

**STUDY SESSION  
WINNETKA VILLAGE COUNCIL**  
510 Green Bay Road  
Winnetka, Illinois 60093  
Tuesday, September 13, 2011  
7:30 p.m.

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**AGENDA**

- 1) Call to Order.
- 2) Discussion: Coach House Amendments .....2
- 3) Executive Session
- 4) Adjournment

**NOTICE**

All agenda materials are available at [www.villageofwinnetka.org](http://www.villageofwinnetka.org) (click Council and then Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2<sup>nd</sup> floor).

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## AGENDA REPORT

**SUBJECT:** Easing restrictions on existing coach houses

**PREPARED BY:** Brian Norkus, Assistant Director of Community Development  
Katherine S. Janega, Village Attorney

**REFERENCE:** April 12, 2011 Study Session

**DATE:** September 8, 2011

### Procedural background

At its April 12, 2011, Study Session, the Village Council considered the policy issues raised by the Plan Commission's affordable housing report, titled *Reinvigorating a Tradition of Varied, Moderately Priced and Affordable Housing: A Report to the Village Council*, and the companion demographic and housing study titled *Study of Housing Conditions and Needs*.

The culmination of five years of work begun by the Plan Commission in 2005 at the direction of the Village Council, the Commission's recommendations identified five key issues for further Council consideration. One of those issues is modifying zoning regulations to ease limits that have been placed on the owners of coach house units, which the Plan Commission identified as an important component of the Village's housing diversity.

As part of the policy direction given at the conclusion of its discussion on April 12<sup>th</sup>, the Village Council directed Village staff to provide the Council with additional detail, including draft code amendments, to implement the Plan Commission's coach house recommendation. On September 6, 2011, the Council set staff's follow-up report on that issue for the September 13, 2011 Council study session.

The remainder of this Agenda Report contains the substance of staff's follow-up report. It reviews the history of coach house units in the Village, looks at their current status, examines their treatment under the Zoning Ordinance, and provides proposed amendatory language.

### History and background of Coach Houses

Coach houses have been built in numerous locations throughout the Village, typically predating the enactment of zoning regulations in 1922 that would later restrict or prohibit their use. There are 22 existing occupied coach houses, along with approximately 38 potential former, now-vacant units. A map showing the location of existing registered and likely former units is attached to this agenda report. The owners of these properties have been notified that the Council will be considering easing coach house restrictions at the September 13, 2011 study session.

Staff has also received several other questions seeking additional data about coach house units. Those questions and answers are as follows:

1. In the last two years, have there been requests by Coach Houses' Owners to allow leasing units that were vacant (not leased) for six months? If so, how many requests were received?

**Answer:** There have been no requests in the last two years from coach house owners asking to lease units that had been vacant for the preceding six months.

2. For those Coach Houses that are rented, what are the rent ranges; i.e. how many between \$500 & \$750 per month, \$750 to \$1,000 etc.

**Answer:** The Village does not request or receive information about what the rents are for any of the occupied coach houses.

3. In the last two years, have there been requests from residents to modify, upgrade, increase the size or renovate Coach Houses? If so, how many? What reasons were given to justify these requests?

**Answer:** There have been no requests made or permits issued for renovations of coach houses in the last two years. The last request for a coach house improvement was made in 2005.

### **Status of Coach Houses under the Zoning Ordinance**

All zoning regulations consist of two types of regulations. Bulk regulations address the “what” and “where” aspects of land use, *i.e.*, the kind of structure, the size of the structure and where it is situated on the land. Use regulations address how both the property as a whole and the structures it contains are used. Because coach houses are always in a building that is both separate from and subordinate to the principal building and use (*i.e.* a single family residence), coach houses are accessory buildings containing an accessory use.

Currently, coach house residential uses are permitted accessory uses only in the five single-family zoning districts, and only within certain limitations. The Zoning Ordinance chapters governing the single-family residential zoning districts all contain the identical provision, which does not refer to coach house units by their common name, but instead provides a functional definition. The quoted language that follows is taken from the R-5 Single-Family Residential District regulations. There is a corresponding, identically phrased provision in the use provisions of each of the other four single-family district.

#### **17.12.020 Permitted Uses.**

Unless otherwise provided in this title, no building or premises shall be used and no building shall be erected or altered within the R-5 Single-Family Residential District, except for the following uses:

\* \* \*

B. Accessory Buildings and Uses. In addition to other considerations and requirements set forth in this title, buildings and uses accessory to a single-family detached dwelling shall be subject to the following conditions and requirements:

\* \* \*

10. No accessory building shall be erected or altered to contain living quarters, except an existing accessory building containing living quarters for a full-time household employee or employees of the family occupying the principal building. Use of an accessory building or a building originally erected as an accessory building, existing and containing occupied living quarters but not occupied by a full-time household employee of the family occupying the principal building shall be considered and treated as a legal nonconformity under Chapter 17.64. Uses permitted in this paragraph may include occupancy by additional persons entitled to occupy a single-family dwelling if the living quarters contain not less than three hundred fifty (350) square feet of interior floor area for the first two persons residing in such single-family dwelling and one hundred fifty (150) square feet of additional interior floor area for each person residing in such single-family dwelling; provided, however, that no occupancy otherwise permitted under this paragraph shall be allowed or continued unless the owner of the principal building shall comply with the registration requirements of Section 17.72.030; provided further that, the number of persons entitled to occupy such living quarters shall not exceed seven;

The two Zoning Ordinance chapters cited in Paragraph 10 are Chapter 17.64 and Chapter 17.64 define the conditions and limitations for using “existing accessory building containing living quarters.”

Chapter 17.64, title “Nonconformities,” places limits on all nonconforming uses and structures in the Village, and identifies thresholds under which any nonconforming use may be continued, and under which conditions it must be discontinued. “Accessory buildings containing living quarters” are not mentioned specifically in Chapter 17.64. However, by virtue of their nonconforming status, they are subject to the same limitations that apply to all other nonconforming buildings and uses, *i.e.*, any such unit can no longer be occupied in the event it becomes vacant for a period of 6 consecutive months or for any 18 months during any three-year period.

In Chapter 17.72, titled “Administration and Enforcement,” Section 17.72.030 establishes annual registration requirements for “accessory building[s] containing living quarters” and other legally nonconforming dwelling units in the single-family zoning districts, so the Village can verify the continued legal status of the occupancy of such units.

### **Suggested Zoning Amendments**

After examining the current zoning regulations and looking at the Zoning Ordinance as a whole, staff has determined that several amendments to the Zoning Ordinance are required. In addition to amendments that return coach house residences to their former status as permitted uses, additional amendments are needed to define a straightforward process for returning existing coach house structures to a residential use and assuring that basic occupancy and life safety standards are met. The following sections provide proposed amendatory language and explain the purpose of the amendment.

#### **1. Amend Chapter 17.04 Introductory Provisions and Definitions.**

To provide clarity and ease of reference in the Zoning Ordinance, and to avoid the need to repeat the cumbersome descriptive phrase of “accessory building containing living quarters,” Staff recommends amending the definitions in Section 17.04.030 by adding “Coach House Unit” as a defined term, as follows:

“Coach House Unit” means an accessory building in existence on or before [the effective date of the amendment] that contains, or formerly contained, residential living quarters that are or were incidental and accessory to the residential occupancy of the primary residence on the same Zoning Lot.

Consideration should also be given to amending the statement of the Zoning Ordinance objectives in Section 17.04.020.

#### **2. Change the status of Coach House Units from nonconforming to permitted status.**

The central mechanism for easing restrictions on the use of coach house units is to convert their status under the Zoning Ordinance from a nonconforming use to a permitted accessory use. This will require amending paragraph B.10 of the “Use” provisions of each of the Single-Family Residential District chapters (see current text, above), thereby eliminating the maximum period of vacancy, and permitting their continued residential occupancy. Such an amendment would delete the reference to Chapter 17.64, but would need to retain references to the procedural requirements for the use of the Coach House Units.

#### **3. Establish a process to return former coach house units to residential occupancy.**

The Plan Commission’s coach house recommendation was two-fold: (i) to ease limits on the owners of *existing occupied units*, and (ii) to ease the ability of owners of *vacant former units* to return such units to productive residential use.

Identifying existing occupied units and their residential occupancy is an easy matter, because those units are well established through the annual registration requirements of Section 17.72 of the Zoning Ordinance. When it comes to identifying vacant former units, on

the other hand, the ability to do so is limited. While the mere existence of the building can easily be established by the simple act of observing its presence, there is a lack of certainty as to when units that have not been registered for continuing use ceased to be occupied. Determining the dates of occupancy is further complicated by the fact that the nonconformity does not apply to occupancy by household employees.

With the objective of easing the return of such units to residential occupancy, Staff suggests that an owner be able to establish former residential status through either submittal of written property records, drawings, leases or the like, or through an inspection by the Village for evidence of former residential occupancy, such as plumbing service or kitchen facilities. This process can be built into an amendment to the registration provisions in Section 17.72.030 of the Zoning Ordinance, which contains the current registration requirements.

#### **4. Life safety of re-introduced units**

The condition of long-vacant units will vary. In order to assure basic habitability of such units, it is anticipated that a pre-occupancy inspection will be conducted to assure that such units meet minimum sanitation and life safety standards. Staff suggests that this requirement also be built into the amended Section 17.72.030.

#### **5 Registration of units**

The current annual registration requirements in Section 17.72.030 of the Zoning Ordinance are necessitated by the current nonconforming status of coach house units, allowing their occupancy to be confirmed for purpose of documenting their continued legal status. With the modification of such units to conforming status, the ongoing, annual registration process is of diminished importance. For reporting purposes, the Council may wish to see a semi-annual report on such units, including the re-introduction of units. For that reason, Staff recommends (i) that re-introduced units be subject to a simple one-time registration process as part of the building permit process, and (ii) that the annual reporting requirements be replaced with a requirements that owners notify the Village of changes in property ownership or status. The normal building permit process will serve to provide the Village with adequate notice of other changes to the buildings.

Finally, it should be noted that Staff has received a question asking if the wording for the proposed changes to allow vacant coach houses to be rented will have any mention of rent requirements to meet affordable housing affordability standards. As the discussion of the above proposed amendments indicates, Staff is not including affordability standards or rent requirements in any of the legislative proposals for coach houses.

### **Zoning Amendment Procedures**

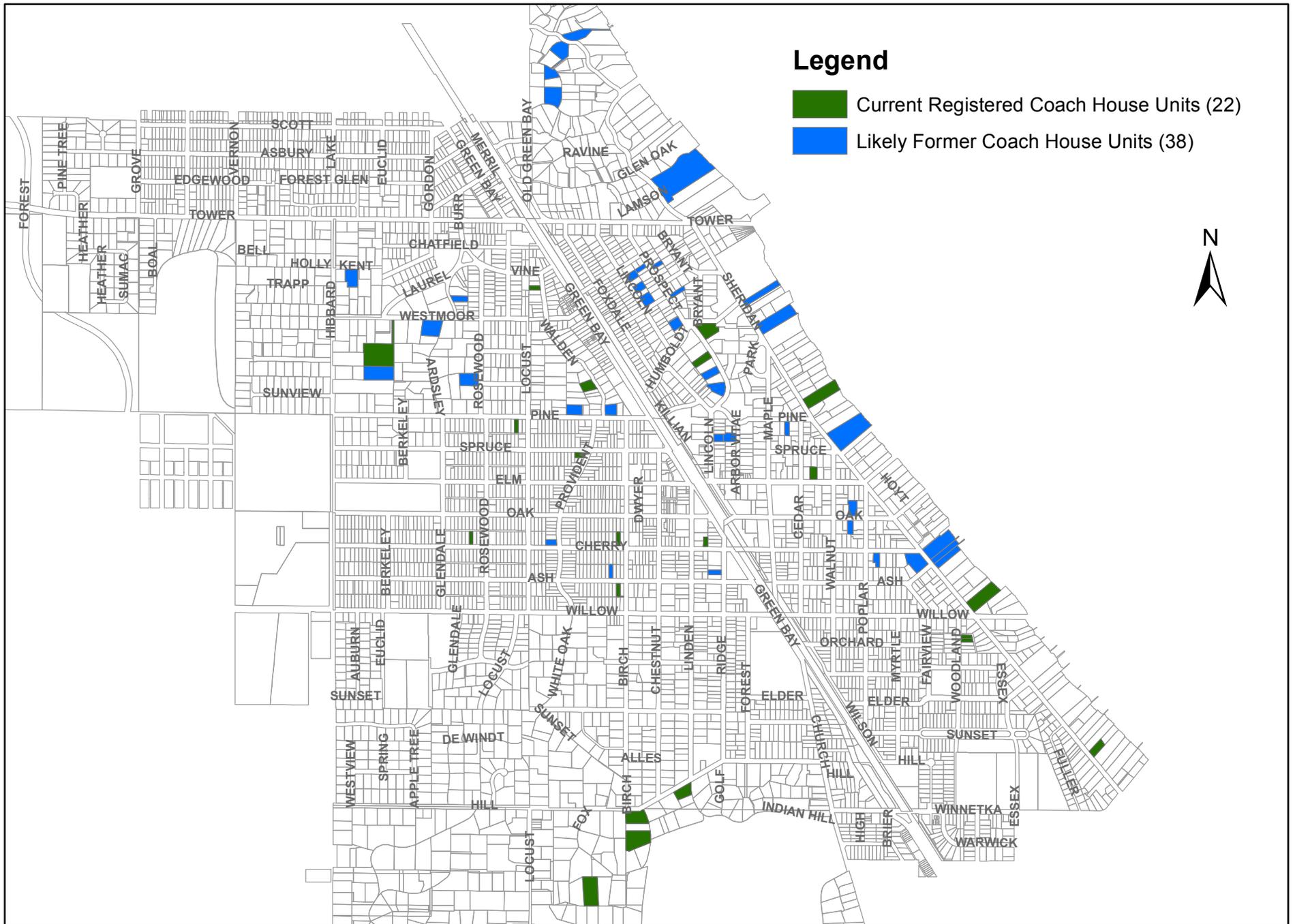
Should the Council decide to proceed with amending the Zoning Ordinance as outlined above, the following steps would be required:

1. **Ordinance preparation.** The Village Attorney will draft an ordinance containing the amendments, as outlined above, and as further directed by the Council.
2. **Scheduling Public Hearing.** All zoning amendments require a public hearing before a body designated by the Village Council. (See WVC §17.72.040) Therefore, the Council must publicly designate the hearing body and must set the date and time of the hearing.
  - a) The established practice has been for the Council to designate itself, sitting as Committee of the Whole, as the body for conducting the public hearing.
  - b) The public hearing is typically set to be held in conjunction with one of the Council meetings at which the ordinance is on the Council's agenda for action. Holding the hearing at the time the ordinance is scheduled for introduction allows the public to weigh in at the front-end of the process. In the alternative, the ordinance can be prepared with a proposed hearing date, based on the first meeting of the Council after introduction that also complies with the notice publication requirements. In either case, post-hearing modifications to the language do not require a further public hearing, so long as they do not add provisions outside of the scope of the published notice.
3. **Scheduling Introduction and Passage of the Ordinance.** As with all ordinances, the process of enacting a Zoning Amendment requires a cycle of at least two regular Council meetings. (The study session does not count as one of these meetings.) Although the Village Code allows for waiving the first reading, Staff does not recommend such an action for Zoning Ordinance amendments.

### **Recommendation:**

- 1) Provide policy direction on each of the five Zoning Amendments outlined above.
- 2) If the Council decides to proceed with the amendments, designate the Council, as Committee of the Whole, as the body that will hold the required public hearing.

# Coach Houses in Winnetka



## Legend

- Current Registered Coach House Units (22)
- Likely Former Coach House Units (38)

