

SECTION 11.A. Accessory Apartments *Amended 2019-20-16*

An accessory apartment is a complete second dwelling unit located within or attached to a principal single-family dwelling, subordinate in size to the principal dwelling unit and separated from it internally, in a manner that maintains the appearance of the structure as one single-family dwelling unit, or a freestanding structure such as a coach house, matching garage or accessory building that is or will be built as part of the overall site design which is subordinate in size and is similar in style.

1. General Objectives.

The provision of accessory dwelling units in owner occupied one family dwellings is intended to: a) increase the number of small dwelling units available for rent in the Village, b) increase the range of choice of housing accommodations, c) encourage greater diversity of population with particular attention to young adults and senior citizens, and d) encourage a more economic and energy-efficient use of the Village housing supply in compliance with Illinois Affordable Housing mandates while maintaining the appearance and character of the Village's single family neighborhoods.

2. Conditions and Requirements.

The Building Inspector shall issue a building permit or certificate of occupancy as applicable, for an accessory apartment located on any individual agricultural or estate property 5 acres or over, provided that the accessory apartment meets the standards of the building code and each of the following conditions and requirements is met.

(a) General Requirements:

1. The owner of the dwelling in which the accessory apartment is created, shall occupy either the principal dwelling unit or the accessory apartment, except for temporary absences of up to six months. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold legal or beneficial ownership and for whom the dwelling is the primary residence for voting and tax purposes.
2. An accessory apartment may not be held in separate ownership. A lot that includes an accessory apartment may not be further subdivided.
3. An accessory apartment shall utilize the same well and septic system as the principal residence.
4. There shall be no more than one accessory apartment within a one family dwelling, or one freestanding accessory apartment per parcel.
5. There shall be no temporary boarders or lodgers within either unit of a dwelling with an accessory apartment.

6. The gross floor area of the principal dwelling, including the basement, shall be at least 1,800 square feet, which amount shall be verified in the records of the Building Inspector. (Note: Gross floor area is defined as the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces or any space where the floor to ceiling height is less than six feet.)
7. The maximum net floor area of the accessory apartment, whether included in the principal dwelling or in a free standing structure, shall not exceed 30 per cent (30%) of the net floor area of the principal dwelling.
8. There shall be **no more than two bedrooms** in an accessory apartment.
9. Accessory Apartment units located within a detached garage shall be subject to all requirements for a detached garage as well as requirements for an occupancy permit.
10. Accessory Apartments shall meet all setbacks required by the underlying zoning and shall meet all building code requirements.
11. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one additional off-street parking space for the accessory unit.

(b) Design of an Accessory Apartment:

1. The internal or attached accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling.
2. All stairways to second stories shall be enclosed within the exterior walls of the dwelling.
3. There shall be no enlargements or extensions of the principal dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second story.
4. Any new entrance in a principal dwelling shall be located on the side or in the rear of the dwelling.
5. Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.
6. A freestanding accessory apartment shall be constructed to coordinate with the principal residence in design, style, size and landscaping.

7. A freestanding accessory apartment shall not be within the yard setbacks of the principal residence.

(c) New Construction:

1. As long as available affordable housing in the Village is below the Illinois Affordable Housing mandated percentage, new development will be required to include 15% affordable units pursuant to the Bull Valley Inclusionary Housing Ordinance, Section 6.6 of this Zoning Ordinance, with the exception that for construction of a single family home under one owner is not required, but may choose, to build an accessory apartment.
2. New subdivisions may satisfy their affordable housing requirement by designating fifteen per cent (15%) of resulting lots to include construction of accessory apartments, equally dispersed among the non-designated lots up to a maximum of 15 accessory apartments, and new planned developments may include accessory apartments in fifteen percent (15%) of units constructed, up to a maximum of 15 accessory apartments.
3. Each lot or residential structure that includes or is eligible to include an accessory apartment shall have a restriction included in the deed to the lot that requires the owner of the principal residence to maintain rental amounts in compliance with Illinois Affordable Housing requirements used when calculating the affordable housing percentage within the Village, with the exception for construction of a single family home under one owner.
3. The owner of the lot that includes an accessory apartment shall register the accessory apartment with the Village and notify the Village if the use is discontinued.
4. Accessory Apartments shall be assigned a separate post office address as determined by the Village, for purposes of inclusion in the census counts as a separate unit.
5. Existing Accessory Apartments. Accessory apartments that exist as of the date of the adoption of this ordinance may continue to be utilized as leased units in conformance with uses of the underlying district, under existing terms, as long as the property owner occupies the principal dwelling and registers the accessory unit with the Village.