

## ORDINANCE

### **AN ORDINANCE AMENDING ARTICLE 2 (“DEFINITIONS & RULES OF MEASUREMENT”) AND ARTICLE 9 (“SITE DEVELOPMENT STANDARDS”) OF THE OAK PARK ZONING ORDINANCE REGARDING ACCESSORY DWELLING UNITS FOR SINGLE FAMILY PROPERTIES**

**WHEREAS**, on September 2, 2021 and October 7, 2021 the Village of Oak Park Plan Commission (“Plan Commission”) held a public hearing on the application of the Petitioner, the Village of Oak Park (“Applicant”), for a text amendment to Article 2 (“Definitions & Rules of Measurement”) of the Oak Park Zoning Ordinance by adding a definition of an “accessory dwelling unit,” and Article 9 (“Site Development Standards”), Subsection 9.3A(3) by adding a new Subsection 9.3B (“Accessory Dwelling Units”); and

**WHEREAS**, notice of the public hearing was published in the *Wednesday Journal* on August 18, 2021 and September 22, 2021; and

**WHEREAS**, the Plan Commission recommended that the text amendments reflected in this Ordinance be granted by a vote of five (5) in favor and three (3) against upon the close of the public hearing held on October 7, 2021 as reflected in the minutes of the public hearing, incorporated herein by reference as though fully set forth; and

**WHEREAS**, the Plan Commission adopted its Findings of Fact and Recommendation on October 7, 2021 which is adopted by the President and Board of Trustees of the Village and incorporated herein as though fully set forth; and

**WHEREAS**, the President and Board of Trustees of the Village have considered the Plan Commission’s Findings of Fact and Recommendation and have determined that it is appropriate to adopt the text amendments as provided in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Zoning Ordinance Amended.** Article 2 (“Definitions & Rules of Measurement”) of the Oak Park Zoning Ordinance is amended by adding the following underlined language to read as follows:

#### **ARTICLE 2. DEFINITIONS & RULES OF MEASUREMENT**

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## 2.3 DEFINITIONS

\* \* \* \*

Accessory Dwelling Unit (ADU). A residential living unit on the same parcel as a principal single-family dwelling. The ADU provides complete independent living facilities for one or more persons. It may take the various forms: a detached unit (coach house), an attached unit to the principal structure, or an interior unit that is part of a remodeled dwelling.

\* \* \* \*

**Section 3. Zoning Ordinance Amended.** Article 9 (“Site Development Standards”), Section 9.3 (“Site Development Standards”) of the Oak Park Zoning Ordinance is amended to add the underlined language and delete the overstricken language to read as follows:

### ARTICLE 9. SITE DEVELOPMENT STANDARDS

\* \* \* \*

#### 9.3 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 9.4. Additional accessory structures not regulated in this section may be regulated in Section 9.4.

\* \* \* \*

##### A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

\* \* \* \*

3. Only those accessory structures permitted by this section, except for accessory dwelling units with separate entrances attached to single family dwellings, and Section 9.4 are permitted in required setbacks, as stated in the district standards. Certain accessory structures may also be prohibited in certain yards.

\* \* \* \*

##### B. Accessory Dwelling Units

Accessory dwelling units as defined herein are subject to the following requirements:

1. Either the single-family dwelling or the accessory dwelling unit must be owner-occupied.

2. Only one accessory dwelling unit is allowed per zoning lot.
3. No additional parking is required for an accessory dwelling unit.
4. All accessory dwelling units must meet all applicable building codes.
5. **Detached Accessory Dwelling Unit – Coach House.**
  - a. Coach houses are permitted on a zoning lot used for a single-family dwelling.
  - b. 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.
  - c. Only one dwelling unit may be located in a coach house.
  - d. New coach houses built after the effective date of this Ordinance must comply with the following:
    - i. New coach houses must be designed to relate to the design of the single-family dwelling.
    - ii. New coach houses cannot exceed the height of the single-family dwelling.
    - iii. If located within a historic preservation district, the Historic Preservation Commission review process shall apply.
6. **Detached Accessory Dwelling Unit – Ground Floor.**
  - a. A ground-floor dwelling unit may be either a converted parking garage or a detached accessory dwelling unit on a zoning lot used for a single-family dwelling.
  - b. A detached dwelling unit must be less than 1,000 square feet of livable space and/or smaller than the single-family dwelling.
  - c. A detached dwelling unit must be located in the rear or side of a single-family dwelling and meet the dimensional requirements for an accessory structure in this section. Detached dwelling units in a side yard must be set back a minimum of five feet from the front building facade line and three feet from the interior side lot line.
  - d. New detached dwelling units built after the effective date of this Ordinance must comply with the following:

- i. New detached accessory dwelling units must be designed to relate to the design of the principal single-family dwelling.
- ii. New detached accessory dwelling units cannot exceed the height of the single-family dwelling.
- iii. If located within a historic preservation district, the Historic Preservation Commission review process shall apply.

**7. Attached Accessory Dwelling Units – Additions with separate entrances.**

- a. Attached dwelling units are permitted on a zoning lot used for a single-family dwelling.
- b. An attached dwelling unit must be less than 1,000 square feet of livable space and/or smaller than the principal single-family dwelling.
- c. An attached dwelling unit must be located in the rear or side of a single-family dwelling and meet the dimensional requirements as a single-family dwelling found in Table 4-1: Residential Districts Dimensional Standards.
- d. An attached dwelling unit must have its own separate entrance from the single-family dwelling.
- e. Additions built after the effective date of this Ordinance must comply with the following:
  - i. New additions must be designed to relate to the design of the single-family dwelling.
  - ii. If located within a historic preservation district, the Historic Preservation Commission review process shall apply.

**B C. Awnings and Canopies (Non-Residential Uses)**

Awnings and canopies for non-residential uses are subject to the following standards. Awnings and sunshades for residential uses are controlled by the provisions of Section 9.4.

**1. Permitted Awnings and Canopies**

- a. Awnings must be straight sheds or canopies.
- b. Awnings or canopies must be made of glass, steel, canvas, and other natural fabric.
- c. Awnings are permitted along the first floor only.

- d. Individual awnings or canopies are permitted for each storefront bay.
- e. The front extended edge should be compatible in height to others in the same block, but must maintain a minimum vertical clearance of seven feet above grade.
- f. Awnings must be constructed to discourage harborage of birds. Structural elements must be primed and painted, anodized, or powder-coated with electrostatic paint.
- g. Canopies may be supported by cables or chains affixed to the building, or supported by brackets affixed to the wall but no lower than seven feet above grade.

## **2. Prohibited Awnings and Canopies**

- a. Slatted metal, vinyl, plastic, and other synthetic materials are prohibited.
- b. Bubbledome and arches on quarter vaults awnings and canopies are prohibited.
- c. Back-lit and internally illuminated awnings are prohibited.
- d. Use of continuous awnings or canopies across multiple storefront bays should be avoided.

## **€ D. Amateur (HAM) Radio Equipment**

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria set forth in Section 9.5 are permitted in the rear yard only, and must be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional five feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.
2. Antennas may also be building-mounted and are limited to a maximum height of five feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.
3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms

to all applicable performance criteria of Section 9.5. As part of the application, the applicant must submit a plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.

5. Any such antennas and/or towers owned and operated by the Village are exempt from these requirements.

**D E. Apiary**

Apiaries must comply with Chapter 20, Article 11 of the Village Code.

**E F. Automatic Teller Machines (ATM)**

Automatic teller machines (ATM) are not permitted as freestanding outdoor facilities. ATMs must be accessory to a non-residential use. Any ATMs located outdoors must be accessory to, and physically part of, a building occupied by a financial institution or in an approved drive-up facility located on the same lot as the financial institution. ATMs may be accessible by automobile as part of a financial institution, provided there are no pedestrian and vehicular conflicts resulting from the placement of the ATM.

**F G. Book Exchange Box**

1. Book exchange boxes are permitted in front or side corner yard only and must be located a minimum of one foot from any lot line, measured from the base of the book exchange box.
2. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot obstruct the sight triangle.
3. Boxes are prohibited in the public right-of-way.
4. Each box must be designed and constructed in such a manner that its contents are protected from the elements. All media must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.
5. Boxes are limited to a maximum height of 60 inches to the highest point on the structure, and a maximum width and depth of three feet.
6. Foundations comprised of concrete, masonry pavers, or other similar movable materials are permitted.
7. No more than one book exchange box is permitted per lot.

#### **G H. Breezeway**

Breezeways connecting a detached garage to the principal building are permitted provided that all vertical sides are no more than 25% enclosed at all times. Breezeways or canopies are not considered part of a principal building.

#### **H I. Carport**

1. A carport is permitted in the interior side or rear yard only.
2. The total length of a carport is limited to 20 feet. The height of a carport is limited to 10 feet.
3. A carport must be entirely open on at least two sides except for the necessary supporting columns and customary architectural features.
4. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.

#### **I J. 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 K. 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.~~

~~\* \* \* \*~~

**Section 4. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**



**ADOPTED** this 10<sup>th</sup> day of January 2022, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Walker-Peddakotla				

**APPROVED** this 10<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 10<sup>th</sup> day of January, 2022.

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Christina M. Waters, Village Clerk