language stricken is included as an attachment.

**Proposal Overview**

**Definitions -**

**DWELLING UNIT, ACCESSORY (ADU) –** A smaller, secondary independent housekeeping establishment located on the same zoning lot as a principal residential structure. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation, and may be internal, attached or detached.

*The creation of a new definition of an ADU would newly allow attached/internal ADUs, as well as detached structures that are not associated with parking spaces. Internal/attached ADUs are more seamlessly integrated and often can be created with a
lower construction cost and without potential zoning setback and lot coverage compliance issues found when increasing the footprint of an existing building or constructing a new detached structure.

COACH HOUSE - A type of detached Accessory Dwelling Unit which includes a garage.

A definition of Coach House would remain for historical consistency, but is streamlined with the regulations previously contained within the definition moved to a new Section 6-4-6-10.

6-4-6-10 SPECIAL REGULATIONS APPLICABLE TO ACCESSORY DWELLING UNITS

(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 principal residential structure on the site.

This regulation would allow the maximum flexibility in the creation of an ADU by right without a special use process. The draft Chicago Ordinance would only allow for attached/internal units to be created within buildings constructed at least 20 years ago and would require a special use in some single-family zoning districts.

(B) Number of Units: One (1) ADU is permitted per zoning lot.

This regulation would limit to either a detached or attached/internal unit on a property, but not both, keeping the overall density closer to conformance with previous zoning regulations. The majority of ordinances reviewed only allow one ADU per lot although Chicago would allow more for properties with at least 5 regular units to add more than one conversion unit.

(C) Minimum Lot Size: None.

This regulation would allow an ADU on any lot with a principal residential structure, regardless of the size of the lot (or number of existing conforming or nonconforming units). Oak Park has an ordinance that limits coach houses to lots with a minimum of 6,500 square feet.

(D) Maximum ADU Size: All ADUs shall be smaller than the floor area of the largest primary dwelling unit.

Any detached ADU, internal or attached ADU created through new construction, internal or attached ADU created through an addition to an existing structure, or detached ADU created through the conversion of an existing structure to an ADU while simultaneously constructing a new principal residential structure on the site shall not exceed 1,000 square feet of floor area.
An internal or attached ADU created through the altering of an existing structure may exceed 1,000 square feet of floor area but the floor area shall be limited to not more than one level of the existing structure (i.e. a basement, story, or half story).

In response to direction from the Plan Commission all ADUs shall be smaller than the largest primary unit and they shall be limited to 1,000 square feet, except when created within an existing structure they may exceed 1,000 square feet if the single level of the structure already exceeds 1,000 square feet. This addresses the concern about the example of creating an ADU within a basement that exceeds 1,000 square feet in size.

(E) **Maximum F.A.R. or Building Lot Coverage:** For an attached/internal ADU, the maximum F.A.R. or lot coverage of all structures on the zoning lot shall be that of the underlying zoning district.

For a detached ADU, Section 6-4-6-3 shall also apply.

Currently open unenclosed required parking spaces count towards both impervious surface coverage and 200 square feet of building lot coverage each even though they are not within a structure. Per Plan Commission direction all residential zoning districts will no longer count open unenclosed parking toward building lot coverage, but open parking will still count towards impervious surface coverage. This change to building lot coverage in the R1-R6 Zoning Districts (Sections 6-8-2 through 6-8-8) frees up building lot coverage for owners to choose to construct buildings to house people (ADUs) with open parking or buildings to house cars.

(F) **Yard requirements:** For an attached/internal ADU, the yard requirements shall be those required for a principal structure in the underlying zoning district.

For a detached ADU, the regulations in Sections 6-4-6-2 and 6-4-6-3 shall apply.

Setbacks for a detached ADU would be the same as a garage or other accessory structures.

(G) **Maximum Height:** For an attached/internal ADU, the maximum height shall be that of the underlying zoning district.

For a detached ADU the height shall be subject to the following limitations:

1. For a detached ADU with a flat or mansard roof the height shall not exceed twenty (20) feet, measured from grade to the highest point of said structure, or two stories, whichever is less.
2. For a detached ADU without a flat or mansard roof the height shall not exceed twenty-eight (28) feet, measured from grade to the highest point of said structure, or two stories, whichever is less.

Per Plan Commission direction this would increase the height limit for accessory structures without requiring additional setbacks which allows for taller structures on properties with smaller lot widths but still limits the buildings to two stories. This height
limitation would also apply to garages and coach houses both within and outside of historic districts for consistency.

**H) Off-Street Parking:** No parking is required per Chapter 16 (Off-street Parking and Loading), Table 16-B, however, existing required parking for the primary residential structure shall be maintained or replaced.

Per Plan Commission direction no parking would be required for an ADU, however, existing parking for the primary residential structure shall be maintained or replaced and there is no change to the minimum required parking for single-family dwellings.

**I) Design Standards:**
1. Entrances: Only one (1) pedestrian entrance to the structure may be located on the front facing facade of the principal building.
2. Exterior Stairs: Any exterior stairs to serve as the primary entrance to an attached or internal ADU within the principal building shall be located on the interior side or rear of the principal building.

Minimal design standards limiting the location of entrances and exterior stairs to side or rear elevations help to blend the ADUs within the existing neighborhood fabric. Some ordinances have more design review including compatibility with the principal structure and roof types. Evanston does not currently perform design review on single or two-family residential structures.

**J) 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 Section 6-4-6, the structure is exempt from the standard(s) it does not meet. However, any alterations that would result in the structure becoming less conforming with those standards it does not meet are not allowed.

This regulation would more easily allow for conversion of existing nonconforming detached structures, such as garages with work spaces, to ADUs.

**K) Ownership and Occupancy:** There is no requirement that the property owner reside on the property.

This reinforces the 2018 Text Amendment to the definition of a coach house. Some jurisdictions require a property owner to live in one of the units on the property or prohibit ADUs from being used as vacation rentals.

Other Considerations

Staff has also discussed impediments to constructing ADUs that are outside of the Plan Commission’s purview and will continue to explore: 1) options to reduce property taxes at the municipal or county level; 2) the legality of requiring affordability in ADUs through the City’s Inclusionary Housing Ordinance; 3) the ability to create open-source pre-approved model construction drawings; 4) and cost implications for fire suppression
requirements through local amendments to the City’s adopted Building Code.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to create an ADU definition, revise
the definition of coach houses and establish 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. Additionally, the amendment would
allow for internal or attached ADUs that would have even a more minimal impact.

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 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
- Proposed Text Amendment Language
- Ordinance 171-O-19 Amending Regulations for Coach Houses
- American Planning Association (APA)– July 2012 Zoning Practice, “Practice
  Accessory Housing”
- APA - May 2018 Zoning Practice, “Practice Garage Apartments”
- “The ABC’s of ADU’s”, AARP/Orange Splot, LLC
- Urban Land Institute May 2020 Report- “Unlocking Accessory Dwelling Units in
  Chicago”
- City of Chicago Ordinance Amending the Municipal Code Regarding Affordable
  Dwelling Units, Introduced May 20, 2020 (not yet adopted)
- Village of Wilmette Handout on Accessory Dwelling Units
- Village of Oak Park Coach House Regulations
- APA-IL Handout on Accessory Dwelling Units (Lexington, KY, Park Forest, IL,
  South Elgin, IL)
- City of Long Beach Regulations for Accessory Dwelling Units
Proposed Text Amendment

6-18-3. - DEFINITIONS

| COACH HOUSE: | A type of single detached secondary or Accessory Dwelling Unit located on the same zoning lot as the principal residential structure which includes ing a garage. Tenants of each houses may be unrelated to the owners of the principal residential structure. A maximum of one (1) coach house is allowed per zoning lot. |

DWELLING UNIT, ACCESSORY (ADU) – A smaller, secondary independent housekeeping establishment located on the same zoning lot as a principal residential structure. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation, and may be internal, attached or detached.

6-4-6. - ACCESSORY USES AND STRUCTURES.

This Section 6-4-6 establishes regulations governing the type, size, character and location of accessory uses and structures.

(Ord. No. 43-O-93)

6-4-6-1. - AUTHORIZATION.

Subject to the limitations of this Section 6-4-6, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district.

(Ord. No. 43-O-93)

6-4-6-2. - GENERAL PROVISIONS

FOR ACCESSORY USES AND STRUCTURES.

Accessory uses and structures shall be approved in accordance with the following regulations:

(A) No accessory use or structure shall be approved, established or constructed before the principal use is approved.
6-4-6-3. - ALLOWABLE ACCESSORY USES AND STRUCTURES (DETACHED FROM PRINCIPAL STRUCTURE).

(A) Detached accessory buildings, structures and uses: Accessory buildings, structures or uses shall be permitted as provided in Table 4-A of this Section and detached accessory buildings, structures, or uses in a residential district shall:

1. Cover no more than forty (40) percent of a rear yard when located in a rear yard. However, in no case shall the maximum lot coverage requirement for the zoning district be exceeded.

2. Not be located in a side yard abutting a street or interior side yard between the principal structure and the side lot line.

3. Not be located between the building line and the principal structure (except as permitted in front yards).

(B) Table 4-A — Permitted accessory buildings, structures and uses:
Table 4-A includes yard obstructions (see Subsection 6-4-1-9(B) of this Chapter) attached to the principal or a secondary structure as well as freestanding accessory buildings, structures, and uses.

(Ord. 35-0-08)

KEY:

<table>
<thead>
<tr>
<th>Required Yards:</th>
<th>Districts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front and side yards abutting a street .... F</td>
<td>Residential district ..... Rsd</td>
</tr>
<tr>
<td>Side yards ..... S</td>
<td>Nonresidential district ..... N-Rsd</td>
</tr>
<tr>
<td>Rear yards ..... R</td>
<td>Residential nonresidential districts ..... Both</td>
</tr>
</tbody>
</table>

1. Detached Accessory dwelling units (including Coach Houses) to principal residential structure

(Ord. 35-0-08; amd. Ord. 66-0-09; Ord. No. 23-O-10, § 4, 9-27-10)

6-4-6-4. – SPECIAL REGULATIONS APPLICABLE TO GARAGES AND COACH HOUSES

(A) Evanston Landmark Properties and Historic Districts

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

1. Height:
(a) For garages and coach houses with flat and mansard roofs, the height shall not exceed twenty (20) feet, measured from grade to the highest point of said structure, or two stories, whichever is less. Height requirements for accessory buildings apply, as set forth in Section 6-4-6-2 of this Chapter.

(b) All garages and coach houses without flat or mansard roofs shall be no taller than twenty-eight (28) feet, measured from grade to the highest point of said structure, or two stories, whichever is less. Three-fourths (3/4) of the height of the principal structure, measured to the roof apex, but in no case shall the height exceed twenty-eight (28) feet.

2 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.

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

(B) Non-Evanston Landmarks and properties outside of Historic Districts

Coach Houses for properties that are not an Evanston landmark nor located in City Council designated historic districts shall be subjected to the following requirements:

1 Height:

(a) 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 every 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.

(b) 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 every 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.

6-4-6-10 SPECIAL REGULATIONS APPLICABLE TO ACCESSORY DWELLING UNITS
(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 principal residential structure on the site.

(B) Number of Units: One (1) ADU is permitted per zoning lot.

(C) Minimum Lot Size: None.

(D) Maximum ADU Size: All ADUs shall be smaller than the floor area of the largest primary dwelling unit.

Any detached ADU, internal or attached ADU created through new construction, internal or attached ADU created through an addition to an existing structure, or detached ADU created through the conversion of an existing structure to an ADU while simultaneously constructing a new principal residential structure on the site shall not exceed 1,000 square feet of floor area.

An internal or attached ADU created through the altering of an existing structure may exceed 1,000 square feet of floor area but the floor area shall be limited to not more than one level of the existing structure (i.e. a basement, story, or half story).

(E) Maximum F.A.R. or Building Lot Coverage: For an attached or internal ADU, the maximum F.A.R. or lot coverage of all structures on the zoning lot shall be that of the underlying zoning district.

For a detached ADU, Section 6-4-6-3 shall also apply.

(F) Yard requirements: For an attached or internal ADU, the yard requirements shall be those required for a principal structure in the underlying zoning district.

For a detached ADU, the regulations in Sections 6-4-6-2 and 6-4-6-3 shall apply.

(G) Maximum Height: For an attached or internal ADU, the maximum height shall be that of the underlying zoning district.

For a detached ADU the height shall be subject to the following limitations:

1. For a detached ADU with a flat or mansard roof the height shall not exceed twenty (20) feet, measured from grade to the highest point of said structure, or two stories, whichever is less.

2. For a detached ADU without a flat or mansard roof the height shall not exceed twenty-eight (28) feet, measured from grade to the highest point of said structure, or two stories, whichever is less.

(H) Off-Street Parking: No parking is required per Chapter 16 (Off-street Parking and Loading), Table 16-B, however, existing required parking for the primary residential structure shall be maintained or replaced.

(I) Design Standards
1. Entrances: Only one (1) pedestrian entrance to the structure may be located on the front facing facade of the principal building.

2. Exterior Stairs: Any exterior stairs to serve as the primary entrance to an attached or internal ADU within the principal building shall be located on the interior side or rear of the principal building.

(J) 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 Section 6-4-6, the structure is exempt from the standard(s) it does not meet. However, any alterations that would result in the structure becoming less conforming with those standards it does not meet are not allowed.

(K) Ownership and Occupancy: There is no requirement that the property owner reside on the property.

Table 16-B

<table>
<thead>
<tr>
<th>Accessory Dwelling Unit (including Coach house)</th>
<th>No parking is required.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
<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 five hundred (1,500) foot distance from 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 building permit issuance, the household income of the owner that builds an 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>
6-8-2-7. - BUILDING LOT COVERAGE.

The maximum lot coverage in the R1 district is thirty percent (30%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is: a) used for a "dwelling" or dwellings as herein defined, and b) legally nonconforming as to building lot area, when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-3-6. - BUILDING LOT COVERAGE.

The maximum lot coverage in the R2 district is forty percent (40%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is: a) used for a "dwelling" or dwellings as herein defined, and b) legally nonconforming as to building lot area, when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-4-6. - BUILDING LOT COVERAGE.

The maximum lot coverage, including accessory structures, in the R3 district is forty five percent (45%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is: a) used for a "dwelling" or dwellings as herein defined, and b) legally nonconforming as to building lot area, when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-5-6. - BUILDING LOT COVERAGE.
The maximum lot coverage in the R4 district is forty percent (40%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is: a) used for a "dwelling" or dwellings as herein defined, and b) legally nonconforming as to building lot area, when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-6-6. - BUILDING LOT COVERAGE.

The maximum lot coverage in the R4a district is forty percent (40%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is:

(A) Used for a "dwelling" or dwellings as herein defined, and (B) Legally nonconforming as to building lot area; when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-7-6. - BUILDING LOT COVERAGE.

The maximum lot coverage in the R5 district is forty-five percent (45%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is: a) used for a "dwelling" or dwellings as herein defined, and b) legally nonconforming as to building lot area; when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-8-6. - BUILDING LOT COVERAGE.

The maximum lot coverage in the R6 district is fifty percent (50%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is: a) used for a "dwelling" or dwellings as herein defined, and b) legally nonconforming as to building lot area; when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage
having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.
AN ORDINANCE

Amending Title 6, Accessory Dwelling Unit Requirements and Qualifications

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: City Code Subsection 6-18-3, "Definitions", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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 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 zoning lot. |

SECTION 2: City Code Subsection 6-4-6-2, "General Provisions for Accessory Uses and Structures", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-4-6-2. – GENERAL PROVISIONS FOR ACCESSORY USES AND STRUCTURES.

(G) No accessory building shall exceed fourteen and one-half (14½) 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 3: Table 4-A, "Permitted accessory buildings, structures and uses," of City Code Subsection 6-4-6-3(B), "Allowable Accessory Uses and Structures (Detached From Principal Structure)", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-4-6-3. – ALLOWABLE ACCESSORY USES AND STRUCTURES (DETACHED FROM PRINCIPAL STRUCTURE).

<table>
<thead>
<tr>
<th></th>
<th>Yard</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accessory dwelling units to principal residential structure (Coach House)</td>
<td>S</td>
<td>R</td>
</tr>
</tbody>
</table>

SECTION 4: City Code Subsection 6-4-6-4, "Special Regulations Applicable to Garages", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-4-6-4. – SPECIAL REGULATIONS APPLICABLE TO GARAGES AND COACH HOUSES

(A) Evanston Landmark Properties and Historic Districts
Garages and coach houses for Evanston landmarks and structures in City Council designated historic districts shall be subject to the following requirements:
1 Height:

(a) For garages and coach houses with flat and mansard roofs, height requirements for accessory buildings apply, as set forth in Section 6-4-6-2 of this Chapter.

(b) 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.

2 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.

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

(B) Non-Evanston Landmarks and properties outside of Historic Districts
Coach Houses for properties that are not an Evanston landmark nor located in City Council designated historic districts shall be subjected to the following requirements:

1 Height:

(a) 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 every 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.

(b) 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 every 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.

SECTION 5: Table 16-B, "Schedule of Minimum Off Street Parking Requirements," of City Code Title 6, Chapter 16, "Off-Street Parking and Loading," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:
<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>
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<td>Transit-oriented criteria is met if the coach house is within a designated Transit-Oriented Development area or within a one thousand five hundred (1,500) foot distance from a Metra, PACE, or Chicago Transit Authority public transit bus stop or train station.</td>
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</tr>
</tbody>
</table>

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.
SECTION 8: Ordinance 171-O-19 shall be in full force and effect after its passage and approval.

SECTION 9: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: December 9, 2019

Adopted: January 13, 2020

Approved: January 21, 2020

Stephen H. Hagerty, Mayor

Attest:

Devon Reid, City Clerk

Eduardo Gomez, Deputy City Clerk

Approved as to form:

Michelle L. Masoncup, Corporation Counsel
HOW DOES YOUR COMMUNITY ACCOMMODATE ACCESSORY HOUSING?
Zoning for Accessory Housing

By Tom Daniels

Compact, walkable, and well-designed development is a primary goal of smart growth, and accessory housing can provide affordable housing opportunities that promote smart growth without sacrificing appearance.

Accessory housing may either be a detached dwelling unit with full services—bath, sleeping quarters, and kitchen—or an autonomous apartment attached to a house.

Accessory apartments are often known as “granny flats” or “in-law suites” because of the common practice of keeping an elderly parent as part of the household but in a largely independent living situation. An apartment may be inconspicuously built over an attached or detached garage or added on to the back of a house.

Whether attached or detached, accessory housing can increase residential densities and encourage walkability. However, many older zoning ordinances present major obstacles to the creation of accessory dwelling units (ADUs).

Accessory housing is one response to major changes in demographics and the real estate market. First, the number of single-person households is growing, especially among young adults who are marrying later and don’t need large homes. Second, many people are living longer and want to age in place with family members nearby, rather than join their fellow senior citizens in an assisted-living complex. Third, many empty nesters are downsizing, and an apartment makes good sense. Fourth, the popularity of off-campus living among college students means a steady demand for apartments, especially within walking distance of school. Finally, people who work in a high-end community often cannot afford to live there as well. ADUs can provide affordable workforce housing for local workers.

Efforts to retrofit suburbs and encourage infill in cities have often focused on large projects such as redeveloping dead malls and multistory mixed use commercial and residential buildings. But financing for these projects is less available since the 2007 downturn in the real estate market. While these large projects are certainly needed to promote mixed uses and walkability, the residential market has lately favored renters over buyers. Still, proposals for multifamily rentals often spark a backlash, especially in newer suburbs. One less conspicuous way to provide more rental units is through an accessory housing ordinance in single-family residential districts.

Advantages of Accessory Housing

1. A way to create mixed income neighborhoods without reducing property values (a traditional use of zoning).
2. A way to increase density in urban and suburban areas without multifamily development. Little burden on community services compared to property taxes generated.
3. A way to provide housing for the elderly, especially for an older family member. This enables senior citizens to “age in place.”
4. Workforce and student housing.

Interest in accessory housing has existed for decades. In 1985 author Martin Gellen estimated that there were 10 to 18 million houses with sufficient space to add an accessory dwelling unit, and if just 15 percent of these units were actually built, at least 150,000 units could be added to the nation’s housing stock. In much of the 1980s and 1990s cities and inner suburbs grew more slowly or lost population compared to most suburbs and exurban areas, where builders could offer large houses on large lots. In the 2000s, this big-house strategy contributed to the housing meltdown in two ways. First, many people paid more than they could afford for these large houses, and second, home builders created an oversupply of houses, which exacerbated the downturn in home prices and left many recent buyers “underwater”—owing more on their mortgage than their house was worth. Although housing prices seem to be stabilizing after five years of declines, rental opportunities remain attractive.

Several studies have shown that accessory apartment units rent for below-market rates, in part because the accessory apartments are less expensive to build onto existing houses or garages. Pedestrian access to commercial uses and transit are important, especially for older people who may no longer drive and for young adults who cannot afford a car or may not want to own a car. Thus, accessory units tend to be more pedestrian- and transit-friendly within cities and inner suburbs, rather than in newer suburbs where residential and commercial areas are typically separated and a car is needed for transportation.

Two potential longer term threats to accessory housing are gentrification and rising property taxes. Gentrification can lead to reductions in accessory housing supply when wealthier residents moving into a neighborhood “mothball” or remove accessory units. Also, as property values rise, the rents on the ADUs can rise beyond the affordability of low- to moderate-income residents. It is also important to keep in mind that the construc-
CREATING AN ACCESSORY HOUSING ORDINANCE

Zoning is not known as a tool that local governments use to respond quickly to demographic trends or changes in the real estate market. The main purpose of zoning remains the separation of conflicting uses, which is closely tied to the protection of property values. But there is a sequence of steps that a local government can take to create a legally and politically sound accessory housing ordinance.

First, planners and elected officials should make sure that the community generally supports ADUs. Then they can add an affordable housing goal to the comprehensive plan (if such a goal does not already exist). Next, planners and elected officials can include a policy objective to promote ADUs in the housing section of the comprehensive plan and amend the future land-use map to indicate where ADUs are allowed. Planners should have a sense of the maximum build-out potential for accessory dwelling units, and accessory units should only be allowed in areas with adequate central sewer and water service. This first step shows that the elected officials and planners support accessory housing.

Second, make sure that the accessory housing provisions of the zoning ordinance are consistent with the local comprehensive plan. The affordable housing goal and accessory dwelling objective give direction to the zoning ordinance and establish a legal basis for the accessory dwelling provisions within the zoning ordinance. The location of where ADUs are allowed on the zoning map should coincide with locations identified as appropriate on the future land-use map. The overall consistency of the zoning ordinance and zoning map with the affordable housing goal, the accessory housing objective, and the future land-use map of the comprehensive plan will make the accessory housing ordinance more likely to withstand legal challenges.

The location of where ADUs are allowed on the zoning map should coincide with locations identified as appropriate on the future land-use map.

Third, the addition of the accessory housing provisions in the zoning ordinance helps to avoid rezoning and variance battles, which can be expensive and engender bad feelings with neighbors. In drafting the ADU ordinance, planners should meet with residential property owners and neighborhood associations and negotiate design standards, parking, and rules for ADUs, such as “no more than two people may reside in an accessory unit.” This community outreach serves to head off political opposition to the accessory housing ordinance and to incorporate as much as possible the comments of the people who will live near and next to the ADUs. The ADU ordinance emphasizes revising single-family zoning districts to allow accessory dwellings. ADUs, both detached units and attached apartments, must be defined in the ordinance.

An important decision is whether to allow accessory dwellings by right or through a special exception. A conditional use permit makes little sense because accessory housing generally does not affect the entire community but rather certain neighborhoods. The advantage of the special exception approach is that the zoning ordinance can impose certain limits on the number of occupants of the accessory housing. The special exception process involves a review of the ADU that the home owner is proposing, a fee, and approval from the Zoning Board of Adjustment.

On the other hand, allowing an ADU by-right can speed the review process while maintaining certain performance standards, such as a required tie-in to central sewer and water, limits on size, and number of residents. A site plan review is commonly required whether the zoning to allow accessory dwellings is by-right or by special exception.

Fourth, land development and building design standards are key issues, especially for detached units. Setbacks from property lines are usually stated in the zoning ordinance rather than left up to the variance process. For the sake of good neighbor relations and appearance, a specific setback of...
10 or 15 feet is recommended. Maximum lot coverage can be the same standard as for single-family dwellings. Height limits may be no more than 20 feet. The idea is that a single floor with some storage space above is adequate, or that an apartment above a garage should not loom over a neighbor’s property. The maximum size is a common issue. A maximum square footage should be spelled out, such as 800 square feet. Design and landscaping requirements for a detached accessory unit should not be dissimilar from the rest of the neighborhood. Graphic illustrations of design and landscaping standards in the ordinance can be particularly helpful. Parking, however, can be a problem. An accessory dwelling unit will most likely rely upon on-street parking. Adding a parking space on the property could be difficult. In addition, the property owner must demonstrate that there is adequate central sewer and water service for the accessory dwelling unit. Typically, no more than one accessory dwelling is allowed with a primary residence, and often, the owner of the primary residence must live on the property, either in the primary residence or in the accessory unit. Also, an ADU must meet the local building code before the local government will issue an occupancy permit.

Finally, it is important to demonstrate that builders are interested in constructing detached ADUs and attached accessory apartments. Local lenders should be made aware that accessory dwellings are permitted and that a construction loan should be forthcoming pending zoning approval.

WHERE HAS ACCESSORY HOUSING WORKED?
Cities appear to have had more success in constructing ADUs than suburbs. And West Coast cities, in particular, have made innovative efforts to encourage accessory units in part to provide affordable housing and to promote compact development.

**Portland, Oregon**
Portland is often cited as a paragon of smart growth. Portland’s zoning code provides standards for ADUs in all of its residential zones and was last updated in 2010. ADUs can be created by right in a detached single-family house, an attached row house, or a manufactured home. The ADU can result from converting existing living area, finishing an existing basement or attic, building a new structure, or making an addition to an existing structure.

The purposes of the accessory dwelling provisions in the Portland zoning ordinance include:
- increasing the housing stock while respecting the appearance and scale of single-dwelling neighborhoods;
- providing a mix of housing that responds to changing family needs and smaller households;
- providing a means for residents—particularly seniors, single parents, and families with grown children—to remain in their homes and neighborhoods and obtain extra income, security, companionship, and services; and
- providing a broader range of accessible and more affordable housing.

The ordinance defines an ADU as a second dwelling unit created on a lot with an existing house, row house, or manufactured home, where the second unit is auxiliary to and smaller than the existing unit.

Portand’s ordinance allows a household to inhabit an ADU. The ordinance defines a household rather broadly: “One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit.”

The emphasis in Portland’s accessory dwelling approval process is on mitigating off-site impacts, for example requiring an erosion-control plan and a stormwater plan if the ADU will add more than 500 square feet of impervious surface. In addition, there is a system development charge (think impact fee) of about $6,000 to $10,000 for sewer and water service, recreation, and streets.

The density requirements are quite favorable for adding accessory dwellings. In the single-dwelling zones, ADUs are not included in the minimum or maximum density calculations for a site. In other words, density is not an issue. In all other residential zones ADUs are included in the minimum density calculations but are not included in the maximum density calculations. This is in an incentive not to create large lots. Keep...
in mind that the general standard for new development inside the greater Portland metropolitan service boundary is 10 to 12 dwelling units per acre. The ADU ordinance is designed to help achieve that density.

For an existing house the ADU can be no more than 75 percent of the total living area of the house or a maximum of 800 square feet, whichever is less. To keep detached accessory dwellings inconspicuous, a unit must be at least 60 feet from the front property line, or the unit must be at least six feet behind the house, row house, or manufactured home. For fire safety, the detached ADU must be at least six feet from the primary dwelling. Portland does not require additional on-site parking for an accessory dwelling. Thus, on-street parking can be used. Design review is required if changes are proposed to the exterior of an existing house.

The height limit for a detached accessory dwelling unit is 18 feet. The lot coverage of the detached accessory dwelling unit cannot exceed the lot coverage of the primary dwelling. Together, the two dwellings cannot cover more than 15 percent of the entire lot. As for design, the exterior of the accessory dwelling unit must be the same as or visually match the primary dwelling. For instance, the roof pitch of the accessory dwelling must be same as the pitch for the primary dwelling, and the trim and the windows should match. Unfortunately, though, the ordinance does not contain any graphics for the reader to follow in trying to understand the design standards.

Finally, Portland requires that an applicant for an ADU submit a site plan, architectural plans, and structural plans. From 2002 through 2011 Portland issued a total of 316 accessory dwelling permits. The downturn in the national economy was also reflected in ADU activity. In 2007, 31 permits were issued; only 19 were issued in 2008 and 22 in 2009. The Portland City Council then enacted a waiver of the system development charges for three years for new accessory dwelling units. The new policy seems to be working. In 2010, the city issued 61 permits; in 2011, 64.

Most of the new ADUs have been built on the east side of the city fairly close to downtown. About 40 percent of the ADUs built have been detached cottage units and 60 percent attached apartments, typically above a garage.

**Spokane, Washington**

Spokane has taken a unique approach to accessory dwellings by adopting a cottage housing ordinance in 2006. Although this ordinance may not be applied as widely as a typical accessory housing ordinance, it offers a way to increase density and affordability through the construction of small houses. The purpose of the Spokane ordinance is to “support the diversity of housing, increase the variety of housing types for smaller households and provide the opportunity for small, detached single-family dwelling units within existing neighborhoods.”

The cottage ordinance applies in the city’s single-family residential district and the residential agricultural district. The ordinance requires a minimum of half an acre and a minimum of six units, with a maximum of 12 units, and offers the property owner a 20 percent density bonus. Properties that meet the minimum acreage standard are most often on the edge of a city, and hence the cottage ordinance could be especially helpful as a city with annexation powers adds land within the city limits.

The maximum square footage is 1,000 square feet, excluding any floor area where the floor-to-ceiling height is less than six feet. But half of the cottages can have no more than 650 square feet on the main floor and half can have no more than 1,000 square feet on the main floor. Once a cottage is built, it cannot be expanded.

Maximum lot coverage is 40 percent. The height limit is 18 feet, except if the dwelling has a pitched roof. Then the maximum height is 25 feet. All cottages are required to have covered porches, which are oriented toward common open space or to the street. For each cottage there must be at least 250 square feet of common open space and 250 square feet of private open space. The common open space must be landscaped and maintained by a home owners association. Setbacks for all structures from the property lines must average 10 feet but cannot be less than five feet, and not less than 15 feet from a public street. This last standard is similar to the front yard setback required of any detached single-family residence.
Parking must be clustered in groups of five spaces and set back at least 20 feet from the street. Each cottage must have access to a sidewalk.

The cottage ordinance calls for variety in design. Only one-fifth of the cottages can have the same design, and no two similar designed cottages can be placed next to each other. Each cottage must have at least four elements from a list of 14. These include, for example, varying roof shapes, dormers, bay windows, and variation in building materials and colors.

Spokane has had difficulty in implementing the cottage ordinance. So far only three projects have been proposed. Objections from neighbors have been a major problem. But in 2009, the Washington Court of Appeals issued a ruling upholding the city’s approval of a 24-unit cottage development on two acres. The court found that the cottages would have no significant adverse effect on the neighborhood. Another obstacle has been minimum lot size of 4,350 square feet with a minimum lot width of 36 feet, and a minimum front lot line of 30 feet.

**Santa Cruz, California**

Santa Cruz is located about 70 miles south of San Francisco on the Pacific Ocean. It is a college town that has experienced considerable growth from its proximity to Silicon Valley to the northeast. Santa Cruz created its accessory dwelling ordinance in 2003 in response to California law AB 1866 of 2002, which not only sought to promote the creation of accessory dwelling units but made it so that local governments could not prohibit the development of an ADU if it meets development standards. The purpose of the Santa Cruz ADU program is to provide more rental housing, encourage infill development and thus protect green space on the edge of the city, and to promote the use of public transportation. Santa Cruz has one of the least affordable housing markets in the United States. The city estimates that less than seven percent of the city’s residents can afford to buy a local median-priced house. On the other hand, Santa Cruz has more than 18,000 single-family lots, which suggests a good opportunity to create affordable rental housing.

Santa Cruz formed the Accessory Dwelling Unit Development Program, which featured changes to the zoning ordinance, a strong public education effort, and financial assistance. The city removed a requirement that a single-family home had to have a covered parking structure (garage or carport), which made space available for
an ADU. ADUs are allowed on single-family lots of 5,000 or more feet, and must meet setback, height, and parking requirements. Two-story ADUs that are located within a rear yard setback or any ADU that does not meet applicable zoning standards require a public hearing and an administrative use permit.

Next, the city had architects draft designs of accessory units that met both size (500 square feet) and style requirements that home owners could follow to speed the review and approval process. Then the city drafted an ADU manual describing how home owners could work their way through design, review, and city approval to construction. The city also held five public workshops to explain the ADU process.

In 2003 a total of 35 accessory dwelling units were built in Santa Cruz, up from just eight in 2001. In 2004, the city added a progressive Fee Reduction/Waiver Program for property owners who build an ADU for a household whose income level is at or below 60 or 50 percent of the Area Median Income (AMI). Fees may vary by unit size and other design components. Typical city development fees for a new one-bedroom, 500-square-foot ADU might be about $9,000. For providing rental housing to low-income households at 60 percent of the AMI, a home owner would save about $6,000 in city development fees. For very low-income housing at 50 percent of the AMI, the full $9,000 would be saved.

The Santa Cruz Community Credit Union offered loans of up to $100,000 at 4.5% interest for Santa Cruz home owners looking to build an affordable ADU. To qualify, home owners had to sign a covenant stating that the ADU would be rented at a price affordable to low- to moderate-income residents.

In 2004 the city received the Policies and Regulations Smart Growth Achievement Award from the U.S. Environmental Protection Agency. Since 2003, Santa Cruz has added more than 170 accessory dwelling units.

CONCLUSION
The accessory housing concept is an old idea, but has seen renewed interest over the past 30 years and especially since the rise in real estate prices in the late 1990s. Local governments have adopted accessory dwelling ordinances to encourage housing for elderly relatives and rental opportunities for young adults, including students. A local government can identify accessory housing as an objective in the comprehensive plan and provide for it in the local zoning ordinance.

Portland and Santa Cruz have created successful accessory dwelling unit programs that seek to streamline the development process yet maintain good design that fits in with the neighborhood. Both cities have offered financial incentives. Portland has temporarily waived the system development charges on new accessory dwelling units, and Santa Cruz has offered low-cost financing.

Eleven cities in Washington, including Spokane, have adopted cottage ordinances. Spokane’s experience shows that site design is also important, not just zoning. In effect, a unified development code that combines zoning and land development regulations would help landowners understand what they have to do to create an ADU as well as streamline the approval process. Opposition from neighbors is to be expected, especially if the city does not undertake an educational effort. Even then, accessory units can make neighbors feel encroached upon as well as raise concerns about impacts on property values.

With the U.S. population expected to add more than 100 million people over the next 40 years, accessory housing can play a small, but significant role in offering affordable housing and walkable, compact development that helps to revitalize cities.

RESOURCES BOX
Resources on Accessory Housing
Georgia Department of Community Affairs
“Accessory Housing Units.” www.dca.state.ga.us/intra_nonpub/Toolkit/Guides/AscryHsngUnts.pdf

Portland (Oregon) Bureau of Development Services, City of
“Accessory Dwelling Units (ADUs).”
www.portlandonline.com/bds/index.cfm?c=36676
www.portlandonline.com/bds/index.cfm?sa=53301

Spokane (Washington), City of
www.spokanecity.org/services/documents/smc/?Section=17C.110.350

Santa Cruz (California), City of
“Accessory Dwelling Unit Development Program”

Washington Appeals Court, State of
2009. William Davis et al. v. City of Spokane and Konstantin Vasilenko, No. 29204-5-III.

Cover image: ©iStockphoto.com/otisabi
HOW DOES YOUR COMMUNITY ACCOMMODATE ACCESSORY HOUSING?
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?

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 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 a limit on 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>Construction</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>
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<tr>
<td>Construction</td>
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<tr>
<td>Fixtures</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$60,000</strong></td>
<td><strong>$80,000</strong></td>
</tr>
<tr>
<td>Monthly Cost</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortgage payment</td>
<td>$474</td>
<td>$633</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$50</td>
<td>$67</td>
</tr>
<tr>
<td>Insurance</td>
<td>$73</td>
<td>$73</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$597</strong></td>
<td><strong>$772</strong></td>
</tr>
<tr>
<td>Monthly Gross Revenue</td>
<td><strong>$1,440</strong></td>
<td><strong>$1,440</strong></td>
</tr>
<tr>
<td>Monthly Net Revenue</td>
<td><strong>$843</strong></td>
<td><strong>$668</strong></td>
</tr>
</tbody>
</table>


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 large scale 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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**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 §65852.2]
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.

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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.

Figure 4. An example of a two-story garage-to-ADU conversion in Portland, Oregon’s historic Irvington neighborhood.
ARE YOUR PARKING STANDARDS BLOCKING GARAGE APARTMENT CONVERSIONS?
The **ABCs of ADUs**

A guide to **Accessory Dwelling Units** and how they expand housing options for people of all ages

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**BASEMENT ADU**

**DETACHED ADU**

**ATTACHED ADU**

**SECOND- STORY ADU**

**GARAGE-CONVERSION ADU**

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*AARP® Real Possibilities*
Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the New York Times, Sunset Magazine and on NBC’s Today show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 250 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as a vice chair of Portland, Oregon’s Planning and Sustainability Commission.

AARP is the nation’s largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.
Welcome! Come On In

AARP surveys consistently show that the vast majority of people age 50 or over want to remain in their homes and communities as they age rather than relocate.

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States’ population overall and decrease in households with children — will continue to boost the demand for smaller homes in more compact neighborhoods.

As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2018 AARP Home and Community Preferences Survey, people age 50-plus who would consider creating an ADU said they’d do so in order to:

- provide a home for a loved one in need of care (84%)
- provide housing for relatives or friends (83%)
- feel safer by having someone living nearby (64%)
- have a space for guests (69%)
- increase the value of their home (67%)
- create a place for a caregiver to stay (60%)
- earn extra income from renting to a tenant (53%)

Since ADUs make use of the existing infrastructure and housing stock, they’re also environmentally friendly and respectful of a neighborhood’s pace and style. An increasing number of towns, cities, counties and even states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs.

Accessory dwelling units (or ADUs) come in many shapes and styles.

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can include ADUs in their mix of housing options.
ADUs Come in Many Shapes and Styles

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what’s being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they’re positioned behind or are indistinct from the main house
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can provide rental income to homeowners and an affordable way for renters to live in single-family neighborhoods
- An ADU can enable family members to live on the same property while having their own living spaces — or provide housing for a hired caregiver
- Unlike tiny houses (see page 17), ADUs are compact but not teeny, so they’re a more practical option for individuals, couples and families seeking small, affordable housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community
- ADUs can help older residents remain in their community and “age in place”

ADUs are also known as …

Although most local governments, zoning codes and planners in the United States use the term accessory dwelling unit or ADU, these small homes and apartments are known by dozens of other names. The different terms conjure up different images. (Who wouldn’t rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you’ve never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted at right.

- accessory apartment
- alley flat
- back house
- backyard bungalow
- basement apartment
- carriage house
- coach house
- garage apartment
- granny flat
- guest house or cottage
- in-law suite
- laneway house
- mother-daughter house
- multigenerational house
- ohana unit
- secondary dwelling unit
- sidekick

▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot’s primary residence, pay her home mortgage.
The ABCs of ADUs

A DETACHED ADU (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon | Photo by David Todd

An ATTACHED ADU connects to an existing house, typically through the construction of an addition along the home’s side or rear. Such units can have a separate or shared entrance.

Location: Davidsonville, Maryland | Photo by Melissa Stanton, AARP

A GARAGE ADU makes use of an attached or detached garage by converting the space into a residence. Other options involve adding a second-story ADU above a garage or building a new structure for both people and cars.

Location: Portland, Oregon | Photo by Radcliffe Dacanay

An INTERNAL ADU is created when a portion of an existing home — an entire floor, part of a floor, or an attic or basement — is partitioned off and renovated to become a separate residence.

Location: Portland, Oregon | Photo by Eli Spevak, Orange Splot LLC

Access to an UPPER-LEVEL ADU can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU sits atop a 1,900-square-foot primary dwelling.

Location: Portland, Oregon | Photo by Eli Spevak, Orange Splot LLC

A LOWER-LEVEL ADU is typically created through the conversion of a home’s existing basement (provided that height and safety conditions can be met), during construction of the house, or (see page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Derin Williams
ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an affordable housing option
- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only. The lot is, in a sense, free.
- ADUs are typically owned and managed by homeowners who live on the premises. Such landlords are less likely to raise the rent once a valued tenant has moved in. Many ADUs are created for family members to reside in for free or at a discounted rate.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the only affordable rental choices in single-family neighborhoods, which typically contain no studio or one-bedroom housing options at all.
- Some municipalities are boosting ADUs as part of affordable housing and anti-displacement strategies. Santa Cruz, California (see opposite), is among the cities with programs to help lower-income households build ADUs or reside in them at reliably affordable rents.

ADUs are able to house people of all ages
- An individual’s housing needs change over time, and an ADU’s use can be adapted for different household types, income levels, employment situations and stages of life.
- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.

ADUs are just the right size
- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today’s smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are good for the environment
- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are community-compatible
- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area’s sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as multistory apartment buildings. As a result, it’s often easier to get community support for ADUs than for other housing types.

Big houses are being built, small houses are needed

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<td>Square feet of living space per person</td>
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Fact: ADUs house more people per square foot of living area than single-family homes do.
HOME VISIT #1

Attached ADU Addition
Santa Cruz, California
Size: 500 square feet

The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

The Whitleys’ ADU (that’s Carrie showing off the front yard’s new paths and plantings) has its own entrance on the side of the home and is being rented to the couple’s daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than $15,000. Nearly 50 years later, similar homes on their street have sold for more than $1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don’t want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys’ project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: “I’m right next door to my parents in case they need me or need any help,” Brenda says.

ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: $158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)
ADUs Are an American Tradition

While today’s interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation’s households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people with land built as many homes as they wished. There were few or no zoning rules, municipal services or infrastructure (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers and stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were converted into rental homes. By becoming landlords, the owners gained income from their otherwise unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing ADUs — but only if the residences remained consistently occupied. In Houston’s historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

But elsewhere, even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings. Many communities today don’t allow new ADUs, even if they did in the past — and even if ADUs currently exist there. (Countless units in single-family homes or yards are technically illegal or are allowed simply because they were created when such residences had been legal.)

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release an influential model state act and local code for ADUs.

More recently, there’s been renewed interest at the state and local levels (see page 8) in legalizing and encouraging the creation of ADUs, driven by the increasingly high cost of housing and, in some places, the belief that homeowners with suitable space shouldn’t be so restricted in the use of their property.
The ABCs of ADUs

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: $167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #2
Garage Apartment ADU
Denver, Colorado
Size: 360 square feet

▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

HOME VISIT #3
Basement ADU
Portland, Oregon
Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW'D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.

THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

Design: Communitecture | Home Lift: Emmert International | Builder: Tom Champion | Cost to build: $125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)
The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met.

Other communities start with those basic standards and then layer on extra requirements (see page 14) that can make it challenging to create an ADU.

Municipalities nationwide have been relaxing their restrictions against ADUs, and some states have been encouraging their creation by requiring communities to allow them.

• In 2017, California required all of its cities and counties to allow ADUs so long as the property owner secured a building permit. In Los Angeles, Mayor Eric Garcetti has said ADUs could provide the city with a needed 10,000 housing units. He’s touted ADUs as a “way for homeowners to play a big part in expanding our city’s housing stock and make some extra money while they’re at it.”

• That same year, a New Hampshire law established that local zoning codes had to allow ADUs nearly everywhere single-family housing was permitted. The change stemmed in large part from the frustration of builders who couldn’t construct the type of amenities, such as backyard cottages and garage apartments, that their clients desired.

• Oregon requires cities and counties of certain sizes within urban growth boundaries to allow ADUs in all single-family neighborhoods.

• As of 2019, major cities that allow ADUs include Anchorage, Alaska; Atlanta, Georgia; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Philadelphia, Pennsylvania; Phoenix, Arizona; Seattle, Washington; and Washington, D.C. Communities in Massachusetts, Kentucky, Illinois, Indiana and Oregon have sought advice from AARP and Orange Splot about revising their zoning codes to allow ADUs.

To Encourage ADUs

LOCAL OFFICIALS can …

• allow all ADU types (detached, attached, interior)
• simplify the building permit process for ADUs
• waive or reduce permit and impact fees
• let garages be converted into ADUs without requiring replacement off-street parking
• allow a second ADU if one of the homes on the property meets accessibility standards

COMMUNITY PLANNERS can …

• adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can …

• work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can …

• organize tours of completed ADUs in order to inform and inspire the community
• educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can …

• educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can …

• report on how and why homeowners build ADUs

The unique floor plan of this single-family Maryland farmhouse allows for a first floor residence (accessed through the door on the right) and an upper-level ADU that can be reached through the entrance at left.
HOME VISIT #4  
**Internal ADU** (Main Level)  
**Portland, Oregon**  
**Size:** 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

**AH-HA MOMENT:** According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

**REAL LIFE:** “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”

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**HOME VISIT #5**  
**Internal ADU** (Lower Level)  
**Portland, Oregon**  
**Size:** 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

**THE SOUND OF SILENCE:** Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and how having downstairs neighbors will change what you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

**AN ADDED BONUS:** “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

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Design: Rita Haberman | Builder: RS Wallace Construction | Cost to build: $55,000 in 2015 (with some work done by the homeowners)  
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

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Design: DMS Architects | Builder: Weitzer Company | Cost to build: $261,000 in 2016 | Photo by Melissa Stanton, AARP | Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org
Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner’s needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren’t yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated amateurs.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality’s planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren’t cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about $50,000, new detached ADUs often exceed $150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that’s the plan, it’s worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.
When Walt Drake decided to downsize, his son Scott purchased his dad’s house for himself and his family and built a detached ADU (or DADU) for Walt. “From not finding what we wanted for Dad, we decided to create it,” says Scott. “Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years.”

NEAR AND FAR: “We wanted the houses to be separate and to feel like we’re each on our own property, but we’re there for each other,” says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn’t have to sell his home and leave his neighborhood. “He was able to keep his own stuff and turn over what he didn’t need to us,” says Scott. “It kept my dad in place, which I think was important.”

FUTURE PLANS: Scott says the ADU is “serving its intended purpose” but that someday down the road it could be used as a long- or short-term rental. “The ADU could turn into lots of different things over the course of its lifetime.”

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: $350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org
ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Garage conversions (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the AARP HomeFit Guide at AARP.org/HomeFit.

HOME VISIT #7
Detached ADU (Two-Story)
Seattle, Washington
Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that she wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The $3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.

There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden | Cost to build: $250,000 in 2014
Article adapted from Where We Live: Communities for All Ages (AARP 2018)
The ABCs of ADUs

AARP 13

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)

A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: $50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

A Sustainable and Sunny ADU

Tired of living in a house with so many walled off and dark spaces that the sun couldn’t shine in, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. (The original, larger home has become a rental.) The ADU is located within a conservation district and was constructed using sustainable materials and environmentally friendly techniques. One such feature is the deck trellis, which allows light in while diffusing the heat of the afternoon sun.

Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: $185,000 in 2017 | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org
The ABCs of ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. Regulations about ADUs are typically written or adopted at the local government level.

Where it’s legal to build ADUs, homeowners still need to follow rules about where it can be done, how tall they can be, how many square feet they can contain, what they can look like and how they can be used. These rules can be found in the local zoning code.

Over the past few decades it has become clear that there’s a balance to strike between the strictness of ADU regulations and how often ADUs get built.

For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to $12,000), the number of ADUs built there increased from about 30 per year between 2000 and 2009 to practically one ADU a day in 2015.

Changes in California’s ADU laws allowed Los Angeles to achieve an even more dramatic increase, going from 80 permit applications in 2016 to nearly 2,000 in 2017. Allowing both an ADU and a “Junior ADU,” or JADU — an interior ADU of 500 square feet or fewer — on properties in Sonoma County were among the urgent policies adopted in the wake of Northern California’s many devastating fires.

Meanwhile, in many jurisdictions, well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that they actually get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing could establish occupancy rules.

Every community has its own priorities and concerns, and there’s a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.)

**Rules that discourage ADUs**

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain geographic areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

**Are ADUs allowed in your community?**

Find out by calling the office in charge of land use and permits or stopping by in person. You can also search for and read the zoning code through the local government’s website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed in your community and you want them to be, ask an elected official or the local department of zoning and planning for information about how the codes can be updated. Then get organized and start advocating!

**TRADING SPACES:** An ADU is always the smaller of two dwellings on a property, but it’s possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling.
Creating (or Understanding) an ADU Zoning Code

The ADU section of a community’s zoning code needn’t be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. **A Definition:** A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. **The Purpose:** This is where the code describes key reasons a community allows ADUs. They should:
   - increase the number of housing units while respecting the style and scale of single-dwelling development
   - bolster the efficient use of existing housing stock and infrastructure
   - provide housing that’s affordable and respond to the needs of smaller, changing households
   - serve as accessible housing for older adults and people with disabilities

3. **Eligibility:** Who can build an ADU and on what type of property? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned, single-family lot.” (Some communities provide lot size standards, but many don’t.)

4. **Creation:** This is where the code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. **Quantity:** Most municipalities that permit ADUs allow one per lot. Vancouver, British Columbia; Sonoma County, California; and Tigard, Oregon, are among the few that allow two per lot (typically one internal and one external). Some communities also allow duplexes or townhomes to have ADUs, either in the backyard or on the ground floor.

6. **Occupancy and Use:** A code should state that the use-and-safety standards for ADUs match those that apply to the primary dwelling on the same property. (See page 17 for more about ADU uses.)

7. **Design Standards:**
   - **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance, “an ADU may not exceed 1,000 square feet or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. (An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”)
   - **Parking:** Most zoning codes address the amount and placement of parking. Some don’t require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
   - **Appearance:** Standards can specify how an ADU’s roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more about making sure that ADUs fit into existing neighborhoods.)
   - **Entrances and stairs:** Communities that want ADUs to blend into the background often require that an ADU’s entrance not face the street or appear on the same facade as the entrance to the primary dwelling (unless the home already had additional entrances before the ADU was created).

8. **Additional Design Standards for Detached ADUs:**
   - **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached structures that don’t meet that standard.) Although this sort of rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
   - **Building coverage:** A code will likely state that the building coverage of a detached ADU may not be larger than a certain percentage of the lot that is covered by the primary dwelling.
   - **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules.

Visit AARP.org/ADU to see examples of ADU zoning codes from selected cities.
ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they’ll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors. Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticed when looking at the house

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.

Providing places to park

ADU regulations often include off-street-parking minimums on top of what’s already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there’s insufficient physical space to accommodate the parking. However, additional parking often isn’t needed.

Data from Portland, Oregon, shows that there are an average of 0.93 cars for each ADU, and that about half of all such cars are parked on the street. With fewer than 2 percent of Portland homes having ADUs (the highest percentage in the country), there is about one extra car parked on the street every six city blocks. This suggests that any impacts on street parking from ADUs are likely to be quite small and dispersed, even in booming ADU cities.

More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling’s existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using some combination of off-street parking, curb parking, and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It’s not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren’t reflected in certificates of occupancy or by safety inspections.

Some cities have found that legalizing ADUs, simplifying ADU regulations and/or waiving fees can be effective at getting the owners of illegal ADUs to “go legit” — and address safety problems in the process.
Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities take a simple approach, regulating ADUs just as they do other homes. So if a home-based childcare service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples include:

**Limiting short-term rentals**

ADUs tend to work well as short-term rentals. They’re small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that’s affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals often regulate them across all housing types. If there are already rules like this, special ones might not be needed for ADUs. An approach employed in Portland, Oregon, is to treat ADUs the same except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

**Requiring owner-occupancy**

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by filing an annual statement confirming residency. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate.

While not technically ADUs, tiny houses can serve a similar purpose

Because tiny houses — such as the 100-square-foot “Lucky Penny,” pictured — are built on a trailer with wheels rather than on a fixed foundation, they are typically classified as recreational vehicles (RVs) rather than permanent residences. Although tiny homes are usually smaller than 400 square feet, many of them do contain a kitchen and bathroom.

*Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Ditilh, PhotoXplorer*
An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.

As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)

ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.

An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.

Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.

ADUs help to improve housing affordability and diversify a community’s housing stock without changing the physical character of a neighborhood.

ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and order or download The ABCs of ADUs by visiting AARP.org/ADU

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Unlocking Accessory Dwelling Units in Chicago
May 2020
The mission of the Urban Land Institute (ULI) is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide.

ULI Chicago, a District Council of the Urban Land Institute, has nearly 1,400 members in the Chicago region spanning the land use industry including developers, builders, engineers, attorneys, planners, investors, financial advisors, academics, architects and public officials.

Technical Assistance Services Program

ULI Chicago’s Technical Assistance Services (TAS) program allows local communities or government agencies an opportunity to access strategic advice from development experts that they could not obtain through any other process. Through its TAS program, ULI Chicago convenes a multidisciplinary team of ULI-member experts to address complex land use challenges and help sponsors find creative, practical and implementable solutions.

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ULI Chicago gratefully acknowledges its sponsors, whose support is critical to local ULI initiatives:

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Unlocking Accessory Dwelling Units in Chicago

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Message from ULI Chicago Leadership

We could not have anticipated it when we launched the ADU Initiative, but the COVID-19 pandemic has deeply impacted our lives and how we utilize our built environment. Since March 2020, Chicagans, like people across the country and the world, are staying at home to slow the spread of the COVID-19 virus. The pandemic has underscored the importance of access to safe and affordable housing for all. ADUs can be an important tool in solving the increased housing challenges and we hope that the recommendations outlined in the report will help craft a successful, equitable ADU policy for Chicago and other communities.
Accessory Dwelling Units

Granny flats, in-law units, coach houses, casitas; whatever their name, “accessory dwelling units” or ADUs are gaining ground in cities around the country. Minneapolis made ADUs possible when it did away with single-family only residential zoning in its new Minneapolis 2040 plan. In 2016, Washington, DC made ADUs permissible by-right in lower-density residential zones when it updated its zoning code. Los Angeles added more than 4,100 new ADUs in 2018 accounting for 20% of residential construction permits issued in the city.

What are ADUs?

ADUs are smaller, independent dwelling units with a full kitchen and bathroom, and can be attached or detached from a primary residential building. ADUs can be created in new construction and existing residential buildings by repurposing basement and attic spaces, by building an extension or as detached units in the backyard (Figure 1).

Figure 1. Types of ADUs
Source: Booth Hansen

ULI Chicago Initiative

ULI Chicago launched the ADU Initiative in August 2019 to develop a framework for a successful and equitable ADU policy for Chicago and to provide a potential model for communities across the region. The Initiative was launched with the following three goals:

1. Make it Easier to Build ADUs. Identify the most significant regulatory, policy, technical and financial barriers to building ADUs and develop recommendations to help overcome them.

2. Improve Housing Affordability. Explore opportunities for incentivizing affordable ADUs for middle- and lower-income households.

3. Build Community Support. Engage diverse groups in the planning process, proactively address potential concerns regarding ADUs.

As a part of the Initiative, ULI Chicago convened nearly 100 community, industry and public sector stakeholders in a series of workshops. Workshop participants worked collaboratively to identify the most significant barriers to building ADUs and developed strategies to help overcome the barriers, promote affordability and win community support. Supported by best practices research from other cities and analysis of Chicago’s housing stock and development trends, stakeholders worked together to develop the recommendations presented in this report.
Why Build ADUs?

ADUs help reinvigorate neighborhoods by creating more housing variety for different needs, from younger householders who want a small footprint to seniors looking to downsize but remain in their neighborhood. ADUs can also serve as a source of financial stability for homeowners, especially for seniors and others living on fixed incomes. Rental income from the ADU can help defray rising costs of home ownership, allowing them to stay in their home. In Chicago, allowing an additional unit could help tip the scale in favor of retaining a 2-4 flat\(^1\) residential building vs. tearing it down and replacing it with a more expensive single-family home. In addition, because they are smaller and use non-primary spaces such as basements and backyards, ADUs tend to be more affordable than regular residential units in the same neighborhood.\(^2\) Therefore, ADUs can help create more income-diverse neighborhoods and improve housing affordability. By bringing in new residents, ADUs also add to neighborhood vibrancy and can help build a stronger customer base for area businesses.

Not surprisingly, cities with predominantly single-family housing are increasingly looking at ADUs as a mechanism for increasing housing supply, choice and affordability. Although interest in ADUs is growing, barriers abound. Restrictive zoning regulations, red tape, costs to build coupled with limited financing options, and neighborhood resistance all make it challenging to build ADUs. In fact, after legalizing ADUs, many cities have initially seen only a handful of units built. It took strategic changes such as greater flexibility in site development standards, shorter and simpler approval processes, and increased technical support to encourage higher levels of ADU construction (Figures 2a and 2b).

In Illinois, HB 4869, the Local Accessory Dwelling Unit Act, was introduced in the Illinois General Assembly in February 2020. This bill bars local governments in Illinois from prohibiting ADUs on lots with existing or proposed residential buildings. Municipalities would be allowed to regulate the size and location of ADUs, but these regulations cannot be so restrictive that they have the effect of prohibiting ADUs.

---

\(^1\) A 2-4 flat is a small residential building with up to four apartments; typically, two or three apartments are stacked on top of each other and accessed via a common entrance vestibule.

\(^2\) California Budget & Policy Center. Health Note: Senate Bill 13. August 2019

---

Figures 2a and 2b. Easing Restrictions, Increasing Flexibility and Spreading Awareness are Key Factors in Promoting ADU Production

Unlocking Accessory Dwelling Units in Chicago

ULI Chicago Technical Assistance Services

ADUs in Chicago

Historically, ADUs have been an integral part of Chicago’s urban fabric. 2-4 flats, which typically include a basement unit, have been a popular residential building type in Chicago, accounting for nearly 30% of total residential units. Renting the basement or the garden unit of a 2-flat while living in the unit above was common, and likely an important source of income for many Chicago homeowners while providing an affordable housing option for renter households. However, recent trends indicate that Chicago is losing its 2-4 flat housing stock at a rapid rate, and not surprisingly, its affordable housing stock (Figures 3 & 4).

If the de-converted or demolished 2-4 flat happens to be in a “RS” or single-family only zoning district, current regulations make it very challenging if not impossible to build a 2-flat again on that site. 55 percent of residential parcels in the city are in RS zones, which do not allow new ADUs to be built, even within the existing building envelope. RT and RM zones allow more than one unit on a site, but frequently other requirements, such as parking and open space, make it difficult to accommodate more than one residential unit on a site (Refer Figure 6 for information on Chicago’s residential zoning districts).

Building new coach houses or backyard houses is currently not allowed in Chicago. They were outlawed in the 1950s when Chicago’s population was booming, and the city likely feared overcrowding. Existing coach houses can remain but they cannot be expanded or reused as rental dwelling units if they have been.

Figure 3. 2-4 Flats are Disappearing from the Rental Stock: Indexed Change in Rental Units by Building Size in the City of Chicago, 2012-2017
Source: Analysis by the Institute for Housing Studies (IHS), DePaul University, using US Census Bureau and Public Use Microdata Samples (PUMS) data

Figure 4. Chicago’s Affordability Gap is Driven by Declining Supply: Indexed Change in Affordable Supply & Affordable Demand in the City of Chicago, 2012-2017
Source: Analysis by the Institute for Housing Studies (IHS), DePaul University, using US Census Bureau and Public Use Microdata Samples (PUMS) data
vacant for more than a year. Estimates indicate that there are more than 2,400 existing coach houses in Chicago (Figure 5).

Many multifamily buildings have unproductive vacant space in their basements and on the ground floor that is well-suited for conversion into residential units. But current zoning regulations, including off-street parking requirements, severely limit the ability to repurpose existing underutilized space to create additional units. Easing zoning restrictions to allow ADUs in multifamily buildings will allow property owners to deliver new units at relatively lower costs and generate additional rental income to help offset rising operating expenses. Using previously vacant ground floor space could also create a more vibrant street environment and stronger customer base for area businesses.

While the current zoning regulations in Chicago are not ADU-friendly, the city's most recent five-year housing plan explores policy change to encourage ADUs as a way to create affordable rental housing and increase homeownership opportunities.

Chicago is actively working to implement this strategy. An ordinance to make it easier to build ADUs is expected to be introduced in the Chicago City Council in spring 2020. City representatives have been active participants in the ULI Chicago ADU Initiative and have indicated that the stakeholder discussions and resulting recommendations have provided valuable input into the city's ordinance drafting process. Our initial review of the proposed ordinance indicates significant alignment between the ordinance's key provisions and the recommendations presented in this report. A comparative analysis of the introduced ordinance will be included as an Addendum.

City of Chicago Housing Plan

Plan Vision

No matter who you are or where you live in Chicago, every family and resident deserves the chance to make a great home, thrive and be proud of their community.

The plan states:

“The City will identify options to leverage building codes or zoning to create affordability through accessory dwelling units (ADU), which is an additional housing unit added to an existing property such as basement or attic conversions, “in-law” apartment units, garage or coach house conversions, or new construction. ADUs can offer relatively affordable housing for tenants and can help moderate income families become homeowners with the additional income. The City will work with partners to explore cost-effective, safe strategies or policy adjustments to increase this supply of housing, including new mandated and natural occurring affordable units.”


Figure 5. Estimated Locations of Coach and Rear Houses in Chicago


Notes: 1. Data for the map comes from the City of Chicago building footprints data layer and OpenStreet Map.
2. Each of the 3,138 dots on the map represent a suspected coach or rear house, further validation revealed that approximately 77% (or 2,416 dots) are actually coach/rear houses.
Most Significant Barriers for ADUs in Chicago

Participants in stakeholder convenings identified the following as the most significant barriers and challenges for building ADUs in Chicago:

**Zoning Regulations**
Current zoning regulations either prohibit or make it difficult to build ADUs on most residential lots; new coach houses are not permitted.

**Navigating City Processes**
- **Permit application process.** Getting permits through zoning and buildings reviews can be time-consuming and complex, particularly for homeowners and smaller-scale property owners and developers.
- **Building inspections.** The ADU inspection could reveal other code violations in the primary dwelling requiring expensive repairs. In the absence of any programs to help bring the building up-to-code, some property owners may choose to avoid inspections by not legalizing an existing unit or building a new ADU.

**Cost of Building**
- Although ADUs are usually cheaper to build than a regular unit, they still require a significant capital investment which can be a barrier for many. Also, adding a new unit can trigger the need for infrastructure upgrades, such as a new water service line, which can be prohibitively expensive.
- Cost of building will be a greater barrier in neighborhoods with softer real-estate markets where going rents may not be high enough to recoup the cost of creating the ADU.

**Financing**
There is a lack of loan products that can be used to finance ADU construction, and most property owners rely on personal savings or equity in their existing home to finance ADUs.

**Improving Health & Safety while Minimizing Displacement**
- Anecdotal evidence suggests that like many cities across the country, Chicago has a significant number of “illegal” ADUs. These are mostly basement units that have been built without permits and are rented by households who cannot afford market-rate rents but are not able to access public or subsidized housing. While some of these units might be perfectly safe and habitable, others may not. Therefore, creating a pathway for legalizing these existing units by having them meet minimum health and safety standards, would create better housing conditions. However, once improved, these units are likely to fetch higher rents, potentially pricing out former tenants. Minimizing displacement of lower-income tenants by providing access to rental subsidies and incentivizing property owners to continue to rent affordably should be an important consideration for the City’s ADU policy.

- Basement units face higher risks of water seepage and flooding. In the absence of appropriate waterproofing improvements, this can result in potentially unhealthy living conditions especially in neighborhoods with higher incidences of urban flooding.

**Awareness and Knowledge**
Even the best policies will have little effect if their intended audience does not know about them or how to use them effectively. Because homeowners and smaller-scale property owners/developers are essential to a successful implementation of any ADU policy in the city, it will be necessary to create awareness and build knowledge—both about the benefits of building an ADU on one’s property and how to do it.
Existing Residential Zoning Districts

This section provides a summary description of Chicago’s existing residential zoning districts and bulk and density standards associated with each district. For complete details and up-to-date information, please refer to the Chicago Zoning Ordinance.¹

Existing Zoning District Descriptions

**RS, Residential Single-Unit Districts**

RS districts are primarily intended to accommodate detached houses on individual lots. There are three RS districts – RS1, RS2 and RS3 – which are differentiated based on minimum lot area requirements (MLA) and floor area ratios (FAR).

**RT, Residential Two-Flat, Townhouse and Multi-Unit Districts**

RT districts are intended to accommodate detached houses, two-flats, townhouses, and low-density, multi-unit residential buildings and provide a gradual transition between RS districts and higher density RM districts. The RT districts are differentiated primarily on the basis of allowed density (MLA per unit) and FAR. The RT4A designation is intended to accommodate and promote multi-unit buildings containing dwelling units which are accessible for people with disabilities.

**RM, Residential Multi-Unit Districts**

RM districts accommodate a wide range of housing types, including detached houses, two-flats, townhouses and multi-unit residential. They are however primarily intended for moderate to high-density, multi-unit residential buildings. In addition to MLA per unit and FAR, the five RM districts – RM4.5, RM5, RM5.5, RM6 and RM6.5 – are differentiated based on allowed building heights.

Existing Bulk and Density Standards

Selected bulk and density standards, particularly those that impact the ability to add an internal ADU or in the backyard of a residential parcel, are provided below for residential districts RS1–RM5. RM5.5 and higher districts allow greater density, FAR and height, making it less likely that these requirements will be significant barriers to creating ADUs.

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<th>MLA (square feet)</th>
<th>MLA/Unit (square feet)</th>
<th>FAR</th>
<th>Max. Building Height (feet)</th>
<th>Rear Yard Open Space</th>
<th>Min. Front Setback (feet)</th>
<th>Min. Rear Setback (feet)</th>
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<td>1,000</td>
<td>1.20</td>
<td>38</td>
<td>65/ 6.5</td>
<td>12</td>
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</tr>
<tr>
<td>RT4A</td>
<td>1,650</td>
<td>1,000</td>
<td>1.50**</td>
<td>42**</td>
<td>65/ 6.5</td>
<td>12</td>
<td></td>
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<tr>
<td>RM4.5</td>
<td>1,650</td>
<td>700</td>
<td>1.70</td>
<td>45/47***</td>
<td>50/ 6.5</td>
<td>10</td>
<td></td>
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<tr>
<td>RM5</td>
<td>1,650</td>
<td>400</td>
<td>2.00</td>
<td>45/47****</td>
<td>36/ 6.5</td>
<td>10</td>
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</table>

Notes: There are several exceptions to the standards listed in the table above; refer to the Chicago municipal code for a more complete overview of applicable standards.

Characteristics of Residential Parcels and Buildings

Analysis by the Institute for Housing Studies, DePaul University

The Institute for Housing Studies (IHS) provided data analysis and mapping support for ULI Chicago’s ADU Initiative. IHS analysis, combined with the “on-the-ground” experience of industry and community stakeholders, helped illustrate the differences in housing conditions and needs in neighborhoods across the city. The analysis provided the context necessary for developing recommendations that are practical, implementable and equitable. Highlights and key findings from IHS’ analysis is presented in this section.

Key Findings

Distribution of Residential Zoning Districts

As illustrated in Figures 7 and 8:

- There are only a limited number of parcels with RS1 zoning designation and they are concentrated in a few community areas. In addition to those listed in Figure 7, South Shore (3.3%) and Kenwood (8%) are the only two community areas with more than 3% of their parcels in RS1 zone.

- The other single-family only zones, RS2 and RS3, are distributed throughout the city. Many community areas have a significant percentage of parcels with RS2 zoning, which is more limiting for ADUs than the RS3 zone. Many of these community areas are on the South and West Sides, which have been identified as priority investment areas by the city.

<table>
<thead>
<tr>
<th>Com. Area No.</th>
<th>Community Area</th>
<th>Percentage of Residential Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>Ashburn</td>
<td>94.7% 3.8%</td>
</tr>
<tr>
<td>62</td>
<td>West Elsdon</td>
<td>90.9% 4.3%</td>
</tr>
<tr>
<td>74</td>
<td>Mount Greenwood</td>
<td>4.7% 90.7% 1.0%</td>
</tr>
<tr>
<td>65</td>
<td>West Lawn</td>
<td>89.5% 0.7%</td>
</tr>
<tr>
<td>56</td>
<td>Garfield Ridge</td>
<td>89.2% 5.8%</td>
</tr>
<tr>
<td>48</td>
<td>Calumet Heights</td>
<td>84.9% 13.8%</td>
</tr>
<tr>
<td>73</td>
<td>Washington Heights</td>
<td>83.7% 11.6%</td>
</tr>
<tr>
<td>45</td>
<td>Avalon Park</td>
<td>81.1% 14.4%</td>
</tr>
<tr>
<td>17</td>
<td>Dunning</td>
<td>79.3% 4.1%</td>
</tr>
<tr>
<td>9</td>
<td>Edison Park</td>
<td>75.4% 6.8%</td>
</tr>
<tr>
<td>10</td>
<td>Norwood Park</td>
<td>7.2% 73.4% 10.1%</td>
</tr>
<tr>
<td>64</td>
<td>Clearing</td>
<td>69.7% 11.3%</td>
</tr>
<tr>
<td>75</td>
<td>Morgan Park</td>
<td>16.9% 63.7% 12.3%</td>
</tr>
<tr>
<td>53</td>
<td>West Pullman</td>
<td>58.7% 35.8%</td>
</tr>
<tr>
<td>49</td>
<td>Roseland</td>
<td>58.1% 35.0%</td>
</tr>
<tr>
<td>18</td>
<td>Montclare</td>
<td>57.7% 28.9%</td>
</tr>
<tr>
<td>55</td>
<td>Hegewisch</td>
<td>57.3% 36.6%</td>
</tr>
<tr>
<td>44</td>
<td>Chatham</td>
<td>54.2% 27.1%</td>
</tr>
<tr>
<td>13</td>
<td>North Park</td>
<td>52.1% 27.7%</td>
</tr>
<tr>
<td>52</td>
<td>East Side</td>
<td>47.7% 47.0%</td>
</tr>
<tr>
<td>50</td>
<td>Pullman</td>
<td>46.6% 51.3%</td>
</tr>
<tr>
<td>12</td>
<td>Forest Glen</td>
<td>43.4% 44.2% 5.8%</td>
</tr>
<tr>
<td>11</td>
<td>Jefferson Park</td>
<td>43.8% 41.4%</td>
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<tr>
<td>72</td>
<td>Beverly</td>
<td>49.7% 43.0% 3.6%</td>
</tr>
<tr>
<td>15</td>
<td>Portage Park</td>
<td>42.2% 48.0%</td>
</tr>
<tr>
<td>71</td>
<td>Auburn Gresham</td>
<td>41.5% 48.8%</td>
</tr>
</tbody>
</table>

Figure 7. Top 25 Chicago Community Areas by Percentage of Residential Parcels in RS2 Zoning District

Source: IHS analysis of Cook County Assessor Data

Notes. 1. Universe: Parcels in Chicago by community area with a residential property (single family, condo, 2 to 4, 5+) as of the Cook County Assessor’s 2018 data.
2. “All Other Zoning Districts” include Downtown Districts, Manufacturing Districts, Planning Manufacturing, Planned Development, and Open Space.
Figure 8. Residential Zoning in Chicago

Data Source: Chicago Open Data Portal

Chicago Community Areas

<table>
<thead>
<tr>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
<th>Community Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rogers Park</td>
<td>Edison Park</td>
<td>Dunning</td>
<td>Austin</td>
<td>Near South Side</td>
<td>Hyde Park</td>
<td>Roseland</td>
<td>Archer Heights</td>
<td>West Lawn</td>
<td>Washington Heights</td>
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<tr>
<td>West Ridge</td>
<td>Norwood Park</td>
<td>Montclare</td>
<td>W. Garfield Park</td>
<td>Armour Square</td>
<td>Woodlawn</td>
<td>Pullman</td>
<td>Brighton Park</td>
<td>Chicago Lawn</td>
<td>Mount Greenwood</td>
</tr>
<tr>
<td>Uptown</td>
<td>Jefferson Park</td>
<td>Belmont Cragin</td>
<td>E. Garfield Park</td>
<td>Douglas</td>
<td>South Shore</td>
<td>South Deering</td>
<td>McKinley Park</td>
<td>West Englewood</td>
<td>Morgan Park</td>
</tr>
<tr>
<td>Lincoln Square</td>
<td>Forest Glen</td>
<td>Hermosa</td>
<td>Near West Side</td>
<td>Oakland</td>
<td>Chatham</td>
<td>East Side</td>
<td>Bridgeport</td>
<td>Englewood</td>
<td>Hare</td>
</tr>
<tr>
<td>North Center</td>
<td>North Park</td>
<td>Avondale</td>
<td>North Lawndale</td>
<td>Fuller Park</td>
<td>Avalon Park</td>
<td>West Pullman</td>
<td>New City</td>
<td>Greater Grand Crossing</td>
<td>Edgewater</td>
</tr>
<tr>
<td>Lakeview</td>
<td>Albany Park</td>
<td>Logan Square</td>
<td>South Lawndale</td>
<td>Grand Boulevard</td>
<td>South Chicago</td>
<td>54 Riverdale</td>
<td>62 West Elsdon</td>
<td>70 Ashburn</td>
<td>77 Edgewater</td>
</tr>
<tr>
<td>Lincoln Park</td>
<td>Porterage Park</td>
<td>Humboldt Park</td>
<td>Lower West Side</td>
<td>Kenwood</td>
<td>Burnside</td>
<td>Hegewisch</td>
<td>Sage Park</td>
<td>Auburn Gresham</td>
<td>71 Auburn Gresham</td>
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<tr>
<td>Near North Side</td>
<td>Irving Park</td>
<td>West Town</td>
<td>Loop</td>
<td>Washington Park</td>
<td>Calumet Heights</td>
<td>Garfield Ridge</td>
<td>64 Cline</td>
<td>72 Beverly</td>
<td></td>
</tr>
</tbody>
</table>

Residential Zoning By Parcel

- RS1
- RS2
- RS3
- RT and RM
Characteristics of Residential Parcels and Buildings (continued)

Analysis by the Institute for Housing Studies, DePaul University (continued)

Key Findings (continued)

Zoning for Existing Residential Buildings
As shown in Figure 9, most of the residential parcels in the city (55%) are in RS or single-family only zones, which under existing regulations are not conducive to creating ADUs. Slightly more than 25% of the residential parcels are in RS1 and RS2 zones.

Many residential properties in Chicago, especially older buildings, do not reflect the current zoning designation of their parcel.

- Out of the 677,228 parcels in Chicago with a residential property, only 77% of the parcels have a residential zoning designation.

- Larger apartment buildings are found in non-residential zones at a greater rate than other building types: More than a quarter of buildings with 5+ units are in business and commercial zones (20.9% in B-districts, 4.5% in C-districts).

- 65% of all 2-4 unit buildings are in RS or single-family only zoning districts. 60% of 2-4 unit buildings are on parcels with RS3 zoning.

Basements in Existing 2-4 Unit Buildings
Converting basements of existing buildings offer a relatively low-cost opportunity for adding new residential units in neighborhoods throughout the city. 2-4 flat buildings, which are common in most Chicago neighborhoods, can be particularly well-suited for basement units.

As per Cook County Assessor data, in 2018, more than 60% of 2-4 unit buildings in Chicago, that is nearly 77,000 2-4 flats, had a full basement. These include unfinished basements and “formal recreation rooms,” that may already have many of the improvements needed to create a residential unit. There is however no data available on the ceiling height and the general conditions of the basements, making it difficult to ascertain suitability or cost for conversion into a safe and healthy residential unit.

Participants discuss barriers to ADUs and brainstorm solutions at a stakeholder convening.
## Zone Name Total 2 to 4 Unit Parcels Eligible 2 to 4 Unit Parcels

<table>
<thead>
<tr>
<th>Zone Name</th>
<th>Total 2 to 4 Unit Parcels</th>
<th>Eligible 2 to 4 Unit Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS1</td>
<td>174</td>
<td>133</td>
</tr>
<tr>
<td>RS2</td>
<td>5,756</td>
<td>4,244</td>
</tr>
<tr>
<td>RS3</td>
<td>74,768</td>
<td>49,362</td>
</tr>
<tr>
<td>RM and RT</td>
<td>30,130</td>
<td>18,261</td>
</tr>
<tr>
<td>All Residential (RS1-RS3, RM, RT)</td>
<td>110,828</td>
<td>72,000</td>
</tr>
<tr>
<td>All Business (B1, B2, B3)</td>
<td>9,220</td>
<td>2,913</td>
</tr>
<tr>
<td>All Commercial (C1, C2, C3)</td>
<td>2,498</td>
<td>875</td>
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<tr>
<td>All Other Zoning Districts</td>
<td>1,758</td>
<td>792</td>
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<tr>
<td>All Zoning Districts</td>
<td>124,304</td>
<td>76,580</td>
</tr>
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</table>
Less Regulation Is More ADUs

Lessons from other Cities

ULI’s Building Healthy Places team reviewed ADU policy in several cities to understand which regulatory changes have been most impactful in promoting equitable ADU development. While there is significant variation in how different cities regulate ADUs, it is clear that a streamlined, cost effective process and flexible code requirements encourage more people to build ADUs. Key policy consistencies across cities with larger volumes of ADUs include:

- Allow ADUs on all lots where residential uses are permitted
- Allow attached ADUs (basement, attic or other carve-out unit and as additions) and detached ADUs (coach houses and cottages)
- Do not require off-street parking for the ADU
- Do not require the property owner to live on-site
- Allow flexibility in terms of size, height and placement of ADUs on the lot
- Minimize permit and other development fees
- Offer financial assistance programs for middle- and lower-income property owners

Note: AARP offers many resource materials on ADUs. For information on ADU policy in various cities, we recommend the 2019 publication titled Accessory Dwelling Units: A Step by Step Guide to Design and Development.

Crown Hill Detached ADU in Seattle: Contemporary two-level unit with a flexible space on the main level that includes a sleeping area, office and full bathroom with laundry—convertible for aging in place.

*Credit: Design and photography by Sheri Newbold, live-work-play architecture and interior design*
Unlocking Accessory Dwelling Units in Chicago
ULI Chicago Technical Assistance Services

Recommendations for a Successful & Equitable ADU Policy for Chicago

Through an extensive stakeholder engagement process supported by data analysis and best practices research, ULI Chicago has prepared a framework of recommendations for the city as it considers adopting new ADU-friendly regulations. Our recommendations focus on incremental changes that will help overcome the most significant barriers to creating ADUs; providing regulatory relief or incentives beyond what is outlined in this report could further boost ADU production. While the recommendations are specific to Chicago, the overall framework could translate well to other municipalities in the Chicago region and beyond.

It is important to note that although the recommendations are organized in numerical order to make the report easier to follow, they don’t reflect any prioritization of recommendations. Fostering equitable ADU development so property owners across the city, including homeowners and owners of smaller-scale multi-family residential buildings, can successfully build ADUs, will require a multi-faceted approach to implementing recommendations. For example, changing the regulatory requirements should be accompanied with a robust program of technical and financial support targeted towards middle- and lower-income homeowners, who might not otherwise be able to build or rent an ADU.

While the city will need to implement many of the recommendations, other entities—including sister agencies such as the Chicago Housing Authority (CHA), non-profit organizations such as the Neighborhood Housing Services (NHS) and Community Investment Corporation (CIC), community-based organizations, professional associations, and development professionals willing to volunteer their time—can play a significant role in making it easier for property owners across the city to build ADUs.

Community and industry stakeholders, and City of Chicago representatives participated in multiple convenings organized by ULI Chicago to develop recommendations for a successful and equitable ADU policy for Chicago.
Recommendations (continued)

1. Key Components of an ADU-friendly Zoning Ordinance

Easing regulatory restrictions that do not allow the creation of ADUs by either prohibiting them or making it very difficult to site them on typical lots is the first step in unlocking the ADU opportunity in Chicago.

Residential Zoning Districts
Allow ADUs in all residential zones, including the current single-family only, RS1-RS3 zones.

- RS zones contain the largest residential parcels in the City and are therefore more likely to have space for accessory units, making them suitable for such development.

- Interest in ADUs is rising. As per the 2018 AARP Home and Communities Survey, one in three respondents over the age of 18 said that they would consider building an ADU, and two-thirds of the respondents said they would live in an ADU. ADUs are appealing because they offer a unique opportunity to age-in-place or provide housing for a loved one, especially in established neighborhoods with access to amenities but not enough buildable land for new development.

- Several Chicago neighborhoods, many of them on the south and west sides have a large share of residential parcels in RS1 and RS2 zones (Figure 7). These neighborhoods will be disproportionately disadvantaged if ADUs are not allowed in RS1 and RS2. For example, in Roseland and West Pullman, identified as priority investment areas as part of Chicago’s Invest South West Initiative, nearly 60% of all parcels with residential buildings are in the RS2 zone.

Commercial Zoning Districts
Allow ADUs in existing residential buildings on lots with commercial or other non-residential zoning.

This would allow all residential buildings with space to add ADUs to do so irrespective of the underlying zoning designation. As per an analysis of Cook County Assessor data by the Institute for Housing Studies (IHS), more than 25% of apartment buildings in Chicago with 5+ units are on lots with B- or C- zoning designations.

Consider allowing on a targeted basis, the conversion of chronically vacant ground floor commercial space in commercial and mixed-use zones into residential units.

- Chicago, like cities across the country, has an excess of ground level commercial space. Allowing these spaces to be retrofitted into residential units, especially in sub-optimal commercial/retail
locations can serve the dual benefit of activating vacant spaces and helping “right-size” commercial space.

- Ground-level commercial spaces are better suited for creating accessible units for those with disabilities or age-related mobility issues compared to basement units and coach houses above garages. We recommend that such units be required to meet accessibility standards set by the American with Disabilities Act (ADA).

- The City could consider a pilot to test the conversion of ground level commercial space into residential along corridors with limited commercial potential. For instance, if the block is not a primary commercial street and if there is a vacancy rate of 50% or more, it could be considered for partial or full conversion to residential use.

### Permitted Use

Allow ADUs to be an “as-of-right” use instead a special use.

The approval process for a special use can be difficult to navigate for a homeowner and expensive because it typically requires professional assistance. The outcome is also inherently unpredictable, which can be a significant deterrent for many, especially for homeowners and smaller-scale developers with limited resources.

### Existing Structure Requirement

Allow ADUs in new residential construction; do not limit to existing structures.

In neighborhoods with many vacant lots where single-family homes and even 2-4 flats likely once stood, ADUs should be allowed as a part of new residential construction. Limiting ADUs to older or existing buildings could be a significant disadvantage for neighborhoods that have lost a lot of their building stock and need to focus on activating vacant parcels (Figure 11). In some of these neighborhoods, constructing a new 2-3-unit residential building on a vacant lot could be more desirable or financially viable.

<table>
<thead>
<tr>
<th>Community Area</th>
<th>No. of Privately-owned Vacant Parcels</th>
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</thead>
<tbody>
<tr>
<td>Englewood</td>
<td>2,468</td>
</tr>
<tr>
<td>West Englewood</td>
<td>2,403</td>
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<tr>
<td>New City</td>
<td>1,867</td>
</tr>
<tr>
<td>North Lawndale</td>
<td>1,418</td>
</tr>
<tr>
<td>East Garfield Park</td>
<td>1,375</td>
</tr>
<tr>
<td>Roseland</td>
<td>1,323</td>
</tr>
<tr>
<td>West Pullman</td>
<td>1,175</td>
</tr>
<tr>
<td>Austin</td>
<td>1,164</td>
</tr>
<tr>
<td>South Deering</td>
<td>1,122</td>
</tr>
<tr>
<td>Humboldt Park</td>
<td>904</td>
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<td>West Garfield Park</td>
<td>830</td>
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<td>Auburn Gresham</td>
<td>795</td>
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<tr>
<td>Greater Grand Crossing</td>
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</tr>
<tr>
<td>Near West Side</td>
<td>762</td>
</tr>
<tr>
<td>South Chicago</td>
<td>738</td>
</tr>
<tr>
<td>Morgan Park</td>
<td>686</td>
</tr>
<tr>
<td>Grand Boulevard</td>
<td>671</td>
</tr>
<tr>
<td>Woodlawn</td>
<td>621</td>
</tr>
<tr>
<td>West Town</td>
<td>532</td>
</tr>
<tr>
<td>South Shore</td>
<td>505</td>
</tr>
</tbody>
</table>

Figure 11. Top 20 Community Areas by Number of Privately Owned Vacant Parcels

Source: IHS analysis of 2018 Cook County Assessor’s Data.

Note: Vacant parcels owned by public agencies are not included in this figure; actual number of vacant parcels is likely to be significantly higher.
than building a single-family house. In such instances, allowing ADUs in new construction could mean the difference between whether a parcel remains vacant or gets developed, bringing new residents and stability to the block and the neighborhood. Also, when planned as a part of new construction rather than as a retrofit, ADUs can likely be built more efficiently and cheaply.

Some worry that allowing ADUs as a part of new construction in neighborhoods with stronger real estate markets would encourage owners to tear down older, and likely more affordable, residential buildings and replace them with higher-end homes. However, as shown in Figure 12, in stronger markets, much of the 2-4 flat teardown activity is being driven by the demand for new construction single-family housing. The ability to add basement or attic units is unlikely to further incentivize significant teardown activity in these markets. On the other hand, limiting ADUs to existing, older buildings will reduce the number of residential units that can be built in new developments in stronger markets. Therefore, we recommend that the city allow ADUs in new residential construction in all neighborhoods.

**Owner Occupancy**

Do not require the property owner to reside onsite in the principal residence or the ADU.

As many cities have learned, this requirement can be excessively restrictive, making an ADU investment riskier and consequently less attractive for a homeowner. A life-change, such as a new job, might require a homeowner to move. If the city has an

![Newer 3-flat on a quiet street with a mix of residential uses in Chicago's Lakeview neighborhood.](image)
owner-occupancy requirement, the homeowner will not have the flexibility to rent both the principal and accessory units. Instead, they would be forced to stop renting the ADU or sell their property. In addition, owner occupancy requirements reduce the value that appraisers can assign to the ADU, making the property less valuable overall. Alan Durning of the Sightline Institute refers to the owner occupancy requirement as one of the poison pills of ADU legislation.4

Short-term Rentals (STRs)
Do not prohibit short-term rentals in ADUs. Instead, subject ADUs to the same regulations for STRs as other residential units in the neighborhood or the city.

Given that ADUs are a significant investment for most homeowners, allowing greater flexibility in how ADUs can be used to generate additional income or meet other needs is likely to stimulate greater interest in building them. A report prepared by the Terner Center to study ADU development in Portland, Seattle and Vancouver,5 found that in Portland, ADU production surged after the City allowed their use as STRs in 2014. While it’s likely that many factors, including a strengthening housing market, contributed to the increase in ADU production in Portland, easing restrictions on STRs appears to be a significant factor. In a survey conducted for the Terner Center report, 11% of respondents cited the ability to use their ADU as a short-term rental and another 11% cited the desire for a flexible future as the primary reason for building an ADU. The Terner Center survey also found that only 12% of ADUs were being used as short-term rentals suggesting that even when homeowners do not use ADUs as STRs, they value the flexibility of being able to do so.

Additionally, even the ADUs that are used as STRs can eventually become long-term housing, as the homeowner’s needs change in the future. In Portland, a study found that within one year of licensing, nearly half of ADUs stopped being short-term rentals.6 This is consistent with the findings of a study on short-term rental housing operations in Chicago.7 Researchers compiled listing data from Airbnb, a leading short-term rental platform, for all stay dates in the Chicago area from December 1, 2012 to March 31, 2103. When they revisited 18 months later, they found that 49% of these original listings had exited the market. In addition to the hassle of marketing and maintaining a short-term rental unit vs. using it as a long-term rental, economics might not always be in the favor of short-term rentals. An Environmental Impact Study (EIS) completed by the City of Seattle for its ADU ordinance, revealed that it was more profitable to rent an ADU as a long-term rental and this remained true across different parcel prototypes and real estate markets within Seattle.8

8 City of Seattle. Accessory Dwelling Units, Final Environmental Impact Statement. October 2018

Older 2-4 flats make up a significant portion of Chicago’s residential building stock.
Unlocking Accessory Dwelling Units in Chicago
ULI Chicago Technical Assistance Services

Parking
We recommend that no new off-street parking be required for ADUs and additional parking relief be provided when building at-grade ADUs.

Given the relatively small size of the typical Chicago single-family residential lot (125 feet x 25 feet), the requirement to provide an additional parking space on site would make it very challenging if not impossible to build an ADU.

At-grade ADUs, even without meeting ADA’s accessibility standards, can provide a more comfortable and accessible living environment for seniors and others with limited mobility. The current zoning code requires two off-street spots for every dwelling unit in single-family zones. We recommend that the city consider relaxing this requirement to allow the construction of ground-level ADUs. If the homeowner is building an at-grade ADU, allow the two required spots to be provided as tandem parking (one car behind another), and if the ADU is within a transit-served location, allow the elimination of one mandated parking space (Figures 13a-c for potential ADU layouts on a typical Chicago lot).

There should also be an opportunity to add ADUs in multi-family residential buildings without providing new off-street parking. Many multi-family buildings have underutilized ground floor and basement space that could be repurposed to provide new units at a relatively low cost, but don’t have large enough lots to provide additional off-street parking. Waiving parking requirements for ADUs in such multi-family buildings could help in creating a significant number of units with affordable rents.

Regulating Density and Bulk
Our density and bulk recommendations focus on making it possible to build ADUs on most residential lots while maintaining open space and strengthening neighborhood character.

Minimum lot area (MLA) per dwelling unit is the primary mechanism for regulating density or the number of units, including ADUs, that can be built on a lot. Requirements for setbacks, open space, building coverage and height regulate the size and location of buildings on a lot. Internal ADUs such as basement and attic units, which are usually incorporated completely within the existing primary building, are not impacted by these requirements. Bulk and density regulations have a more significant impact on the ability to build backyard ADUs. Figures 13a-c provide layouts of different types of ADUs that can be created on a typical Chicago single-family residential lot by

Parking Utilization
While residents are often concerned about lack of parking in their neighborhood, research shows that many residential parking spaces go unused even during peak demand times.

The Center for Neighborhood Technology (CNT) has found that mandatory off-street parking requirements in Chicago is resulting in significant oversupply. As a part of its research, CNT surveyed 41 rental multi-family buildings with more than ten units each; most of them located in the City of Chicago with a few in suburban Cook county. The sample included a mix of vintage and newer buildings, both market-rate and affordable, and near as well as away from the CTA rail system to capture a snapshot of parking demand across the City. CNT found that at 4 am, which would be a peak time for residential parking utilization, apartment buildings that had two parking spaces for every three units, were utilizing only one-half of the parking spaces. Even within a quarter mile of transit stops (CTA ‘L’ stations), where only one parking space was provided for every two units, one-third of the parking spots were empty.

implementing the regulatory changes recommended below.

**Minimum Lot Area (MLA) per Dwelling Unit**
We recommend waiving MLA requirements to allow the greater of one new ADU or 33% of the total legally established or permissible residential units. For lots that are eligible for more than one ADU, we recommend allowing both a coach house and an internal ADU, provided the ADUs meet other regulatory requirements. This change would allow a gentle increase in density of one ADU on lots with single-family and 2-3 flat buildings, two ADUs in buildings with 4 to 6 units, and potentially more units in larger multi-family buildings.

Under the current zoning code, typical residential lots in Chicago are not large enough to meet the MLA requirement for more than one unit. For example, in the RS3 zone, the typical lot area is 3,125 square feet and the required MLA is 2,500 square feet. If this MLA requirement is applied to every dwelling unit built on the lot, it would make typical RS3 lots ineligible for ADUs even if they were made an “allowed use.”

**Setbacks**

**Front setback.** No change is recommended to accommodate ADUs.

**Side setback.** Require the ADU to be set back at least 3 feet from the property line on one side of the property. On the other side, allow the ADU to be built up to the property line.

The 3’-0” minimum setback on side of the ADU is required to maintain access for fire and safety professionals. These setbacks requirements do not apply to the existing primary dwelling unit on the site.

**Rear setback.** Allow backyard ADUs as a permitted encroachment in the rear setback and subject to the same rules as other accessory structures. No change is recommended to the dimension of the rear setback.

Currently, if the rear property line is less than 10 feet from the center line of the alley, the accessory structure must be set back 2 feet from the property line to allow adequate passageway and turning radius for vehicles. Backyard ADUs should be subject to the same requirement.

**Open Space**

Regulate the minimum area of rear yard open space that must be provided while allowing greater flexibility in where it is located on the lot. Also, require a minimum separation distance between the primary house and the backyard ADU.

We recommend allowing the rear yard open space to be defined as a circle with a diameter of the minimum length required in the current zoning code, to be provided anywhere between the alley lot line and the rear wall of the primary residence. Porches that are open on at least three sides, open stairwells not more than 4 feet wide that entirely abut a wall of the primary house or the ADU, and other currently allowed
Figures 13a-c: Potential Layouts for Backyard ADUs on a Typical Chicago Single-Family Residential Lot

Figure 13a. Studio ADU Above a Two-Car Garage
Key features include:
• Wider alley, 2’ setback from rear lot line not required
• Primary house built up to the rear setback line
• Two off-street parking spaces
• ADU size: 440 square feet (covers 50% of the rear yard setback)

Figure 13b. Two Story, 2-Bed and 2-Bath ADU
Key features include:
• One off-street parking space, option to provide another tandem parking space
• ADU size: 1,050 square feet on two levels (covers 59% of the rear yard setback)

Source: Sketches by Booth Hansen
structures, should continue to be allowed encroachments into the open space.

The appropriate minimum separation distance—the distance between the rear wall of the primary house and the front or side wall of the ADU—should be based on an analysis of existing lot and building sizes in different neighborhoods. We recommend a separation distance of at least 15 feet to maintain open space while still allowing a backyard ADU on most residential lots.

Building Coverage
Limit the total footprint of the accessory structure, including the dwelling unit and garage to 60% of the rear yard or 700 square feet, whichever is less.

Height
Increase the maximum allowed height for accessory structures such that they can accommodate two stories. Allowing two stories in accessory structures would make it possible for property owners to add a dwelling unit above their garage or construct a larger, two-story coach house in their backyard. We recommend that at minimum, the allowed height of accessory structures be increased to 20 feet. Going a little further and setting the maximum allowed height at 22 feet, would help create a more spacious ADU interior. Also, it would make it easier to build pitched roofs while maintaining a ceiling height of 7'-6" instead of the minimum 7'-0" requirement.

Floor Area Ratio (FAR)
Backyard ADUs. Allow coach houses and backyard cottages to be exempt from FAR requirements. Allow restrictions on building coverage and height to control the size of the structure.

Basement and Attic ADUs. No change is recommended from existing code requirements. In the current code, basement spaces that are more than 50% below ground level are not included in floor area calculations. We recommend applying the same rule when a basement is converted into a dwelling unit. Attic spaces with a clear height of 6’-9” or more are counted towards floor area in the current code. Attic units, which must have ceiling heights of at least 7 feet, will therefore be subject to applicable FAR and height restrictions based on the underlying zoning designation of the lot.

Figure 13c: One Story, 1-Bed and 1-Bath ADU
Key features include:
- One off-street parking space
- ADU size: 520 square feet (covers 59% of the rear yard setback)
- Ground level living, particularly attractive for seniors and others with limited mobility
Recommendations (continued)

2. Key Components of an ADU-friendly Building Code

Chicago has adopted a new building code which will be mandatory starting August 1, 2020. Modeled on the International Building Code (IBC), Chicago’s new code includes many ADU-friendly regulations, which are highlighted in this section. We recommend that the city and partner organizations continue a robust program of outreach and education to create greater understanding of the new code requirements and how they might benefit homeowners and smaller property owners.

Smaller Residential Buildings (R-5 Occupancy)

Recognizing that smaller residential buildings do not need to meet the same building code standards as much larger buildings with higher levels of occupancy and usage, the new Chicago building code includes a separate occupancy category, R-5, for smaller residential buildings. The code defines smaller residential buildings as those with 1-3 units and no more than four stories in height. Key differences for R-5 buildings include:

- Not required to meet accessibility standards unless they are a part of a planned development
- Not required to have sprinklers
- Can be built with 20% reduction in design wind loads and do not need to meet seismic requirements

Single-family homes and 2-flats would still be considered an R-5 occupancy category after adding an ADU and would not trigger additional code requirements.

Wood Frame Construction

Wood frame construction can be very cost-effective for building smaller, energy-efficient buildings such as backyard cottages and coach houses. The new building code provides additional flexibility for wood frame buildings. Such buildings now have no minimum setback requirement compared to the minimum 2’-6” setback required previously. Instead, if the building is closer than 3 feet from the property line, it is now subject to an increased fire resistance requirement and limits on the size of windows or other openings. This increased flexibility makes it easier to fit backyard cottages and coach houses on the typical 25 foot wide Chicago lot.
Reduced Minimum Ceiling Heights
The new code allows 7'-0" ceiling heights instead of 7'-6", potentially reducing or eliminating the need for excavation to meet the height requirements in basement units or building dormer windows in attic units.

Minimum Space Dimensions
The new Chicago code maintains the flexibility provided by the previous code regarding minimum space dimensions, allowing property owners greater flexibility in retrofitting basement and attic spaces into dwelling units. Unlike the IBC, the Chicago code does not regulate minimum room dimensions; the minimum requirements are only for room size. Habitable spaces are required to be at least 70 sq. ft. and single-room living areas (studio units) must be at least 180 sq. ft. Spaces with plumbing fixtures (that is kitchens and bathrooms), must comply with minimum clearance requirements for plumbing fixtures.

Exiting Requirements
The new Chicago code provides increased flexibility in exiting requirements by maintaining many of the provisions of the previous code and enhancing them based on IBC. There continues to be no new requirement for egress windows as Chicago’s code relies on stricter requirements for exit stairs. The Chicago code allows steeper stairs and tighter winders than IBC. The new code will allow narrower spiral staircases like IBC and allow steeper stairs or ladder access to loft spaces.

Residential Mezzanines and Lofts
Mezzanines and lofts are not counted as an additional story under the new building code, making it easier to add them in smaller—no more than four stories—residential buildings (R5 occupancy classification in the new building code). Mezzanines can also be larger in size but need access via conventional stairs; lofts cannot have plumbing fixtures but can have ladder access.

Electrical Disconnects
Electrical disconnects can now be located outside of residential buildings instead of a common access space within the basement, making it easier to create a basement ADU with private access.

Plumbing
The City of Chicago tentatively plans to roll out plumbing code reforms in Phase 3 of its Construction Code Modernization initiative. In formulating these reforms, efforts should be made to provide greater clarity on meter location, service size, and sewer requirements for ADUs.

Additional information on Chicago’s new construction code for small residential buildings is available on the Department of Buildings (DOB) website at: www.chicago.gov/city/en/depts/bldgs/supp_info/small-residential-buildings-code-workshop.html.
Recommendations (continued)

3. Streamlined, User-Friendly and Solutions-Focused Process for ADUs

To encourage ADU construction in Chicago, we recommend that the application and review process be simple, unambiguous and expeditious. We also recommend that the city adopt a solutions-based approach to building inspections that focuses on improving health and safety rather than violations that do not pose a safety hazard.

Make it Easy to Obtain ADU Permits

For many homeowners and smaller-scale developers, navigating a complex application process can be daunting, besides being time-consuming and expensive. San Francisco, for example, was experiencing a serious backlog of ADU applications until the City established a streamlined, inter-departmental review process that offered applicants greater clarity and support in resolving code requirements. All ADU applications in San Francisco are now acted on within four months.

Creating a simple, streamlined process would result in ADUs getting built quickly and encourage more homeowners to explore the ADU opportunity adding to the much-needed housing stock in Chicago. Recommendations include:

- Create a user-friendly website, similar to Chicago’s Large Lots program, for property owners to determine if they are eligible to build an ADU and to understand the steps involved. San Francisco’s online ADU website could also serve as a model - https://sf.gov/step-by-step/add-units-your-property.

- Provide no-cost opportunities for potential applicants to meet with city staff or representatives from community-based, non-profit organizations to provide specific guidance on ADU potential for their property. A community intermediary who can help make an initial assessment regarding ADU feasibility would be an especially valuable resource for homeowners who might be hesitant to meet with city officials.

- Provide access to free or low-cost resources for design, construction and project management guidance. A guidebook including sample layouts and designs, checklists of “must-do” improvements, cost estimates, construction considerations, and financing sources could be a valuable resource for a homeowner, helping them understand what is required to build an ADU. The city should work with partner agencies such as Neighborhood Housing Services (NHS) in developing these resource materials. ADU information sessions, such as Austin’s “ADU Tuesdays” where residents can learn about the city’s ADU policy and programs, can also be very helpful.

- Create a coordinated process across city departments so that ADU applicants have a single point of contact at the city for their ADU questions and the application process. To the extent possible, the city should try to parallel process ADU applications across reviewing departments to shorten processing times. Adequate staffing and ADU-specific training for staff would be key in ensuring that ADU applications are processed in a timely fashion.

- Allow ADUs to be an eligible project under DOB’s Self-Certification Permit Program, commonly known as “Self-Cert.” This program simplifies the building permit process for eligible projects by eliminating plan review by DOB and allowing
the Architect of Record (with active Self-Cert registration) to take full responsibility for code compliance. After zoning is approved, self-certified building permits are typically issued within ten days.

**Practice a Strategic, Solutions–Focused Approach to Building Inspections**

While essential for maintaining health and safety, building inspection to certify an ADU is ready-for-occupancy can be a challenging step for many homeowners. An ADU inspection could reveal other existing code violations on the property, resulting in unexpected and possibly significant fines and repair costs for homeowners. For many, this may be a significant deterrent keeping them from building an ADU or legalizing an existing unit that may have been built without proper permits.

Therefore we recommend a solutions-based approach to building inspections that prioritizes improving health and safety over violations that do not pose a safety hazard. Also, helping property owners reach compliance by connecting them with resources can ease the burden, especially for seniors and lower-income households. Programs such as Small Accessible Repairs for Seniors (SARFS) and Roof, Porch and Emergency Heating Repair could be bolstered with more money and expanded to assist income-eligible homeowners with a variety of necessary home repairs. Volunteer organizations such as Habitat for Humanity could organize service days to help homeowners fix code violations.

The Cities RISE program outlines the framework for a strategic approach to code enforcement that is proactive and equitable rather than reactive and punitive. Such an approach can result in fewer distressed properties and healthier neighborhoods overall. A strategic, proactive approach allows for an information and feedback loop across departments to identify “problem areas.” It encourages development of solutions at the macro-level to address the root causes instead of treating each incident as a “one-off” code violation. The Urban Institute provides a framework for strategic code enforcement for Memphis. Santa Clarita’s Extreme Neighborhood Program offers an excellent example of the benefits of strategic code enforcement (see below).

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**Santa Clarita, California: Extreme Neighborhood Makeover Program**

The City of Santa Clarita started the Extreme Neighborhood Makeover program in 2005 in response to an increasing concentration of unsafe conditions and would-be code violations in its neighborhoods where residents were having a hard time keeping up with building maintenance. Recognizing that issuing increasing number of violations and fines would cause economic hardship to already overburdened households and might even result in eventual foreclosure, the city decided to take a different approach.

The city collaborated with various nonprofits, local businesses and community volunteers to sponsor kick-off block parties in target areas. Elected officials and city employees provided information about local regulations, grant programs, and other resources for homeowners and tenants. Local businesses and neighbors came out to eat, meet each other, and figure out ways to work together to improve their neighborhood. Each block party was followed up with a “heads-up” list of current violations from the city and staff continuously checked in with residents to clarify issues or connect them to resources. Through its Makeover program, the city reached almost 500 homes and, for a relatively low cost, improved compliance rates from 10% to 95%.


Recommendations (continued)

4. Cost of Building

ADUs are usually cheaper to build than regular units but still require a significant capital investment. In this section, we explore strategies for achieving potential cost savings and provide general cost estimates for constructing ADUs in Chicago.

In general, ADUs cost less to build than regular units, particularly basement and attic units, which can be accommodated within the existing building. Even coach houses are typically less expensive because they are usually smaller and have no land acquisition costs. In San Francisco for example, the average cost to build an ADU in 2018 was estimated to be less than $150,000 compared to $500,000 for a regular unit in a new development.11 The average cost to build an ADU in Portland, Seattle and Vancouver was $156,000 according to the 2017 Terner Center study.

However, even when it is comparatively lower, the cost of building an ADU is a significant investment that can be a barrier for many. In addition, unlike traditional housing, there are fewer loan products available to help finance ADUs, making it harder for property owners who do not have access to personal or other non-traditional sources of funds. Financing barriers and potential solutions are discussed in greater detail later in the report under financing recommendations; this section provides general cost estimates and strategies for achieving potential cost savings.

Estimating Construction Costs for Basement Units

Figure 14 provides a list of potential improvements that may be needed to create a basement unit in an existing building and associated cost estimates. The estimates are based on case studies provided by stakeholder participants and are intended only for general guidance. Actual construction costs can vary significantly based on a variety of reasons, including existing conditions, quality of finishes selected, and the experience and skill level of construction professionals. In many buildings, creating basement units can be a cost-effective way of adding new units. On the other hand, for properties with structural challenges and history of significant flooding, creating safe basement units can be prohibitively expensive.

The cost estimates in Figure 14 are for an approximately 900 square foot basement unit with two bedrooms, one full bath and a kitchen. It is important to note that all of these improvements may not be required for all basement units. A basement which already complies with building code requirements and does not require significant structural work may cost less than $75,000 to convert to an ADU. A basement that requires structural changes and more extensive improvements may exceed $150,000. Construction contingencies and soft costs are not included in these estimates.

<table>
<thead>
<tr>
<th>Potential Improvement</th>
<th>Estimate 1 (lower cost)</th>
<th>Estimate 2 (higher cost)</th>
<th>Estimate 3 (No Structural Rework)</th>
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<tbody>
<tr>
<td><strong>Site &amp; Structure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterproofing: Regrading, drain tiles, sump pump &amp; ejector pump</td>
<td>$5,000</td>
<td>$12,000</td>
<td>$5,000</td>
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<td>Masonry repairs and caulking</td>
<td>$1,500</td>
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<tr>
<td>New windows</td>
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<td>$4,000</td>
<td></td>
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<tr>
<td>Demolition of interior walls &amp; finishes</td>
<td>$2,500</td>
<td>$3,500</td>
<td>$2,500</td>
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<tr>
<td><strong>Sub-Total</strong></td>
<td>$11,500</td>
<td>$22,000</td>
<td>$7,500.00</td>
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<tr>
<td><strong>Increasing Ceiling Height</strong></td>
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<tr>
<td>Shoring for removal and new structural columns</td>
<td>$5,000</td>
<td>$8,000</td>
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<tr>
<td>Underground plumbing work for drains</td>
<td>$1,500</td>
<td>$2,500</td>
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<tr>
<td>Removal of existing slab, excavation &amp; new concrete slab</td>
<td>$10,000</td>
<td>$14,000</td>
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<td><strong>Sub-Total</strong></td>
<td>$16,500</td>
<td>$24,500</td>
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<tr>
<td><strong>Upgraded Building Services</strong></td>
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<tr>
<td>Upgraded water service</td>
<td>$12,000</td>
<td>$18,000</td>
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<tr>
<td>Upgraded electrical service</td>
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<td><strong>Sub-Total</strong></td>
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<td><strong>Build-Out</strong></td>
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<td>Rough &amp; finish carpentry for walls &amp; ceiling: Wood framing &amp; blocking, insulation, doors, frames &amp; hardware</td>
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<td>$14,000</td>
<td>$10,000</td>
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<td>Plumbing &amp; Electrical work: Electrical distribution, outlets &amp; switches, exhaust fans &amp; vents for kitchen &amp; bath, new water pipes, drains &amp; vents</td>
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<td>$22,000</td>
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<tr>
<td>Drywall, taping &amp; paint</td>
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<td>Flooring</td>
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<tr>
<td>Cabinets, counters, fixtures &amp; appliances</td>
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<td><strong>Sub-Total</strong></td>
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<td><strong>Building Systems</strong></td>
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<td>Heating: Furnace and ductwork</td>
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<td>Hot water heater</td>
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<td><strong>Sub-Total</strong></td>
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<td>$15,000</td>
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<td><strong>Miscellaneous Construction Costs</strong></td>
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<tr>
<td>Temporary facilities, storage, dumpsters, clean-up, etc.</td>
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<td>$3,000</td>
<td>$2,500</td>
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<td><strong>Construction Sub-Total</strong></td>
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<td><strong>Soft Costs</strong></td>
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<td>General Contractor</td>
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<td>Architect</td>
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<tr>
<td>Permit Fees</td>
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<td><strong>Total Cost</strong></td>
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<td>$173,000</td>
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</table>

A basement which already complies with building code and does not require significant structural work may cost less than $75,000 to convert to an ADU (Estimate 3). A basement that requires more extensive improvements may exceed $150,000.
Opportunities for Reducing Costs for Building ADUs

Design and Construction Solutions

Design Guides and Pre-approved Design

Building an ADU based on design guidelines developed for Chicago site and building conditions or using a pre-approved ADU design for backyard ADUs would reduce soft costs. It would also facilitate a smoother, faster permitting and building inspection process.

The pre-approved designs could be used in conjunction with Department of Building’s (DOB) self-cert program, which allows the project architect with a valid self-cert registration to bypass DOB review.

For example, the West Denver Renaissance Collaborative (WDRC) has five permitted designs for its ADU pilot program called the West Denver Single Family Plus (WDSF+) Initiative. This program is available to qualified moderate- and low-income homeowners. Seattle is working with designers and builders to develop preapproved construction plans for detached ADUs, which will be made available in an online gallery with images, description, and information about the designer.

Modular and Prefabricated Units

Prefabricated dwelling units are gaining in popularity as a potential mechanism for delivering new units at...
lower costs and could help bring down the costs for backyard ADUs as well.

Dweller, a private company based in Oregon builds and installs ready to rent, 425 square feet prefabricated ADUs in backyards for $130,000. Dweller’s price includes design, permitting, construction and installation costs including utility connections and landscaping. It estimates that because of the modular, prefabricated design, its ADUs are 25%-50% cheaper than comparable units. In Chicago, Skender, a design, construction and manufacturing firm, is manufacturing ten modular 3-flat residential buildings that will be assembled on vacant lots to provide affordable housing. These 3-flats can provide a potential template for developing modular backyard homes that meet Chicago’s building code and other regulatory requirements.

Passive Design
Incorporating energy-efficient design features to create a “passive house” that requires minimal heating/cooling could result in operational cost savings and a healthier living environment in the ADU. For example, Community Investment Corporation and Elevate Energy’s Energy Savers program has helped finance energy-saving retrofits in over 10,000 units in multi-family buildings including 2-4 flats.

“Bundling” ADU Construction
Neighborhood organizations or small-scale developers could identify opportunities to build multiple ADUs in a neighborhood at the same time, helping achieve economies of scale.

General Contracting and Project Management Services
Non-profit or other community-focused housing organizations can likely provide these services at lower than market costs. Access to a list of architects, contractors and other professionals with expertise in building ADUs, would also be an useful resource for property owners.

Permit and Other Fees
Permit and inspection fees, fees for utility connections, and when applicable, development impact fees can be a significant portion of the cost to build an ADU. While recognizing that some fees are necessary to help fund ADU-related city services, we recommend minimizing fees and perhaps waiving them on a sliding scale based on income-eligibility of the applicant to encourage ADU production. The city could tap into resources that fund its affordable housing programs to cross-subsidize the fee reductions and waivers.

In 2010, Portland waived development fees covering sewer, water, and other infrastructure connections, reducing costs by as much as $11,000 per unit. In 2013, the city received almost 200 ADU applications, six times more than the yearly average from 2000 to 2009. Permit fees in Chicago are much lower, especially when renovating an existing unit or creating a new unit in an existing building. We recommend continuing to keep permitting costs low and explore opportunities for further reductions based on income-eligibility of ADU applicants.

Cost Sharing for Infrastructure Improvements
Water Line Upgrade
Upgrading the water service line to meet the increased demand from additional fixtures and users is likely to be one of the most expensive improvements in most ADU projects. The current process of determining whether a new service line is needed can be opaque and does not necessarily consider the higher water efficiency of modern fixtures. Creating an easy-to-use chart that clearly correlates service line sizes to number and type of fixtures would be a helpful resource for property owners.

In instances where an upgraded service line is required, the property owner would be replacing the existing lead service line, effectively eliminating a health hazard for current and future occupants of

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12 California Budget & Policy Center, Health Note: Senate Bill 13, August 2019
the dwelling unit(s). Chicago could consider a pilot program to help property owners finance the replacement of old lead water service lines, which could be tied to an affordability requirement for the new ADU.\textsuperscript{13}

**Waterproofing for Basement Units**

Minimizing basement flooding, which could be from water leaks, seepage or sewage back-ups, might require a variety of improvements, ranging from less intensive interventions such as soil grading and rain gardens to perimeter drainage systems with sump pumps. Parts of the city that are more susceptible to flooding are likely to need the most intensive and most expensive improvements. A recent study on urban flooding by CNT shows that Chicago neighborhoods with a greater concentration of people of color and lower-household incomes are disproportionately affected by urban flooding. This is partly due to a lack of adequate stormwater infrastructure in these neighborhoods.\textsuperscript{14}

The city should implement comprehensive stormwater improvements to reduce urban flooding, especially its disparate impacts in lower-income neighborhoods. The city should also explore opportunities for sharing the cost of waterproofing with property owners in these neighborhoods; the level of financial assistance could be based on the household income of the property owner and/or be tied to an affordability requirement for the ADU. As noted in the section on general cost estimates, waterproofing improvements can constitute a significant portion of the cost of building a basement ADU.

**Property Tax Relief**

The increased property value from an ADU is likely to result in an increase in property taxes effectively reducing the financial benefit of the ADU. However, relief from property taxes is available in some cases:

- The Cook County Tax Assessor offers a homeowner improvement exemption, which allows up to $75,000 of home improvements to be exempt from property tax increase for five years. Therefore, a significant portion of the ADU improvement (if not all of it), should not result in property tax increase for the homeowner for at least five years, allowing them to recoup their investment sooner.

- If the property owner commits to long-term affordability for the ADU, the assessor is committed to providing a lower assessment value for the property, compensating in part for the lower rental income.

- Placing the property in the Chicago Community Land Trust (CCLT) can result in significant property tax relief.

\textsuperscript{13} Recognizing the significant public health benefit, many municipalities are working actively to facilitate lead line replacement. Philadelphia for example, offers free lead service line replacement to residents when crews work on water main on their street, whether crews break anything or not. Elgin, IL requires homeowners to replace lead pipes with financial assistance from the city when any groundwork is being done near their property. Source: Eng, Monica. “Chicago’s Way Of Replacing Broken Pipes Can Increase Lead In Your Drinking Water.” \textit{WBEZ Chicago}, April 2, 2019. www.npr.org/local/309/2019/04/02/708900376/chicago-s-way-of-replacing-broken-pipes-can-increase-lead-in-your-drinking-water

\textsuperscript{14} Center for Neighborhood Technology. \textit{Assessing Disparities of Urban Flood Risk for Households of Color in Chicago}. December 2018.
Recommendations (continued)

5. Financing

After regulatory restrictions are removed, the ability to get financing is often the next big hurdle for building ADUs. We recommend expanding financing options for owner occupants and smaller property owners, who are likely to face greater challenges in accessing financing; strategies are presented below.

Financing Challenges

Owner-occupants and smaller multifamily owners will most likely need new financing tools to build ADUs. If a new ADU policy in Chicago allows basement units to be added in multi-family residential buildings without parking and other relief, larger rental owners may be able to pay to create these units with their own resources. Smaller owners, however, may need financing, which could be complicated, depending on the value of their building and the size of their first mortgage.

The challenge is likely even greater for owner-occupants. In the 2017 Terner Center survey of ADU owners, 54% of the respondents cited obtaining financing and paying for construction as their biggest challenge, and it is not difficult to see why. 30% of respondents relied on cash savings, 15% on other personal resources such as credit cards, and 40% borrowed against the equity in their home (via a home equity line of credit (HELOC) or a cash-out refinance of their existing mortgage) to build their ADU. Only 4% of respondents were able to borrow against the future expected value of the ADU to finance its construction (Figure 16).

Most residential loan products available today do not consider the future value of an ADU that is yet to be constructed or the potential rental income stream from an ADU. This stymies the ability of homeowners to get a traditional bank loan for an ADU. If they lack significant equity in their home or a high enough income, the Loan to Value (LTV) and Debt to Income (DTI) ratios become too high for them to qualify for a loan. Renovation loans, such as the Housing and Urban Development’s (HUD) 203(K) loans and Fannie Mae’s HomeStyle loans, consider the after-rehab value of the property, but are not as widely used for ADUs, likely because of restrictive criteria. 203(K) loans cannot be used for detached ADUs and require using licensed contractors and approved 203(K) consultants.

Without easy access to a loan or sufficient personal savings, building even a lower cost ADU becomes financially infeasible for most homeowners. As Seattle’s Equity Assessment Report found, in the absence of interventions such as ADU-friendly loan products, most ADUs are likely to be built by wealthier, asset rich homeowners.15 Overcoming the financing barrier is therefore key to an equitable ADU program that can...

Figure 16. Source of Financing for ADU Development
also both benefit moderate-income homeowners and increase ADU production across the City. Community focused financial institutions, housing non-profits and others are rising to the challenge. Innovative financing products are facilitating the surge in ADU production in many cities across the country. As Chicago considers adopting more flexible regulations to encourage ADUs, we recommend working with community partners and financial institutions to expand options for financing ADUs and reducing reliance on personal wealth for their construction.

Financing programs that offer a subsidy or provide savings over market-rate loans can be tied to income-eligibility requirements for ADU applicants or affordability requirements for the new ADU. It is important to note that the affordability requirement should be in proportion to the level of subsidy being offered. For example, a small grant to cover part of the pre-development costs while very helpful to many income-eligible homeowners, might not be as attractive if it came with an affordability requirement that significantly reduced the rental income potential from the ADU for many years.

### Loans against Future Value of ADU and Rental Income

Local banks and other financial institutions in some cities have developed loan products with underwriting standards that use future value and rental income from the proposed ADU in determining loan eligibility. These loans are often backed by loan loss reserve pools funded by grants and philanthropic donations. The cash out refinance program offered as a part of the Backyard Homes project in Los Angeles is based on these principles.

### Grants or Low-Cost Loans

Even before breaking ground on an ADU, a homeowner can spend thousands of dollars on predevelopment services such as feasibility studies, architectural drawings and permit fees. This initial cost can be a hurdle, especially for homeowners with limited financial resources. Grants or low interest loans to help defray these costs, either through direct financial assistance or access to discounted professional services, can encourage homeowners to take the first step towards building an ADU. Such financing options could be made available on a sliding scale to income-eligible residents.

Private loan pools, funded by local philanthropic organizations, foundations and private donors, can be used to provide below-market loans for constructing ADUs. For example, Healthy Neighborhoods, a non-profit organization in Baltimore, created a $30.5 million private loan pool supported by local banks and philanthropic organizations. This loan pool provides below-market loans to income-eligible homebuyers and homeowners to purchase or rehab homes to encourage investment in neighborhoods. While not ADU specific, the Healthy Neighborhoods loan pool provides a good model that can be replicated to encourage ADU investment in Chicago.

Boston also launched a pilot loan program to provide very low-cost financing for homeowners of 1-3 unit buildings interested in constructing an additional dwelling unit on their property. Interest free loans of up to $30,000 are available to homeowners with annual household incomes of less than 135% AMI.
and less than $75,000 in financial assets (excluding the value of the home, retirement accounts and college savings plans). Homeowners with incomes between 120-135 percent of AMI are required to match the city-funded loan 1:1. There is no match requirement for incomes below that. The loan has no monthly payments and is not due until the owner sells, transfers ownership, or undertakes a cash-out refinance of the home.

**Shared Equity or Co-Investment**
In this emerging financing model, companies provide cash in exchange for shared equity in the home equal to the value of the cash investment, plus a share in the home’s future appreciation (or depreciation). Homeowners can use the cash to build an ADU. Because it is not a loan, there are no monthly interest or principal payments; the investment is paid back typically at the time of sale or at the end of an agreed upon time period. Homeowners could also choose to buy-out the investment at any time. Specific terms of the agreement, including amount of cash available and how it can be spent, vary by company. Unison, based in San Francisco, allows homeowners to access up to 17.5% of their home value as cash to be used however they want.

**Developer ADU Financing and Leasing**
Another emerging innovative financing model for ADUs allows homeowners to build an ADU on their property for little or no financial outlay. Instead, the homeowner enters into a lease agreement with a developer who owns the ADU while they continue to own the land. The developer is responsible for all the construction and maintenance costs for the ADU and pays the homeowner a percentage of the rental revenue each month under a lease agreement. The property owner has the option of selecting tenants themselves. The property owner also retains the right to purchase the ADU at any time based on a declining buyout payment established in the lease agreement; at the end of the lease term, the property owner will own the unit outright.

An Oregon-based for-profit company, Dweller, constructs and installs prefabricated ADUs for a fixed fee, also offers the financing model described above for property owners who are not able to or do not want to pay the entire cost of the ADU upfront. Other examples include United Dwelling in Los Angeles and ADU Builder in Palo Alto, California.

This second story ADU was built over a two car garage in Portland to generate rental income for the homeowner. The 650 square foot ADU has two bedrooms, 1 bathroom and a “great room” with combined living, dining and kitchen areas.

*Credit: Propel Studio Architecture, photo by Marshall Steeves*
Selected Case Studies: Initiatives to Encourage ADUs and Improve Housing Affordability

The Alley Flat Initiative
Austin, Texas

The Alley Flat Initiative is a collaboration between the University of Texas Center for Sustainable Development (UTCSD), the Guadalupe Neighborhood Development Corporation (GNDC), and Community Powered Workshop (formerly the Austin Community Design and Development Center) to build sustainable and affordable “alley flats” or small backyard houses on residential lots.

Homeowners in Austin who agree to comply with Austin’s SMART (Safe, Mixed-income, Accessible, Reasonably-priced, Transit-oriented) Housing requirements for 5 years are eligible to participate in the Alley Flat Initiative. Alley Flat Initiative clients receive architectural services, expedited review, and permit fee waivers in exchange for complying with sustainability and affordability requirements. During the 5-year compliance period for the SMART program, the rent for alley flat is limited to 28% of 80% Median Family Income (MFI), which in 2019 was $1,233.17/month for a studio or one-bedroom apartment.

Community Powered Workshop has a design catalog of house models that are designed to a budget and have a minimum of three stars on the Austin Energy Green Building Program Single Family rating tool. Clients can choose the house model most suitable for their site and needs or request a custom design for an additional fee.

For more information, visit: thealleyflatinitiative.org

Exterior and interior photos of a backyard house in Austin’s Clarksville neighborhood built as a part of Community Powered Workshop’s Alley Flat Initiative.

*Credit: Community Powered Workshop, photos by Leonid Furmansky*
The Backyard Homes Project
Los Angeles, California

LA-Más, a non-profit organization based in Los Angeles, in partnership with other non-profit and public agencies, launched the Backyard Homes Project in 2017 to help homeowners build affordable ADUs in their backyards. The pilot program, intended for ten homeowners in its first phase, serves as a "one-stop shop" for design, permitting and construction support. In exchange, homeowners commit to rent the ADU to a section 8 voucher holder for a minimum of 5 years.

The program includes optional financing in the form of a permanent mortgage product designed particularly for homeowners who have some equity in their homes but may not have the cash to finance an ADU. Eligible program participants can get a cash-out refinance with up to 90% Loan to Value (LTV). There is no requirement for mortgage insurance and up to 75% of future rental income from the ADU can be used to help qualify for the loan. Homeowners can choose from multiple design options for ADUs that include garage conversions as well as new construction ADUs. Each plan comes with a baseline cost that includes everything necessary to get a certificate of occupancy from the city including permits, surveys, materials and labor. The Backyard Homes Project is the result of many community partners coming together to provide the complete suite of services needed to build an ADU from start to finish:

- **LA-Más**: Program Management, Design, Permitting
- **Restore Neighborhoods LA (RNLA)**: Construction
- **Genesis LA Economic Growth Corporation & Self-Help Federal Credit Union**: Financing
- **LA Family Housing & St. Joseph Center**: Tenant Matching and Support
- **Housing Rights Center**: Landlord Training
- **Housing Authority of the City of LA (HACLA)**: Section 8 Program Management

For additional information, visit: www.mas.la/affordable-adus

WDSF+ Initiative ADU Pilot Program
Denver, Colorado

The West Denver Renaissance Collaborative (WDRC) launched an ADU pilot program in June 2019 as a part of its West Denver Single Family Plus (WDSF+) initiative to minimize displacement in west Denver. To participate in the WDSF+ ADU pilot, homeowners must have a property that is zoned for ADUs in a west Denver neighborhood and have an annual household income of 120% of area median income (AMI) or lower. Applicants must also be able to qualify for a new mortgage that covers the primary house and the ADU development costs.

The WDSF+ ADU pilot program provides significant cost savings for participating homeowners by using design-permitted ADU models. The cost savings along with development, design, financing, and construction assistance make it possible for moderate and low income homeowners to build an ADU. WDRC also provides custom housing counseling services and property management training to program participants.

In exchange, program participants agree to the following terms:
- The ADU must be used for residential occupancy, and either the ADU or primary house must be occupied or rented by a household earning less than 80% current Denver Area Median Income (AMI) for a 25 year term.
- If rented, the monthly rent must be equal to or less than 80% Denver current AMI maximum rent.

For more information, visit: www.mywdrc.org/ADU-pilot-program
Recommendations (continued)

6. Fostering an Equitable ADU Policy

Encouraging equitable development, where a variety of ADUs are built in neighborhoods across the city by property owners from a range of income, racial and ethnic backgrounds and at affordable price-points, will require a deliberate effort including direct subsidies. Crafting and implementing strategies that can help overcome the additional financial, technical and cultural barriers faced by lower-income residents and communities of color, should be an integral part of the city’s ADU policy. Recommendations for equitable strategies are presented below.

Research shows that loosening regulations to allow ADUs and removing burdensome fees and requirements can spur ADU production. The increased supply of housing units is a great opportunity in cost-burdened housing markets and can help stabilize and even put a downward pressure on rapidly rising rents and sale prices. Research also shows that in the absence of policy interventions, most of the ADUs will be built by wealthy homeowner or property owners in the strongest residential markets within the city and rented at market rates. While these ADUs are likely to be more affordable than other types of dwelling units in the neighborhood, adding to its housing and income diversity, the market-rate rents will still likely be too high for many middle- and lower-income households.

Encouraging equitable ADU development that benefits all residents and neighborhoods in the city will require a robust program of targeted financial and technical assistance. Key elements that should be part of the assistance program are presented below.

Financial Assistance

The cost of building and securing financing are significant barriers for all property owners interested in building ADUs, but they have a disproportionate impact on lower- and middle-income households who are unlikely to have enough savings to build an ADU. In fact, representatives from non-profit agencies who are implementing housing assistance programs in the community, report that the second unit in many 2-flat buildings go unused because the owners, particularly

Why does Chicago Need an Equitable ADU Policy?

Equitable ADU development can help stabilize Chicago’s lower- and middle-income families and neighborhoods:

- **Stronger Neighborhoods.** ADUs can make it easier to age in place and for multiple generations of families and community members to live together, strengthening the social fabric of the neighborhood.

- **Homeownership Opportunities.** Rental income from an ADU can help homeowners who might otherwise struggle with rising costs stay in their homes. By making homeownership easier through increased financial stability, ADUs can provide housing stability and an opportunity to build wealth.

- **Housing Affordability.** For renter households with limited means, the cheaper rent of an ADU such as a basement unit, can provide housing stability and greater economic security.
seniors, lack the resources to perform basic maintenance and repair to keep the unit habitable.

Therefore, reducing the cost burden and providing financial assistance for renovating existing or building new ADUs is key to ensuring more equitable ADU development (refer section 5 on financing recommendations for details). Financial assistance should be designed to serve the following policy priorities:

- Make it easier for property owners without sufficient personal income or savings to improve or build an ADU.

- When property owners receive financial assistance to create ADUs, the new units should be rented at affordable rates, so low-income households are not priced-out.

- Encourage property owners to improve any existing “illegal” units to make them healthy and safe while minimizing displacement of existing tenants.

Financial incentives such as grants or low-cost loans, should have specific requirements such as:

- Restrictions on income eligibility. A specific grant or other type of financial assistance could be limited to ADU applicants with income levels below a certain threshold.

- Affordability requirement for the ADU that is built using the incentive. In exchange for receiving financial assistance, the property owner would have to commit to rent the ADU at an affordable rent.

For financial incentives to be most effective, we recommend that they be designed such that affordability requirements correlate with the level of financial benefit being provided. For example, even after accessing financial assistance from the city or another source, a homeowner could incur significant costs to build an ADU and then operate it as a rental unit. If the rent is set too low to recoup their costs and potentially earn a small profit, most property owners may not choose to build the ADU at all.

To achieve a higher level of rental affordability that can serve the lowest-income households, we recommend exploring additional subsidies such as the Chicago Housing Authority (CHA)’s rental vouchers. CHA could consider a pilot program to allocate project-based vouchers to new ADUs in their “Mobility Areas” and provide technical assistance related to voucher acceptance for interested property owners as part of a streamlined ADU permitting and approval process.

**Technical Resources**

For the average homeowner and smaller-scale property owners the thought of building an ADU in their backyard or basement and then operating it as a rental unit can be overwhelming. Creating a streamlined application and review process and a centralized resource center for ADUs can be very valuable in helping overcome the knowledge barrier that can keep many potential ADU applicants on the sidelines (refer to section 3 on recommendations for streamlining ADU application and review for details).

ADU resources, including guidebooks, should include plentiful illustrations and explanations to ensure that the information can be easily understood by those without design or construction experience. To ensure quality construction, especially in cases where special expertise might be needed, such as installing waterproofing in an existing basement, a trusted community partner should maintain a list of skilled, competent contractors. Once the unit is ready, guidance or assistance in recruiting tenants, and operating and maintaining the rental unit could be a valuable resource for many homeowners and help ensure a healthy and safe living environment for tenants.

In addition, key resource materials should be translated in other languages, especially Spanish, to make the information more accessible to a wider group of property owners.

**Community-based Intermediaries**

Many residents might hesitate to legalize or build an ADU because they are not comfortable navigating a complex and time-consuming City Hall process. They
might also be worried about opening up their home or property for a city inspection.

To help overcome this hurdle, we recommend building capacity in community-based, non-profit organizations to provide trained staff members who can help homeowners make an initial assessment of their property’s suitability for an ADU. The community organization would serve as an intermediary, providing a free, no-obligation assessment of the improvements needed to build an up-to-code unit and information on potential resources for the homeowner.

Working with community-based intermediaries could make the entire process of building or legalizing an ADU, including interfacing with the city, much less daunting for many homeowners and encourage them to build new or renovate their existing space to create a safe and healthy unit.

In many cities, community organizations have developed innovative programs to promote equitable ADU development. These programs can serve as a model for Chicago; key features of selected programs have been included as case studies (Pages 34-35).

Funding Sources

Financial incentives such as reduced or waived permit fees, subsidies for costly infrastructure improvements like lead pipe replacement, and access to low cost loans can significantly boost ADU production. Restricting these incentives to income-eligible applicants and tying them to proportionate affordability requirements for the new ADU can provide stability for middle- and lower-income homeowners and create more affordable units, fulfilling important housing policy goals for Chicago. We recommend exploring a combination of public and non-profit or philanthropic resources to help pay for these incentives. Potential resources are presented in this section.

Public Resources

Chicago has many existing programs to fund new affordable housing and provide housing assistance to middle- and lower-income households. Some of the programs targeted to homeowners or homebuyers could be expanded to include ADUs. Existing city programs include:

**Homebuyer assistance programs**
The city offers assistance with downpayment and closing costs for income qualifying Chicagoans buying their first home or refinancing their mortgage. The city should explore if some could be expanded to help finance ADU improvement or construction.

**Home-repair assistance programs**
Funding for these currently oversubscribed programs should be boosted and expanded to help homeowners seeking to build ADUs. Programs include:

- Tax Increment Financing-Neighborhood Improvement Program (TIF-NIP), which provides home repair grants to owners of 1-4 unit buildings
- Small Accessible Repairs for Seniors (SARFS)
- Roof, Porch and Emergency Heating Repair Program (Formerly EHAP)

The Chicago Community Land Trust (CCLT)
The CCLT offers up to $30,000 in home improvement grants and substantial property tax savings to homeowners who “opt-in” to the Trust, that is agree to sell their home at an affordable price when they sell. For some homeowners, this could be an excellent way to help finance the improvement or construction of an ADU.
Unlocking Accessory Dwelling Units in Chicago
ULI Chicago Technical Assistance Services

**Adopt-a-Landmark Fund**

Buildings that are designated Chicago Landmarks or contributing buildings within a designated landmark district, except for residential buildings that have six units or less, can receive grants of up to $250,000 for qualifying exterior renovation projects. Grants more than $250,000 require City Council approval. This could help fund exterior work related to adding ADUs in buildings with a landmark status.

**Chicago’s Affordable Requirements Ordinance (ARO)**

A portion of the fees-in-lieu collected through the ARO can be used to finance the construction of affordable ADUs.

**Tax Increment Financing (TIF) Districts**

TIF revenue can be used to finance eligible costs, including qualifying infrastructure improvements and site preparation work that may be needed to build ADUs on some lots.

The city should consider allowing the retrofitting of vacant ground level space in commercial and mixed-use buildings, especially in sub-optimal commercial locations, to create ADUs accessible to people with disabilities. To facilitate this, the city could potentially tap into funds and programs that might not be housing specific but are meant to support neighborhood revitalization. These programs include the:

- Neighborhood Opportunity Fund (NOF) and the
- Small Business Improvement Fund (SBIF)

**Private and Philanthropic Resources**

While government programs for financing the construction and maintenance of affordable housing are vital, they fall far short of the need. Individuals, philanthropic organizations and foundations can play an important role in filling some of the gaps. For example, foundations of larger national banks can partner with local financial institutions, which because of their deeper understanding of the community, can better assess the true value and risk associated with loosening criteria to support projects that do not meet traditional lending standards. The larger banks could help fund a loan loss reserve pool, enabling Community Development Financial Institutions (CDFIs) and local lenders to underwrite loans based on the future value of the ADU.

**Conclusion**

The need for safe and affordable housing is likely to increase as more households in the Chicago region face unemployment and rising economic uncertainty due to the COVID-19 pandemic. Accessory Dwelling Units provide an innovative way for Chicago to address the growing housing challenge by adding to its inventory of affordable housing, providing financial stability for homeowners and by energizing neighborhoods.

To promote ADUs, the city should revise its zoning and building codes and streamline its permitting process, which currently discourage renovation and new construction of ADUs. In addition to removing regulatory barriers, the city should promote measures to enhance affordability of ADUs including creative financing structures and greater access to a broad range of financing sources for owners and developers seeking to create ADUs.

The city should implement the recommendations in this report with a strong focus on fostering equity so that ADUs can be built in all neighborhoods across the city by owner-occupants and smaller-scale developers in addition to larger property owners. To do that effectively, the city should work with key implementation partners such as the Chicago Housing Authority, housing focused non-profit organizations, CDFIs, community leaders and volunteers. Aldermanic ward offices can play a key role in spreading awareness of the new ordinance and connect residents to resources that can help them build ADUs.
Unlocking Accessory Dwelling Units in Chicago
ULI Chicago Technical Assistance Services

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| **Sponsor(s):**  | Lightfoot (Mayor)  
|                  | Burnett (27)  
|                  | Martin (47)  
|                  | Osterman (48)  
|                  | Hadden (49)  
|                  | Tunney (44)  |
| **Type:**        | Ordinance |
| **Title:**       | Amendment of Municipal Code Titles 2, 4 and 17 regarding affordable dwelling units |
| **Committee(s) Assignment:** | Joint Committee: Committee on Housing and Real Estate; Committee on Zoning, Landmarks and Building Standards |
May 20, 2020

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Housing, the Commissioner of Planning and Development, and the Commissioner of Buildings, I transmit herewith, together with Aldermen Burnett, Haden, Martin, Osterman and Tunney, an ordinance amending various provisions of the Municipal Code regarding affordable dwelling units.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Lori E. Lightfoot
Mayor
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-44-065 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-44-065 Program applications, administration, and related fees.

(underscored text is unaffected by this ordinance)

(9) Compliance Monitoring Late Fee – $20 per unit for all housing units in a project or building in addition to the Compliance Monitoring fee.

(10) Affordable Conversion Unit Initial Registration Fee – $500 per unit.

(underscored text is unaffected by this ordinance)

SECTION 2. Chapter 2-44 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-44-106, as follows:

2-44-106 Affordable conversion units.

(a) Title. This section shall be known and cited as the “Affordable Conversion Unit Ordinance” or “ACU Ordinance.”

(b) Purpose. This section establishes affordability requirements for certain conversion units established in conformity with the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, in order to preserve and expand available affordable housing in the City.

(c) Definitions. As used in this section:

“Affordable housing unit(s)” means housing that is affordable to households earning up to 60% of the area medium income (“AMI”), as published annually by the Department of Housing. As used in this definition: “Affordable” means annual rent less than or equal to the amount at which total monthly housing costs, as specified in rules duly promulgated by the Commissioner, do not exceed 30% of income for a household making 60% of the area medium income. “Area median income” or “AMI” means the median household income for the Chicago Primary Metropolitan Statistical Area, as calculated and adjusted on an annual basis by the United States Department of Housing and Urban Development.

“Conversion unit” has the meaning ascribed to that term in Section 17-17-240.6.

“Owner” has the meaning ascribed to the term “property owner” in Section 17-17-02134.
“Residential building” means a residential building, as defined in Section 17-17-02146, that is a principal building, as defined in Section 17-17-02125.

(d) **Affordable conversion units – Required when.** If, pursuant to Section 17-2-0303-C, two or more conversion units are added, either separately or in any combination, at any time, to a residential building, the owner of such building shall maintain 50% of those conversion units as affordable housing units. Provided, however, that if this 50% calculation results in a fractional number, any such fractional result shall be rounded down to the previous consecutive whole number. This subsection (d) shall run with the land and be enforceable against any subsequent owner.

(e) **Registration.** Subsequent to the application for a building permit with the Department of Buildings for a conversion unit, the Department of Planning and Development will advise the owner whether any of the proposed conversion units are required to be maintained as affordable housing unit(s). If the owner is required under this section to maintain any of the proposed conversion units as affordable housing unit(s), the owner shall register those affordable conversion unit(s) with the Department of Housing in accordance with rules duly promulgated by the Commissioner. Such registration shall be accompanied by the Affordable Conversion Unit Initial Registration Fee, as set forth in Section 2-44-065, to defray the costs of administering this section.

(f) **Recorded notice – Required.** If a conversion unit is required to be maintained as an affordable housing unit, the Department of Housing shall require the owner to record, with the Cook County Recorder of Deeds, a notice against the property on which such conversion unit is located indicating that such conversion unit is required to be maintained as an affordable housing unit for the duration of the affordability requirement, as set forth in subsection (i) of this section. Such notice shall require owners and subsequent owners to keep owner contact information, including an e-mail address, current with the Department of Housing.

(g) **Building permit – Prohibited when.** No building permit shall be issued by the Department of Buildings for any conversion unit that is required to be maintained as an affordable housing unit until: (i) the applicant for such permit provides the Department of Housing with a copy of the recorded notice required under subsection (f) of this section; and (ii) the Department of Housing provides written notification of such fact to the Department of Buildings.

(h) **Annual compliance affidavit – Required.** If an owner is required, pursuant to subsection (d) of this section, to maintain any conversion unit as an affordable housing unit, such owner shall be required, on or before January 15 of each calendar year following initial registration of that unit with the Department of Housing, to file an annual compliance affidavit with the Department certifying that such conversion unit is being maintained as an affordable housing unit within the meaning of this section.

(i) **Duration of affordability requirement.** Each conversion unit required under this section to be maintained as an affordable housing unit shall be maintained as an affordable...
housing unit for 30 years from the date of the recorded notice required under subsection (f) of
this section.

(j) **Inapplicability of other affordability requirements.** Conversion units required
under this section to be maintained as affordable housing units shall be exempt from Sections
2-44-070, 2-44-080, 2-44-090, 2-44-100 and 2-44-105.

(k) **Rules.** The Commissioner is authorized to adopt such rules as the Commissioner
deems necessary or appropriate for the proper implementation, administration and enforcement
of this section.

(l) **Penalty.** In addition to any other penalty provided by law, any person who
violates this section shall be subject to a fine of $500.00 for each offense. Each day that a
violation continues shall constitute a separate and distinct offense.

(m) **Private right of action.** An aggrieved tenant may enforce this section against any
owner subject to this section by means of a civil action in which the court may provide injunctive
relief or award treble damages and the plaintiff's court costs and reasonable attorney fees.

**SECTION 3.** Section 4-6-290 of the Municipal Code of Chicago is hereby amended by
deleting the language stricken through and by inserting the language underscored, as follows:

4-6-290 **Bed-and-breakfast establishment.**

(a) **Definitions.** As used in this section:

(Omitted text is unaffected by this ordinance)

“Bed-and-breakfast establishment” or “establishment” means an owner-occupied single-
family residential building, or an owner-occupied, multiple-family residential building, or an
owner-occupied condominium, townhouse or cooperative, in which 11 or fewer sleeping rooms
are available for rent or for hire for transient occupancy by registered guests. The term “bed-and-
breakfast establishment” does not include: (1) a single-room occupancy buildings, as that term is
defined in Section 17-17-02163; (2) shared housing units, registered pursuant to as defined in Section 4-14-010, that are registered or required to be registered with the City pursuant to Chapter 4-14 of this Code; or (3) vacation rentals, licensed pursuant to as defined in Section 4-6-300(a), that are licensed or required to be licensed by the City pursuant to Section 4-6-300; (4) hotels, as defined in Section 4-6-180; (5) conversion units, as defined in Section 17-17-0240.6; or (6) coach houses, as defined in Section 17-17-0234.6, unless the coach house was being used for residential purposes as of January 16, 2003. If the bed-and-breakfast establishment is a single-family residential building located on a lot that includes a principal house and an accessory building that was being used for residential purposes as of January 16, 2003, the accessory building shall be considered to be part of the establishment. The term “guests” does not include members of the owner's family household within the meaning of the Chicago Zoning Ordinance; nor does it include persons who have signed a lease to use and
occupy residential property unless the leased residential property is held out by its owner, or by any person acting on the owner's behalf, to be a bed-and-breakfast establishment.

*(Omitted text is unaffected by this ordinance)*

“Platform” has the meaning ascribed to that term in Section 4-13-100.

“Short-term residential intermediary” or “intermediary” has the meaning ascribed to that term in Section 4-13-100.

*(Omitted text is unaffected by this ordinance)*

(f) Legal duties. Each licensee engaged in the business of bed-and-breakfast establishment shall have a duty to:

*(Omitted text is unaffected by this ordinance)*

(8) If the bed-and-breakfast establishment is listed on any short term residential rental intermediary platform or short term residential rental advertising platform, a licensee under this section shall have the following duties:

*(Omitted text is unaffected by this ordinance)*

(ii) not to list on a platform, or permit any person to list on a platform, and not to rent, or permit any person to rent, and not to book for future rental, or permit any person to book for future rental, any: (A) bed-and-breakfast establishment that is not properly licensed by the city; or (B) conversion unit, as defined in Section 17-17-0240.6; or (C) coach house, as defined in Section 17-17-0234.6, lawfully established after July 31, 2020;

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 4-6-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-300 Vacation rentals.

(a) Definitions. As used in this section:

*(Omitted text is unaffected by this ordinance)*

“Owner” means any person who owns 25% or more of the interest in a dwelling unit. For purposes of this Section 4-6-300 only, the term “owner” includes a person who is a lessee of a cooperative pursuant to a proprietary lease.

“Platform” has the meaning ascribed to that term in Section 4-13-100.
“Vacation rental” means a dwelling unit that contains 6 or fewer sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term “vacation rental” shall not include: (i) single-room occupancy buildings, as that term is defined in Section 17-17-02163; (ii) bed-and-breakfast establishments, as that term is defined in Chapter 17-17-0240.6; (iii) hotels, as that term is defined in Section 17-17-0240.6; (iv) a dwelling unit for which a tenant has a month-to-month rental agreement and the rental payments are paid on a monthly basis; (v) corporate housing, as defined in Section 17-17-0240.6; (vi) guest suites, as defined in this subsection (a); or (vii) shared housing units, as defined in Section 17-17-0240.6, that are registered or required to be registered with the City pursuant to Chapter 17-17-0240.6; or (ix) coach houses, as defined in Section 17-17-0234.6, lawfully established after July 31, 2020.

(h) Vacation rentals listed on a platform. If a vacation rental is listed on any short term residential rental intermediary platform or short term residential advertising platform within the meaning of Chapter 4-13 of this Code, a licensee under this section shall have the following duties:

(2) Rental without license – Rental of conversion units and coach houses – Prohibited. Such licensee shall not list on a platform, or permit any person to list on a platform, or rent, or permit any person to rent, or book for future rental, or permit any person to book for future rental, any: (A) vacation rental which is not properly licensed by the City; or (B) conversion unit, as defined in Section 17-17-0240.6; or (C) coach house, as defined in Section 17-17-0234.6, lawfully established after July 31, 2020;

SECTION 5. Section 4-13-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting, in correct alphabetical order, the language underscored, as follows:

Section 4-13-100 Definitions.

As used in this chapter:

“Coach house” has the meaning ascribed to that term in Section 17-17-0234.6.

“Conversion unit” has the meaning ascribed to that term in Section 17-17-0240.6.
"Platform" means an internet-enabled application, mobile application, or any other digital platform used by a short term residential rental intermediary to connect guests with a short term residential rental provider.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 4-13-260 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-13-260 Ineligibility – Listing on platform by a provider prohibited when.

(a) Conditions of ineligibility for listing. A short term residential rental shall be ineligible for listing by a provider on a licensee's platform under the following conditions:

(Omitted text is unaffected by this ordinance)

(12) Conversion unit. When the short term residential rental is a conversion unit; or

(13) Coach house. When the short term residential rental is a coach house lawfully established after July 31, 2020.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 4-14-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting, in correct alphabetical order, the language underscored, as follows:

4-14-010 Definitions.

As used in this chapter:

"Bed-and-breakfast establishment" has the meaning ascribed to that term in Section 4-6-290.

(Omitted text is unaffected by this ordinance)

"Coach house" has the meaning ascribed to that term in Section 17-17-0234.6.

"Conversion unit" has the meaning ascribed to that term in Section 17-17-0240.6.

(Omitted text is unaffected by this ordinance)

"Shared housing unit" means a dwelling unit containing 6 or fewer sleeping rooms that is rented, or any portion therein is rented, for transient occupancy by guests. The term "shared housing unit" shall not include: (1) single-room occupancy buildings; (2) hotels; (3)
corporate housing; (4) bed-and-breakfast establishments; (5) guest suites; or (6) vacation rentals; (7) conversion units; or (8) coach houses lawfully established after July 31, 2020.

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-14-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-14-050 Unlawful acts.

(Omitted text is unaffected by this ordinance)

(i) Listing and rental of conversion units — Prohibited. It shall be unlawful for any shared housing host to list on a platform, or permit any person to list on a platform, or rent, or permit any person to rent, or book for future rental, or permit any person to book for future rental, any conversion unit.

(k) Listing and rental of coach houses — Prohibited. It shall be unlawful for any shared housing host to list on a platform, or permit any person to list on a platform, or rent, or permit any person to rent, or book for future rental, or permit any person to book for future rental, any coach house lawfully established after July 31, 2020.

SECTION 9. Section 17-2-0200 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the language underscored, as follows:

17-2-0200 Allowed Uses.

(Omitted text is unaffected by this ordinance)

17-2-0207 Use Table and Standards

<table>
<thead>
<tr>
<th>USE GROUP</th>
<th>Zoning Districts</th>
<th>Use Standard</th>
<th>Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Category</td>
<td>RS</td>
<td>RS</td>
<td>RT</td>
</tr>
<tr>
<td>Specific Use Type</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>P = permitted by right</td>
<td>S = special use approval req'd</td>
<td>PD = planned development approval req'd</td>
<td>- = not allowed</td>
</tr>
</tbody>
</table>

RESIDENTIAL

A. Household Living

1. Detached House | P | P | P | P | P | P | P | 17-10-0207- A
2. Elderly Housing | - | - | - | P | P | P | P | 17-10-0207-
SECTION 10. Section 17-2-0300 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the underscored language, as follows:

17-2-0300 Bulk and density standards.

(Omitted text is unaffected by this ordinance)

17-2-0303-C Conversion Unit. In the case of building permit applications for the repair, remodeling, and/or alteration of residential buildings that are located in any RS, RT or RM zoning district and that have been in lawful existence for 20 or more years, the density of such residential buildings may be increased in accordance with Section 17-9-0131 by 33% of the number of lawfully established dwelling units, other than conversion units, that have been in existence in the residential building for 20 or more years; provided, however, that if such residential building contains a single dwelling unit, the density of such residential building may be increased by one dwelling unit. If this 33% calculation results in a fractional number, any fractional result of 0.5 or more shall be rounded up to the next consecutive whole number; and any fractional result of less than 0.5 shall be rounded down to the previous consecutive whole number.

(Omitted text is unaffected by this ordinance)

17-2-0307 Rear Yard Open Space. All development in RS, RT, RM4.5 and RM5 districts is subject to the following minimum rear yard open space standards, except as expressly allowed under the townhouse development standards of Section 17-2-0500.
(Omitted text is unaffected by this ordinance)

17-2-0309 Side Setbacks.

17-2-0309-A Standards. All development in R districts is subject to the following minimum side setback standards, except as expressly allowed under the townhouse development standards of Section 17-2-0500. Reversed corner lots are subject to Sec. 17-2-0309-B. (See Sec. 17-17-0308 for rules governing the measurement of side setbacks.)

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Side Setback</th>
</tr>
</thead>
</table>
| RS1      | **Detached house** **Principal residential building**: Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 5 feet or 10% of lot width, whichever is greater  
**Principal nonresidential building** (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater |
| RS2      | **Detached house** **Principal residential building**: Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 4 feet or 10% of lot width, whichever is greater  
**Principal nonresidential building** (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater |
| RS3      | **Detached house** **Principal residential building**: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater  
**Principal Nonresidential buildings** (e.g., religious assembly and school buildings): 12 feet or 50% of building height, whichever is greater |

(Omitted text is unaffected by this ordinance)
17-2-0311 Building Height.

17-2-0311-A Standards. All residential buildings in R districts are subject to the following maximum building height standards, except as expressly allowed in Sec. 17-2-0311-B:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Building Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS1</td>
<td>Detached house: Principal residential buildings: 30 Principal nonresidential buildings: None</td>
</tr>
<tr>
<td>RS2</td>
<td>Detached house: Principal residential buildings: 30 Principal nonresidential buildings: None</td>
</tr>
<tr>
<td>RS3</td>
<td>Detached house: Principal residential buildings: 30 Principal nonresidential buildings: None</td>
</tr>
</tbody>
</table>

(Omitted text is unaffected by this ordinance)

SECTION 11 Section 17-9-0100 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the language underscored, as follows:

17-9-0100 Use Standards.

(Omitted text is unaffected by this ordinance)

17-9-0131 Conversion Units

1. Conversion units in any RS, RT or RM zoning district are subject to Section 17-2-0303-C.

2. Conversion units in any RS, RT or RM zoning district are not subject to the minimum lot area per unit provisions of Sections 17-2-0303-A, 17-7-0702, 17-7-0802, 17-7-0902 or 17-7-1104.

3. Conversion units in any RS, RT or RM zoning district are not subject to the open space provisions of Sections 17-2-0307 or 17-2-0308.

4. Conversion units may be established without corresponding accessory parking.

5. Conversion units shall be maintained as affordable housing units to the extent required under Section 2-44-106.

6. Conversion units may not be established on any zoning lot that contains a coach house.

7. Conversion units shall not be rented, leased, or otherwise made available for compensation of any type for transient occupancy by persons other than members of
the unit owner’s or tenant’s household. As used in this paragraph (7), the term “transient occupancy” means occupancy on a daily or nightly basis, or any part thereof, for a period of 31 or fewer consecutive days. In addition to any other penalty provided by law, any person who violates this paragraph (7) shall be subject to a fine of not less than $1,500.00 nor more than $3,000.00 dollars for each offense. Each day that a violation continues shall constitute a separate and distinct offense. The Department of Planning and Development, Department of Housing, Department of Buildings, and Department of Business Affairs and Consumer Protection are each authorized to enforce this paragraph.

SECTION 12. Section 17-9-0200 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-9-0200 Accessory uses, buildings and structures.

17-9-0201 General.

(Omitted text is unaffected by this ordinance)

17-9-0201-C An accessory building or structure, other than a coach house, may not be constructed on any lot before the construction of the principal building to which it is accessory.

17-9-0201-D No accessory building. The combination of all accessory buildings may not occupy more than 60% of the area of a required rear setback, except:

(Omitted text is unaffected by this ordinance)

17-9-0201-F Coach Houses

1. Coach houses shall not reduce any existing on-site, accessory parking required to serve the existing principal building on the zoning lot.

2. Coach houses may be established without accessory parking to serve the coach house.

3. Coach houses shall not exceed 22 feet in building height.

4. No rooftop features shall be allowed to exceed 22 feet in overall height above grade on coach houses.

5. At least three feet of open space that is unobstructed and unoccupied from its lowest level to the sky must be provided between the coach house and at least one side property line for the entire length of the building wall, except when a side lot line abuts an alley or street.
6. A minimum separation of 15 feet must be provided between the rear wall of the principal building and the front wall of the coach house.

7. No dwelling unit within a coach house shall exceed 700 square feet of floor area and only one dwelling unit is permitted.

8. Coach houses in any RS, RT or RM zoning district are not subject to the minimum lot area provisions of Sections 17-2-0303-A, 17-7-0702, 17-7-0802, 17-7-0902 or 17-7-1104.

9. Coach houses in any RS, RT or RM zoning district are not subject to the open space provisions of Sections 17-2-0307 or 17-2-0308; but are subject to Chapter 16-18 of this Code.

10. Coach houses in any RS, RT or RM zoning district are not subject to the floor area ratio provisions of Section 17-2-0304-A.

11. When established prior to the principal building on a zoning lot, a coach house must be located entirely within the rear setback of the zoning lot in accordance with this Section 17-9-0201 and shall be exempt from the setback requirements of Section 17-2-0306.

12. Coach houses shall not be established on any zoning lot that contains a conversion unit.

13. Coach houses shall not be established if the principal building contains more than four lawfully established dwelling units.

14. Dwelling units contained within coach houses lawfully established after July 31, 2020 shall not be rented, leased, or otherwise made available for compensation of any type for transient occupancy by persons other than members of the unit owner’s or tenant’s household. As used in this paragraph (14), the term “transient occupancy” means occupancy on a daily or nightly basis, or any part thereof, for a period of 31 or fewer consecutive days. In addition to any other penalty provided by law, any person who violates this paragraph (14) shall be subject to a fine of not less than $1,500.00 nor more than $3,000.00 dollars for each offense. Each day that a violation continues shall constitute a separate and distinct offense. The Department of Planning and Development, Department of Housing, Department of Business Affairs and Consumer Protection, and Department of Buildings are each authorized to enforce this paragraph.

(OMitted text is unaffected by this ordinance)

SECTION 13. Section 17-10-0200 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the underscored language, as follows:
### Districts and Parking Ratios

**17-10-0200 Off-street parking ratios**

*(Omitted text is unaffected by this ordinance)*

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Automobile Parking Ratio (per unit or gross floor area)</th>
<th>Minimum Bike Parking</th>
</tr>
</thead>
</table>
| **17-10-0207-A Parking Group A**  
(Detached Houses, Two-flat, Townhouses) | | |
| All districts RS1 and RS2 | 2 spaces 1 space per unit, provided that off-street parking is not required for detached houses on lots of records that are 33 feet or less in width if the subject lot does not have access to an improved alley and provided further that the Zoning Administrator is authorized to approve an administrative adjustment allowing a minimum of 1 parking space per unit if such reduction will result in more usable open space on the lot (See Sec. 17-13-1003 CC); 1 space per unit for government-subsidized units. | None |
| RS3 | 2 spaces per unit for detached houses and 1.5 spaces per unit for two flats, provided that off-street parking is not required for detached houses or two-flats on lots of records that are 33 feet or less in width if the subject lot does not have access to an improved alley, and provided further that the Zoning Administrator is authorized to approve an administrative adjustment allowing a minimum of 1 parking space per unit if such reduction will result in more usable open space on the lot (See Sec. 17-13-1003 CC); 1 space per unit for government-subsidized units. | None |
| All other districts | 1 space per unit, provided that off-street parking is not required for detached houses or two-flats on lots of records that are 33 feet or less in width if the subject lot does not have access to an improved alley; 1 space per unit for government-subsidized detached houses and two-flats. | None |

*(Omitted text is unaffected by this ordinance)*

**SECTION 14.** Section 17-13-1000 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the underscored language, as follows:

**17-13-1000 Administrative adjustments.**

*(Omitted text is unaffected by this ordinance)*
17-13-1003-BB Additional Dwelling Unit. In the case of building permit applications for the repair, remodeling, and/or alteration of buildings residential buildings that have been in lawful existence for 20 or more years, containing and contain not more than 6 dwelling units, sought to correct Notices of Violation cited by the Department of Buildings, or for the voluntary rehabilitation of such structures, in which there is evidence that the building has been converted, altered or used for a greater number of dwelling units than existed at the time of its construction, the Zoning Administrator is authorized to approve an administrative adjustment to make zoning certification of the increased density, not to exceed more than one unit above its original construction, upon review of documented evidence supporting such increase in density.

17-13-1003-CC Parking Reduction for Detached Houses and Two-Flats. [Reserved.]

1. The Zoning Administrator is authorized to approve an administrative adjustment allowing a minimum of 1 parking space per dwelling unit in RS1, RS2 and RS3 districts.

2. Such an administrative adjustment may be approved only when the Zoning Administrator determines that the proposed adjustment will result in more useable open space on the lot.

(Omitted text is unaffected by this ordinance)

SECTION 15. Section 17-15-0300 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-15-0300 Nonconforming uses.

(Omitted text is unaffected by this ordinance)

17-15-0303 Expansion.

(Omitted text is unaffected by this ordinance)

17-15-0303-D Nonconforming coach houses on properties designated as official Chicago Landmarks or located within the boundaries of a Chicago Landmark District may continue to be occupied or may be re-occupied. Incidental repairs and normal maintenance necessary to keep such a coach house in sound condition are permitted; expansions are permitted only to the extent that such expansion does not violate any applicable bulk and density standard of Sections 17-9-0201-F(7) and 17-9-0201(F)(8), be used as a dwelling unit for a single household if the Zoning Administrator determines that competent evidence exists that the coach house was previously used as a legal dwelling unit. Incidental repairs and normal maintenance necessary to keep nonconforming coach house in sound condition are permitted, but no expansions are allowed.
17-15-0303-E [Reserved.] Noneconforming coach houses on properties outside the boundaries of a Chicago Landmark District may continue to be occupied as dwelling units provided that they have not been continuously vacant for more than one year. Incidental repairs and normal maintenance necessary to keep noneconforming coach house in sound condition are permitted, but no expansions are allowed.

(Omitted text is unaffected by this ordinance)

SECTION 16. Section 17-17-0100 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-17-0100 Use group and category description.

(Omitted text is unaffected by this ordinance)

17-17-0104-S Lodging. Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:

1. Bed and Breakfast. An owner-occupied, detached house or an owner-occupied dwelling unit within a multi-unit residential building that does not exceed 4 stories in height and contains no more than 11 sleeping rooms or an owner-occupied condominium, townhouse or cooperative in which 11 or fewer sleeping rooms are available for rent or for hire for transient occupancy by registered guests. For purposes of this definition, the term “bed and breakfast” does not include single-room occupancy buildings. If the bed and breakfast is a detached house located on a lot that includes a principal house and an accessory building that was being used for residential purposes as of January 16, 2003, the accessory building that will be considered to be part of the establishment.

2. Hotel/Motel. An establishment containing 427 or more guest rooms and in which short-term lodging is offered for compensation and which may or may not include the service of one or more meals to guests. Typical uses include hotels, motels and transient boarding houses. For purposes of this definition, the term “hotel/motel” does not include single-room occupancy buildings or bed and breakfast establishments.

3. Vacation Rental. A dwelling unit that contains 6 or less sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term “guests” does not include members of the owner’s household. The term “vacation rental” shall not include: (i) single-room occupancy buildings; (ii) bed and breakfast establishments, as that term is defined in Chapter 4-1B-2 of this Code; (iii) hotels/motels, as that term is defined in Section 4-14-010; (iv) any dwelling unit for which a tenant has a month-to-month rental agreement, as that term is defined in Section 5-12-030 and the rental payments are paid on a monthly basis; or (v) Corporate Housing, as that term is defined in Section 4-6-300; or (vi) shared housing units registered pursuant to Chapters 4-13 and 4-14 of
this Code: (viii) conversion units; or (ix) coach houses lawfully established after July 31, 2020.

4. Shared Housing Unit. "Shared housing unit" means a dwelling unit containing 6 or fewer sleeping rooms that is rented, or any portion therein is rented, for transient occupancy by guests. The term "shared housing unit" shall do not include: (1) single-room occupancy buildings; (2) hotels; (3) corporate housing, as defined in Section 4-14-010; (4) guest suites, as defined in Section 4-6-300; (5) bed and breakfast establishments; or (6) vacation rentals; (7) conversion units; or (8) coach houses lawfully established after July 31, 2020.

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 17-17-0200 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the underscored language, as follows:

17-17-0200 General Terms.

(Omitted text is unaffected by this ordinance)

17-17-0234.6 Coach House. An accessory building meeting the requirements of Section 17-9-0201-F and containing one dwelling unit.

(Omitted text is unaffected by this ordinance)

17-17-0240.6 Conversion Unit. A dwelling unit that is: (i) either newly constructed or rehabilitated for reuse, and (ii) located within a principal residential building that has been in lawful existence for 20 or more years, and (iii) established in accordance with Sections 17-2-0303-C and 17-9-0131.

(Omitted text is unaffected by this ordinance)

SECTION 18. Section 17-17-0300 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the language underscored, as follows:

17-17-0300 Measurements.

17-17-0301 Division of Improved Zoning Lots. No improved zoning lot may be divided into two or more zoning lots and no portion of any improved zoning lot may be sold unless all improved zoning lots resulting from the division or sale comply with all the applicable bulk regulations of the zoning district in which the property is located; provided, however, that such divisions which do not further increase the extent of any existing nonconformity shall be permitted; for instance, a nonconforming setback which is not impacted by the proposed division.

(Omitted text is unaffected by this ordinance)
17-17-0309 Features Allowed to Encroach in Required Setbacks. Required setbacks in all districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

<table>
<thead>
<tr>
<th>Obstruction/Projection into Required Setback</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Omitted text is unaffected by this ordinance)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chimneys that project no more than 18 inches into the setback</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Coach houses that do not contain enclosed parking but are established adjacent to a public alley must be set back at least two feet from the rear property line; provided, however, that this two-foot setback is not required if the coach house is located at least ten feet from the centerline of the alley, as evidenced by a survey or other similar evidence provided by the applicant and deemed acceptable by the Zoning Administrator</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Satellite dish antennas, not exceeding 1 meter in diameter</td>
<td>Yes [1]</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>(Omitted text is unaffected by this ordinance)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 19. This ordinance shall take full force and effect ten days after its passage and publication. Provided, however, that no building permit application for a conversion unit or coach house shall be accepted by the Department of Buildings until August 1, 2020.
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.
Business Service Center. An establishment that provides support services to businesses and the public that includes services such as delivery and/or receipt of packages, copying of documents, including self-service copy machines, computer access for a fee, faxing, and sales of office supplies.

Car Wash. A business for the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic, by hand, or self-service.

Carport. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

Children’s Home. A residential facility that provides both long-term residence for and short-term care and services to children up to 18 years of age, who have experienced abuse, neglect, violence, abandonment, and/or are in need of supervised care. A children’s home includes counseling for children within the facility and for parents and children not residing at the facility, and offices for the administration of the facility and its associated programs. It may also include day care services as an ancillary function. Children’s homes must be appropriately licensed by the Illinois Department of Children and Family Services.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Coach House. An additional dwelling unit located within a detached garage on the upper floor that is associated with, and incidental to, the principal single-family dwelling on the same lot. A coach house includes separate cooking and sanitary facilities, with its own means of ingress and egress.

Coldframe Structure. A transparent roofed enclosure constructed low to the ground used to protect plants from excessively cold or wet weather. It functions similar to a greenhouse to help extend the growing season.

Co-Location. Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.

Community Center. A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

Community Garden. The cultivation of fruits, flowers, vegetables, or ornamental plants by one or more person or family. Community gardens do not include the keeping of any animals, bees, or aquaculture, or the use of heavy machinery.

Community Residence. A residence licensed, certified, or accredited for specialized residential care home by the appropriate state or federal agencies, that functions as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities, and other aspects of residential living. The use matrix in Table 8-1 distinguishes sizes of community residents by number of residents; this number includes any caretakers that live on-site.

Consignment Shop. An establishment where personal items, such as clothes, jewelry, or artifacts, or small furniture are resold through a broker for the owner at an agreed-upon price.

Contiguous. See “abut.”

Contractor Shop. An establishment where a building trade or building craft is conducted within a fully enclosed structure.

Craft Brew Lounge. An establishment that serves craft beer. Craft beer is defined as a beer from a craft brewery that: 1) produces less than 15,000 barrels of beer annually or 465,000 gallons; and 2) produces a significant volume of either malt beers or beers that use adjuncts to enhance, rather than to lighten, flavor.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties in different ownership that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include retail sales of related items and restaurants as ancillary uses.
I. **Chicken Coops**
The keeping of chickens must comply with *reference needed* of the Municipal Code. In addition, chicken coops must comply with the following:

1. Chicken coops are permitted in the rear yard only.
2. No hens may be kept or raised within a dwelling.
3. The chicken coop must provide a minimum of three square feet per hen.
4. The chicken coop must be located upon an impermeable surface that prevents waste run-off.

J. **Coldframe Structures**

1. Coldframe structures up to three feet in height are permitted in the interior side and rear yards.
2. Coldframe structures over three feet in height are permitted in the rear yard only.
3. Coldframe structures are limited to a maximum square footage of 60 square feet and a maximum height of six feet. When part of a community garden use, coldframe structures are permitted a maximum square footage of 120 square feet.

K. **Coach House**

1. Coach houses are permitted on a lot used for a single-family dwelling that is a minimum of 6,500 square feet in lot area.
2. A coach house must be located in a detached garage on the upper floor, above parking spaces located on the ground level. A detached garage with a coach house is subject to all standards of item N below, applicable to detached garages.
3. No more than one coach house is allowed per lot and only one dwelling unit may be located in a coach house.
4. No additional parking is required for a coach house.
5. New coach houses built after the effective date of this Ordinance must comply with the following:
   a. New coach houses must be designed to relate to the design of the principal building.
   b. New coach houses cannot exceed the height of the principal building.

L. **Fences and Walls**

1. **Fences for Residential Uses and H District**
   a. For interior lots, fences located within 35 feet of a front lot line or closer to the front lot line than the existing building, whichever is less, must be open fences and cannot exceed five feet in height.
   b. For corner lots, fences located within 35 feet of the intersection of two intersecting street lines or closer to the intersection point than the existing building, whichever is less, must meet the following requirements:
      i. Fences must be open fences and cannot exceed five feet in height.
      ii. In addition, when boards are used as the surface material for such fences, the boards cannot exceed five inches in width and three-quarters of an inch in thickness, and must be installed vertically to form a flat and at least 50% open surface with no less than three and one-half inches of fence open space between each board.
   c. Fences located more than 35 feet from a front lot line or behind the front of an existing building and less than 15 feet from a corner side lot line cannot exceed six feet, in height, with the exception of fences authorized by Item e below.
N. Garage
The following standards apply to residential garages, with the exception of multi-family dwellings.

1. Attached Garages
   a. Front-loaded attached garages are limited to 50% of the width of the front building facade line or 22 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors, the distance is measure between the edge of the outmost doors.
   b. Attached garages must be set back a minimum of five feet from the front building wall, which excludes any architectural elements, such as bay windows or unenclosed porches.

2. Detached Garages
   a. One detached garage is permitted per lot.
   b. Detached garages are permitted in the rear and interior side yards. Detached garages must be set back a minimum of five feet from the front building facade line. No setback is required from any side or rear building facade line.
   c. If a lot abuts a public alley that provides adequate access to a street, a detached garage must be constructed so that access is from the public alley.
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>
<th>Uses</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1 per dwelling unit</td>
</tr>
</tbody>
</table>

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>
<tr>
<th>Uses</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1</td>
</tr>
</tbody>
</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."

## Definitions

### Accessory Dwelling Unit (ADU)
(Commonly known as a granny flat, second unit, in-law quarters, casita, etc.)

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. 

### Junior Accessory Dwelling Unit (JADU)

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. Note: a JADU can only be created through conversion of a portion of an existing SFD, not a garage or other accessory building.

### Single-family Dwelling (SFD)

One dwelling unit in one building, not including an ADU or JADU.

### Multi-family Dwelling (MFD)

Two or more dwelling units in one building, not including an ADU or JADU. For ADU purposes, includes LBMC definition of “Duplex” and “Multi-family dwelling”.

## Locations Allowed

### Zoning Districts Allowed

ADUs/JADUs allowed in residential zoning districts allowing single-family and multi-family residential uses, and mixed-use zoning districts, planned development districts, and specific plans allowing residential uses. Not allowed in zones that do not allow residential uses, even if a nonconforming residential use is present.

## Review Process

### General (if none of the below apply)

Building permits will be processed within 60 days of submittal of complete application. 60-day period is tolled (stopped) when City sends corrections to applicant, and restarted when applicant resubmits revised plans.

### No existing single- or multi-family primary dwelling on lot, new SFD or MFD proposed with ADU and/or JADU

City may not act on ADU or JADU until it acts on SFD or MFD application; at that point, 60-day timeline applies.

### Historic district or Designated Historic Landmark

Certificate of Appropriateness must be obtained prior to application for building permits.

### Property in Coastal Zone

All required Coastal processes must be completed prior to application for building permits.

### Site Plan Review Process

For any project that has five or more existing or proposed primary dwelling units, Site Plan Review is required for any ADU/JADU prior to submittal for building permits.
### ADU/JADU General Development Standards

<table>
<thead>
<tr>
<th>Type</th>
<th>Height Limit</th>
<th>Side yard setback</th>
<th>Rear yard setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached ADU – new construction</td>
<td>25 ft. / 2 stories, or same as zoning height limit, whichever is less</td>
<td>4 ft, or same as zoning whichever is less</td>
<td>4 ft, or same as zoning whichever is less</td>
</tr>
<tr>
<td>Attached ADU or JADU</td>
<td>Same as zoning</td>
<td>Same as zoning</td>
<td>Same as zoning</td>
</tr>
<tr>
<td>ADU created by converting an existing single- or multi-family residence or accessory building, and JADU created from SFD</td>
<td>Within existing building</td>
<td>Sufficient for fire safety (per Building Code and as determined by the Building Official)</td>
<td></td>
</tr>
</tbody>
</table>

**Notes**
- Any new/rebuilt accessory building area not used as ADU must comply with zoning height limit of 13 feet for accessory buildings.
- Front yard setback is always same as required for the zoning district, except for conversion of existing building area.

### Parking

<table>
<thead>
<tr>
<th>Parking required</th>
<th>ADU/JADU</th>
<th>No Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary Dwelling(s)</td>
<td>Existing garage parking for existing primary dwelling unit(s) must be maintained, unless the garage is converted to an ADU.</td>
</tr>
</tbody>
</table>

### Minimum Unit, Lot Size, and Other Requirements

<table>
<thead>
<tr>
<th>Minimum Unit, Lot Size, and Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum ADU/JADU unit size</strong></td>
</tr>
<tr>
<td><strong>Minimum lot size</strong></td>
</tr>
<tr>
<td><strong>Minimum lot width</strong></td>
</tr>
<tr>
<td><strong>Minimum lot width</strong></td>
</tr>
<tr>
<td><strong>Maximum lot coverage, minimum usable open space, and floor area ratio (FAR)</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

### ADU/JADU Standards for Single-Family Dwellings

(Include situations with more than one detached single-family dwelling on a lot)

<table>
<thead>
<tr>
<th>Maximum number of ADUs/JADUs for a lot with a single-family dwelling (includes lots with more than one existing detached single-family dwelling).</th>
<th>ADU</th>
<th>JADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADU created from existing SFD or accessory building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached or detached new ADU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited to same physical dimensions as existing SFD or accessory building. (A)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50% size of primary dwelling, or 800 sq. ft., whichever is more, up to a limit of 850 sq. ft. for 0–1 bedroom, and 1,000 sq. ft. for 2 or more bedrooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JADU created from existing SFD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>500 sq. ft., but limited to same physical dimensions as existing SFD. (A)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: (A) 150 sq. ft. may be added for ingress and egress only. Counted toward ADU/JADU maximum size.
### ADU/JADU standards for duplexes and multi-family dwellings

<table>
<thead>
<tr>
<th>Maximum number of ADUs on a lot with a multi-family dwelling</th>
<th>ADUs created from existing building area (no additions permitted)</th>
<th>ADU</th>
<th>1, or 25% of the number of existing legal dwelling units, whichever is more.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JADU</td>
<td></td>
<td>Not permitted</td>
</tr>
<tr>
<td>Conversion of existing accessory space within a multi-family dwelling</td>
<td>May not convert amenity space (including, but not limited to, laundry rooms, recreation rooms, and community rooms).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other standards for ADUs on a lot with a multi-family dwelling</td>
<td>Same as for ADUs for a single-family dwelling</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Design and Other Standards for all ADUs/JADUs

- Direct exterior access shall be provided. All exterior changes shall be architecturally compatible with existing structures. When a garage is converted the garage door shall be removed and designed to include compatible architectural details and finishes.
- Second story ADUs shall be designed to lessen the view onto adjacent lots including orienting an entrance away from a property line, use of obscured glazing, window placement above eye level, and screen walls. In the Coastal Zone a Second story ADU shall be designed to preserve public view of the beach, bay, ocean or tidelands from public areas. 
- When a garage is converted to an ADU, a landscape area with a depth between 18”–36” shall be provided in the area adjacent to where the garage door is eliminated – see Section 21.51.276.D.3.d for exceptions.
- One street tree shall be provided for each 25 ft. of property frontage on the right-of-way, per Section 21.42.050.
- Unused curb cuts must be closed. A driveway, leading to a converted garage, that is too short to provide a legal parking stall must be removed and the curb cut closed.

### References:

1. California Government Code Section 65852.2(j)(1), as amended (AB 881, Section 1.5).
2. California Government Code Section 65852.22(h)(1), as amended (AB 68, Section 2).
3. “Single-family Dwelling,” Section 21.15.2410, LBMC.
4. “Duplex (two-family dwelling),” Section 21.15.890, LBMC.
5. “Dwelling, multiple-family,” 21.15.920, LBMC.
6. Minimum size of an “efficiency unit,” defined in California Health and Safety Code Section 17958.1

This information is provided as a convenience to the public, and is based upon the provisions of the California Government Code regulating accessory dwelling units, and the applicable code sections of the Zoning Regulations, Title 21, Long Beach Municipal Code. It is not intended to address every possible situation arising out of ADU regulation. Please contact Planning staff before proceeding on any assumptions based on this guide. No form of approval, verbal, written, or otherwise, is official until plans are stamped and a building permit is issued.

**Authority:** California Government Code Section 65852.2 and 65852.22; all other code citations from Title 21 (Zoning Regulations), Long Beach Municipal Code.

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To request this information in an alternative format or to request a reasonable accommodation, please contact the Development Services Department at longbeach.gov/lbds and 562.570.3807. A minimum of three business days is requested to ensure availability; attempts will be made to accommodate requests with shorter notice.
Plan Commission

Text Amendment
Micro Dwelling Units (Tiny Homes)
20PLND-0038
To: Chair and Members of the Plan Commission

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

Subject: Zoning Ordinance Text Amendment  
Micro Dwelling Units (Tiny Homes)  
20PLND-0038

Date: August 7, 2020

Request
Andrew Gallimore submits for a Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to establish a definition for Micro Dwelling Units (Section 6-18-3) and establish regulations for their construction and use within residential districts (Section 6-8; Section 6-16).

Analysis

Background
Tiny Homes have increased in popularity in recent years. Initially viewed simply as mobile homes, more permanent small residences have been constructed as an alternative to a “regular sized” home. Staff has fielded a variety of inquiries in recent years regarding tiny homes that could be permanently located on small or odd-shaped lots that are otherwise challenging to build on.

The applicant purchased a 16.5-foot wide 2,450 square foot lot at 1918 Noyes Street in May of 2019. The property had previously been acquired in a tax sale in 2018. The owner applied for a zoning analysis to construct a single family house and attached garage with a 600 square foot footprint in March of 2019 which determined that minor variations would be required for the proposed 3.25-foot side yard setbacks.

Proposal
Staff has worked with the applicant to provide detailed possible regulations to the Zoning Ordinance as they relate to this type of residence. These regulations include a new definition to establish a Micro Dwelling Unit as a principal use, creating a new section detailing bulk standards and parking regulations, and establishing a Special Use option for variations or a multiple-structure Micro Dwelling Unit development. The specific code changes are proposed below.
Section 6-18-3. Definitions

| Micro Dwelling Unit | A small residential building, with a ground floor area of 500 square feet or less, containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot. |

There has been some discussion on changing the actual name for this use. While Tiny Homes is a more recognizable name, it often brings about thoughts of a mobile structure or vehicle, which is not the intention for this type of residence. This type of residence will be permanently constructed and affixed to the ground with a foundation and all utilities, just like any other single family residence. Alternate names for the proposed use include Micro-dwelling unit, Small-scale dwelling unit and Modest home.

Bulk Regulations

Since Micro-dwelling units are intended for small or odd shaped lots that are otherwise challenging to build on, and since Micro-dwelling units by (proposed) definition are small in size, bulk zoning regulations should be adjusted. Regulations should be similar to the setbacks and height required for coach houses or ADUs since they are substantially similar in impact, although they could be located on different portions of the lot as a primary structure.

Since Micro-dwelling units are intended to occupy small or odd shaped lots, variations are likely on these smaller lots even with reduced bulk requirements. Since variations may increase impact on adjacent properties where bulk requirements are already reduced for Micro-dwelling units, a Special Use should be required for any deviation requested from the Micro-dwelling bulk regulations at the time of original development. This means there would never be a new proposed Micro-dwelling that requests Major or Minor Variations and instead would require a Special Use determined by the City Council for any Micro-dwelling unit that does not comply with all zoning regulations.

A new section would be created within Chapter 8- Residential Districts which would provide detailed regulations regarding height, setbacks and lot coverage, specifically:

6-8-14.- Micro Dwelling Units

(A) Number of Dwelling Units per Zoning Lot:
1. One Micro Dwelling Unit shall be permitted as a principal use on a zoning lot, regardless of lot size, width, or shape, in all residential zoning districts.
2. Except when authorized as a special use, approved pursuant to Section 6-3-5, "Special Uses," of this Title, not more than one principal building shall be located on a zoning lot, regardless of lot size, width, or shape within the R-1, R-2, R-3, R-4, R-5 and R-6 zoning districts. A special use shall be required for more than one Micro Dwelling Unit on a zoning lot, regardless of lot size, width, or shape, in all residential zoning districts.

(B) Zoning Relief: Any zoning relief requested in conjunction with the initial new construction of a Micro Dwelling Unit development shall be considered as one special
use and shall not require major variation approval. Micro Dwelling Units may request zoning relief by major or minor variation following the completion of the initial development construction.

(C) Yard Requirements:

<table>
<thead>
<tr>
<th>Residential structures:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front yard</td>
</tr>
<tr>
<td>2. Side yard abutting a street</td>
</tr>
<tr>
<td>3. Side yard</td>
</tr>
<tr>
<td>4. Rear yard</td>
</tr>
</tbody>
</table>

(D) Maximum Building Height: The maximum building height for any Micro Dwelling Unit shall not exceed twenty-eight (28) feet, measured from grade to the highest point of said structure, or two stories, whichever is less.

(E) Building Lot Coverage and Impervious Surface: The maximum building lot coverage and impervious surface coverage shall comply with the maximum allowable amount in the underlying zoning district, but shall be limited to no less than 700 square feet regardless of lot size.

Section 6-4-1-6 also limits the number of principal buildings on a lot to one within the in R1-R4 Zoning Districts and would need to be amended to add a subsection (C). Specifically:

6-4-1-6. - NUMBER OF BUILDINGS OR USES ON A ZONING LOT.

(C) Except when authorized as a special use, approved pursuant to Section 6-3-5, - "Special Uses" of this Title, not more than one Micro Dwelling Unit shall be located on a zoning lot, regardless of lot size, width, or shape, in all residential zoning districts.

Permitted and Special Uses - Residential Zoning Districts
This type of single-family dwelling is proposed to be added as a permitted use within all residential zoning districts and as a special use if additional zoning relief is being sought or more than one dwelling is proposed to be constructed on a zoning lot. Sections 6-8-
2-3.- Permitted Uses and 6-8-2-4.- Special Uses (for R1 Single-Family Residential District) are provided below as an example of how this listing would appear. Since individual Micro-dwellings are attractive as naturally occurring lower-cost housing, they should be Permitted Uses that do not require special applications, fees, City process, and speculation time when meeting all other zoning regulations.

6-8-2-3. - PERMITTED USES.

The following uses are permitted in the R1 district:

Daycare home—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).

Daycare home—Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title).

Dwelling—Single-family detached.

Dwelling, Micro (when one (1) home is located on a zoning lot; subject to the general requirements of Section 6-8-1-14, "Micro Dwelling Units," of this Title).

Dwelling—Two-family (when located in a historic district designated by the Evanston preservation commission and constructed prior to the effective date hereof).

Educational institution—Public.

Home occupation (subject to the general requirements of Chapter 5, "Home Occupations," of this Title).

Neighborhood garden.

Park.

Playground.

Residential care home—Category I (subject to the general requirements of Section 6-4-4, "Residential Care Homes and Residential Care Homes," of this Title).

6-8-2-4. - SPECIAL USES.

The following uses may be allowed in the R1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed and Breakfast Establishments," of this Title).

Cemetery.

Child residential care home.

Cultural facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title).

Dwelling, Micro - when more than one (1) home is located on a zoning lot, or when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Micro Dwelling Units," of this Title).
Education institution—Private.

Planned development (subject to the requirements of Section 6-8-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Religious institution.

Residential care home—Category II (subject to the general requirements of Section 6-4-4, "Residential Care Homes and Residential Care Homes," of this Title).

Transitional treatment facility—Category I (subject to the general requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

**Chapter 16 – Off-Street Parking and Loading**

The proposed parking requirement aligns with the previously approved parking requirement for coach houses or ADUs, which requires no on-site parking when located in a TOD area that is 1,500 feet or less from a transit stop.

In more recent discussions regarding ADUs, there is a consideration to not require any parking for that type of use, regardless of proximity to transit. Due to the relatively small size of the Micro Dwelling structures, between 500 and 1500 square feet if a basement and second floor is included, staff believes there is less likely to be a need to provide parking for two vehicles and that these homeowners would likely have fewer or no vehicles, especially if located near public transit options. Therefore, the Commission may consider eliminating a parking requirement.

**TABLE 16-B Schedule of Minimum Off-Street Parking Requirements**

| Single-family detached dwellings | 2 parking spaces for each dwelling unit. No more than 4 parking spaces shall be permitted for each single-family dwelling, unless such spaces are located within 30 feet of an alley, with the access of such spaces from such alley. One parking space required for a Micro Dwelling Unit; No parking required for Micro Dwelling Units that are on lots located within one thousand five hundred (1,500) feet from a Metra, PACE, or Chicago Transit Authority public transit bus stop or train station. |

Other Municipalities and Research

Staff conducted research on other municipalities and their zoning regulations to determine best practices for this type of Micro Dwelling permanent structure. In many cases, such structures are considered ADUs and do not feature principal structure regulations such as what is proposed for Evanston. Of communities such as Evanston who are on the forefront of such housing types, the following research was found:

Portland, Oregon, has supported a Tiny-Home community specifically as transitional housing at Dignity Village since 2001, and Quixote Village in Olympia, Washington provides similar housing. Bemidji, Minnesota, allows “tiny house subdivisions” as Planned Developments with review of location, density, ownership structure, structural
independence, lot size, setbacks, open space, design review, and utilities.

Rogers, Arkansas, has adopted a variety of building code amendments to provide flexibility on lofted spaces and head-height in Tiny Homes but has not adopted different zoning regulations.

St. Joseph, Missouri, has adopted regulations for Tiny Homes, called Small Houses, that regulate lot size, minimum and maximum building square footage (128 and 900 sq. ft. respectively), height, setbacks, and parking in addition to anchoring (minimum wind load) and roofing (regulations attached).

Rockledge, Florida, has an extremely detailed and comprehensive ordinance regulating Tiny Homes that details minimum to maximum building widths, open space requirements, front and rear porch requirements (both required), density (1,200 sq. ft. of lot size per dwelling unit), 40% building lot coverage, front yard parking, and reduced side and rear yard setbacks (full regulations attached).

Overall, a few communities have adopted specific regulations for this type of structure. Those that have typically create a catch-all Planned Development approach for entire Tiny Home communities and have not yet figured out how to codify zoning regulations for individual lots such as what is proposed.

The American Planning Association suggests the aging U.S. population and growing demand for a wider range of housing types is fueling new forms of residential development such as tiny homes or Micro Dwellings, and once communities have identified a desire to make space for tiny houses, they should remove unintentional development barriers, identify suitable locations, and consider adopting use specific standards for this type of housing.

Staff is aware of specific properties throughout the City (most that are City owned; some that are owned by the Union Pacific railroad) that are essentially unbuildable but well suited for one or more tiny homes, such as:

<table>
<thead>
<tr>
<th>Location</th>
<th>PIN</th>
<th>Size</th>
<th>Description</th>
<th>Zoning</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>2040 Leon Pl</td>
<td>11-18-100-017-0000 &amp; 11-18-100-016-0000</td>
<td>5,300 sq ft</td>
<td>triangular-parking lot</td>
<td>R4</td>
<td>City</td>
</tr>
<tr>
<td>2501 Sheridan</td>
<td>11-07-203-018-0000</td>
<td>17,690 sq ft</td>
<td>rectangular-vacant</td>
<td>R1</td>
<td>City</td>
</tr>
<tr>
<td>(water plant)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2516 Ridge Ave</td>
<td>11-07-500-017-0000</td>
<td>3,800 sq ft</td>
<td>triangular vacant</td>
<td>R1</td>
<td>City</td>
</tr>
<tr>
<td>(per Cook Cty tax</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>portal)</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colfax &amp; RR-north</td>
<td>11-07-109-017-</td>
<td>11,300 sq ft</td>
<td>RR ROW quadrilateral</td>
<td>R1</td>
<td>UP RR</td>
</tr>
<tr>
<td>side of street</td>
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</table>
These properties may be well-suited for one or more Micro Dwelling units in addition to other privately held infill lots scattered throughout the city that individuals may choose to privately develop with one or more Micro Dwellings.

**Standards for Approval**
Pursuant to Section 6-3-4-5 Standards for Amendments:

The wisdom of amending the text of the Zoning Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one standard. In making their determination, however, the City Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission's recommendation consider, among other factors, the following:

A. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council.
B. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.
C. Whether the proposed amendment will have an adverse effect on the value of adjacent properties.
D. The adequacy of public facilities and services.

The proposed text amendment should take into account the relevant goals, objectives, and policies of the Comprehensive General Plan including:

- Maintain Appealing Character of Evanston Neighborhoods While Guiding Their Change
- Address Concerns about Housing Cost and Affordability

The proposed text amendment would help to further the goal of providing a variety of housing as well as creating affordable housing options. A smaller scale home may be within a closer financial reach than the typical Evanston single family home. While most new construction single family homes sell in the $750,000 range, new construction Micro Dwellings could sell in the $250,000 - $300,000 range, which is a home price point for the missing-middle income group in Evanston that does not qualify for affordable housing but cannot afford typical market rate housing.

The proposed text amendment also provides a way to build housing on small and irregular shaped lots that already exist in the City and are often viewed as unbuildable, which would in turn increase the tax base for the City.
As this type of housing would be infill housing, public facilities and services would likely already exist and would just need to be extended to the structure so that the Micro Dwelling fits seamlessly into the neighborhood similar to a coach house or ADU. Micro Dwellings requiring additional zoning relief would face Special Use approval to ensure their impact to adjacent properties and the surrounding neighborhood would be mitigated.

**Recommendation**

Staff recommends that the Commission discuss the proposed text amendment for Micro Dwellings and consider a recommendation to P&D and City Council or request additional information from the applicant and/or staff.

**Attachments**

- Text Amendment Application
- St. Joseph, Missouri Small Home Regulations
- Rockledge, Florida Comprehensive Tiny Home Ordinance
- Making Space for Tiny Houses, American Planning Association PAS QuickNotes No. 68
- APA Zoning Practice, November 2015 - Tiny Houses
- Journal of Geography and Regional Planning - “Integrating tiny and small homes into the urban landscape: History, land use barriers and potential solutions”
Fwd: Zoning Ordinance Text Amendment Application

Meagan Jones <mmjones@cityofevanston.org>

To: Meagan Jones <mmjones@cityofevanston.org>, Scott Mangum <smangum@cityofevanston.org>

FYI - text amendment for tiny homes was submitted yesterday. See below.

It has been months since I last discussed this with the applicant, and the upcoming ADU text amendment may change the following:

- Tiny home text amendment gives a bonus for open parking so that it doesn’t use up all of the building lot coverage, but ADU 2.0 will eliminate calculating open parking as building lot coverage and solves the problem.
- Height is requested to be the same as garages. Adu 2.0 increases that height to 28’ if the pitch is matched to the house. In this instance, there is no principal structure to match pitch to...so that will need some wording adjusted (but is fantastic that it will allow a full second story on a tiny home now).

I’m happy to be involved since I know the applicant well and have discussed this with him 10 times over the last 2 years. Please keep me posted.

Thanks,

Melissa Klotz
Zoning Administrator
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston
2100 Ridge Ave. | Evanston, IL 60201 | 847-448-4311
mklotz@cityofevanston.org | cityofevanston.org

Evanston is counting on you!
Complete the 2020 U.S. Census at my2020census.gov.

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 et. seq.
### Formstack Submission For: Zoning Ordinance Text Amendment Application
Submitted at 06/08/20 4:39 PM

<table>
<thead>
<tr>
<th>Address:</th>
<th>Permanent Identification Number (PIN) 1:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Identification Number (PIN) 2:</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td>Andrew Gallimore</td>
</tr>
<tr>
<td>Organization:</td>
<td></td>
</tr>
</tbody>
</table>
| Address: | 9144 Dr Korczak Ter  
Skokie, IL 60076 |
| Home or Office Phone Number: | (847) 845-0779 |
| Cell Phone Number: | |
| Email: | andrewgallimore@yahoo.com |

<table>
<thead>
<tr>
<th>Please choose primary means of contact:</th>
<th>Home or Office Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is applicant also the property owner?:</td>
<td>No</td>
</tr>
</tbody>
</table>

| Name: | |
| Organization: | |
| Address: | |
| Home or Office Phone Number: | |
| Cell Phone Number: | |
| Email: | |

| What is the relationship of the applicant to the property owner?: | |
| Please state the Zoning Ordinance Section Number, what the Ordinance Creation of a new standard to allow starter |
| Creation of a new standard to allow starter | R-1 thru R-6 zoned lots |
currently states, and how you would like to amend the text.: homes to be constructed on small lots.
- Standard shall apply to new dwellings with a footprint of 500 ft.² or less
- Dwellings would have the same height restrictions as accessory structures.
- 3 feet interior side setbacks. 10 foot street side setbacks.
- No required on site parking when within 1500 ft of a pace bus stop, and a 240 square-foot building lot coverage bonus for one parking space.

****Special use when requesting more than one dwelling, or larger variance requests****

Is there another section you wish to be amended?:

No

Please state the Zoning Ordinance Section Number, what the Ordinance currently states, and how you would like to amend the text.: 2) Is there another section you wish to be amended?:

Please state the Zoning Ordinance Section Number, what the Ordinance currently states, and how you would like to amend the text.: 3) Is there another section you wish to be amended?:

Please state the Zoning Ordinance Section Number, what the Ordinance currently states, and how you would like to amend the text.: 4) Is there another section you wish to be amended?:

Please state the Zoning Ordinance Section Number, what the Ordinance currently states, and how you would like to amend the text.: 5) Is there another section you wish to be amended?:

Please state all the remaining Zoning Ordinance Section Numbers, what the Ordinances currently state, and how you would like to amend the text.: Please describe the reason for the proposed zoning ordinance text amendment.: There are many small lots in Evanston that I believe are currently under utilized. These lots can better serve the communities
How is the proposed amendment with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council?:

The proposed amendment is very much in line with City Council's current goals, objectives, and policies. Affordable housing has been a very popular topic with the Council and in the community at large.

-Policies have been enacted by Council to increase the number of required affordable units in housing developments, and to substantially increase the fee in lieu to encourage additional units.

-Council has also encouraged and expanded the ability for accessory dwelling units (ADUs).

-Next logical step would be to encourage infill development of small and efficient new construction to provide additional affordability within the housing sector.

In what ways is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property?:

There has been a lot of second story additions placed on older existing homes. However, current regulations practically prohibit any inside development, especially on the smaller lots that could be put to good use in the community.

Small single-family starter homes, with the proposed size restrictions, would seamlessly blend into the neighborhoods. They would provide a new housing type and price point otherwise I’m available.

Will the proposed amendment have an adverse affect on the values of adjacent properties and why?:

The proposed amendment would have absolutely no adverse effect on neighboring properties. Homes of the size being proposed are typical of many of the older cottage style homes that can still be found in Evanston. The smaller homes would have the same effect as a coach house.

What change to existing public facilities and services, if any, will be required to serve the effects of the proposed amendment?:

The proposed amendment allows for small scale infill development in existing residential neighborhoods which are currently served by utilities.

Plat of Survey, if applicable - One copy of plat of survey, drawn to scale, that accurately reflects current conditions:

Date of Survey:
Legal Descriptions of all properties as shown on Plat of Survey, if applicable:

Date of Descriptions:

Proof of Ownership, if applicable - Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents, etc.:

Document Submitted:

Additional Documentation:

Additional Documentation -:

Quantity: 1

Price: 1100

Credit Card: Card number: ************8311 Expiration: 10/23

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.
Why did I decide to apply for this text amendment?

As stated in my application I believe utilizing these smaller lots that are scattered around Evanston is great for the community. Not only because it’s a more economical way to provide residents with high quality, efficient, and maintainable housing, but also because these lots are located in every part of the city. This means that people can live and have equitable access to all the great resources Evanston offers. Evanston has done much to encourage affordable housing and diversity but we can do so much more.

So many people can benefit from this type of housing. People such as: handicapped, seniors that wish to downsize, young couples, single parents, lower income residents, and many others.

I personally have an older brother with special needs who is semi independent, but currently lives with my parents. My parents biggest concern has always been my brothers care after they aren’t around. It wouldn’t be ideal for him to live with me because he is fairly independent and able to hold down a job and take public transportation, but he needs to be close enough that we can check in on him regularly. I also have two children so future housing affordability definitely weighs on my mind.

My solution was to purchase one of these underutilized lots that is located in a neighborhood close to public transportation with the hope of building a structure that can be a rental property for now, and occupied by my brother in the future. A split two bedroom layout that will accommodate my brother as well as a guest or roommate. In addition to having an efficient and functional layout he will have a nice yard to enjoy.
Split 2 bedroom layout
Example small homes with widths of 10-15ft

There are so many styles to choose from that a well designed starter home can be seamlessly integrated into any small lot.
Hi Meagan,

I had a nice word document which was apparently too large to send over. However I didn’t want to delay sending you this info so please excuse the crudeness.

Basically I think there are a lot of small underutilized lots in Evanston that could be developed into small starred homes or efficient dwellings. I think this would be great for young couples, downsizing seniors, economically disadvantaged residents, and many others.

I also have a family situation that makes this a very passionate issue to me.

Attached is a letter describing why I feel this is an important issue and why I chose To apply for this amendment. Also there are some example tiny house elevations, a survey of my small lot as Well as some interior layouts of something that I would like to build.

I could certainly put something more professional together but I think you get the idea for now. I guess let me know if you have any questions and we can talk further at your convenience. Again I would appreciate any help, Especially with the specifics you need for the application.

Also here’s a couple paragraphs that somehow got omitted from question to part C of the application “Utilizing these currently unbuildable lots would help to increase the tax base. Since these smaller homes are ideally sized for single person households and older people looking to downsize, these Properties will add to the tax base without creating a drain on the schools.

This type of development will also help to fill a void for the “Missing Middle” by creating a housing type/price point otherwise unavailable in new construction”

Thanks again and I look forward to hearing back from you soon.

Andrew
with a common architectural and landscaped theme.

(89) **Porch:** A roofed, open area usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned or if glazed.

(90) **Recreational vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Recreational vehicle includes, but is not limited to, trailers, motor coach homes, converted trucks, busses or vans, and boats and boat trailers.

(91) **Recycling center:** A facility where post-consumer recyclable material, such as cans, bottles, etc., is collected, separated and/or processed and stored in containers or a building prior to shipment to other facilities.

(92) **Residential care facility:** A building or portion thereof designed or used for the purpose of providing twenty-four-hour-a-day residential living accommodations pursuant to the adopted building, housing and fire codes, in exchange for payment of money or other consideration, where the duration of tenancy is determined, in whole or in part, by the individual tenant's participation in group or individual activities such as counseling, recovery planning, medical or therapeutic assistance. Residential care facilities include, but are not limited to, residential care facilities for the elderly, alcoholism, or drug abuse recovery or treatment facilities, and other similar care facilities.

(93) **Ringelmann Chart:** A chart published and used by the United States Bureau of Mines to measure smoke and particulate matter emissions.

(94) **Row House:** (Equivalent to "Townhouse.")

(94) **Salvage yard:** An area used for the sale or storage of secondhand building materials and supplies and other secondhand merchandise and materials which are not housed in a building.

(96) **Setback:** The required minimum distance between the lot line and the nearest front, side or rear building line.

(97) **Shipping container:** An intermodal freight container or other large container, in whole or in part, designed and manufactured for the reusable storage and transport of materials and products across different modes of transportation – from ship to rail to truck – without unloading and reloading its cargo.

(98) **Sight-obscuring fence:** An assembly with pickets, balustrades, posts or other opaque members of a density greater than 50% of the total assembly.

(99) **Sign:** Any device, fixture, placard or structure that uses color, form, graphics, symbol, writing or illumination to advertise, announce the purpose of, identify, call attention to or communicate information of any kind to the public. Specific sign regulations are contained in Article II of this zoning ordinance.

(100) **Small house:** A structure not less than 128 square feet and not to exceed 900 square feet and not exceeding two stories in height and intended for use as a permanent, single family residence. The structure must be connected to public utilities (electric, water and sewer). A manufactured home, mobile home or travel unit as defined in this section are not considered a small house.

(101) **Small house development:** Any development, site, parcel or tract of land designated, maintained or intended to be used for the purpose, placement or construction of a small house, as defined in this section.

(102) **Stable, private:** An accessory building in which animals are kept for private use by the occupants of the premises and not for remuneration, hire or sale.

(103) **Stable, public:** A structure in which animals are housed, boarded, kept for
§31-150

(3) **Side yard.** The minimum side yard setback from the property line or right-of-way line shall be 15 feet, except for accessory structures as provided for in Section 31-050 of the zoning ordinance.

(4) **Rear yard.** The minimum rear yard setback from the property line or right-of-way line shall be 75 feet, except for accessory structures as provided for in Section 31-050 of the zoning ordinance.

(5) **Minimum lot area.**

   a. For permitted uses: 3.0 acre.
   b. For conditional uses: Schools, 5.0 acres; and other conditional uses, 3.0 acre.

   This regulation shall not prohibit the construction of a detached single-family dwelling with permitted accessory uses for any legal lot of record with less than 3.0 acres as of the effective date of this ordinance, provided that it meets the minimum lot requirements for permitted sanitary sewage disposal.

(6) **Minimum lot width.** The minimum lot width shall be 200 feet. This regulation shall not prohibit the construction of a detached single-family dwelling with permitted accessory uses for any legal lot of record with a lot width of less than 200 feet as of the effective date of this ordinance.

(7) **Parking regulations.** (See Section 31-053 Off-street parking and loading.)

(G.O. 2086, 3-28-05; G.O. 2351, 11-2-09)

Sec. 31-020. **R-1SH Single family/small house residential district.**

   (a) **Purpose.** This is a residential district intended for single-family small houses under 900 square feet. The principal use of the land is for single-family detached dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

   (b) **Permitted Uses.** The following uses shall be permitted in R-1SH single family/small house residential districts:

      1. Small house.

   (c) **Conditionally permitted uses are:**

      1. The same as in a single family residential district.

      2. Construction or placement of a small house on an existing lot not meeting current minimum lot sizes. Compliance with all setbacks is required.

   (d) **New developments.** Require platting or replatting of the property under standard platting/replatting guidelines for developments containing two or more lots.

      1. **Height, setback, yard and area requirements are as follows:**

      1. Minimum lot width is a lot 30 feet of street frontage and a corner lot 40 feet.

      2. Minimum lot depth 75 feet.

      3. Minimum lot area 2,250 square feet.

   (4) **Minimum yards.**

      a. **Front yard.** No building shall be located within 25 feet of the front property line. No building shall be located in the front yard between the primary building and the front property line.

      b. **Side yard.**

         1. Interior lots. No building shall be located within seven feet of any side property line. No accessory building shall be located within five feet of any side property line.

         2. Corner lots. No building or accessory building shall be located within 15 feet of the side street right-of-way. No building
shall be located within seven feet of the interior side property line. No accessory building shall be located within five feet of the interior side property line.

c. Rear yard. No building shall be located within 25 feet of the rear property line. No accessory building shall be located within three feet of any rear property line.

(5) The following sections shall be the same as those listed in R-1A single family residential district

a. Intensity of use
b. Minimum open space
c. The combined area of detached accessory buildings shall not exceed the area of the first floor of the dwelling.

(f) Minimum requirements. The following are minimum requirements for small house construction and placement:

(1) Height. Maximum structure height two stories or 30 feet.

(2) Living space. Maximum square footage including all floors 900 square feet and minimum square footage including all floors 128 square feet.

(3) Foundation. Must be a continuous frost proof footing.

(4) Anchor. House must be anchored to withstand minimum 90 mph wind load.

(5) Roof. Must be pitched roof constructed of composite shingles.

(6) Building code. Storage buildings or sheds converted to small houses are not accepted and the units must have characteristics of a typical home.

(7) Parking regulations. (See Section 31-053 Off-street parking and loading.)

(G.O. 2861, 7-2-18)
ORDINANCE NO. 1680 - 2015

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 7 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO ADD A SECTION 70.90 PROVIDING FOR TINY HOUSES IN POCKET NEIGHBORHOODS AS A USE WITHIN THE REDEVELOPMENT MIXED USE (RMU) AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

WHEREAS, the Rockledge Planning Commission has reviewed the necessity for an ordinance creating a Land Development Regulation allowing and controlling Tiny House construction and uses within the City of Rockledge; and

WHEREAS, the Rockledge Planning Commission has recommended that a Tiny Houses in Pocket Neighborhoods category be added to the City’s Land Development Regulations; and

WHEREAS, the Rockledge City Council has determined that an addition to the Rockledge Land Development Regulations be created to provide a category allowing and regulating Tiny House uses in Pocket Neighborhoods within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:

SECTION 1. The Rockledge Land Development Regulations are amended by adding a new Section 70.90 as contained in Exhibit “A” attached hereto.

SECTION 2. The provisions of this Ordinance are severable,
and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

SECTION 3. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

ADOPTED at a regular meeting of the City Council of the City of Rockledge, Florida, this 23rd day of September 2015.

/s/ Thomas J. Price
Chairman, City Council of the City of Rockledge, Florida

ATTEST:

/s/ Betsi Beatty Moist
City Clerk

1st Reading: 09/09/15
2nd Reading: 09/23/15
SECTION 70.90. TINY HOUSES IN POCKET NEIGHBORHOODS

A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,100. Tiny Houses are only permitted within the Redevelopment Mixed Use district (RMU) or a Planned Unit Development (PUD) in a Pocket Neighborhood setting.

1. Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.

Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

3. Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

4. Structure width. The minimum width of a tiny house must be at least 8.5 feet, with a maximum of 20 feet.

B. A tiny house on wheels (THOW), for the purposes of these Guidelines, is a structure which is intended as a full time residence or year-round rental property and meets these conditions:

1. Built on a trailer that is registered with the builder's local DMV.

2. Towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move (and was not designed to be moved) under its own power.
3. Is no larger than allowed by applicable state law. (The typical THOW is no more than 8'6" wide, 30' long, and 13'6" high. Larger tiny houses may require a special commercial driver license and/or special permits when being towed.)

   a. Verify with the DMV that the THOW is within limits of the law.

   b. Roof height is from bottom of tires to the top of the highest exterior point on the house, including any protrusions. The roof height may be taller when stationary, as long as it is collapsible for towing of the THOW. Chimney piping may need to be removed for travel and then reinstalled to meet clearance requirements for use.

   c. Built to the standards of a Florida ASCE structural engineer’s approved plans.

4. Has at least 170 square feet of first floor interior living space.

5. Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).

6. The following documentation will be required to be submitted for building permit for a THOW in a pocket neighborhood:

   a. Detailed structural plans illustrating the location of studs, joists, rafters, and engineered connectors (hurricane clips, tension ties, etc.). Plans should clearly address how the structure is secured to the trailer, and how the floors, walls, and roof are framed and sheathed. Plans should also include an illustration of a floor, wall and roof section, showing the building members, insulation, vapor barrier, moisture barrier, sheathing, siding and roofing.

   b. Detailed diagram of the electrical plan.

   c. Photographs of the framing, roof, insulation, rough plumbing, and rough electrical.
d. A statement describing your construction methods along with the names and addresses of any subcontractors you may have hired.

C. A tiny house will be permitted within a planned pocket neighborhood. A pocket neighborhood is defined as meeting the following requirements:

1. A minimum of 4 tiny houses and maximum of 12 tiny houses per pocket neighborhood. Twenty-five percent (25%) of these house sites may be for THOWs.

2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all houses having access to it.

   a. Four hundred square feet of common open space is required per unit.

   b. Fifty percent of units must have their main entry on the common open space.

   c. All units must be within five feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.

   d. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development. Passive trails are allowed and may count towards the common open space requirement.

   e. Community buildings or clubhouses can be counted towards the common open space calculation.

   f. Tiny Houses must surround the common open space on a minimum of two sides of the green.

   g. Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.
3. All houses must have both front and rear porches.
   a. Porches shall be oriented towards common open space or street and designed to provide a sense of privacy between units. Porch shall be a minimum of (80) eighty square feet and a minimum of (8’) eight feet deep on the common open space side of the building. The square footage of the porch may be reduced to (60) sixty square feet (six by ten feet deep) on units less than six hundred total gross square feet.
   b. Secondary entrances facing the parking and sidewalk are required to have a minimum five-by-five-foot porch.

4. Pocket neighborhood communities must be part of a condo or homeowners association to maintain the common areas

5. Lot Requirements.
   a. Area. The minimum lot area per dwelling unit shall be of (1,200) Twelve Hundred square feet. Maximum lot area per dwelling unit shall be (3,000) Three thousand square feet. Maximum lot coverage 40% for structure, porches and drives 30%
   b. Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
   c. Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet

   a. Front setback: shall be twenty feet to be used for front porch and parking.
   b. Rear or next to common area the set back shall be five feet for the construction of a rear porch.
   c. Side Setbacks: The sum of side setbacks shall be not less than ten feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal
to the distance from the property line to the centerline of the open space.

d. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.

7. Maintenance of open space and utilities. Before approval is granted, the applicant shall submit covenants, deeds and homeowners association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners association may be recorded simultaneously with the filing of the final plat.

8. Tiny houses on wheels (THOW) in pocket neighborhoods must comply with the following:

a. THOWs must be placed in a designated area in the approved site plan of the pocket neighborhood.

b. All THOWs must be placed adjacent to common open space area.

c. Must meet the tie down and skirting requirements of the Mobile Home requirements of the Land Development Regulations. The Building Official may require additional standards to ensure the porches hide any hitches.

End Exhibit “A”
Making Space for Tiny Houses

“Tiny houses” are attracting a lot of attention through social media, television shows, documentaries, and stories in the popular press. Advocates often tout the affordability and environmental friendliness of living in very small homes. Meanwhile, skeptics and detractors see a passing fad and caution against embracing tiny houses as a distinct type of dwelling. Currently, many cities and counties have provisions in their land-use and development regulations that make legal development and occupation of tiny houses difficult or impossible. However, a small number of communities have made changes to their codes to explicitly permit tiny-house living.

Background
While there is no official definition, many planners, policy experts, and advocates consider any single-family dwelling with 400 square feet or less of floor area to be a tiny house. In some contexts, commentators only apply the label tiny house to very small site- or factory-built dwellings attached to permanent foundations. However, other commentators reserve the term for chassis-mounted mobile homes, which may or may not be built to U.S. Department of Housing and Urban Development standards for manufactured housing (24 CFR §3280) or to the Recreational Vehicle Industry Association’s standards for “park model” recreational vehicles (ANSI A119.5).

In many places, property owners and residents are interested in both foundation-attached and chassis-mounted tiny houses as principal or accessory dwelling units. In some cities and counties, there is also a growing interest in tiny-home communities, where multiple foundation-attached or chassis-mounted tiny houses are sited on fee-simple subdivided lots, a condominium lot, or lease lots.

Regardless of the type of tiny house, there are several potential individual and collective benefits associated with tiny-house living; however, there has been little research to date on the actual community impacts of tiny houses. Meanwhile, state and local building codes, as well as local subdivision and zoning ordinances, often pose barriers to siting and occupying tiny houses.

The Case for Tiny-house Living
When considering homes constructed with similar materials and sited in similar locations, the smaller the home the cheaper and more efficient it is to heat, cool, and provide with electricity and water services. The same rule applies to the cost of the home itself. Chassis-mounted tiny houses are easier to move than site-built homes, and buyers can typically purchase them separate from land. This makes them attractive to people interested in traveling with their home and has the potential to create ownership opportunities for those who can’t afford a conventional site-built home.

Many planners and housing policy experts see accessory tiny houses as a viable strategy for providing semi-independent housing for aging family members. In this scenario, tiny houses may be temporary or permanent and may include medical monitoring equipment. Beyond this, many housing and homelessness policy experts are interested in exploring the potential of tiny home communities as an alternative to temporary shelters or informal encampments for individuals experiencing homelessness. For example, Dignity Village in Portland, Oregon, has provided transitional housing in the form of a tiny house community since 2001 (dignityvillage.org).

Notwithstanding the potential benefits above, tiny houses do not enjoy universal support. In some communities, tiny-house residents have earned a reputation as scofflaws by “flying under the radar” of local building and zoning code enforcement. In other communities, there is a general concern about welcoming tiny houses without carefully assessing their likely impacts on public health, safety, and welfare.
Remove Unintentional Barriers
For cities and counties interested in supporting tiny-house living, it is important to take a close look at the effects of current building, subdivision, and zoning requirements on opportunities to site and occupy tiny houses. The most common regulatory barriers are state or local building code provisions that stipulate the minimum amount of habitable space per person for different types of residences, local zoning provisions that stipulate minimum unit sizes, and local zoning provisions establishing minimum lot area per unit and off-street parking requirements. Beyond this, many cities and counties classify chassis-mounted tiny houses as recreational vehicles and not dwelling units at all.

In some localities, minimum unit size or habitable space requirements and general prohibitions on camping outside of designated campgrounds or recreational vehicle parks effectively prohibit all tiny houses. In others, development standards can make tiny housing cost prohibitive.

Each of these potential barriers to tiny-house living may be wholly consistent with local policy objectives. If this not the case, consider opportunities to revise local building, subdivision, or zoning codes to remove unintentional barriers to siting and occupying tiny houses. This may be as simple as eliminating off-street parking requirements for accessory dwelling units or minimum unit size standards that exceed minimum habitable space requirements in the latest version of the International Building Code.

Identify Appropriate Locations
Not all types of tiny houses are appropriate for all community contexts. Some cities and counties may be content to see tiny houses on permanent foundations comingled with conventional site-built housing. Others may prefer to limit tiny houses to tiny-home communities or recreational vehicle parks.

In contexts where it is important to differentiate between tiny houses and other types of dwelling units (or recreational vehicles), cities and counties should consider defining tiny-house living as one or more distinct types of land uses and adding these land uses to tables or lists of permitted uses by zoning district.

Mitigate Potential Impacts
In some contexts, zoning district development standards may either be inappropriate for tiny house development or insufficient to ensure neighborhood compatibility. In these cases, cities and counties should consider adopting use-specific standards to minimize the potential for incompatible development.

For example, Fresno, California, permits chassis-mounted tiny houses as a type of accessory dwelling unit, subject to use-specific standards addressing design, minimum lot size, units per lot, unit size, lot coverage, setbacks, entrances, space between buildings, unit height, openings, access, parking, mechanical equipment, utility meters/addressing, home occupations, airport compatibility, and owner occupancy (§115-2754). Meanwhile, Bemidji, Minnesota, permits “tiny house subdivisions” as planned unit developments, subject to standards addressing location, density, ownership structure, structural independence, lot size, setbacks, open space, design review, and utilities (§1101.F).

Conclusions
The aging of the U.S. population, the continued growth in the percentage of single-person households, and the demand for a wider range of housing choices in communities across the country is fueling interest in new forms of residential development, including tiny houses. While many cities and counties can accommodate very small, site-built homes under their existing building, subdivision, and zoning codes, many others have development regulations that make factory-built or chassis-mounted tiny houses impractical or impossible to sit and occupy. Once a city or county has identified a desire to make space for tiny houses, it’s important to remove unintentional regulatory barriers, identify suitable locations, and consider adopting use-specific standards for tiny-house living.

FURTHER READING
1. Published by the American Planning Association

2. Other Resources
HOW DOES YOUR COMMUNITY REGULATE TINY HOUSES?
Tiny Houses, and the Not-So-Tiny Questions They Raise

By Donald L. Elliott, FAICP, and Peter Sullivan, AICP

Where did they come from—those cute little “cabins-on-wheels” that you see being pulled down the road or sitting on a lot?

With wood siding, a pitched roof, gable windows . . . and even a porch with a railing. All that’s missing is the dog in the yard (presumably a small dog in a small yard).

Tiny houses are the latest vehicle/structures to join the small house movement, and are now trending due to television programs like Tiny House Nation. Many individuals and couples seem proud to say they live a small but sophisticated lifestyle in less than 500 square feet. Often their stated motivation is to declutter and live a simpler life—maybe even a life “off the grid.”

Cuteness aside, tiny houses raise some interesting questions for planners. Questions like . . .

“Is this a house, or a trailer, or . . . just what is it?”

“Would this qualify as an accessory dwelling unit?”

“Does this meet the residential building code?”

“Where should we allow this to be parked . . . or occupied . . . and for how long?”

This article attempts to answer some of those questions for the types of small, trailer-mounted units described above. The sections below review how these units fit into the general U.S. system of land-use control through building codes, zoning ordinances, subdivision regulations, and private restrictive covenants. In addition to addressing individual tiny homes, we also address how small communities of tiny homes might be created.

WHAT ARE THEY?

What are tiny houses? The answer is simpler than you think. They’re recreational vehicles (RVs), and a careful read of the manufacturers’ websites makes that clear. One manufacturer, Tumbleweed Tiny House Company, states that their product is “an RV like you’ve never seen before.”

For planners, this makes things simpler. The question then becomes, “Where do we allow RVs to be occupied?” Traditionally, the answer has been campgrounds (for temporary living) and RV parks (for longer-term living). Most communities typically limit temporary RV occupancy (in a campground or elsewhere) to 30 days, and the logic behind this is that RVs are not permanent dwellings. They have electric systems and water tanks and sewage tanks (or composting toilets) that can only operate for a while before they need to be hooked up to support systems or emptied.

But this answer doesn’t satisfy everyone, especially tiny-house proponents and anyone else interested in living smaller, more simply, and (presumably) more affordably (more on that later).
Here’s why tiny houses are so tricky. Although tiny houses are not generally designed for permanent occupancy, some of them are being purchased by people who intend to use them that way. Most zoning ordinances don’t resolve this tension, because they don’t address where or how tiny houses can be used for long-term or permanent occupancy.

**BUILDING AND OCCUPANCY CODES**
With the exception of some very rural communities, most cities and counties require that long-term or permanent residential units meet either the locally or state-adopted residential building code (usually some version of the International Residential Code), or the U.S. Department of Housing and Urban Development (HUD) national standards for manufactured housing safety. Since manufactured homes are obviously not constructed like stick-built housing—and since (unlike stick-built housing) they can be moved across state lines in interstate commerce—back in 1974 HUD adopted national safety standards for this type of housing. As a general rule, residential units for long-term occupancy need to meet one of these two sets of standards.

Unfortunately for many purchasers, some tiny houses do not meet these requirements. While tiny houses might meet the Recreational Vehicle Industry Association (RVIA) safety standard for highway travel and temporary living, these standards are not the same as the HUD manufactured housing standards for permanent living. In fact, the website for CAVCO (a manufacturer of “park model” recreational vehicles—which are similar to and sometimes include tiny houses)—states that these vehicles “are not intended for, nor should they be used for, anything other than recreational camping or seasonal use. They are not permanent residences and should not be used as such.”

For those intending to live in their tiny house full time, the trick is to find a tiny house that not only meets the RVIA standards but also the residential building code or manufactured housing standards.

**FOUNDATIONS MATTER**
Let’s assume a potential buyer doesn’t want to install a tiny house in a campground or RV park, but rather a traditional residential lot. Some communities allow this if the owner removes the wheels (and sometimes the axles); installs the unit on a permanent foundation (or at a minimum uses secure tie-downs); and connects the unit to public water, sewer, and electric systems.

The logic behind these requirements is that they convert a mobile housing unit into a stationary unit, protect against “blowovers” and other wind-related damage (to the occupants and to neighboring property owners), and make the utility systems safe for long-term operation.

As an example, the small community of Spur, Texas, (population 1,245) has marketed itself as the “First Tiny House Friendly City.” Spur permits tiny houses to be used as permanent, primary dwellings by creating an exception to the general building code/manufactured home standard compliance requirement. However, even in this deliberately welcoming community, wheels must be removed, a foundation must be constructed, and the unit tied to the foundation with “hurricane straps,” and the unit must be hooked up to local sewer, water, and electric systems. In one well-documented case the cost of the foundation and connections came to about $5,700 (Mccann 2015). In some Spur zoning districts, tiny houses are permitted by right, but in others a variance is required.

Again, there are exceptions. A tiny-house owner might be successful living an off-the-grid lifestyle in areas that are literally far from the grid. In some very rural communities, stick-built
homes do not need to connect to water and sewer systems (i.e., they permit well and septic systems) or electric systems (i.e., they allow off-the-grid power), and those communities would presumably allow the same exceptions for tiny houses.

**NOW, ABOUT THOSE ZONING RULES**

So, if a buyer doesn’t want to live in an RV park, and is willing to remove the wheels, install a foundation, and connect to utilities, and the local government allows long-term occupancy of tiny houses under those conditions, where can the unit be located? The answer depends on local zoning regulations. Most zoning ordinances do not list tiny houses by name; they simply treat them like other housing uses.

For a tiny house to be used as a primary dwelling unit (i.e., there is no other house or primary use on the property), the question is whether the lot is zoned for single-family homes and whether the tiny house meets any minimum size requirements for houses in that zone. Most zoning codes across the U.S. do not include minimum floor space requirements for single-family homes. But some do, and that can be a barrier to installing tiny houses. Generally this occurs when a residential neighborhood has been developed for—or with—large homes, and some of the lots already have large homes on them. In those circumstances, the local government or neighborhood residents may want to protect against the remaining lots being occupied by smaller homes that they fear will reduce the neighborhood quality or character. Some communities, for example, have adopted minimum width or length-to-width requirements for single-family homes in an attempt to keep “single-wide” manufactured homes out of neighborhoods where the housing stock is of a different character. Those requirements would likely prohibit the installation of a tiny house, despite their charming appearance.

Whether this is fair to the tiny-house (or manufactured home) buyer, and whether it represents sound land-use policy, are emerging issues for debate. Minimum residential size limits are already in poor repute these days because they tend to drive housing prices up; however, these types of requirements are generally not illegal.

One work-around for the eager tiny-house buyer may be to install a tiny house as an accessory dwelling unit (ADU) (i.e., a second housing unit on a lot that already has a primary housing unit or another primary use of land). While ADUs are a fairly recent development, an increasing number of zoning ordinances now address where and under what conditions an ADU can be installed. Again, since most zoning ordinances do not address tiny houses by name, the question is whether your tiny house meets the requirements applicable to other forms of ADUs. One threshold question is whether the community allows detached ADUs or only allows internal ADUs constructed within the building envelope of an existing home. If the latter is true, a tiny house ADU will not be allowed. If the community allows detached ADUs, they often attach conditions like the following:

- Either the primary housing unit or the ADU must be occupied by the owner of the land.
- The ADU must not exceed a maximum size (generally 400 or 600 or 800 square feet).
- An extra on-site parking space for the ADU occupant may be required.

Outside of rural areas, most localities would not permit a tiny house to serve as a primary dwelling unit unless it was mounted on a permanent foundation and connected to local utilities. Local residential building codes typically require a minimum amount of habitable space per occupant, which may prevent legal habitation of tiny houses by more than one person.
• The ADU may not be allowed to have its entrance door facing the street.
• The part of the lot containing the ADU cannot be carved off and sold as a separate lot.
• If the tiny house can meet these requirements, it may be acceptable as an ADU, even if it would not be approved as a primary home on the same lot. In some cases, however, ordinances that allow detached ADUs limit them to existing structures like carriage houses, garages, or barns, which would prohibit tiny-house ADUs.

Finally, it is important to realize that most communities apply the same building, foundation, and utility requirements to ADUs that they do to primary structures. So if the question is, “can I park my tiny house in my parents’ backyard and live in it without installing a foundation or hooking up to utilities?” the answer is probably no. Long-term occupancy of a recreational vehicle in a residential zone district (say, for more than 30 days) is usually illegal regardless of whether you have the property owner’s consent or you are related to them.

So tiny-house owners need to be thoughtful about where they intend to install the unit, and need to read the zoning ordinance carefully to ensure it is allowed in the area where they want to live. The good news (for planners) is that it is fairly easy to review the existing zoning code and see whether the code permits tiny houses as primary units or ADUs in those locations where the community wants to allow them. Planners might also want to promote more permissive regulations if the community is ready to remove a potential housing barrier.

OTHER POTENTIAL BARRIERS
OK. So you have decided that your community wants to allow long-term occupancy of a tiny house, and you have modified the zoning ordinance to clarify where they are allowed. There are still three other potential barriers to think about.

First, unless you want to install the tiny house in a very rural area, the parcel of land where the tiny house will be located generally needs to be a subdivided lot. Subdivision regulations ensure that each parcel of land that will be developed with something other than open space or agriculture has access to a street and has utilities in place (if utilities are required in that location). This could be an issue if the tiny-house owner wants to buy 1,000 square feet of land from a property owner—just enough to accommodate the tiny house and a “livin’ small” lifestyle—but the subdivision regulations require a minimum lot size of 5,000 square feet. Or it could be an issue if the tiny house must be connected to utilities but the land in question does not yet have utilities in place to connect to.

Second, the community should probably advise the tiny-house owner to check that private restrictive covenants attached to the land do not prohibit tiny houses in that area. Again, tiny house will probably not be listed by name, but it is not uncommon to find private covenants that contain minimum house size requirements even if the zoning ordinance does not. While it is generally not the city or county planner’s job to check on the existence of private covenants when issuing a zoning approval or a building/installation permit, and local governments are generally not responsible for enforcing those covenants, advising the tiny-house owner to check on this is just good customer service. In the end, the fact that the city or county issues a permit to install a tiny house with a foundation does not protect the owner against a suit from other property owners pointing out that the tiny house does not meet restrictive covenant minimum-size requirements.

Third, even if neither the zoning ordinance nor private restrictive covenants prohibit the tiny house because of its size, many communities have residential occupancy codes to prevent overcrowding. While occupancy codes vary, it is not uncommon to find a requirement that the unit contain 125 square feet of living area per occupant, or that it not contain more than two occupants per bedroom. That could be a problem if the owner intends to house his or her family of four in a 400-square-foot tiny house, no matter how well they get along. Since occupancy of the unit may change in the future (the owner’s out-of-work cousin may move in), it is hard to ensure against overcrowding when the installation permit is issued, but making the owner aware of these requirements is good customer service.

WHAT ABOUT A TINY HOUSE COMMUNITY?
What about a whole group of folks (or a developer) who want to create an entire neighbor-
hood of tiny houses as a source of affordable housing, or just to accommodate a different lifestyle?

That is a bit tougher. While the Internet has many stories of individuals or property owners intending to create tiny house communities, it seems that few if any have been created to date. And some of the existing communities have been created for unique reasons and through “one-off” procedures.

For example, places like Opportunity Village in Eugene, Oregon, or Quixote Village in Olympia, Washington, have been created as alternatives to homeless camps in or near the same location. In both cases, it appears that the local government adopted a contract or resolution approving the use of land for tiny houses without requiring it to comply with some standard utility or construction requirements precisely because it would house very low-income households under better living conditions than the occupants had previously. While inspiring as initiatives to address the challenges of housing affordability and homelessness, both of these examples required individualized negotiations and agreements to vary from normally applicable public health and safety standards—flexibility that might not have been approved for a market-rate housing development.

However, there are at least three different ways in which a tiny-house community for the general public could be created—each modeled on an existing form of land-use approval. The choice of an appropriate tool turns heavily on the question of whether you intend the occupants to be able to sell the house and the piece of land it occupies to someone else in the future.

A Tailored Zoning and Subdivision of Land
If tiny-house owners are going to be able to sell their lots and homes to others, then the community will need to be subdivided into individual lots, and those lots will need to meet the minimum size and dimension requirements of the zone district where they are located. If you want to allow tiny house community developers to create very small lots (say 1,000 to 2,000 square feet), it is likely that your city or county does not have a residential zone district allowing lots of that size. So the local government will have to create a zone district allowing that type of lot. If the roads within the community are going to be narrower or more lightly constructed than those in stick-built subdivisions, then the community will have to adopt subdivision standards (or exceptions to the current standards) allowing those types of construction. In many cases, the local government is only willing to allow “lower-than-normal-standard” infrastructure if the property owners agree to own and maintain it over time (i.e., the city or county will not accept it as dedicated infrastructure for public maintenance), so the developer will likely have to create a home owners association to do so. These types of specialized standards have been adopted before, however, for unique forms of housing like manufactured home subdivisions or cottage home subdivisions, and those types of standards are good places to look for guidance.

A Planned Unit Development
If the community expects that there will be only one of these communities or it does not want to create a new zone district or subdivision regulations to address tiny houses in general, the tailoring of zoning and subdivision standards described above could be accomplished through a planned unit development (PUD) tailored to a single development and a single developer. While single-project PUDs are relatively easy to adopt, they often reflect a very specific picture of the approved development that is hard to amend over time as conditions change. A PUD for a tiny-house community should be drafted assuming that conditions will change in the future, and to avoid locking in an overly specific development plan.

A PUD for a tiny-house community should be drafted assuming that conditions will change in the future, and to avoid locking in an overly specific development plan.
A Condominium or Cohousing Development

If the occupants of tiny houses in the community do not need to have the right to sell individual lots to others in the future, then a tiny house community could be structured as a condominium or cohousing development. Under this model, the land remains unsubdivided. Instead, a development plan is approved allowing many tiny houses, and perhaps support facilities like community buildings or shared parking areas, to occupy a single parcel of land. Instead of owning individual lots, residents own shares in the development as a whole. If structured as a condominium, each resident’s share includes the exclusive rights to occupy their individual tiny house and a parking space, and also a proportionate share in the land, community buildings, roads, and infrastructure serving the area. As with a nontraditional subdivision described above, the local government may well require that the roads and utilities be owned and maintained by the condominium association. Under this approach, residents who decide to sell their tiny house in the future are actually selling the land. Again, it is usually wise to avoid overregulating or “zoning to a picture” in ways that may require additional governing body approval for minor changes in the future.

CONCLUSION

At this point, most city and county zoning and subdivision ordinances are unprepared for tiny houses. Answers to questions about what tiny houses are, where they can be installed, and under what conditions can be found if you search hard enough—but they are not clear or obvious. The good news is that there are several examples of how land-use controls can be developed or modified to accommodate new and creative forms of housing and land development. RV park, manufactured home park, and subdivision, cohousing, and cottage development standards provide a deep pool of content from which tiny-house regulations can be tailored and developed.

As with most land-use questions, however, the appropriate tools cannot be crafted until some policy questions have been answered. To prepare for the arrival of tiny-house owners and community developers in the future, local governments should be prepared to answer these questions:

- Do we want to allow the installation of tiny houses for long-term occupancy, and if so, in what parts of our community?
- Do we want to accommodate only those tiny houses that meet our current building code or the federal manufactured home standards, or do we want to create exceptions for other tiny houses that can be made safe for long-term occupancy in other ways?
- Do all tiny houses need to be installed on foundations and with connections to our electric, water, and sewer systems, or are there some areas (maybe rural areas) where we would allow them under other circumstances?
- Are there areas of the community where they should be permitted as primary dwelling units?
- Are there areas of the community where they should not be permitted as primary dwelling units, but would be acceptable as accessory dwelling units?
- What changes to our building code, zoning ordinance, and subdivision regulations need to be made to achieve those results?
- With a little forethought, you can be prepared for the day a tiny-house owner shows up with some or all of the questions discussed above—and avoid that “deer-in-the-headlights” look that so annoys the town council.

REFERENCES


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Review

Integrating tiny and small homes into the urban landscape: History, land use barriers and potential solutions

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There is growing interest in living in tiny and small houses in the United States of America (USA). However, in many urban communities, it is illegal to build such homes due to the current land use regulations. This article presents an overview of the land use policy barriers to tiny and small house integration, in addition to potential solutions. The article also examines how interest in tiny and small house living has evolved, and why it will likely continue to do so.

Key words: Tiny house movement, urban infill, American dream, housing, land use.

INTRODUCTION

Across the United States of America (USA), there is an increased interest in tiny and small home living. In locations as diverse as Portland, Oregon; Spur, Texas; and Rockledge, Florida, tiny house advocates are challenging existing land use regulations in order to integrate tiny homes into the surrounding community. Though, there is no formal definition as to the specific size a “tiny” home must be, many proponents regard anything smaller than 400 square feet to be tiny (Tiny House Talk, 2015). However, small homes, generally averaging 1,000 square feet or less, are also frequently included in the tiny house movement (Tiny House Giant Journey, 2015). Tiny houses on wheels, (THOWs) offer opportunities for both downsized and mobile living, and are associated with the tiny house movement itself. However, all these dwellings face hurdles to urban integration because of current land use policies that discourage building and living in small homes. As a result, the construction of tiny homes, or even traditional cottages, is illegal in many urban places throughout the United States. As the average size of the American home has continued to increase from 1,535 square feet in 1973 to an average of 2,480 square feet in 2011 (Schwartz, 2014), the tiny house counter-culture movement makes a powerful statement.

There are several driving forces behind the growing tiny house movement. Among them are increased environmental concerns, a growing dissatisfaction with excessive materialism, a greater cultural awareness of the American cycle of debt, and a desire to use small structures as a practical means of housing the poor and homeless (Gauer, 2004; Heben 2014; Anson 2014). However, housing affordability is likely the greatest driver behind the growing interest in tiny houses. The literature reveals that affordable housing opportunities are lacking for many Americans (Sanders and Mosena, 1982; Wright,
1983; Calfee and Weissman, 2012; Ross, 2014; Schwartz, 2014; Desmond, 2018). It is frequently recommended that households should not spend more than 30% of their income on housing (Schwartz, 2014, 32; Desmond, 2018), yet over 50% of Americans are paying more than 30% of their earnings for housing (Glaeser and Gyourko, 2009). Furthermore, a shocking 27% of renters are paying more than 50% of their income on housing (Schwartz, 2014). The primary reason for the increasing problem with unaffordable housing in the USA is the widening gap in income inequality (Collins and Yeskel, 2005; Glaeser and Gyourko, 2009; Schwartz, 2014; Leigh and Blakely, 2016), coupled with the fact that American housing and land use policy has been crafted to predominantly serve the interests of the wealthy (Boudreaux, 2011; Bratt et al., 2013). Tiny houses may offer a means of addressing increasing housing affordability issues.

Dwelling size is not the only factor that affects affordability. Tiny house costs can vary greatly depending on factors such as whether one builds themselves or hires a builder, construction materials used and lot price. For example, one popular tiny house blog, ‘Tiny House, Giant Journey’ (March 15, 2016) estimates that the average THOW can cost between $35,000 and $45,000. However, ‘Tiny House Blog’ (September 26, 2016) gives a much wider estimate of $500 to $80,000. Therefore, depending on a person’s income and building plans, a tiny house could be either affordable or unaffordable. However, it remains true that with other factors remaining constant, it is more affordable to build and live in small, rather than large homes.

There is currently a shortage of available small houses and/or apartments in the United States (Infranca, 2014). Furthermore, there is no adequate housing to serve those with low-incomes (Shlay, 2006; Schwartz, 2014). One housing scholar estimates that in the United States, there is currently a shortfall of 4.9 million affordable units (Schwartz, 2014). Schwartz (2014) explains that part of the problem around housing affordability are the current regulations that dictate the, “... size, density, and quality of homes that make them unaffordable through zoning and building codes” (48). He follows up with, “... families may be able to afford, say 500 square foot homes, but units of this size may fall below the minimum requirement” (48). Such regulations make it difficult to create small and affordable housing and are a thorn in the side of many tiny house proponents.

This review provides a chronological and critical assessment of tiny and small homes in the USA over the last century (Table 1). This study first reviews the evolution of small dwelling in the USA. It shows that living in small homes is not a new concept, and how and why people began building increasingly larger homes, sometimes beyond their fiscal means. It also examines American counterculture movements from the 1960s to present. These ideas are important in understanding the impetus behind the current tiny house movement, and why interest in living small will likely continue to grow. The paper then examines the several regulatory barriers to small home integration. It indicates that the barriers are more than superficial, but deep-rooted and systemic. Finally, the review examines potential strategies to urban tiny house assimilation.

HISTORY OF SMALL HOUSES

The concept of small homes is not a new one. Historically, small homes sprinkled the landscape of many Western countries including the USA. Prior to the enactment of zoning regulations and modern banking practices, it is common for people to build only within their means. Traditionally, small homes not only offered a means of affordable housing, but their designs took into account locally available building materials, climate and the surrounding landscape (Downing, 1969; McAlester, 2015). Historic examples of vernacular small home designs include the frontier log cabin, bungalow, cottage, shotgun house and camp (Comstock, 2007; Walker, 2013).

Prior to the widespread application of zoning regulations, it is also common for a large main house to have small housing units built on the same property (Hunter, 1999). These small structures traditionally served varying purposes: as housing quarters for guests, servants or slaves, elderly parents, newlyweds not yet able to afford their own home, or as a means for the primary homeowner to earn rental income from tenants. This historic approach of allowing varied housing sizes within a community resulted in neighborhoods that were more diverse both socially and economically than the zoned communities of today (Talen, 2012; Ross, 2014). Considering the current economic climate in the USA, some would assert that it makes good sense for communities to modify current zoning regulations in order to allow for the legal accommodation of these small homes, now termed accessory dwelling units (ADUs), once again (Wright, 1983; Chapple et al., 2011; Calfee and Weissman, 2012; Duff, 2012; Ross, 2014; Wegmann and Chapple, 2014).

There have been several periods in American history, including the present, where there has been a shortage in the availability of affordable housing (Wright, 1983; Tighe and Mueller, 2013; Schwartz, 2014). This problem was especially prominent shortly after World War 1 (WWI) and as a result, the Architect’s Small House Bureau was established in 1919 in order to assist returning veterans with homeownership (Hunter, 1999). This organization provided architectural plans for small homes (approximately 800-1,000 square feet) suited for small lots (30 to 50 feet wide) at a nominal fee to potential homebuilders (Hunter 1999, 149). When the industrial
Table 1. Evolution of tiny and small house living.

<table>
<thead>
<tr>
<th>Tiny/small house term</th>
<th>Concept</th>
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<tbody>
<tr>
<td>Vernacular small home</td>
<td>Historically, small homes that took local building materials and traditions into account are common. Examples include the frontier log cabin, bungalow, cottage and camp.</td>
</tr>
<tr>
<td>Accessory dwelling unit (ADU)</td>
<td>An ADU is a smaller housing unit on the same property as a main or primary dwelling. ADUs traditionally served such purposes as housing for servants, elderly parents, and newlyweds. Sometimes termed alley or granny flats, ADUs are experiencing a resurgence in popularity.</td>
</tr>
<tr>
<td>Prefabricated small home kits</td>
<td>In order to address a post WWI affordable housing shortage, companies such as Sears and Roebuck sold popular small home mail order home-kits, which included all necessary building materials and could be easily delivered via train.</td>
</tr>
<tr>
<td>Mobile home</td>
<td>Shortly after the advent of the automobile, the mobile home emerged. Mass produced and easy to deliver, the mobile home offered an affordable housing solution to poorer classes.</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>The term “manufactured housing” replaced the “mobile home” when federal regulations enacted manufacturing standards for such homes in 1976. However, the terms are still used interchangeably to describe this type of smaller home, which frequently faces community opposition.</td>
</tr>
<tr>
<td>Counterculture living</td>
<td>In the 1960s and 70s counterculture living arrangements grew in popularity that promoted values such as communal living and environmental stewardship. Precursors of today’s tiny house designs arose during this era: such as buses converted into dwellings, small geodesic domes, and hay bale homes.</td>
</tr>
<tr>
<td>Tiny house</td>
<td>The tiny house movement arose during the early 2000s to address a variety of concerns: such as quality of life factors, environmental concerns, and rising debt. Though there is no formal definition, many advocates contend that a tiny home is 400 square feet or smaller.</td>
</tr>
<tr>
<td>Tiny houses on wheels (THOW)</td>
<td>THOWs offer both downsized and mobile living and have come to be associated with the tiny house movement itself. However, THOW dwellers are often at a loss for where to put such structures due to current zoning and land use laws.</td>
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assembly line swept across the nation as a popular means of production, affordable housing packages became common. For example, Sears and Roebuck offered over 400 small home mail order home-kits that included all the necessary building materials and could be easily transported via train (Gauer, 2004; Wentling, 2017).

As both the automobile and assembly line production grew in popularity, a new type of small affordable housing emerged: the mobile home. Designed after compact railroad cars (Hunter, 1999), mobile homes were mass-produced and became increasingly popular among poorer classes. In 1976, federal regulations that created manufacturing standards for such homes were enacted, and as a result, the term “mobile home” was replaced with “manufactured housing” (Genz, 2001; Hart et al., 2003). Finally, the term “modular home” was adopted to describe housing that was mass-produced by modular components in factories, affordable and could be easily transported for assembly on site (Hunter, 1999). Today, the terms “mobile home” and “manufactured home” are often used interchangeably to describe this type of housing.

Though the advent of mobile homes offered an affordable housing solution for poorer classes, they instantly faced backlash from community members who not only found them to be aesthetically unattractive, but felt that they brought the problems associated with poverty, such as crime and decreased property values, with them (Chernoff, 1983; Genz, 2001; Fischel, 2004; Boudreaux, 2011; Mandelker, 2016). Unlike the traditional stick-built homes, mobile homes generally depreciate as an asset because of their manufactured components (Genz, 2001). This does not lend itself to the protection of property values. In order to restrict mobile homes and the poorer classes associated with them from neighborhoods, zoning laws that either prohibited mobile homes or small homes less than a specific square footage were enacted in thousands of American communities (Chernoff, 1983; Fischel, 2015). Furthermore, municipalities created site-specific mobile home park zoning in order to relegate the poor to limited, and often, undesirable locations within urban areas (Chernoff 1983, 240). It is this backlash against mobile homes and their associated residents that has in part resulted in land use regulations that make it difficult to integrate tiny and small houses in many urban areas.

The historic concept of the “American dream” also plays a large role in the evolution of small house living. Early in the history of the United States, land ownership was synonymous with citizenship (Heskin, 1983; Shlay, 2006). As time passed, full rights were available to those without land. However, the cultural norm associating homeownership with security and stability has remained. In Tenants and the American Dream, Heskel (1983) writes, “Being a tenant has never been part of the ‘American Dream,’ and the status of tenants in this society has never been secure or comfortable.”
Over time, however, the form and architecture of the ideal American home has changed (Wright, 1983; Archer, 2014). Some historically popular American housing types include cookie-cutter company housing, elaborate Victorian homes, and the suburban home with a sprawling lawn (Wright, 1983; Jackson, 1985; McAlester, 2015). For many, the current economic and cultural climate is no longer conducive to the ownership of a large home on a large lot. Wages have stagnated, families are smaller, and single person living is on the rise (Collins and Yeskel, 2005; Duff, 2012). However, the “American dream” of owning one’s own detached dwelling, on its own piece of land, as opposed to maintaining tenant status, remains a strong cultural impetus (Archer, 2014). Because of this societal norm, it likely that tiny and small house ownership is perceived as a more desirable affordable housing arrangement than apartment dwelling.

In addition to offering an achievable means of homeownership for many, the tiny house dwelling has emerged largely as a counterculture movement. There are many who would assert that our current economic system is resulting in less than ideal socioeconomic outcomes (Daly and Cobb, 1989; Harvey, 2000; Sagoff, 2007; Fainstein, 2010; Bratt et al., 2013; Harvey, 2014). There is growing recognition that people have little authentic free time to enjoy what matters most in life, such as personal relationships and meaningful work. Harvey (2014) writes, “The ‘market-based order’ is fundamentally challenged when people find out that not all values are quantifiable, that money cannot buy everything, and that what it cannot buy is something essential, or is even the essential thing” (275). Current work environments often compromise important aspects of a quality life, such as time with family and loved ones, creative expression, advocacy work and self-actualization. This realization has made some people to take small steps to adopt lifestyles that offer aspects of an alternative economy. Tiny and small living may be increasingly attractive to people because it offers the opportunity to live on a smaller wage, and pursue values other than fiscal gain.

Because of its emphasis on alternative lifestyles, the tiny house movement can be loosely linked to the various alternative communities that arose in the 1960s and 70s for similar reasons. Though today’s tiny house movement may lack the communal element typical to many of these prior alternative communities, it shares the desire to achieve simplified, meaningful lifestyles that put people, relationships and value systems first (Manzella, 2010). Furthermore, the precursors of some of today’s tiny house designs were developed in these alternative communities. Inhabitants of counterculture communities sometimes built unique small structures such as geodesic domes, hay bale homes, and buses converted into dwellings. Some of these design elements are captured in today’s THOWs and more architecturally creative tiny homes. Furthermore, the recent trend of eco-villages, which incorporate many of the principles of early intentional communities, but have a specific focus on “green” sustainable living, suggests that the alternative communities of the 1960s and 70s were more than a passing fad (Manzella, 2010; Kellogg and Keating, 2011). People are still searching for alternative living arrangements that allow for the pursuit of meaningful and holistic lives in a system that many perceive to be oppressive. Some people view tiny house living as a potential way to achieve such a counterculture lifestyle.

LAND USE BARRIERS TO SMALL DWELLINGS

The concept of zoning was developed by Reinhard Baumeister, a German engineer (Talen, 2012). Zoning originated in the 1870s, an era when cities were rife with problems resulting from rapid industrialization. Early zoning measures aimed to quell the social problems associated with crowded urban areas, such as poor sanitation and fire hazards (Fischel, 2004; Glaeser and Gyourko, 2009; Boudreaux, 2011; Hirt, 2015). Furthermore, zoning was used to ameliorate issues associated with poor urban design and aesthetic concerns, such as rapidly increasing building heights, and noxious odors and noise from factories and slaughterhouses. Baumeister and other German proponents of early zoning measures, however, were adamant about maintaining compact communities that met the needs of the citizenry (Talen 2012). They designed zoned cities where both the upper and lower classes could easily walk to work, retail areas and civic spaces. Unfortunately, this initial focus on equity and compact urban form was lost when zoning was adopted in the United States.

New York was the first American city to adopt comprehensive zoning in 1916 (Talen, 2012; Hall 2014, 60). As in Europe, early zoning initiatives were rooted in populist interests that aimed to protect citizens from the evils associated with crowded inner cities, such as disease and crime. American cities embraced the spirit of social reform and zoning which spread like wildfire throughout the country. By 1927, half of the USA population lived within zoned areas (Talen, 2012).

The literature on zoning and land use regulations contends that American zoning took on two additional purposes apart from its original intent of social reform, safety and quality of life. Zoning was quickly recognized as an effective method of racial and class segregation, in addition to serving as a means of maintaining property values (Fischel, 2004; Talen, 2012; Ross, 2014; Hirt, 2015; Silver, 2015; Fischel, 2015). Zoning has also been used as a tool to marginalize social classes, specifically the poor, in the USA (Pendall, 2000; Fischel, 2004; Boudreaux, 2011). Some scholars have persuasively asserted that our entire system of American land use law is biased towards the affluent homeowner (Boudreaux,
The founding fathers of zoning never intended this; as a matter of fact, historic German zoning practices aimed to mix social classes as a means of achieving diverse communities that met the various needs of residents (Talen, 2012; Hirt, 2013). In the United States, however, zoning has frequently been employed as a method to keep poverty out of sight and to relegate the poor to small, often undesirable sections of communities (Fischel, 2004; Boudreaux, 2011). It has been used as a tool to promote the interests of not-in-my-backyard (NIMBY) factions (Pfeiffer, 2015).

As American cities expanded, affluent residents, developers and real estate speculators urged municipalities to zone more and more land as single-family residential and pushed for greater and greater square footage requirements (Ross, 2014). The impetus was that zoning in this manner would create upscale neighborhoods with high property values that would add to a community’s tax base. The purpose for zoning in this manner then became twofold; requiring only one large dwelling per lot, poorer classes would be excluded and, theoretically, property values could be maintained in perpetuity (Fischel, 2004, 2015). As poorer classes have historically had little advocacy in development decisions, zoning measures that promote small homes on small-sized lots have rarely been implemented (Fischel, 2004; Boudreaux, 2011). The exception has been the mobile home or trailer park, usually unattractive and relegated to the outskirts of town or near an area zoned as industrial, in order to separate it from the rest of the community (Chernoff, 1983).

Some cities have excluded small homes through the establishment of zoning or restrictive covenants that mandate minimum house or lot size. Restrictive covenants that specify minimum home size are especially common in new residential developments. Other zoning regulations, however, restrict small homes by requiring large lots, frequently of about 5,000 square feet. In such an instance, it is unlikely that a lending institution would provide financing options for new home construction when a lot is valued higher than a potential tiny or small home. As a result of such exclusionary land use policies, those trying to construct small homes in urban communities are often at a loss as to where to build (Sanders and Mosena, 1982; Calfee and Weissman, 2012; Brinig and Garnett, 2013; Vail, 2016).

Current banking practices and home assessment methods are also based on the faulty premise that large single-family dwellings in single-use residential neighborhoods always offer the best investment opportunities (Gauer, 2004; Boudreaux, 2011; Ross, 2014). Many people erroneously believe that mixed-use neighborhoods result in decreased property values and investment opportunities. Recently, however, a New York City neighborhood was re-zoned from single-family dwellings to allow mixed-residential uses (single-family homes, duplexes and apartments) and the result was an increase rather than decrease in property values (Talen 2012). The same phenomenon has occurred in mixed-use neighborhoods in Boston, Massachusetts (Ross 2014), Chicago, Illinois, Portland and Oregon (Talen, 2012). People are finding these mixed-use neighborhoods highly desirable as they lead to vibrant communities that meet all of the residents' needs within a compact area (Cullen, 1971; Langdon, 1997). The adoption of land use policy that would allow for integration of tiny houses within such mixed-use neighborhoods may result in highly sought-after communities.

In addition to land use restrictions, tiny houses face a formidable legal barrier in building codes. With an original intent similar to zoning, building codes have been developed to protect the health and safety of building occupants (Listokin and Hattis 2005). In order to address concerns associated with confined and cramped quarters, such as inadequate ventilation and fire hazards, building codes have established minimum square footage building requirements. For instance, the International Building Code (IBC) has established the minimum dwelling sized at 120 square feet for many years. However, due to increased interest in minimalist and tiny living, in 2015 the IBC revised Code R304.1 and now allows dwellings to be a mere 70 square feet. Though, state building codes vary from state to state, they are generally adopted from the IBC. However, many states are yet to modify their current minimum square footage requirements to meet the new IBC standards.

Building codes are especially a hurdle for THOW advocates (Hannabass, 2017). This is largely because currently there is no consensus on how to classify and regulate THOWs. Even among tiny house advocates there is controversy as to whether THOWs should be regulated as homes, recreation vehicles (RVs), campers, mobile homes, manufactured units, or some new type of hybrid housing (Mitchell, 2014; Heben, 2016; Spesard, 2017). Building codes are especially an issue to those who pursue THOW construction as a do-it-yourself (DIY) project. For instance, a DIY THOW builder who is unfamiliar with building regulations might not understand or follow the different weight and size restriction for trailer beds. Tiny house blogs detail numerous accounts of DIY THOW projects that once complete, are found to be non-compliant with building codes.

Many THOW advocates find the mobile nature of such dwellings to be an asset (Waldman, 2015). However, the vast majority of non-rural municipalities requires permanently habitable structures to be on a permanent foundation and hooked up to city utilities such as sewer. These requirements were primarily established in order to address public health and safety concerns (Listokin and Hattis, 2005). One might argue that they were also created in order to protect land use values, as homes that are not tied to a permanent foundation are considered a depreciating asset (Hart et al., 2003). Finally, such
standards were created in order to foster a sense of “permanence” in communities. Since the advent of trailer parks, many communities have developed polices to thwart mobile and non-permanent residents (Hart et al., 2003; Mandelker, 2016). As a result, most states have building codes that do not recognize RVs as permanently habitable structures, and the vast majority of cities have rules that state that non-permanent structures, such as RVs, cannot be occupied on city land for more than 30 consecutive days. As a result, THOW dwellers face additional challenges to urban integration.

**POTENTIAL SOLUTIONS TO SMALL HOME BARRIERS**

In order to integrate tiny and small dwellings, current land use regulations need to be altered. As the tiny house movement continues to gain momentum, how can communities overcome restrictive land use barriers in order to assimilate small houses into neighborhoods? The literature presents several options. Some methods may be adopted by communities relatively easily, such as the development of accessory dwelling unit (ADU) standards, while others, such as moving from traditional zoning regulations to Form Based Codes (FBCs) would require a great deal of effort and community support.

First, in order to increase the chances that communities will positively receive tiny and small homes, such houses should be integrated in a manner that is perceived as aesthetically pleasing. This is important because research has indicated that public perceptions greatly influence the built environment (Nasar, 1998). Over the last several decades, the concept of small and beautiful homes has been lacking in American culture (Susanka, 2002; Chapin, 2011; Walker, 2013; Zeiger, 2016). This is unfortunate, in that there is a rich vernacular tradition of picturesque cottages, cabins, and bungalows in the United States (Downing, 1969; Hunter, 1999; Comstock, 2007). Over time, small homes became synonymous with low-quality housing, and as a result, are often associated with the problems that face low-income communities, such as poverty and crime. However, the advent of beautifully crafted small homes, such as those designed by Tumbleweed Tiny House Company and Four Lights Tiny Houses, may lead many to reevaluate this misconception. However, there may be varying opinions as to what constitutes an aesthetically pleasing small home. For example, after the Hurricane Katrina disaster in 2005, coastal communities welcomed the quaint, Katrina Cottages, credited to architect Marianne Cusato, which emerged as an affordable housing solution for displaced residents (McIntosh, 2013). Post hurricane recovery, the demand for Katrina Cottages continues, primarily in the Gulf States (McIntosh 2013). Conversely, the Make It Right Foundation’s “Brad Pitt Houses” feature small modernist designs by architects such as Thom Mayne and Frank Gehry. These homes have been met with a mixture of approval and disdain. While some applaud their innovative and resilient designs (Vinnitskaya, 2012), others assert that they do not mesh with the traditional neighborhood context found in New Orleans (Labine, 2010).

The increasing recognition that small dwellings can be aesthetically pleasing as well as functional and affordable is important for understanding how communities might integrate tiny and small homes within their jurisdictions, while ameliorating some of the concerns of NIMBY (Not in My Back Yard) factions. The assimilation of aesthetically pleasing tiny and small houses might be accomplished through the adoption of design review requirements that would mandate certain architectural elements, such as building materials, or by moving from traditional zoning to FBCs, the latter of which is discussed in greater detail later in this paper. However, these aesthetic requirements would need to be implemented with other policies, such as those that decrease lot sizes or increase building square footage requirements, in order that they foster aesthetically appealing tiny house infill. Regardless of the method of design regulation, it is likely that the development of policies that would mandate specific tiny houses aesthetics would be met with opposition in certain instances. This is because much of the impetus behind the tiny house movement is affordability. Regulations that require architectural detailing such as porches, quality building materials, and landscaping may make it difficult to build tiny and small homes that are low cost. In instances when the bottom line is low-cost construction, such as when tiny homes are built to address issues of homelessness in a community, the development of aesthetic requirements may not be beneficial.

Changing traditional zoning practices may be the most significant way of achieving tiny and small house integration. Because communities may perceive tiny house infill as a threat to both the urban fabric and surrounding property values, in most instances, advocating for the abolishment of land use regulations seems an unlikely venue to garner support for tiny house integration. In order to allow for tiny and small house infill by altering existing zoning policy, municipalities might choose to increase density standards, decrease lot size requirements (Sanders and Mosena, 1982; Wegmann and Chapple, 2014) and/or decrease residential square footage requirements (Chapin, 2011). This may be achieved by changing current zoning ordinances to allow for greater flexibility, or moving to FBCs, which aim to achieve functional and desirable spatial patterns in communities (Chapin, 2011; Boudreaux, 2011; Talen, 2012). Taking steps to increase density standards, decreased lot size requirements, and/or decreased dwelling square footage requirements, are ways that communities can embrace tiny and small houses in an incremental fashion. However, all these methods of land
use policy change are likely to be faced with some level of political opposition. This is because of concerns that such policies could lead to a decrease in nearby property values.

Some scholars perceive FBCs as the best method for creating a diversity of housing types and uses in a community (Talen, 2012; Ross, 2014). Examples of FBCs are those that allow living and working to take place in the same structure or neighborhood, those that aim to curb urban sprawl, and sustainability codes that focus on affordable and environmentally sensitive design (Talen, 2012). The adoption of FBCs is growing in America; as of 2011 over 200 U.S. cities had adopted them (Talen, 2012). However, the literature reveals that some scholars feel that FBCs are restrictive and, "... inhibit the natural evolution that makes for diverse neighborhoods" (Hough, 1994). Furthermore, the adoption of FBCs, is weighty endeavor in both time and effort, and can result in significant changes to a community’s entire urban fabric. It may be conversely argued, however, that FBCs offer the best method for achieving aesthetically pleasing urban growth. Though codes have yet to be developed that address tiny houses specifically, many communities have used FBCs to integrate small homes into “cottage courts.” There are also provisions for the assimilation of “carriage house” ADUs. FBCs may result in communities integrating small homes in a manner that avoids the stigma associated with the tarpaper shack or house trailer. Though a significant process, the adoption of FBCs may be among the best methods for communities to integrate small homes in a manner that is perceived as aesthetically pleasing.

Some urban design professionals recommend adopting a specific type of FBC known as the Smart Code (Emerson, 2006; Duany et al., 2010). The Smart Code is unique in its consideration of the concept of transects. Transects aim to facilitate the most attractive and sustainable urban development by taking an area’s ecological footprint into consideration (Emerson, 2006, 8). For example, a rural transect would require different building forms and styles than one classified as urban. Like FBCs, the Smart Code does not expressly address tiny homes, however, it does include recommendations for cottages (Emerson, 2006, 48). With an emphasis on creating aesthetically pleasing communities that take sustainability into consideration, the Smart Code might be an excellent tool for communities aiming to integrate tiny houses in order to specifically address environmental concerns. However, like FBCs, the adoption of the Smart Code requires significant effort. Furthermore, FBCs and/or the Smart Code may lead to increased design requirements, and ultimately raise the cost of new development. Therefore, the Smart Code and FBCs are not the best method of integrating tiny and small homes in communities that are looking at how to add low-cost infill.

Another method of incorporating tiny and small homes into urban communities is by making legal allowances for ADUs (Chapple et al., 2011; Calfee and Weissman, 2012; Talen, 2012; Duff, 2012; Brinig and Garnett, 2013; Infranca, 2014; Wegmann and Chapple, 2014; Pfeiffer, 2015). The development of ADU policy may be among the easiest ways for communities to take an initial step towards the allowance of tiny and small houses in a community (Evans 2017). ADUs are often constructed on large back or side lots, and may serve as housing for an elderly or young family member, or as a means of earning additional income from a rental unit. The acceptance of ADUs is growing as cities such as Sacramento, California; Santa Cruz, California; Austin, Texas, Portland, Oregon; and Denver, Colorado, have all recently enacted policies that increase density standards and allow for type of small home in order to address housing affordability concerns (Chapple et al., 2011; Calfee and Weissman, 2012; Brinig and Garnett, 2013; Infranca, 2014).

Many metropolitan areas intentionally or unintentionally discourage the construction of ADUs with such measures as burdensome and expensive permitting processes, and costly connection fees to sewer, water and electricity (Calfee and Weissman, 2012; Brinig and Garnett, 2013; Infranca, 2014). Strategies that allow communities to achieve ADU integration more easily consist of amended fee structures for ADUs as well as streamlined permitting processes (Calfee and Weissman, 2012). A prime example of a city that has encouraged ADU infill through policy is the city of Portland, Oregon (Gibson and Abbott, 2002). The city began accommodating ADUs as early as 1998 in order to address problems with housing affordability, environmental sustainability, and traffic congestion. ADU popularity grew rapidly after 2010, when the city implemented a waiver for system development charges, (SDCs) which include costly impact fees for city roads, parks and utilities. As a result of such policy, the Portland Tribune reported on March 2, 2017, that the city issued as many ADU permits in 2016 (615) as permits for standard home construction (867).

It is important to acknowledge, however, that though making legal allowances for ADUs may result in greater economic diversity in neighborhoods and allow for more affordable rental options, ADU integration does not foster tiny and small homeownership opportunities. As the ADU is generally under the proprietorship of the primary homeowner, this method of tiny home permeation does not meet the needs of those hoping to achieve a greater degree of economic freedom by owning their own small dwelling. Furthermore, the adoption of ADU infill policy is likely to be met with its share of opposition. There will be residents that see such policy as an excellent way to address affordability issues, and provide flexibility to homeowners hoping to house an elderly family member or earn additional income from a rental unit (Brinig and Garnett, 2013; Pfeiffer, 2015). Others may be concerned that the increased density standards that come with ADU
infill will result in infrastructure strain, especially with regards to parking. Therefore, in cities that do not have mass transit systems, it is imperative that potential policies address parking concerns (Chapple et al., 2011). Communities may want to require that ADU dwellers are provided a parking spot, or, adopt policy that would price neighborhood curb parking (Shoup, 2006). Other communities may be concerned that ADU policy will diminish the character of single-family-only neighborhoods (Pfeiffer, 2015). Communities such as these may benefit from decreasing lot size requirements, rather than allowing for ADUs in order to foster tiny house infill. Finally, there will likely be concern that such dwellings will be used as short-term rentals with the growing popularity of online marketplaces such as Airbnb.

The literature also suggests that new types of zoning measures could be created specifically to accommodate small houses. Examples of newly created zones include the creation of the first “urban gardens district zone” in Cleveland, Ohio, in 2007 to accommodate urban farming, and the first “eco-village zone” in Yarrow, British Columbia, in 2004 which allows a community of small houses that encourage environmentally sensitive living (Calfee and Weissman, 2012). In November 2015, Rockledge, Florida, adopted new zoning regulations that allow for two proposed “tiny house pocket neighborhoods”, a concept developed in the Pacific Northwest by architect Ross Chapin. Pocket neighborhoods are generally comprised of twelve to sixteen homes each no larger than 975 feet (Chapin, 2011). However, it is anticipated that homes in Rockledge will be much smaller than standard pocket neighborhoods, as the emphasis is on tiny and THOW living. Pocket neighborhoods are built around a shared green space and emphasize community (Chapin, 2011). Such small-scale neighborhoods allow for frequent interaction among residents, increased walkability, and are often perceived as visually appealing (Chapin, 2011; Gehl, 2013). The small-scale of pocket neighborhoods may result in an aesthetically pleasing mix of neighborhood housing types, rather than large-scale tiny house developments. Furthermore, the City Manager of Rockledge asserts that by allocating tiny houses to a neighborhood specifically of their own, surrounding property values should not be adversely impacted because of the homes' small sizes (Stephens, 2015).

Rockledge has avoided the classification problem that thwarts so many THOW integration efforts by creating specific definitions and legal standards for THOWs. In Ordinance 1680-2015, the city of Rockledge defines a THOW as a home intended for full time residency, contrary to the definition of RVs. They acknowledge that the home is built on a trailer for the purpose of mobility, and specify that the trailer must meet weight requirements and be registered at the Florida Department of Motorized Vehicles (DMV). In order to address the several safety issues associated with THOWs, the Rockledge ordinance requires all THOWs to meet American Society of Civil Engineers (ASCE) standards as established in the state of Florida. Measures such as these may result in the legal integration of THOWs while addressing the problems and concerns related to aesthetics, property values, safety and health.

Creating new and innovative zoning classifications may be another way for communities to adopt tiny and small houses. However, it is unlikely that such policy, at least initially, would result in a dramatic increase in the supply of affordable housing in a community. For example, this is demonstrated in the small scale of Rockledge’s new tiny house pocket neighborhoods. However, innovative zoning classifications could also lead to the integration of housing types, such as THOWs, that have previously been plagued with regulatory barriers.

Another potential solution to overcoming current land use restrictions that inhibit tiny home integration is the creation of overlay or floating districts (Shlay, 2006; Roberts, 2014). Overlay districts allow for the creation of distinct regulations in an area that must be adhered to, in addition to the regulations of an underlying zone. They allow a community to tailor land use policy to fit their particular needs and desires. An overlay district can be as small as one or two blocks, or may be more extensive. Conversely, floating districts require that certain conditions must be met before the zoning is approved for a property. Rather than being delineated on a map, the zone “floats” until the development conditions are met, then the zone is added to a map. Atlanta lawyer and tiny house advocate, Elizabeth Roberts Esq. (2014) recommends using overlay districts for the allowance of the ADU in neighborhoods that were previously zoned for large-lot single-family dwellings. This type of policy would again foster small home rental opportunities rather than small homeownership. However, it remains to be examined if overlay or floating districts could be created which would allow the division of large lots and thereby facilitate tiny home ownership opportunities. As with other methods that would result in increased density standards, decreased lot sizes, and decreased dwelling size, it is likely that overlay and floating districts would face opposition due to concerns about decreased property values and loss of single-family-only characteristics. However, the creation of such zones offers yet another way that communities might integrate tiny and small homes.

In order to address issues of housing affordability, some municipalities have enacted inclusionary zoning regulations, which require that all new housing developments include a certain percentage of low-income housing (Shlay, 2006; Ross, 2014; Schwartz, 2014). Inclusionary zoning mandates may be applied to many types of housing. There have been very wide interpretations of “low-income” in inclusionary zoning policy. In some instances, scholars would assert that the
homes constructed via inclusionary zoning measures have not served the truly low income at all (Schwartz, 2014) and may even exacerbate housing affordability problems (Bento et al., 2009). Furthermore, the required percentage for such housing never seems to meet demand for affordable housing. However, the adoption of such measures may lead to communities developing policies that would facilitate affordable tiny or small house infill, such as decreased lot sizes or increased density standards.

Of the various types of tiny and small homes, THOWs generally face the most barriers to legal integration in communities (Keyser, 2017). As a result, some tiny house advocates have worked to develop non-mandatory standards, entitled “Guidelines for Tiny Houses on Wheels” which require THOWs to be built safely, wisely and soundly (Tiny House Community, 2016). Though originally designed as certification standards, tiny house proponents felt that using the word “certification” would confuse the process with the legal certification process required of RVs therefore the term “guidelines” was instead adopted. The guidelines include such measures as requiring that quality materials be used in THOW construction (must meet IBC standards or equivalent, even if salvaged materials are used), egress windows be included in lofts and bedrooms as fire exits, proper ventilation and heating systems for small spaces be installed, and that the homes be able to withstand 130 mph winds. Currently, the guidelines are not affiliated with any government or lending institution (Tiny House Community, 2016). And if widely adopted, these standards may lead to increased cost in tiny home construction. However, such guidelines may be beneficial in that they provide a starting point for THOW dwellers to establish THOW living as a safe and viable housing option (Tiny House Community, 2016). The standards may furthermore aid in the establishment of sorely needed banking, lending and insurance practices that accommodate small home construction and financing.

Finally, social housing cooperatives and land trusts offer another potential means of accommodating downsized living and addressing affordability issues. Though these strategies are not distinctive to small dwellings, the purpose of such housing arrangements is, “…to ensure security of tenure and permanent affordability” (Stone, 2008) via collective ownership and decision-making. As much of the impetus behind tiny and small living is affordability, these strategies may be appealing to tiny house advocates. However, it is important to note that both social housing cooperatives and land trusts are methods of addressing property ownership concerns, they do not address issues associated with building codes and land use policy. Therefore, the use of either arrangement first requires that land use regulations and building codes are in place that would allow for small structures. This would be especially critical if such strategies were used to integrate a development of THOWs, as THOWs face a myriad of legal obstacles due to their mobile nature.

There are two types of social housing methods that could be used to accommodate tiny and small homes: community land trusts (CLTs) and limited equity cooperatives (LECs). CLTs involve the creation of a nonprofit land trust that ensures that a property will be held in non-speculative ownership in perpetuity (Stone, 2008). In this arrangement, the land is held as a common resource and individuals may hold long-term leases on individual structures, such as houses. The leases allow lifetime tenure, and are inheritable and renewable (Stone, 2008). In The Community Land Trust Reader, Davis (2010) writes, “What CLTs do best is to preserve affordability when economic times are good and protect its homes and homeowners when times are bad.” Conversely, with LECs, individuals purchase a “share” in the cooperative, which is either a home or apartment. The share price is established by a predetermined formula rather than the housing market, in order to ensure that speculative gain is not part of the process (Stone, 2008). This arrangement fosters affordability and allows shareholder input in property management decisions.

Both CLTs and LECs compose a very small part of the overall housing market. There are only approximately 240 CLTs (Davis, 2010) or about 6,000 housing units (Stone, 2008) in the U.S, many of them in rural areas. As of 2003, it was estimated that there were 425,000 units of LEC housing, the vast majority of which are located in New York City (Stone, 2008). There are several reasons such housing arrangements aren’t more widespread. During the housing boom that occurred shortly after WWII, Americans were unlikely to support measures that used the word “cooperative” because terms that suggested communal arrangements were associated with the ideology of communism (Stone, 2008). CLTs, which often involve the preservation and management of open space, as well as housing accommodations, demand a lot of upfront capital (Davis, 2010). CLTs are often created on rural land that has been purposefully donated for land preservation and community establishment. In instances when land has not been donated for CLT establishment, the cost of forming a CLT is markedly higher. Therefore, the amount of capital that is required upfront to establish a CLT may make this strategy a challenging option for those struggling with housing affordability.

The prominence of the American dream, which promotes independent home and land ownership, may further deter individuals from considering social housing options. Stone (2008) notes that many people perceive such living arrangements as less than ideal because, “…residents ostensibly have no opportunity to realize any of the psychological, social and economic benefits of homeownership.” However, he follows up by stating that property paradigms are evolving and that people are
willing to consider new living arrangements in order to secure affordable and stable residences. He furthermore predicts that CLTs will continue to increase in popularity in order to address growing affordability issues (Stone, 2008). This is because, both arrangements address cost-effectiveness associated with housing. As the tiny house movement and housing affordability often go hand in hand, tiny house enthusiasts may turn to social housing methods that would allow for tiny and small house living arrangements.

FRAMEWORK FOR FUTURE RESEARCH

The evidence suggests that interest in tiny and small house living will continue to grow in order to address issues of increasing housing unaffordability, and as a means of pursuing counterculture lifestyles. What remains to be examined is how municipalities can best integrate tiny and small houses into urban communities, while retaining good city form. There is also a need to investigate the relationship between individuals’ perceptions of tiny house aesthetics and how those perceptions may affect resulting land use policy. For instance, some communities may prohibit ADUs and others may encourage them because of differing perceptions about ADU aesthetics, increased density standards and the creation of rental opportunities in neighborhoods. Work is currently being done on these issues (Evans, 2017). The study examines how communities are creating tiny house policy, the barriers along the way, and how perceptions of tiny homes influence policy outcomes. The research finds some preferences for the various ways tiny houses may be integrated into urban areas and for specific design elements. The study furthermore finds several “best practices” to tiny house integration, among them, the development of tiny house infill measures that will not adversely impact surrounding property values. The research may lead to a better understanding of how tiny and small house land use policy might best be crafted.

Research that examines the viability of tiny and small house living is also warranted. The review indicates that tiny and small house dwelling is being pursued in order to address both housing affordability and quality of life factors. However, it is unknown if such benefits are actualized. Research that examines such factors as tiny house dwelling longevity and dweller satisfaction is needed. An economic analysis of the tiny, small and THOW market is also warranted. For instance, it is unclear what happens with the resale price of tiny homes, especially THOWs. In general, homes are considered appreciating assets. However, because they are not on permanent foundations, THOWs may be considered depreciating assets under current finance and assessment methods. Therefore, though many homeowners consider their home to be their greatest financial investment, this may not necessarily be the case for THOW owners. Developing an understanding of these dynamics is important, as it may influence community receptiveness to the integration of tiny and small houses into urban areas.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

REFERENCES


Plan Commission

Map Amendment
1910-1946 Orrington Avenue & 714-716 Foster Street
R4a General Residential to
R1 Single-Family Residential
20PLND-0048
To: Chair and Members of the Plan Commission

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

Subject: Zoning Ordinance Map Amendment
         1910-1946 Orrington Ave and 714-716 Foster St.
         20PLND-0048

Date: August 7, 2020

Request
Staff recommends consideration of a map amendment to the Zoning Map to rezone properties located at 1910–1946 Orrington Avenue and 714-716 Foster Street from the R4a General Residential District to the R1 Single-Family Residential District.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on July 23, 2020.

Analysis
Proposal Overview
At the July 14, 2020 City Council meeting, a referral was made to the Plan Commission to consider rezoning the block of Orrington Ave. between just north of Emerson St. to Foster St. (specifically 1910–1946 Orrington Ave. and 714-716 Foster St.) from R4a to R1. These properties currently consist of a mix of largely single family homes, along with a multi-family building and a licensed rooming house. The R4a District’s Purpose Statement is:

The R4a general residential district is intended to protect the residential character of this district by providing for a mix of residential types at a medium density in terms of number of dwellings and mass of structures compatible with the single-and two-family detached structures which predominate in this district.

This portion of Orrington Avenue and Foster Street is surrounded by R1 Single-Family residential to the north, R5 General Residential across the adjacent alley to the west, R5 and U1 University Housing District to the south, and T1 and T2 Transitional Campus Districts to the east. There is Northwestern University Housing to the south with
additional University housing and administrative buildings to the east. North of this area are single family residences and to the west is a majority of multi-family residential properties.

The R1 District’s Purpose Statement is:

The R1 single-family residential district is intended to provide for single-family development at the lowest density within the City, and to preserve the present physical character of that area while allowing for infill development.

The properties have had higher density zoning designation for several decades. Review of previous Zoning Maps find the following previous Zoning designations: 1962 (R6); 1972 (R5); 1981 (R5); 1993 (R4); 2006 (R4a). These properties are also located within the federally and locally designated Northeast Historic District. Typically, this means that any proposed significant exterior changes or construction must be issued a Certificate of Appropriateness.

When comparing the existing R4a District regulations to the more restrictive proposed R1 District regulations, the maximum permitted building height (35 ft. or 2.5 stories, whichever is less) remains the same, as do the front and street side yard setbacks for residential and non-residential structures. However, there is a 5 ft. increase in the required rear yard setback. The building lot coverage and impervious surface coverage would each be reduced from 40% to 30% and 55% to 45%, respectively. Full comparison charts of zoning regulations for the existing R4a District and the proposed R1 District are attached.

Staff looked at the existing lots and structures in order to do a preliminary check of any nonconformities that may be created with the downzoning from R4a to R1. There a several lots, uses and structures that would becoming legally nonconforming, including an existing multi-family building, a licensed rooming house and several lots that are less
than the 7,200 sq. ft. minimum required lot size for the R1 District. A full comparison chart of eligible permitted and special uses in the existing R4a District and the proposed R1 District is attached.

Overall, the proposed rezoning from the R4a District to the R1 District presents significant changes. There are a number of uses that are permitted or special uses within the R4a District that would be considered special uses or not permitted within the R1. This includes rooming houses and multi-family housing. Building regulations remain the same in the case of building height and most setback requirements; others are more strict with a reduction in maximum building lot coverage, impervious surface coverage and increase in minimum rear yard setback when going from R4a to R1 zoning.

All property owners within 500’ of the subject properties received public notice of the proposed change and Plan Commission public hearing. Staff is aware of some opposition to the proposal amongst the affected properties. A draft ordinance will be created when the proposal moves forward to the City Council for a determination.

Standards of Approval
Pursuant to Section 6-3-4-5 Standards for Amendments:

The wisdom of amending the text of the Zoning Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one standard. In making their determination, however, the City Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission’s recommendation consider, among other factors, the following:

(A) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council.
(B) Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.
(C) Whether the proposed amendment will have an adverse effect on the value of adjacent properties.
(D) The adequacy of public facilities and services.

The proposed rezoning should take into account the relevant goals, objectives, and policies of the Comprehensive General Plan including:

- Maintain Appealing Character of Evanston Neighborhoods While Guiding Change
- Recognize the effect of housing on quality of neighborhoods
- Preserve Evanston’s Historic Residential Architecture and Ambiance
- Address Concerns about Housing Cost and Affordability

The proposed rezoning would ensure that the largely single-family character of the block-face remains through stricter regulation of uses and bulk of structures. Being
located within a designated historic district enables further review of proposed physical changes to these properties no matter the zoning designation. While this area was not called out for redevelopment within the Comprehensive Plan, the Comprehensive Plan’s Land Use Map identified this block-face as Mixed Low Density for the block-face. Additionally, as market needs and affordability change, there should be some flexibility in the type of housing that is permitted. The current discussion on accessory dwelling units as a way to increase housing affordability throughout neighborhoods in the City should continue as the Comprehensive Plan supports increasing housing variety while also maintaining community character. Downzoning prevents the ability to create this variety in an area that is in close proximity to transit, the lakefront, and numerous amenities.

The rezoning could be compatible with the overall character of existing development in the immediate vicinity as there are existing single-family homes within this block and in the immediate surrounding area. However, there are also a number of multi-family buildings in the immediate vicinity and this map amendment would create several nonconforming lots and structures. Additionally, the present R4a zoning already requires special use approval for a new multi-family use. It is difficult to confirm whether or not the proposed rezoning will have an adverse effect on the value of adjacent properties. While this likely will not occur for a majority of the properties, there are several properties and uses that would become legally nonconforming and, in the case of nonconforming uses, could potentially lose their nonconforming status if discontinued or abandoned. Adequate public facilities and services are already available in the area.

**Recommendation**

Staff recommends the Plan Commission review the facts presented and make a recommendation to the City Council regarding the proposed text amendment.

**Attachments**

Comparison: Eligible Uses
Comparison: Zoning Requirements for Structures
Comparison: Eligible Site Development Allowances for Planned Developments
Zoning Map
Addresses, PINs and Uses of Properties to Rezone
### Comparison: Eligible Uses

Permitted = use is compliant in that zoning district  
Special Use = zoning process including a public hearing and a final determination by City Council required  

= a change between the R4a and R1

<table>
<thead>
<tr>
<th>Use</th>
<th>R4a General Residential District (Existing)</th>
<th>R1 Single-Family District (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living Facility</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Cemetary</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Child Residential Care Home</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Community Center-Public</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Congregate Housing</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Cultural Facility</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Daycare Center – Adult</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Daycare Home – Adult</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Daycare Home – Child</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Dwellings – Multi-family</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Dwellings – Single-family attached</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Dwellings – Single-family detached</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Dwellings – Two-family</td>
<td>Permitted</td>
<td>Permitted (when in historic district and existing)</td>
</tr>
<tr>
<td>Educational Institution – Private</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Educational Institution – Public</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Independent Living Facility</td>
<td>Special Use</td>
<td>Special Use</td>
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<tr>
<td>Longterm Care Facility</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Membership Organization</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Office</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Neighborhood Garden</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Park</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Planned Development</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Playground</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Public Utility</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Religious Institution</td>
<td>Special Use</td>
<td>Special Use</td>
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<tr>
<td>Residential Care Home – Category 1</td>
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<td>Permitted</td>
</tr>
<tr>
<td>Residential Care Home – Category 2</td>
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</tr>
<tr>
<td>Retirement Community</td>
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</tr>
<tr>
<td>Retirement Home</td>
<td>Special Use</td>
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</tr>
<tr>
<td>Retirement Hotel</td>
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<tr>
<td>Rooming House</td>
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<td>Special Use</td>
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<tr>
<td>Sheltered for Abused Persons</td>
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<td>Permitted</td>
</tr>
<tr>
<td>Description</td>
<td>Category 1</td>
<td>Category 2</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Transitional Shelters</td>
<td>Special Use</td>
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</tr>
<tr>
<td>Transitional Treatment Facility – Category 1</td>
<td>Special Use</td>
<td>Special Use</td>
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<tr>
<td>Transitional Treatment Facility – Category 2</td>
<td>Special Use</td>
<td></td>
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</table>
Comparison: Zoning Requirements for Structures

<table>
<thead>
<tr>
<th></th>
<th>R4a General Residential District (Existing)</th>
<th>R1 Single-Family Residential District (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>5,000 s.f. for detached single family dwelling units; 2500 s.f./d.u. for two family and up; 10,000 s.f. for non-residential uses.</td>
<td>7,200 s.f.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Single (detached) and Two-family: 35 ft. Single-family (attached), 3 or more: 60 ft. Other Uses: 50 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Building Lot Coverage</td>
<td>40%</td>
<td>30%</td>
</tr>
<tr>
<td>Impervious Surface Coverage</td>
<td>55%</td>
<td>45%</td>
</tr>
<tr>
<td>Building Height</td>
<td>35 ft. or 2.5 stories, whichever is less</td>
<td>35 ft. or 2.5 stories, whichever is less</td>
</tr>
</tbody>
</table>
### Comparison: Eligible Site Development Allowances for Planned Developments

<table>
<thead>
<tr>
<th></th>
<th>R4a General Residential District (Existing)</th>
<th>R1 Single-Family Residential District (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size/Number of Units Allowed</td>
<td>25% Increase in Dwelling Units</td>
<td>None</td>
</tr>
<tr>
<td>Building Lot Coverage</td>
<td>40% + 15% = 55% Maximum</td>
<td>30% + 10% = 40% Maximum</td>
</tr>
<tr>
<td>Building Height</td>
<td>35 ft. + 12 ft. = 47 ft. Maximum</td>
<td>35 ft. + 12 ft. = 47 ft. Maximum</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Any setback below 15 ft.</td>
<td>Any setback below 15 ft.</td>
</tr>
<tr>
<td>Landscape Buffer</td>
<td>10 ft. for all boundaries not abutting dedicated and improved public streets</td>
<td>10 ft. for all boundaries not abutting dedicated and improved public streets</td>
</tr>
<tr>
<td>Address</td>
<td>PIN</td>
<td>Lot Size</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------</td>
<td>----------</td>
</tr>
<tr>
<td>1910 Orrington</td>
<td>11-18-110-028-0000</td>
<td>9,890</td>
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<tr>
<td>1914 Orrington</td>
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<td>1918 Orrington</td>
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<td>1922 Orrington</td>
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<td>1926 Orrington</td>
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<td>1930 Orrington</td>
<td>11-18-110-023-0000</td>
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<td>1934 Orrington</td>
<td>11-18-110-022-0000</td>
<td>11,018</td>
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<td>1936 Orrington</td>
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Plan Commission

Revisions to Plan Commission
Administrative Rules and Procedures
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ARTICLE I  NAME OF THE COMMISSION

The name of this organization shall be "The Plan Commission of the City of Evanston, Illinois", hereafter referred to as the "Commission".

ARTICLE II  AUTHORIZATION

The establishment of this Commission is provided for in Title 2, Chapter 78 of the City Code, and Section 3-1-5 of the Zoning Ordinance, Title 6 of the City Code.

These rules are to be read in conjunction with 65 ILCS, Sections 5/11-13-1, et seq. "Zoning" and 5 ILCS, Sections 120/1, et seq. "Open Meetings" and Ordinance 15-0-78, "Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters".

Nothing contained herein shall be construed to give or grant the Plan Commission the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council.

ARTICLE III  POWERS AND DUTIES

The Commission shall have the following powers and duties:

(A) To formulate basic policy for a Comprehensive General Plan, to work with the Planning and Zoning Division in its preparation, and to recommend such Comprehensive General Plan, or changes therein, to the City Council for adoption.

(B) To initiate studies, reports and make recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future development of the City. All studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future public development or development of the City, which will be acted upon by the City Council, shall first be presented to the Plan Commission to provide them a reasonable opportunity for review and comment.

(C) To study, review and prepare recommendations on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.
To review, hold hearings and make recommendations to the City Council on any zoning matters that involve planning considerations, including, but not limited to, an amendment, planned development and unique use.

To review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Ordinance as the Commission may determine are appropriate.

None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.

To carry out the above duties, the Commission shall have the following powers:

1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.

2. To conduct such public hearings as provided for in the Code, as amended, and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan or other matters before the Commission for consideration.

3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.

4. To request from the Planning Division such staff time as may be required to assist the Commission in carrying out its duties.

5. To request from the City Council such funds as may be necessary for the employment of consulting services or temporary employees deemed necessary for carrying out the duties required by this Chapter.

The Chair or his/her designee(s) shall act as the spokesperson or representative of the Commission before City Council, City Council committees, and other public meetings.

The Commission has the authority to adopt such other rules of procedure deemed necessary to conduct meetings and public hearings and to carry out its duties, following Roberts' Rules of Order in situations not covered by adopted rules.

ARTICLE IV  MEMBERSHIP

The Mayor shall appoint nine (9) Evanston citizens to serve as regular members of the Commission, subject to confirmation by the City Council. The Mayor and the manager of the Planning and Zoning Division shall be ex-officio members of the Commission but shall have no vote.
(B) Each regular member of the Commission shall be entitled to one (1) vote.

(C) All appointed members of the Commission shall serve as such without compensation.

(D) Appointments of regular members shall be for three (3) years, and they may be reappointed for one additional term. When a vacancy is created by the resignation of a member prior to expiration of that member's term, the member appointed to fill this vacancy shall be appointed to a full term unless otherwise provided by City Ordinance or State Statute.

(E) The chair shall notify the Mayor when a member of the Commission has failed to attend meetings during a consecutive three (3) months, or six (6) times during a consecutive twelve (12) months, unless the chair shall determine that the failure to attend was for a good cause.

ARTICLE V GENERAL PROVISIONS

(A) Commission members shall abide by the City’s Code of Ethics set forth in Section 1-10-4 of the Municipal Code, as amended.

(B) Information concerning any pending matter may be obtained from the Secretary of the Commission consistent with the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.), as amended.

ARTICLE VI OFFICERS

(A) The officers of the Commission shall consist of the Chair and one Vice-Chair.

(B) At its December meeting, the Commission shall select a Chair and one Vice-Chair from among its members to serve for the following calendar year with eligibility for re-election.

(C) The Chair shall supervise the affairs of the Commission, shall preside at all Commission meetings and hearings, shall provide for the oath to be administered when required to all witnesses in matters before the Commission, and shall conduct the hearings and meetings of the Commission in an appropriate and expeditious manner.

(D) The Vice-Chair, in the absence or disability of the Chair, shall perform all duties and exercise all powers of the Chair. In the event that the Chair be unable to complete his/her term, the Vice-Chair shall be named Chair for the remainder of the unexpired term. At the beginning of such an interim period, the Commission shall also elect a new Vice-Chair.

(E) The Community Development Director shall serve as Secretary of the Commission. The Secretary of the Commission may perform his/her duties through a designee noticed in writing to the Chair of the Commission.
The Secretary shall:

1. Be custodian of the active files of the Commission, and keep all records.

2. Conduct the correspondence of the Commission.

3. In the case of zoning matters, inform petitioners when their petition is to be heard, and notify each petitioner to be present at the hearing.

4. Have public notice of public hearings published in a local newspaper as required by law for zoning matters and amendments to the Comprehensive General Plan, and provide such notice as otherwise required hereby.

5. Promptly deliver copies of said public notice to residents in the vicinity of the property in question as required by ordinance. Failure to do so shall not prejudice the hearing.

6. Furnish a copy of said notice and a copy of each petition and other material information or documents submitted to the Secretary to commissioners.

7. Promptly prepare an agenda, in consultation with the Chair. The agenda shall be reviewed regularly and monitored to ensure consistency with the policies and priorities of the City Council.

8. Record the names and addresses of all persons appearing before the Commission if they have willingly provided their names and/or addresses to the Commission.

9. Keep records of the Commission's official actions, and a verbatim transcript, or video recording and minutes of all public hearings on matters relating to zoning or the Comprehensive General Plan. Keep records and minutes of all meetings of Commission committees or subcommittees.

10. Record the vote of the Commission upon every question.

11. Promptly prepare a prehearing report setting forth a description of any proposed changes, background, alternatives, expected ramifications and staff recommendations on zoning proposals or proposed changes to the Comprehensive General Plan.

12. Be responsible for interpretations of these Rules of Procedures which may be overruled by the Commission by a majority vote.

13. Maintain a website making available to the public commission agendas, packets for members and such other information as the Chair, Secretary
or Commission determine should be available on the website. Because web access is not universal, the Secretary or his/her designee shall also provide access to the above described material for viewing by members of the public in either paper or electronic form at the office of the Commission.

14. Perform such additional duties as may be requested by the Commission.

(F) Should the Chair and Vice-Chair both be absent from a meeting of the Commission, or be otherwise ineligible to act upon a matter before the Commission, the remaining regular members of the Commission constituting a quorum shall elect from among their number an interim Chair to preside over the Commission for the duration of such absence or ineligibility.

ARTICLE VII     MEETINGS

(A) The office of the Commission shall be located in the office of the Community Development Department, Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, Illinois; and the documents pertaining to any matters may be examined at this location by any interested party.

(B) Except as provided below, regularly scheduled meetings shall be held on the second Wednesday of each month at 7:00 P.M., in the Civic Center, 2100 Ridge Avenue, unless such day shall be a legal holiday observed by the City, in which case the regular meeting shall be held on the following Wednesday, or at such other times as the Commission shall decide. Prior to the first meeting of each calendar year, the Commission shall adopt a schedule for regularly scheduled meetings during the forthcoming year. All meetings must be properly noticed and are subject to change in date and location.

(C) In addition to the regularly scheduled meetings, the Commission shall schedule additional meetings when necessary to comply with the time limitations contained in Article XIII (N) of these Rules to complete hearings and make recommendations. To comply with the time limits, hearings shall be continued to the subsequent special or regular meetings and the time of each subsequent meeting shall be announced at the end of the prior meeting so that hearings are continued to a time certain.

(D) Regular meetings may be canceled by the Chair when there are no matters pending.

(E) Special meetings may be called at the discretion of the Chair, or upon request of two (2) or more members, provided that notice of said meeting is published as required by law. The Commission shall attempt to schedule meetings and hearings whenever urgent matters cannot be heard at the next regular meeting.

(F) A recording shall be prepared for all Commission public hearings. Minutes shall be prepared for all Commission, committee, and subcommittee meetings. Each such record shall become a part of the permanent record for each meeting.

(G) All meetings and hearings of the Commission and any committees or subcommittees of the commission shall be open to the public and subject to the applicable public notice requirements of the Illinois Open Meetings Act (5 ILCS...
A quorum of the Commission is required for the transaction of any business. A quorum shall consist of a majority of the currently appointed members of the Commission. The quorum for committee or sub-committees shall consist of a majority of the members of the committee or sub-committee. In the absence of a quorum, the members present may discuss rescheduling matters and available dates and may also act to continue matters previously scheduled for the meeting at which no quorum is present.

In the event the applicant is not present at a meeting for which notice has been published, his/her matter(s) scheduled for that meeting shall be continued to the next regularly scheduled meeting.

No member of the Commission who has a financial interest in the property or the affairs of a petitioner or affected owner, or who believes he/she has some other direct conflict of interest, shall participate in discussion, questioning or voting as a Commission member in the matter involving such property or person.

All meetings and hearings open to the public shall provide time for public comment. To allow for all public comments to be voiced, the following time allotments will be followed:

1a. The comments of individual citizens shall not exceed two (2) three (3) minutes;

2b. The comments of a group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals shall not exceed five (5) minutes.

3c. All time limits may be modified at the discretion of the Chair. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations.

ARTICLE VIII COMMITTEES AND SUBCOMMITTEES

The Commission may establish committees and subcommittees as it deems appropriate.

Each voting member of the Commission shall, at a minimum, serve on one committee or act as a liaison to another board, committee, or commission per year.

Committees and subcommittees shall operate in a manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), as amended, and the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.), as amended. Each committee or sub-committee shall maintain minutes and records of their activities. The Secretary to the Commission shall keep records of the actions taken by each committee or sub-committee and shall arrange for the publication of any notice of meetings or hearings required by law or by Commission rule.
ARTICLE IX  ORDER OF BUSINESS – Commission Meetings

All meetings of the Commission shall ordinarily proceed as follows, except that when the provisions of this Article conflict with the provisions of Article XIII – Public Hearing Procedures – in which the provisions of Article XIII shall control.

(A) Declaration of a quorum, introductory statements, consideration of minutes, communications, announcements and review of new business.

(B) Call by the Chair for announcement by members present if they must abstain from consideration of any particular matter on the agenda due to a possible conflict of interest. If such abstention(s) results in the loss of a quorum on any matter, the matter shall be postponed to the next regular meeting date.

(C) Requests for withdrawal or continuances or change in order of matters being considered:

1. Any matter may be withdrawn at any time prior to the Commission reaching a recommendation.

2. A request for a continuance will be considered from any petitioner, his/her representative, the City Council or any interested party, and may be granted by the Commission upon showing that he/she will be unable to proceed with his/her evidence at the hearing for good cause. In determining whether to grant a continuance after the first hearing, the Commission shall consider the time limitations contained in Article XIII (N) of these Rules, together with all other relevant information.

3. Request to change the order of matters on the agenda shall be considered, but shall only be granted for good cause.

(D) Hearing of further testimony and/or discussion on continued matters.

(E) Hearing of new matters.

(F) Other unfinished business.

(G) Committee Reports.

(H) Other new business.

(I) Public Comment.

(J) Discussion of next agenda.

(K) Adjournment.
ARTICLE X       FILING PROCEDURES FOR AMENDMENTS, PLANNED DEVELOPMENTS AND UNIQUE USES

(A) The Commission shall consider text or map amendments, unique uses or planned developments when a petition has been properly proposed. Proposed petitions will be initiated by,

1. Written petitions requesting that the Commission and the City Council consider such application on behalf of (a) any governmental agency; or (b) any person, firm, corporation or organization; or


(B) In cases where an Application must be presented to both the Commission and the Zoning Board of Appeals, an Applicant may request a joint meeting pursuant to Municipal Code Section 6-3-4-8, as amended.

(C) A petition shall be in the form set forth in Appendix D of the Zoning Ordinance. If the reclassification of property is proposed, the petition shall be accompanied by a “Disclosure of Ownership Interests” statement as required by City Code Section 1-18-1 Ordinance 15-0-78.

(D) If a specific development proposal is contemplated, a zoning analysis shall be obtained to determine any and all zoning relief necessary. Said zoning analysis shall be completed by city staff in no more than thirty (30) days from the submission of a perfected application.

Prospective petitioners are encouraged to have a pre-petition conference with Planning and Zoning Division staff prior to submitting the petition for final review and scheduling, in order to improve the likelihood that the petition, if acted upon favorably, would achieve the desired objective, and to become familiar with the procedures that will be followed.

The petitioner shall provide any other information that may be required by the Commission to aid it in making its recommendation.

(E) The Secretary shall prepare, within thirty (30) days, a pre-hearing report and place the matter on the agenda docket for the next available hearing, unless otherwise directed by the Commission. Petitions normally will be assigned for hearing in the order in which they are perfected, unless the Chair of the Commission directs otherwise in order to comply with priorities established by the City Council. Petitions will normally be scheduled for the next available hearing following completion of the pre-hearing report. The agenda shall be established by the Chair, or in consultation with the members, from those matters which have been properly submitted or are pending.

(F) The Secretary shall assign a case docket number when a complete application on the matter is filed. The matter is scheduled for hearing. The case number shall be numbered serially from each January 1, the beginning of the calendar year of the City, and shall indicate the number and year.

ARTICLE XI       EX PARTE COMMUNICATIONS
Ex parte communications are communications with any party which has petitioned the Commission for relief or is supporting or opposing a petition before the Commission when the hearing is not in session. In addition, any communications with interested, or even relatively disinterested, members of the community regarding something that is before the board are also ex parte communications.

Because the actions of the Commission are administrative decisions that are supposed to be based on the record, ex parte communications may violate Constitutional due process requirements, statutes governing zoning and administrative decisions, and notions of fairness. In addition, ex parte communications often lead to the public's perception that commissioners are subject to special influence or are acting unfairly.

For these reasons, ex parte communications between any interested party and a member of the Commission are not permitted. While members of the Commission should visit sites that are the subject of their hearings, they should not have conversations with others about matters that are before the Commission prior to the Commission's decision. This should not be interpreted to prevent a member of the Commission from attending a community meeting. However, because a Commission decision shall be based on all the evidence and comments during deliberation, it is improper for a Commission member to express any opinion expressing a view as to the proper Commission decision prior to the time such a decision or recommendation has been made by the Commission.

ARTICLE XII  \hspace{1cm} NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

The Secretary of the Commission shall give due notice of the time, place and subject of every meeting to consider proposed map and text amendments, planned developments, unique uses or changes to the Comprehensive General Plan, not more than thirty (30) days nor less than fifteen (15) days before the meeting by publishing a notice thereof at least once in one or more newspapers published in the City; or if no newspaper is published therein, then in one or more newspapers having a general circulation within the City. Mailed Notices shall be consistent with the requirements in Sections 6-3-4-6, 6-3-6-8, and 6-3-7-5 and 6-3-6-12 of the Municipal Code, as amended.

The notice shall provide the City's website where advise that information about a copy of the Plan Commission's meetings and Rules is available may be obtained from the Secretary or his/her designee. A majority of members of the Commission may determine that a matter to be considered for public hearing is of such importance as to require extraordinary notice.

In addition to other pertinent information, any notice of a public hearing shall state, "The public hearing may be adjourned (continued) from time to time to dates certain without additional notice."

Extraordinary notice may consist of one or more of the following items to be determined by the Commission with direction given to staff:

1. A press release to the community affairs editors of all local newspapers.
2. Notice to each alderman with a request to notify community groups in their wards.

3. Notice to local access cable television.

ARTICLE XIII  PUBLIC HEARING PROCEDURES

(A) Public hearings shall generally be conducted in the order set forth below. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations. All time limits may be modified at the discretion of the Chair. At any point in the proceedings Commission members may ask questions of any individual that may clarify material presented or relief requested.

(B) Introduction by the Chair: The Chair shall begin each public hearing by identifying the matter before the Commission, explaining the ability of eligible property owners to request a continuance, and explaining the procedures for the conduct of the public hearing, including time limits, rules governing public comment, and the requirement that repetition should be avoided and that all comments or testimony must be relevant to the matter before the Commission.

An oath shall be administered to all persons intending to testify or who may be called to testify during the course of the public hearing. In a hearing that was continued from a previous meeting, the Chair shall remind those that were previously sworn that they remain under oath.

(C) City Staff’s Summary of the Petition and Relief Sought: Staff shall summarize the proposal, describe all material received from the petitioner, public and other interested entities, and explain any recommendations and the standards to be met.

(D) Petitioner’s Presentation: The petitioner will present testimony of witnesses and other evidence. In general, the Commission shall allow the petitioner to make this presentation without interruption, except for questions allowed by the Chair that may be immediately necessary to aid the Commission or public in understanding the presentation. If the matter is a reference from the City Council or city staff, the appropriate staff member shall explain the proposal. Materials submitted to the Secretary prior to the hearing by the Petitioner shall be part of the record and do not need to be the subject of additional testimony provided the submitters of such material are available to answer questions from the commissioners during or at the close of petitioner’s case. The time limit for petitioner’s case, exclusive of questions to witnesses from Commission members, is 20 minutes.

(F) Cross-Examination of the Petitioner: Commission members and members of the public may address questions to the petitioner and petitioner’s witnesses concerning their testimony. No statements will be allowed at this time. Cross-examination is limited to questions relevant to the standards and shall be confined to points raised during the testimony of the person being cross-examined. The Chair shall determine the relevance of any question and has the responsibility to limit questions to matters presented to the Commission during
the hearing relevant to the applicable standards. In making this determination, the Chair may ask those conducting cross-examination to explain the relevance of their question to the standards and to the testimony of the person being cross-examined. The Chair may exclude any question which is argumentative.

(E) Requests for Continuance: At the close of Petitioner’s case and following cross-examination of the Petitioner, the Chair shall inform those present of the following: Persons or groups with an ownership interest in property within five hundred feet (500’) in the case of map amendments and within one thousand feet (1,000’) in the case of unique uses and planned developments, in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such request shall state what portions of the applicant’s testimony for which rebuttal evidence will be presented. Such continuance shall be by public announcement to a date certain. Such request shall be made in writing following presentation of the petitioner’s case.

If a request for continuance in proper form is received pursuant to the above provisions by a person who has disclosed his or her name and address to the Commission, the meeting shall be continued to a date certain and the continued hearing will begin with the taking of testimony by those requesting the continuance and proceed according to these procedures.

(F) Cross-Examination of the Petitioner: Commission members and members of the public may address questions to the petitioner and petitioner’s witnesses concerning their testimony. No statements will be allowed at this time.

Cross-examination is limited to questions relevant to the standards and shall be confined to points raised during the testimony of the person being cross-examined. The Chair shall determine the relevance of any question and has the responsibility to limit questions to matters presented to the Commission during the hearing relevant to the applicable standards. In making this determination, the Chair may ask those conducting cross-examination to explain the relevance of their question to the standards and to the testimony of the person being cross-examined. The Chair may exclude any question which is argumentative.

(G) Public Testimony and Comment: Individuals or members of groups wishing to comment or present testimony to the commission may do so after the close of the petitioner’s case and the cross-examination of the Petitioner. Prior to the start of public testimony or comment, the Chair shall remind the public of time limits and rules governing public comment including the requirement that repetition should be avoided and that all comments or testimony must be relevant to the issues before the Commission. At the conclusion of the Chair’s recitation of the rules governing public comment, the Secretary shall describe all material submitted prior to the hearing by organizations or persons other than the petitioner.

Comments or testimony from organizations shall be taken by the Commission prior to comments from individuals. The time limit for statements from organizations regarding the proposal under consideration shall be no more than 5 minutes. Comments or testimony from others shall be no more than 2 minutes in length. A person may not testify both as a member of a group and as an individual.

In the event that a request for continuance has been submitted and approved,
the Commission may permit comments or testimony from individuals who know they will not be in attendance at the continued hearing. Should an individual comment at this time, they will not be permitted to provide comments at the continued hearing.

(H) Cross-Examination: After the close of public comment and testimony, Commission members and the petitioner may cross-examine members of the public who have testified. Cross-examination will be conducted as provided in section (F) above.

(I) Response by the Petitioner: The Chair shall allow the petitioner a reasonable time to respond to the public testimony and comments presented.

(J) Optional Closing Statement by Staff.

(K) Questions by the Commission: The Commission members may ask questions of any individual that may clarify material presented or relief requested. Such questions shall not be argumentative. At the conclusion of the questions from commissioners, the public hearing will be closed.

(L) Commission Discussion and Deliberation: During the Commission's discussion, Commission members may direct additional questions to the petitioner or any witnesses or members of the public who testified. The Petitioner, witnesses or members of the public may not address the commission during this part of the meeting without the Chair's consent.

(M) Commission Action. Based on its discussion, the Commission may: (a) require the petitioner, the city staff and/or city attorney to provide new or additional information and continue the hearing to a date certain; or (b) take action (vote) on the petition and make its recommendation to the City Council, which recommendation may include conditions.

The Commission's decision shall be made by roll call vote. The decision shall be reported in writing and contain its recommendation based upon the record. The decision shall be accompanied by a finding of fact relating to relevant standards.

(N) The Plan Commission shall issue a recommendation within 120 days of the first presentation by the petitioner to the Plan Commission. The Commission shall hold additional meetings during the 120 day period to meet the 120 day requirement. The Commission, by a 2/3 majority vote, may extend the recommendation period up to thirty (30) additional calendar days to accommodate extraordinary issues that may arise during the hearing process.

(O) Each person addressing the Commission shall testify under oath. Except as provided below, each person addressing the Commission may state his or her name and address for the record. Persons who wish to be heard but who do not wish to provide their name and address shall be permitted to testify under oath. However, by refusing to provide their name and address, they waive any rights arising from the location of their property or residence in relation to the subject property. Witnesses shall testify from the designated lectern area.

(P) Statements made by an attorney for any party shall not be considered as evidence unless the facts set forth by the attorney are verified under oath by
A person may not testify on behalf of another person. However, written statements may be submitted to the Secretary four (4) business days prior to a Plan Commission meeting. Written statements or letters must have the writer's signature, address, and contact phone number. Such statements shall be construed as the writer's opinion about the proposal but not as factual testimony.

General: Any materials to be presented by the Applicant or other persons planning to address the Commission, parties in opposition, their witnesses, Attorneys, expert witnesses shall be provided to the Secretary four (4) business days prior to a Plan Commission meeting where such material are discussed or considered. Materials that are intended to be included in the packet for the Plan Commission meeting must be submitted at least six (6) business days prior to the Plan Commission meeting. This allows all materials to be distributed to Commission members prior to the meeting during which they might be discussed. This includes all presentations, plans, sketches, pictures, charts and data or compilations and other similar exhibits, letters, and any other materials supplementing oral testimony. All submissions should be in Adobe PDF digital format, however, if a PDF cannot be provided, the party submitting materials shall provide no fewer than twelve (12) or fifteen (15) copies to City staff. The Secretary shall promptly deliver copies of such material to Commission members and cause copies to be posted to the Commission website.

A petitioner or objector or his or her agent or Attorney may submit a petition favoring or opposing the proposal. Such petition shall contain only a brief statement of the position of the persons favoring or opposing the proposal, their printed names, addresses and signatures. No petition will be admitted into evidence unless the submitter certifies that he or she collected all signatures on the petition and that the person signing the petition did so in the presence of the person submitting the petition.

The Chair may impose reasonable limitations on the taking of evidence, testimony, or any examination of witnesses taking into consideration:

1. The nature of the case.
2. The complexity of the issues.
3. Whether the person who wishes to cross-examine has some special interest beyond that of the general public.
4. Whether the witness possesses special expertise.

The Chair may impose reasonable limitations on the taking of evidence, testimony, or any examination of witnesses taking into consideration:

1. The nature of the case.
2. The complexity of the issues.
3. Whether the person who wishes to cross-examine has some special interest beyond that of the general public.
4. Whether the witness possesses special expertise.
5. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.

6. The degree to which the witness’ testimony relates to the factors to be considered in approving or denying the proposal.

7. Such other factors appropriate for the hearing.

(U) The Chair may disallow any testimony in accordance with the Rules. However, any ruling disallowing testimony may be overruled by a majority of the Commission present and voting.

(V) The Commission shall allow items to be placed on a consent agenda, upon receipt by the Secretary of a written request by the applicant pursuant to the following conditions:
1. Staff recommendation of approval;
2. Applicant agreement with staff report conditions; and
3. There is no one present at the time of the hearing who wants to speak or introduce evidence in opposition to a proposal.

Any item shall be removed from the consent agenda if any commissioner wishes to speak in more detail about said item.

(W) Only speakers recognized by the Chair may speak. All persons in attendance shall refrain from making remarks, unless recognized by the Chair. All groups or individuals in the audience shall refrain from creating an atmosphere detrimental, or disturbing, to the conduct of the meeting at the risk of being asked to leave by the Chair. The Chair shall have the right to cause removal from the hearing of any person who is disorderly or contemptuous.

(X) The City shall be an interested party in every public hearing, but need not appear. The city staff and city attorney shall not be subject to cross-examination unless they have testified in favor of a proposal originating with the city staff or City Council.

(Y) Any member absent from all or a part of a public hearing who certifies that he or she has read the minutes transcript and/or watched recordings of the hearing for any given matter may vote upon any question before the Commission with respect to such matter.

(Z) If there is not a majority of the Commission present in agreement, then the case passes from the Commission to the Planning and Development Committee without a recommendation. A case shall not be continued to allow absent members to vote.

(AA) Whenever a hearing is continued to a date certain, no additional notice or publication of notice shall be required providing that the notice of the initial hearing met all legal requirements.
ARTICLE XIV    D
ISSMISSALS OF
ZIONING
PETITIONS

(A) If a petition is dismissed, the Secretary shall furnish the petitioner written notice of the dismissal.

(B) The petitioner shall have seven (7) working days from the date of notice of dismissal to apply for reinstatement of the matter. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown and upon payment of the fee designated by Ordinance.

(C) In all matters reinstated in the above described manner, the matter will be docketed and republished.

ARTICLE XV   R
ECOMMENDATIONS ON
AMENDMENTS, UNIQUE USES, AND PLANNED DEVELOPMENTS

(A) All deliberations of the Commission shall be conducted, and all motions, votes, actions, decisions or recommendations shall be made, at a meeting open to the public.

(B) All decisions or recommendations shall be by a motion, made and seconded, and recorded with a roll call vote. If conditions are imposed such conditions shall be included in the motion. A recommendation to grant or deny any petition shall be supported by findings of fact specifying the reasons therefor.

(C) A concurring vote of a majority of commissioners present shall be necessary to make a recommendation in any matter before the Commission.

(D) Only members who have a conflict of interest or those who were not present for part or all of the testimony may abstain from voting.

(E) Minority reports may be prepared by Commission regular members not in agreement with a majority vote on matters decided by the Plan Commission with the following guidelines:

1. The regular member(s) voting in the minority shall notify the Chair and the Secretary/Vice-Chair of their intent to submit a minority report within five (5) calendar days following the close of the hearing.

2. The minority report shall be completed and submitted to the Chair and the Secretary/Vice-Chair within fifteen (15) calendar days after the close of the hearing. The minority report shall be submitted to the City Council along with the full report of the Plan Commission's action regarding the case in question.

(F) The Commission's report of the recommendation shall be provided to the petitioner, members of the Plan Commission, and the City Council promptly.
ARTICLE XV  COMPREHENSIVE GENERAL PLAN

Provisions regarding the Comprehensive General Plan are contained in Title 2, Chapter 78, Section 2-7-8 of the Municipal Code, as amended.

Petitions for amending the Comprehensive General Plan may be initiated by the Commission, by reference from the City Council, by staff, or by members of the public.

ARTICLE XVI  AMENDMENTS OF RULES

(A) These rules may be amended by an affirmative vote of six (6) members of the Commission, or by vote of a majority of commissioners present if the proposed amendment has been provided to all commissioners at least two weeks prior to the meeting at which the amendment will be considered. These rules may be temporarily waived, suspended, or adjusted by an affirmative vote of two-thirds of commissioners present to meet the particular needs of the public hearing process consistent with Constitutional and statutory requirements for due process.