86-0-20

AN ORDINANCE

Amending Title 6 of the Evanston City Code to Create Accessory Dwelling Unit Regulations and to Revise the Calculation of Building Lot Coverage

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

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

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 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.

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

SECTION 2: City Code Section 6-4-6, "Accessory Uses and Structures," of the Evanston City Code of 2012, as amended, is hereby further amended as follows: 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.

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.

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.
- (B) Accessory uses shall be compatible with the principal use. Accessory uses shall not include a kennel or an accessory building for the keeping or the propagation of livestock. (However, dog runs and hen coops shall be permitted as accessory uses.)
- (C) No accessory building shall be located within ten (10) feet of the nearest wall of the principal building.
- (D) No accessory building shall be located within the required front or side yard abutting a street, nor between the front of the principal building and the front lot line.
- (E) In residential districts, an accessory building located in a rear yard or interior side yard shall be at least three (3) feet from any property line. In any district other than a residential district, accessory buildings used for required off-street parking purposes shall be located at least five (5) feet from the rear lot line abutting an alley.
- (F) No accessory building located in the rear yard of a corner lot shall be nearer to a street lot line than the minimum width required for a side yard abutting a street in the district where the lot is located.
- (G) No accessory building shall exceed fourteen and one-half (14 1/2) feet in height for a flat roof or mansard roof, or twenty (20) feet measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages and coach houses in Section 6-4-6-4 of this

Chapter and as otherwise provided for ADUs in Section 6-4-6-10 of this Chapter.

- (H) Child daycare centers shall be considered accessory uses in churches whether or not they are operated by the church in which they are located.
- (I) Bed and breakfast shall be considered accessory uses in residential dwellings subject to the provisions of Section 6-4-7 of this Chapter.
- (J) Signs shall be considered accessory uses except when an off-premises sign is the only use on a zoning lot.

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.

KEY:

Required Yards:	Districts:
Front and side yards abutting a street F	Residential district Rsd
Side yards S	Nonresidential district N-Rsd
Rear yards R	Residential and nonresidential districts Both

	Yaı	rd	District

Detached Accessory dwelling units (<u>including Coach Houses</u>) to principal residential <u>building</u> structure	S	R	Both

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) 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 3: City Code Section 6-4-6, "Accessory Uses and Structures,"

of the Evanston City Code of 2012, as amended, is hereby further amended to add the following subsection:

6-4-6-10 SPECIAL REGULATIONS APPLICABLE TO 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 residential building 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 residential building 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, however, an ADU shall remain under common ownership with the residential building. Occupancy of the ADU shall be limited to no more than one family.

Table 16-B

Accessory Dwelling Unit (including Coach house)

No parking is required.

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.

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.

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.

SECTION 4: City Code Section 6-8-2-7, "Building Lot Coverage," of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

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

SECTION 5: City Code Section 6-8-3-6, "Building Lot Coverage," of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

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.

SECTION 6: City Code Section 6-8-4-6, "Building Lot Coverage," of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

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.

SECTION 7: City Code Section 6-8-5-6, "Building Lot Coverage," of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

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.

SECTION 8: City Code Section 6-8-6-6, "Building Lot Coverage," of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

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.

SECTION 9: City Code Section 6-8-7-6, "Building Lot Coverage," of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

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.

SECTION 10: City Code Section 6-8-8-6, "Building Lot Coverage," of the Evanston City Code of 2012, as amended, is hereby further amended as follows: 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.

SECTION 11: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12: 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 13: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 14: 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: September 14, 2020	Approved:
Adopted: <u>September 29</u> , 2020	October 23 , 2020 Stephen H. Hagerty, Mayor
Attest:	Approved as to form:
Eduardo Gomez Devon Reid, City Clerk Eduardo Gomez, Deputy City Clerk	Kelley A. Gandurski, Corporation Counsel



MEETING MINUTES

PLAN COMMISSION

Wednesday, August 12, 2020 7:00 P.M. Virtual Meeting through Zoom Platform

Members Present: Peter Isaac (Chair), Jennifer Draper, George Halik, John Hewko, Brian Johnson, Jeanne Lindwall, Kristine Westerberg

Members Absent:

Staff Present: Scott Mangum, Planning and Zoning Manager

Meagan Jones, Neighborhood and Land Use Planner

Brian George, Assistant City Attorney

Presiding Member: Chair Isaac

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Isaac called the meeting to order at 7:00 P.M. Ms. Jones called the roll and a quorum was established.

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

Commissioner Westerberg made a motion to suspend the rules to allow for electronic or telephone participation. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 7-0.

3. APPROVAL OF MEETING MINUTES: July 8, 2020.

Commissioner Lindwall suggested an edit to page 5 of the minutes. Commissioner Halik made a motion to approve the minutes from the July 8, 2020 meeting. Seconded by Commissioner Draper. A roll call vote was taken and the motion passed, 4-0 with 3 abstentions.

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).

Mr. Mangum provided a brief summary of the previous month's discussion and updates to proposed amendments that are based off of that discussion. He provided specific details of changes proposed within the ordinance.

Chair Isaac asked if there were any questions from Commissioners

Commissioner Halik asked if the occupants of the ADUs have to be a single person, two-person or family. Mr. Mangum responded that occupancy must follow the definition of family and the regulation of no more than 3 unrelated people per dwelling unit, not per lot. Staff can look into possibly including language to clarify.

Commissioner Lindwall stated that there is no definition for Principal Residential Structure and that the ADUs are supposed to be accessory to this use on a single zoning lot. As many areas allow an ADU per single-family home she inquired what the intention of this regulation was. Mr. Mangum stated that the intention was to enable residential structures other than single-family homes to construct an ADU.

Commissioner Lindwall then asked if in the R4a Zoning District there would be any conflict in adding additional dwelling units since that would be considered a Special Use in that district. Mr. Halik added that this relates to his earlier comment on the definition of family. Commissioner Lindwall suggested possibly limiting ADUs to single-family residences. Mr. Mangum responded that the intent was that ADUs, since they are considered an accessory use, would not need to have a Special Use in this case.

Ms. Jones asked if it would be preferred to use Principal Building in the definition since that is defined within the code. Chair Isaac responded yes, wherever consistent language can be used it should be. He took Commissioner Lindwall's suggestion and stated it could be discussed. Mr. Mangum stated the only concern may be making sure that only residential structures, not all principal structures, allow ADUs.

Commissioner Westerberg asked if there could be possible negative impacts if no parking is provided for ADUs. Mr. Mangum responded that this is a policy restriction that comes up; however, he has not seen comprehensive studies completed or writings indicating significant impacts specific to this use in other jurisdictions.

Commissioner Johnson asked if there are any intended changes to lot coverage requirements. Mr. Mangum replied that the underlying zoning district regulations will apply and no bonuses have been contemplated at this point.

Chair Isaac asked if staff had a position on the possibility of separation of ownership and turning the ADU into a condominium. Mr. Mangum stated that this has not been looked at extensively but is a good question. There is no position at this time but that is a good concern on that possible issue.

Chair Isaac opened the hearing to questions and comments from the public

Mr. Robinson Markus asked how the previous regulations were discussed and voted on by City Council. Mr. Mangum responded that historically, regulations only permitted ADUs for single-family homes. Language regarding primary residential structure was added to broaden the types of residential uses that could construct an ADU.

Mr. Markus then offered support for this innovative take on affordable housing. He stated that 40.1% of Evanstonians, owners and renters, are considered cost burdened. Land use regulation is the most important part of this discussion and municipalities have the ability to regulate land use through zoning to help avoid exclusionary zoning. He added that he and Dick Co of the Evanston Development Cooperative support the text amendments being brought forward by the City to address this. Mr. Markus then stated that there are a number of 2-flat residences located in Black and Brown communities and allowing ADUs for all residential structures would help with the inequity. He encouraged the Commission to vote in favor of the amendment.

Chair Isaac asked if anyone intended to request a continuance. Hearing none he then closed the hearing and the Commission began deliberation.

Commissioner Lindwall asked about the ability of having ADUs in the R4a zoning district. Mr. Mangum responded that accessory use is by right. Commissioner Lindwall then stated that the language is problematic and could cause potential conflicts with multi-family buildings and ownership issues and would like additional information.

Chair Isaac stated that with the way Section 6-8-6-3 of the code reads a Special Use would still be needed.

Commissioner Johnson asked if language should be proposed to address the condominium issue. Chair Isaac stated that was his intent because if the unit is separately owned, that defeats the purpose.

The Commission then reviewed the standards.

There was a brief discussion on what neighborhood character means. Commissioner Halik suggested that an amendment could be added to include language requiring that ADUs have similar architecture as the principal building. Chair Isaac responded that he was not sure that this is the appropriate place to add that language, and that though the intent is usually to make an accessory structure the same as the home, there would be

some differences. Jeanne Lindwall noted that there are many areas with different architectural styles and building types.

There was discussion on each of the remaining standards and there was general agreement that each had been met.

Commissioner Halik made a motion to recommend approval of the text amendment as presented by staff. Commissioner Hewko seconded the motion.

Commissioner Westerberg made a motion to amend the initial amendment to modify the definition of ADUs to limit residency to a single family. Commissioner Halik seconded that motion.

Chair Isaac commented that the City has been moving away from the 3 unrelated residents regulation and Commissioner Lindwall stated that the definition is inherent with the existing rule of no more than 3 unrelated residents. Commissioner Halik stated that he feels it is important to consider family definition changes.

A roll call vote was taken on the amendment and the amendment was approved by a 6-1 vote.

Chair Isaac made a motion to add a 2nd amendment to require common ownership of the ADU and the principal building. Commissioner Halik seconded. A roll call vote was taken and the 2nd amendment was approved by a 7-0 vote.

A roll call vote was then taken on the motion to recommend approval the text amendment with the two approved amendments and the motion passed by a 7-0 vote.

Ayes: Isaac, Draper, Halik, Hewko, Johnson, Lindwall, Westerberg Nays:

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).

Ms. Jones provided an overview of the proposed text amendment for Tiny Homes, clarifying that staff worked with the applicant, Andrew Gallimore, on providing more details for the amendment and where there could be some additional discussion.

Chair Isaac opened the hearing to questions from the Commission.

densities in the area, the rezoning could help the block be compatible with the existing character of the immediate surrounding neighborhood. Existing uses would be grandfathered in so there would likely be no change in values on adjacent properties. The final standard was not applicable.

Commissioner Lindwall made a motion to recommend approval of the map amendment as presented by staff. Commissioner Draper seconded. A roll-call vote was taken and the motion failed by a 2-5 vote.

Ayes: Draper, Halik, Hewko, Johnson, Westerberg

Nays: Isaac, Lindwall

5. OTHER BUSINESS

A. Revisions to Plan Commission Rules and Procedures

Ms. Jones provided a brief overview of the revisions made to the proposed updates to the Rules & Procedures based on the July 8, 2020 Commission discussion.

Chair Isaac asked if there were any questions or comments regarding the updates. There were none

Commissioner Halik made a motion to approve the updates to the Administrative Rules & Procedures. Seconded by Commissioner Johnson. A roll call vote was taken and the motion was approved by a 7-0 vote.

Ayes: Isaac, Draper, Halik, Hewko, Johnson, Lindwall, Westerberg Nays:

6. PUBLIC COMMENT

There was no public comment.

7. ADJOURNMENT

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

A roll call vote was taken and the motion was approved by voice vote 7-0. The meeting was adjourned at 10:36 pm.

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