



## Agenda Item Summary

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### **Submitted By**

Plan Commission through Tammie Grossman, Director, Development Customer Services

### **Reviewed By**

AMZ

### **Agenda Item Title**

**Concur with the Plan Commission's Recommendation and Adopt 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**

### **Overview**

The Village of Oak Park, the applicant, requests text amendments to the Oak Park Zoning Ordinance as follows:

- 1.) Article 2 (Definitions & Rules of Measurement) by adding a definition of an "*accessory dwelling unit*;" and
- 2.) Article 9 ("Site Development Standards"), Subsection 9.3A(3), by exempting attic, basement, and attached accessory dwelling units from accessory structure setback regulations; and 3.) Adding a new Subsection 9.3B ("*Accessory Dwelling Units*") to allow attic and basement conversions with separate entrances and attached accessory dwelling units with separate entrances.

### **Recommendation**

The Plan Commission recommends approval of the Zoning Ordinance text amendments, except for the attic and basement conversions.

### **Staff Recommendation**

Staff supports the Plan Commission except for its recommendation to exclude attic and basement conversions. Staff supports the ADU proposal per the staff version of the attached ordinance. Differences are highlighted in blue text in the staff ordinance.

### **Fiscal Impact**

Cost of two legal advertisements (\$763.00 ), account #1001.46202.101.550652.

### **Background**

In early 2020, during a Village Board goal-setting session, the concept of constructing an accessory dwelling unit within an existing home, specifically within a larger estate-type residence, was discussed and became a Village Board goal. In addition to this accessory housing type, staff felt that it was important to include other accessory dwelling unit opportunities in order to ensure a full and complete discussion of the subject. The Plan Commission discussed this matter at two working meetings in June and July.

Accessory dwelling units (ADU) are additional independent housing units that can be located above a garage,

as is with our current coach house regulation, an addition attached to a single-family home, a converted attic, a converted basement, a converted garage, or a new stand-alone structure. ADUs generally range in size from 600 to 1,000 square feet and should be designed in a way that is compatible with the neighborhood where it is to be located. There are many reasons for wanting an ADU, including providing homeowners with additional income as a rental property or providing for residents who may wish to downsize and age in place in the ADU and rent out the main house or vis versa. These units can be made “age-friendly” with a zero-step entry and designed with accessible bathrooms, etc. for people with mobility differences. These units can also be available for young adults returning to the community, elderly parents, or even for home healthcare companions. According to AARP, internal ADUs can cost around \$50,000, new detached ADUs can cost about \$150,000, depending on the design, location, etc. Depending on how these are financed, these costs can be made up through rent over time. Building ADU’s does, however, require a substantial up-front investment. See the attached booklet from AARP.

The proposed Zoning Ordinance text amendments are to incorporate accessory dwelling units as a permitted use on zoning lots that contain a single-family residence. Currently, the Village allows coach houses (dwelling units over a garage) as a permitted use on any zoning lot that contains a single-family residence. The zoning ordinance does have restrictions on lot size, number of units on a zoning lot, design, height, and location. It should be noted, that two-story garages at a maximum of 20 feet high, measured at the mid-point of a sloped roof (half-way between the eave and ridge), have always been allowed, thus allowing office or storage use on a second floor. However, no dwelling units were allowed prior to the 2017 Zoning Ordinance revision.

When the Village adopted the current Zoning Ordinance in 2017, a residential coach house provision was the first step toward ADU inclusion. This inclusion also reinvigorated the Village’s historic built form as many coach houses from the early 20<sup>th</sup> century remained intact. These existing coach houses were either being utilized as legal nonconforming dwelling units, utilized as illegal dwelling units, underutilized as storage areas or were vacant. Prior to and shortly after the Zoning Ordinance adoption, several coach houses were constructed either for office use or residential use. Occasionally, we have inquiries regarding “in-law” apartments within single-family homes with no ability to pursue them.

The Village’s Comprehensive Plan, Envision Oak Park, in Chapter 7 *Neighborhoods, Housing, and Diversity* is clear that, “Housing that is truly accessible includes options that are responsive to potential residents with various levels of income, physical capability, family size, age, and other characteristics. Providing this level of housing choice throughout the village is critical in sustaining neighborhoods that are as diverse and integrated as possible. The Village can continue to be proactive in encouraging the rehabilitation and development of accessible and integrated housing.” “This could include amendments to local zoning and building regulations.”

The Plan Commission and Village Board must consider the following standards when determining the appropriateness of the proposed Zoning Ordinance text amendments.

#### Standards for Text Amendments

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land-use

policies.

- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. The extent to which the proposed amendment creates nonconformities.
- g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

### **Alternatives**

Not adopt the Zoning Ordinance text amendments.

Approve the Zoning Ordinance text amendments, as supported by the Plan Commission.

Approve the Zoning Ordinance text amendments, as supported by Village Staff.

Approve the Zoning Ordinance text amendments, with modifications.

### **Previous Board Action**

N/A.

### **Citizen Advisory Commission Action**

The Plan Commission began their meeting with statements about the proposed Zoning Ordinance text amendments. Generally, there was support, however, a commissioner indicated concern regarding the need for more zoning review for each Accessory Dwelling Unit (ADU) application that would be submitted to the Village; such as requiring a special use permit. Others were concerned with how properties with ADU would be assessed by the County tax assessor and the tax implications they would create. Others were concerned about the parking demands ADUs would bring to a neighborhood, particularly those that have severe parking demands already. Another questioned why not allow them on two-family and multiple-family lots. It was agreed that starting with single-family lots was acceptable. If there was a demand for ADUs on denser residential properties, future revisions could be considered. The Plan Commission also discussed where there was a need for minimum lot sizes. They stated that, as long as the underlying zoning regulations are followed, a minimum lot size would not be necessary. The Plan Commission wanted to also include the option to convert the first floor of a stand-a-long detached garage or an additional detached stand-a-long structure as long as parking requirements can still be met for the single-family residence and all underlying zoning regulations are able to be met. They also felt that an accessible first-floor unit would be better for those individuals needing ground-floor entry.

The Plan Commission asked staff to return with a revised draft at the next regular meeting on October 7, 2021, with two modifications inclusive of all other proposed Zoning Ordinance text amendments as presented; 1. Eliminate the minimum lot size, and 2. Include language regarding conversion of the first floor of a stand-a-long detached garage or the ability to add an additional detached stand-a-long structure while still maintaining existing and proposed zoning restrictions.

This agenda item was continued from the September 2, 2021 meeting. Staff provided the commission with an updated draft ordinance and findings of fact report based on direction from the September meeting.

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The commission discussed the proposed changes as directed and discussed the responses provided by the Township Assessor's office regarding tax assessments of single-family properties with accessory dwelling units. Partially based on the Assessor's response, a request was made to remove the Accessory Dwelling unit attic and basement conversion options from the draft ordinance. A reason for this request was the Assessor indicated that an attic and basement conversion would cause a reclassification from single-family to two-family, thereby lowering the tax assessment rate. (See attached Assessor question and answer response) It was also mentioned that these conversions would place a larger demand on village services with no benefit to the village. The Plan Commission was provided the Village of Evanston's current brochure regarding their ADU program, which assisted the Plan Commission in their review as well as additional research material. Please find this brochure and additional research material attached to this agenda item.

**Anticipated Future Actions/Commitments**

N/A

**Intergovernmental Cooperation Opportunities**

Zoning and land use matters are unique to the Village government within the corporate limits of Oak Park and therefore, intergovernmental cooperation opportunities do not exist.