

IN THE ZONE

Current Trends in Land Use Law

The Ultimate Downsizing: Tiny Homes and Zoning Laws

The tiny home movement has become increasingly popular across the country over the past several years. Although a tiny home may seem like an ideal form of living to those seeking to simplify their lives, tiny homes raise some complex questions when it comes to zoning and land use regulations. Should tiny homes be treated just like other mobile homes? Are they more akin to recreational vehicles? Where should communities allow tiny homes to be located? Given that tiny homes are a relatively new form of housing, the zoning codes of most communities may not provide the answers to these questions.

One threshold question is whether the tiny home will be stationary or mobile. Some tiny home owners may wish to install a foundation on their tiny home and connect their tiny home to utilities, essentially making the tiny home into a very, very small primary residence. However, where a tiny home is the only dwelling on the property, minimum square footage requirements will be a concern, as many zoning codes require single-family residences to contain a certain amount of square feet in order to control density.

Tiny homes that are on wheels and easily moved would likely be classified as recreational vehicles under many zoning codes. However, many communities have prohibitions on the long-term parking recreational vehicles in driveways or the front yards of residences. Further, many communities prohibit the use of recreational vehicles as dwelling units. These prohibitions would prohibit a tiny home owner from, say, living in their parents drive-way.

Many tiny home owners want to permanently locate their tiny home on a lot that already contains a larger residence or other structure. Some municipalities permit accessory dwelling units on the same lot as a primary residence as a way to create more affordable housing and senior living options. While these regulations are generally aimed at existing accessory dwelling units such as coach houses, many tiny homes may qualify as accessory dwelling units if they are secured to the ground and hooked up to utilities. If your community is looking to permit tiny homes, classifying them as accessory dwelling units may be a good option.

Some tiny home enthusiasts have established tiny home villages or communities where multiple tiny homes are grouped together on one property. Stationary tiny homes that are connected to utilities may qualify as mobile homes under some zoning codes. A group of tiny home owners may be able to establish a tiny home village as a "mobile home park" without the need for additional zoning code amendments.

Tiny homes appear to be more than a passing fad. For those communities seeking to increase their affordable housing stock, tiny homes may be an attractive option. However, as with any

new type of development, a community looking to permit tiny homes must carefully consider how to best regulate this unique style of living. If your community has questions about tiny homes, please contact Ancel Glink's Zoning and Land Use Group.

Go Back to School with Ancel Glink at these Upcoming Conferences!

APA-IL State Conference September 13-15, Naperville, IL Fight Blight Right: Smart Strategies for Nuisance Structures with Brent Denzin and Daniel Bolin . Planners as Leaders: The Undiscovered Territory with David Silverman . Fast, Funny, Passionate with Kurt Asprooth . Speed Planning with Kurt Asprooth and Megan Mack . Plan Commissioner Training with David Silverman and Greg Jones .	Illinois Municipal League Annual Conference September 21-23, Chicago, IL Total Request Live: Night Meeting Edition with Keri-Lyn Krafthefer , Julie Tappendorf , Stewart Diamond , Daniel Bolin, and Kurt Asprooth. Fight Blight Right: Smart Strategies for Nuisance Structures with Brent Denzin and Daniel Bolin. Public-Private Partnership - How to Determine if P3 is Right for Your Community with Derke Price . For session descriptions, click HERE .	International Council on Shopping Centers Chicago Deal Making September 27-28, Chicago, IL Be sure to stop by Booth 1317 in Navy Pier Festival Hall A to chat with Adam Simon and David Silverman!
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Cases to Know

[Murr v. Wisconsin](#). The United States Supreme Court concluded that the owners of two "merged" lots did not suffer an unconstitutional "taking" of their property when the government denied their request to allow them to separate the consolidated lots for individual development.

Want to learn more about *Murr v. Wisconsin*? Hear from David Silverman at the [John Marshall Law School's Center for Real Estate Law Kratovil Conference](#) where panels of scholars and practitioners will explore what *Murr v. Wisconsin* means for regulatory takings law.

[Affordable Recovery Housing v. City of Blue Island](#). The Seventh Circuit held that Blue Island did not violate the Illinois Religious Freedom Restoration Act (RFRA) or the Religious Land Use and Institutionalized Persons Act (RLUIPA) when it ordered the eviction of residents from an addiction recovery home because the owner, a faith-based group, failed to install a sprinkler system.

[J&A Cantore LP v. The City of Elmhurst](#). An Illinois appellate court found that a property owner could not claim ownership of a 58 foot wide parcel by adverse possession where the City of Elmhurst acquired ownership of the parcel by implied acceptance of a public

dedication. The City's implied acceptance was inferred from acts such as street improvements, vacation of streets, and leasing of the parcel to the Park District.

[Youngberg v. Village of Round Lake Beach](#). An Illinois appellate court upheld a home-rule municipality's ordinance prohibiting the storage of unregistered vehicles on private property as a proper exercise of the municipality's police power.

[Hometown Plaza LLC v. Illinois Gaming Board](#). An Illinois appellate court upheld the denial of two gaming licenses for "video gaming cafes" where the new "cafes" wanted to open in a strip mall with three other video gaming businesses. The appellate court found that the Illinois Gaming Board has the authority to deny a license "for any other just cause," including where a strip mall would operate as a mini-casino without any traditional casino safeguards.

Sharing with Care: Regulations for Responsible Short-Term Rentals

Be sure to check out Dan Bolin's recent article on short-term rental regulations in the Illinois City/County Management Association's August Newsletter. The article is available [HERE](#).

About Ancel Glink

Did you know Ancel Glink attorneys Julie Tappendorf and Dan Bolin recently participated in a podcast by GovLove called *Local Government Law: Are You Tweeting Into Trouble?* Access the podcast [HERE](#) and look out for future appearances by Ancel Glink!

For more information visit Ancel Glink's web-site at www.ancelglink.com or email us at inthezone@ancelglink.com. To stay up to date on pending legislation, recent cases, and other topics of interest to local governments, you can also visit our blog [Municipal Minute](#), follow the Land Use Group on Twitter @AncelGlinkLand, or like Ancel Glink: Land Use on Facebook.

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