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### 17-1-0100 Title

This comprehensive amendment is officially known, cited and referred to as the “Chicago Zoning Ordinance.” It is referred to throughout this document as the “Zoning Ordinance.”

### 17-1-0200 Effective Date

Except for Chapter 17-4 (Downtown Districts), the provisions of this Zoning Ordinance become effective on August 1, 2004. Chapter 17-4 (Downtown Districts) becomes effective on November 1, 2004.

*[amended: 07/21/2004, Council Journal: p. 28850]*

### 17-1-0300 Authority

This Zoning Ordinance is adopted pursuant to the powers granted and limitations imposed by state law and the city’s home rule authority.

### 17-1-0400 Applicability

The regulations of this Zoning Ordinance apply to all development, public or private, within the corporate limits of the City of Chicago, unless otherwise expressly exempted or provided in this Zoning Ordinance.

### 17-1-0500 Purpose and Intent

This Zoning Ordinance is adopted for the purpose of:

- 17-1-0501 promoting the public health, safety and general welfare;
- 17-1-0502 preserving the overall quality of life for residents and visitors;
- 17-1-0503 protecting the character of established residential neighborhoods;
- 17-1-0504 maintaining economically vibrant as well as attractive business and commercial areas;

- 17-1-0505** retaining and expanding the city’s industrial base;
- 17-1-0506** implementing the policies and goals contained with officially adopted plans, including the *Central Area Plan*;
- 17-1-0507** promoting pedestrian, bicycle and transit use;
- 17-1-0508** maintaining orderly and compatible land use and development patterns;
- 17-1-0509** ensuring adequate light, air, privacy, and access to property;
- 17-1-0510** encouraging environmentally responsible development practices;
- 17-1-0511** promoting rehabilitation and reuse of older *buildings*;
- 17-1-0512** maintaining a range of housing choices and options;
- 17-1-0513** establishing clear and efficient development review and approval procedures;  
and
- 17-1-0514** accommodating growth and development that complies with the preceding stated purposes.

## **17-1-0600 General Rules of Interpretation**

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### **17-1-0601 Numbering Style**

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The first two numerals in a section number correspond to the Title of the Municipal Code in which the section is located—Title 17 in the case of this Zoning Ordinance. Chapter numbers are found between the first and second dashes in the section number. Thus “17-1-XXXX” identifies the first chapter of Title 17. The first two numerals following the second dash identify the section number. The third and fourth numerals following the second dash identify the subsection number. Thus, “17-1-0601” identifies Title 17, Chapter 1, Section 6, subsection 1.

### **17-1-0602 Meanings and Intent**

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The language of the Zoning Ordinance must be read literally. Regulations are no more or less strict than stated. Words listed in Chapter 17-17 have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in Chapter 17-17 have the meaning given in the latest edition of Merriam Webster’s Collegiate Dictionary.

### **17-1-0603 Tenses and Usage**

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- 17-1-0603-A** Words used in the singular include the plural. The reverse is also true.
- 17-1-0603-B** Words used in the present tense include the future tense. The reverse is also true.

**17-1-0603-C** The words “must,” “will,” “shall” and “may not” are mandatory.

**17-1-0603-D** The word “may” is permissive, and “should” is advisory, not mandatory or required.

**17-1-0603-E** When used with numbers, “Up to X,” “Not more than X” and “a maximum of X” all include X.

#### **17-1-0604 Conjunctions**

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Unless the context otherwise clearly indicates, conjunctions have the following meanings:

**17-1-0604-A** “And” indicates that all connected items or provisions apply; and

**17-1-0604-B** “Or” indicates that the connected items or provisions may apply singularly or in combination.

*[amended: 03/09/2005, Council Journal: p. 44394]*

#### **17-1-0605 Fractions**

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##### **17-1-0605-A Minimum Requirements**

When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.

##### **17-1-0605-B Maximum Limits**

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one *dwelling unit* for every 2,500 square feet is applied to a 6,250 square foot *lot*, the resulting fraction of 2.5 is rounded down to 2 (allowed *dwelling units*).

#### **17-1-0606 Headings and Illustrations**

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Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Zoning Ordinance. In case of any difference of meaning or implication between the text of this Zoning Ordinance and any heading, drawing, table, figure, or illustration, the text controls.

#### **17-1-0607 References to Other Regulations**

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All references in the Zoning Ordinance to other city, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations.

#### **17-1-0608 Current Versions and Citations**

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All references to other city, county, state, or federal regulations in the Zoning Ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, Zoning Ordinance requirements for compliance are no longer in effect.

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### **17-1-0609 Lists and Examples**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

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### **17-1-0610 Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Zoning Ordinance expressly prohibit such a delegation.

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### **17-1-0611 Public Officials and Agencies**

All employees, public officials, bodies, and agencies to which references are made are those of the City of Chicago unless otherwise expressly stated.

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## **17-1-0700 Development Manual**

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**17-1-0701** The city may establish submittal requirements, review procedures and design/development guidelines to supplement this Zoning Ordinance. These documents are referred to collectively as the Development Manual.

**17-1-0702** The Development Manual must be approved by the Commissioner of the Department of Planning and Development and the Zoning Administrator and made available for distribution, purchase or public inspection in the Department of Planning and Development and the office of the Zoning Administrator.

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## **17-1-0800 Official Zoning Atlas and Maps**

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### **17-1-0801 Adoption**

The location and boundaries of the zoning districts established by this Zoning Ordinance are shown on the Official Zoning Atlas, which—together with all notations, references, data and other information shown on the maps that comprise the atlas—is adopted and incorporated into this Zoning Ordinance.

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### **17-1-0802 Maintenance**

The Official Zoning Atlas is maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to this Zoning Ordinance, the Official Zoning Atlas maintained by the Zoning Administrator governs.

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### **17-1-0803 Location of District Boundaries**

The following rules apply in interpreting zoning district boundaries when the location of such boundaries is unclear.

**17-1-0803-A** Where zoning district boundary lines are indicated as following *streets* or *alleys* or extensions thereof, such boundary lines are to be construed as the center lines of said *streets*, *alleys* or extensions.

**17-1-0803-B** Where zoning district boundary lines are indicated as adjoining railroads, such boundary lines are to be construed as the boundary lines of the railroad rights-of-way, unless otherwise dimensioned.

**17-1-0803-C** Where *zoning* district boundary lines are indicated as adjoining expressways, such boundary lines are to be construed as the boundary lines of the expressway rights-of-way, unless otherwise dimensioned.

**17-1-0803-D** *Dimensioned* zoning district boundary lines shown on the zoning maps are intended to coincide with *property lines*. Where a dimensioned boundary line coincides approximately with but not exactly with a *property line* that existed on the effective date of incorporation of such boundary line into the zoning maps, that boundary line is to be construed as the *property line* that existed at that location at the time of incorporation of that boundary line into the zoning maps.

**17-1-0803-E** Streets or *alleys* that have been vacated will be construed to fall in the same zoning district as the *lots* or parcels abutting both sides of the *street* or *alley* involved. If the *lots* or parcels abutting each side of the *street* or *alley* were classified in different zoning districts before the *street* or *alley* was vacated, the center line of the vacated *street* or *alley* will be construed as the boundary line between the respective zoning districts.

#### **17-1-0804 Zoning of Annexed Lands**

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Before annexation of any territory into the City of Chicago, a zoning plan for the area to be annexed must be forwarded to the City Council by the Commissioner of Planning and Development.

### **17-1-0900 Minimum Requirements**

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The provisions of this Zoning Ordinance are the minimum requirements deemed necessary to carry out the Zoning Ordinance's stated purpose and intent.

### **17-1-1000 Conflicting Provisions**

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#### **17-1-1001 Conflict with State or Federal Regulations**

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If the provisions of this Zoning Ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

#### **17-1-1002 Conflict with Other City Regulations**

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If the provisions of this Zoning Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

#### **17-1-1003 Conflict with Private Agreements and Covenants**

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This Zoning Ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Zoning Ordinance impose a greater restriction than imposed by a private agreement, the

provisions of this Zoning Ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this Zoning Ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.

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#### **17-1-1004 Negative Use Restrictions Prohibited As Against Public Policy**

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Notwithstanding Section 17-1-1003, and subject to the following sentence, a private agreement that purports to impose recorded negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator of a store in excess of 7,500 square feet has terminated operations at the site, when such uses would otherwise be permitted, including as a special use, under the Zoning Ordinance, and which negative use restriction has a term of more than one year, shall be against public policy, shall be void and unenforceable, and shall be subject to the City's remedial and enforcement powers under Section 17-16-0508, Section 17-16-0509, Section 17-16-0511 (with each day such negative use covenant remains of record or otherwise effective constituting a separate and distinct offense) and Section 17-16-0512. The foregoing prohibition shall not apply to an owner or operator of a grocery store or drug store which terminates operations at a site for purposes of relocating such operations into a comparable or larger store located within the city and within one-half mile of the site where operations have terminated, provided such relocation and the commencement of operations at the new site occurs within two years and the negative use restriction imposed does not have a term in excess of three years. The Zoning Administrator shall have discretion to extend the one-half mile limit set forth in the preceding sentence by one-half mile (i.e., to one mile) and to extend the two year commencement of operations period by one year (i.e., to three years) upon written request of an owner or operator and such requesting party's presentation of evidence establishing extenuating circumstances that establish good cause for such extension(s). The requesting party shall also provide notice and a copy of such written evidence to the alderman or aldermen in which the closed store and the new store are located at the same time such submission is made to the Zoning Administrator. The foregoing prohibition in this Section 2 shall apply regardless of whether the private agreement is incorporated in a deed restriction, a restrictive covenant, a lease or memorandum of lease, or any other recorded instrument.

[amended: 09/14/2005, Council Journal: p. 56226]

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#### **17-1-1100 Scope of Regulations; Effect**

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Nothing contained in this Zoning Ordinance is to be construed as a consent, license or permit to use any property or to locate, construct or maintain any *building*, structure or facility or to carry on any trade, industry, occupation or activity.

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#### **17-1-1200 Cumulative Nature of Provisions**

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The provisions of this Zoning Ordinance are cumulative and pose limitations and requirements in addition to all other applicable laws and ordinances.

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#### **17-1-1300 Number of Buildings on a Zoning Lot**

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No more than one principal detached *residential building* may be located on a *zoning lot*, and a principal detached *residential building* may not be located on a *zoning lot* that contains any other

*principal building*. This limitation on the number of *buildings* on a *zoning lot* does not apply to approved *planned developments* or to *townhouse developments* that (1) comply with the *townhouse development* standards of Sec. 17-2-0500 and (2) contain no more than 9 *townhouse* units in each *building*.

[amended: 09/13/2006, Council Journal: p. 84873]

## 17-1-1400 Transitional Provisions

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### 17-1-1401 Applications Submitted Before November 1, 2004

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*Development applications*, re-applications or permit renewals that were submitted in complete form and are pending approval before November 1, 2004 may be reviewed wholly under the terms of the zoning ordinance in effect immediately before this Zoning Ordinance and which this Zoning Ordinance supersedes in its entirety on November 1, 2004 (Previous Ordinance), or may be reviewed wholly under the terms of this Zoning Ordinance. Whether such review takes place under the Previous Ordinance or under this Zoning Ordinance is at the discretion of the applicant. The applicant's decision as to which ordinance applies, once submitted, may not be changed. The foregoing provision regarding the applicant's choice does not apply to applications, re-applications or renewals submitted pursuant to Chapter 18-4 (Downtown Districts); those decisions are governed exclusively by the Previous Ordinance until November 1, 2004, and on that date and thereafter exclusively by this Zoning Ordinance. All development applications, re-applications or permit renewals submitted on or after November 1, 2004, will be reviewed wholly under the terms of this Zoning Ordinance.

[amended: 07/21/2004, Council Journal: p. 28850]

### 17-1-1402 Permits Issued Before November 1, 2004

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Any *building*, development or structure for which a final building permit was issued before November 1, 2004 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such *building*, development or structure does not fully comply with provisions of this Zoning Ordinance. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the *building*, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this Zoning Ordinance.

### 17-1-1403 Violations Continue

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Any violation of the Previous Ordinance will continue to be a violation under this Zoning Ordinance and be subject to penalties and enforcement under Chapter 17-16. If the use, development, construction or other activity that was a violation under the Previous Ordinance complies with the express terms of this Zoning Ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective dates specified in Sec. 17-1-0200. The adoption of this Zoning Ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the Previous Ordinance that occurred before the effective dates specified in Sec. 17-1-0200.

[amended: 07/21/2004, Council Journal: p. 28850; 03/09/2005, Council Journal: p. 44394]

### 17-1-1404 Nonconformities

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Any *nonconformity* under the previous Zoning Ordinance will also be a *nonconformity* under this Zoning Ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this Zoning Ordinance, or any subsequent amendment to it, then the situation will no longer be considered a *nonconformity*. A situation that did not constitute a nonconforming situation under the previously adopted Zoning Ordinance does not achieve nonconforming status under this Zoning Ordinance merely by repeal of the previous Zoning Ordinance.

### 17-1-1405 Existing Uses

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**17-1-1405-A** When a use classified as a *special use* under this Zoning Ordinance exists as a *special use* or *permitted use* on the effective dates specified in Sec. 17-1-0200, such use will be considered a legal *special use* except as otherwise expressly provided in this section.

[amended: 03/09/2005, Council Journal: p. 44394]

**17-1-1405-B** When any amendment to this Zoning Ordinance changes the classification of a *permitted use* to a *special use*, any use legally established before such amendment will be considered a legal *special use* after the effective date of such amendment.

**17-1-1405-C** In the case of an *adult use*, whenever a city license to do business at such an establishment, including but not limited to a retail liquor license, public place of amusement license, or food dispensing establishment license, is revoked, any existing *special use* approval becomes null and void. Any subsequent re-establishment of the *adult use* requires approval as a new *special use* in accordance with the procedures of Sec. 17-13-0900. In such cases, re-establishment of the *adult use* will be permitted only in a zoning district in which the *adult use* is authorized under this Zoning Ordinance.

**17-1-1405-D** A lawfully established, existing use that is not allowed as a *special use* or *permitted use* in the district in which the use is now located will be considered a *nonconforming use* and will be subject to all applicable regulations of Chapter 17-15.

[amended: 03/09/2005, Council Journal: p. 44394]

### 17-1-1406 Zoning District Conversions

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#### **17-1-1406-A Zoning District Conversions Outside of Downtown**

The zoning district classifications in effect before the effective dates specified in Sec. 17-1-0200 are converted as follows, except that within the downtown area described in Sec. 17-1-1406-B2 conversions will follow the rules of Sec. 17-1-1406-B1:

Existing District	New District
R1	RS1
R2	RS2
R3	RS3
SD-3, South Lakeview	RT3.5
SD-4, North Southport	RT3.5

Existing District	New District
SD-5, North Southport	RT3.5
SD-6, N Central-W Lakeview	RT3.5
SD-11, Addison Street	RT3.5
SD-12, Addison Street	RT3.5
SD-22, Magnolia Glen Area B	RT3.5
R4	RT4
SD-7A, Central Lakeview	RT4
SD-9, Hawthorne	RT4
SD-13, Wrightwood	RT4
SD-14, Wrightwood	RT4
SD-15, Wrightwood	RT4
SD-17, North Damen Avenue	RT4
SD-22, Magnolia Glen Area A	RT4
None	RM4.5
R5	RM5
SD-16, Triangle Neighborhood	RM5
SD-19, Lincoln Central	RM4.5
SD-20, Melrose, Aldine, Buckingham	RM5
None	RM5.5
R6	RM6
R7	RM6.5
R8	RM6.5
None	B1-1.5
None	B2-1.5
None	B3-1.5
None	B5-1.5
B1-1	B1-1
B2-1	B1-1
B3-1	B1-1
B1-2	B1-2
B2-2	B1-2
B3-2	B1-2
B1-3	B1-3
B2-3	B1-3
B3-3	B1-3
B1-4	B1-5
B2-4	B1-5
B3-4	B1-5
B1-5	B1-5
B2-5	B1-5
B3-5	B1-5
None	B2
B4-1	B3-1
B5-1	B3-1
B4-2	B3-2
B5-2	B3-2
B4-3	B3-3
B5-3	B3-3
B4-4	B3-5

Existing District	New District
B5-4	B3-5
B4-5	B3-5
B5-5	B3-5
C1-1	C1-1
C3-1	C1-1
C1-2	C1-2
C3-2	C1-2
C1-3	C1-3
C3-3	C1-3
C1-4	C1-5
C1-5	C1-5
C3-4	C1-5
C3-5	C1-5
C2-1	C2-1
C2-2	C2-2
C2-3	C2-3
C2-4	C2-5
C2-5	C2-5
C4	M2-1
C5-1	C3-1
C5-2	C3-2
C5-3	C3-3
C5-4	C3-5
M1-1	M1-1
M1-2	M1-2
M1-3	M1-3
M1-4	M1-3
M1-5	M1-3
M2-1	M2-1
M2-2	M2-2
M2-3	M2-3
M2-4	M2-3
M2-5	M2-3
M3-1	M3-1
M3-2	M3-2
M3-3	M3-3
M3-4	M3-3
M3-5	M3-3

[amended: 03/09/2005, Council Journal: p. 44395]

**17-1-1406-B Zoning Map Conversions in the Downtown Area**

1. Within the downtown area boundaries described in paragraph 2 below, the zoning district classifications in effect before the effective dates specified in Sec. 17-1-0200 will be converted as shown in the following table. Existing zoning classifications that are not shown in the following table or that are not located within the downtown area will be converted as indicated in Sec. 17-1-1406-A.

Existing District	New "D" District
R5	DR-3
R6	DR-5
R7	DR-7
R8	DR-10
B1-3	DX-3
B2-3	DX-3
B3-3	DX-3
B4-3	DX-3
B5-3	DX-3
C1-3	DX-3
C2-3	DX-3
C3-3	DX-3
B1-4	DX-5
B2-4	DX-5
B3-4	DX-5
B4-4	DX-5
B5-4	DX-5
C1-4	DX-5
C2-4	DX-5
C3-4	DX-5
B1-5	DX-7
B2-5	DX-7
B3-5	DX-7
B4-5	DX-7
B5-5	DX-7
B7-5	DX-7
C1-5	DX-7
C2-5	DX-7
C3-5	DX-7
B6-6	DC-12 or DX-12**
B7-6	DC-12 or DX-12**
C3-6	DC-12 or DX-12**
B6-7	DC-16 or DX-16**
B7-7	DC-16 or DX-16**
C3-7	DC-16 or DX-16**
M1-3	DS-3
M2-3	DS-3
M3-3	DS-3
M1-4	DS-5
M1-5	DS-5
M2-4	DS-5
M2-5	DS-5
M3-4	DS-5
M3-5	DS-5

\*\*See Figure 17-1-1406-B

2. For the purpose of interpreting the zoning district conversion rules of this section, the downtown area is defined as follows: Division Street on the north; Lake Michigan on the east; the Stevenson Expressway on the south; South State Street; West 18th Street; the South Branch of the Chicago River; West 16th Street; the Dan Ryan Expressway; the Eisenhower Expressway; South Racine Avenue; West Randolph Street; North Green Street; West Lake Street; the Kennedy Expressway; West Kinzie Street; the North Branch of the Chicago River; Chicago Avenue; LaSalle Street; Chestnut Street; and North Dearborn Avenue.

[amended: 03/09/2005, Council Journal: p. 44398]

Figure 17-1-1406-B



[amended: 03/09/2005, Council Journal: p. 44397]

## 17-1-1500 Severability

If any provision, clause, sentence, paragraph, section, or part of this Zoning Ordinance, or application thereof to any person, firm, corporation, public agency or circumstances, is, for any reason, adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment will not affect, impair or invalidate the remainder of this Zoning Ordinance and the application of such provision to other persons, firms, corporations, public agencies, or circumstances, but will be confined in its operation to the provision, clause, sentence, paragraph,

section, or part thereof directly involved in the controversy that was the subject of the judgment and to the person, firm, corporation, public agency, or circumstances involved. It is the legislative intent of the City Council that this Zoning Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part not been included.

*[End of Chapter]*

## Chapter 17-2 Residential Districts

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### 17-2-0100 District Descriptions

#### 17-2-0101 Generally

The “R,” *residential districts* are intended to create, maintain and promote a variety of housing opportunities for individual *households* and to maintain the desired physical character of the city’s existing neighborhoods. While the districts primarily accommodate residential use types, nonresidential uses that are compatible with residential neighborhoods are also allowed.

#### 17-2-0102 RS, Residential Single-Unit (Detached House) Districts

The primary purpose of the RS districts is to accommodate the development of *detached houses* on individual *lots*. It is intended that RS zoning be applied in areas where the land-use pattern is characterized predominately by *detached houses* on individual *lots* or where such a land use pattern is desired in the future. The Zoning Ordinance includes three RS districts—RS1, RS2 and RS3—which are differentiated primarily on the basis of minimum *lot area* requirements and *floor area ratios*.

#### 17-2-0103 RT, Residential Two-Flat, Townhouse and Multi-Unit Districts

The primary purpose of the RT districts is to accommodate *detached houses*, *two-flats*, *townhouses* and low-density, *multi-unit residential buildings* at a *density* and building scale that is compatible with RS districts. The districts are intended to be applied in area characterized by a mix of housing types. The districts are also intended to provide a gradual transition between RS districts and higher *density* RM districts. The RT districts are differentiated primarily on the basis of allowed *density* (minimum *lot area* per unit) and *floor area ratios*. The RT4A designation is intended to accommodate and promote *multi-unit buildings* containing *accessible dwelling units*. See also Sec. 17-2-0105.

[amended: 03/09/2005, Council Journal: p. 44398]

#### 17-2-0104 RM, Residential Multi-Unit Districts

##### 17-2-0104-A General

The primary purpose of the RM districts is to accommodate *detached houses*, *two-flats*, *townhouses* and *multi-unit residential buildings*. Although the districts accommodate a wide range of housing types, they are primarily intended to accommodate moderate-to high-density, *multi-unit residential buildings* in areas where such development already exists or where it is desired in the future. The Zoning Ordinance includes 5 RM districts—RM4.5, RM5, RM5.5, RM6 and RM6.5. These districts are differentiated primarily on the basis of allowed *density* (minimum *lot area* per unit), *floor area ratio* and allowed *building heights*.

**17-2-0104-B RM4.5**

The RM4.5 district is intended to serve as a transition district between the RT4 and RM5 classifications. It is primarily intended to accommodate multi-unit *buildings*.

[amended: 03/09/2005, Council Journal: p. 44398]

**17-2-0104-C RM5 and RM5.5**

The RM5 and RM5.5 districts are intended to accommodate *multi-unit residential buildings*. The RM5 district differs from the RM5.5 district only in terms of the maximum *building height* allowed. Applicable height limits in RM5 generally limit *buildings* to a maximum of 3½ to 4 stories, whereas larger *lots* in the RM5.5 district could contain 5-story structures. RM5.5 zoning is intended to be applied only in areas where the established neighborhood character is defined by *buildings* taller than 4 stories or in areas where there is no established neighborhood character, due to a lack of *buildings*.

**17-2-0104-D RM6**

The RM6 district is a high-density zoning classification that permits mid-rise and high-rise *residential buildings* in those areas where such *building* types already exist or where such *buildings* would be consistent with an area's established development pattern and character.

**17-2-0104-E RM6.5**

The RM6.5 district is high-density zoning classification that permits high-rise *residential buildings*. The district is primarily intended to be applied to *lots* containing existing high-rise *buildings* that do not comply with RM6 *bulk* and *density* standards.

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**17-2-0105 “A” Suffix Designation**

**17-2-0105-A** The “A” suffix designation indicates the existence of special standards that are designed to accommodate and promote *multi-unit buildings* containing *accessible dwelling units*.

**17-2-0105-B** The designation may be applied in combination with any RT4 zoning district classification, in accordance with the rezoning procedure of Sec. 17-13-0300.

[amended: 03/09/2005, Council Journal: p. 44399]

**17-2-0105-C** Special *floor area ratio* and *building height* standards apply in districts with an “A” suffix. (See Sec. 17-2-0304 and Sec. 17-2-0311) Otherwise, districts with an “A” suffix are subject to the same standards that apply in non-suffix districts.

[amended: 03/09/2005, Council Journal: p. 44399]

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**17-2-0200 Allowed Uses**

Uses are allowed in the “R” Zoning Districts in accordance with the Use Table of this section.

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**17-2-0201 Use Groups and Categories**

Use Groups and Use Categories are described in Sec. 17-17-0100.

### 17-2-0202 Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

### 17-2-0203 Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, subject to compliance with all other applicable standards of this Zoning Ordinance.

### 17-2-0203.5 Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600. Other uses and development activities may also require review and approval as a *planned development* based on their size, height or other threshold criteria. (See the mandatory planned development thresholds of Sec. 17-8-0500.)

[amended: 03/09/2005, Council Journal: p. 44399]

### 17-2-0204 Prohibited Uses

Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 17-2-0205 Use Standards

The “Use Standard” column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a Permitted (P) or *special use* (S).

### 17-2-0206 Parking Standards

The “Parking Standard” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in Chapter 17-10.

### 17-2-0207 Use Table and Standards

USE GROUP		Zoning Districts								Use Standard	Parking Standard
Use Category		RS	RS	RS	RT	RT	RM	RM	RM		
Specific Use Type		1	2	3	3.5	4	4.5	5–5.5	6–6.5		
P = permitted by-right S = special use approval req'd PD = planned development approval req'd – = not allowed											
<b>RESIDENTIAL</b>											
<b>A. Household Living</b>											
1.	Detached House	P	P	P	P	P	P	P	P		§17-10-0207-A
2.	Elderly Housing	–	–	–	P	P	P	P	P		§17-10-0207-A
3.	Two-Flat	–	–	P	P	P	P	P	P		§17-10-0207-A
4.	Townhouse	–	–	–	P	P	P	P	P	§17-2-0500	§17-10-0207-A
5.	Multi-Unit (3+ units) Residential	–	–	–	P	P	P	P	P		§17-10-0207-C
6.	Single-Room Occupancy	–	–	–	–	P	P	P	P		§17-10-0207-B
<b>B. Group Living</b>											
1.	Assist. Living (Elderly Custodial Care)	–	–	–	–	P	P	P	P		§17-10-0207-Q
2.	Convents and Monasteries	P	P	P	P	P	P	P	P		§17-10-0207-Q

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USE GROUP		Zoning Districts								Use Standard	Parking Standard
Use Category		RS	RS	RS	RT	RT	RM	RM	RM		
Specific Use Type		1	2	3	3.5	4	4.5	5-5.5	6-6.5		
P = permitted by-right S = special use approval req'd PD = planned development approval req'd -- = not allowed											
3.	Community Home, Family	P	P	P	P	P	P	P	P		§17-10-0207-Q
4.	Community Home, Group	S	S	S	S	P	P	P	P		§17-10-0207-Q
5.	Domestic Violence Residence, Family	S	S	S	P	P	P	P	P		§17-10-0207-Q
6.	Domestic Violence Residence, Group	--	--	S	S	P	P	P	P		§17-10-0207-Q
7.	Domestic Violence Shelter	--	--	--	--	S	S	S	S		§17-10-0207-Q
8.	Nursing Home (Skilled Nursing Care)	--	--	--	--	S	S	S	S		§17-10-0207-Q
9.	Temporary Overnight Shelter	--	--	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
10.	Transitional Residences	S	S	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
11.	Transitional Shelters	--	--	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
12.	Group Living Not Otherwise Classified	--	--	--	--	S	S	S	S		§17-10-0207-Q
<b>PUBLIC AND CIVIC</b>											
<b>C. Colleges and Universities</b>											
		--	--	--	--	P	P	P	P		§17-10-0207-E
<b>D. Cultural Exhibits and Libraries</b>											
		P	P	P	P	P	P	P	P		§17-10-0207-F
<b>E. Day Care</b>											
		P	P	P	P	P	P	P	P		§17-10-0207-E
<b>F. Hospital</b>											
		--	--	--	--	P	P	P	P		§17-10-0207-G
<b>G. Lodge or Private Club</b>											
		--	--	--	--	S	S	S	S	§17-9-0111	§17-10-0207-H
<b>H. Parks and Recreation (except as more specifically regulated)</b>											
		P	P	P	P	P	P	P	P		§17-10-0207-E
1.	Community Centers, Recreation Buildings and Similar Assembly Use	S	S	S	S	S	S	S	S		§17-10-0207-E
<b>I. Public Safety Services</b>											
1.	Police Station	S	S	S	S	S	S	S	S		§17-10-0207-E
2.	Fire Station	P	P	P	P	P	P	P	P		§17-10-0207-E
<b>J. Religious Assembly</b>											
		P	P	P	P	P	P	P	P		§17-10-0207-I
<b>K. School</b>											
		P	P	P	P	P	P	P	P		§17-10-0207-E
<b>L. Utilities and Services, Minor</b>											
		P	P	P	P	P	P	P	P		§17-10-0207-E
<b>M. Utilities and Services, Major</b>											
		S	S	S	S	S	S	S	S		§17-10-0207-E
<b>N. Reserved</b>											
<b>COMMERCIAL</b>											
<b>O. Funeral and Interment Service</b>											
1.	Cemetery/Mausoleum/Columbarium	P	P	P	P	P	P	P	P		§17-10-0207-Q
2.	Cremating	S	S	S	S	S	S	S	S		§17-10-0207-Q
<b>P. Lodging</b>											
1.	Bed and Breakfast	--	--	--	--	P	P	P	P	§17-9-0103	§17-10-0207-S
<b>Q. Medical Service</b>											
1.	Government-operated Health Center	--	--	--	--	S	S	S	S		§17-10-0207-T
<b>R. Office</b>											
1.	Foreign Consulates	--	--	--	--	P	P	P	P	§17-9-0108	§17-10-0207-Q
2.	Philanthropic and Eleemosynary Institutions	--	--	--	--	P	P	P	P	§17-9-0113	§17-10-0207-Q
<b>S. Parking, Non-Accessory</b>											
		--	--	--	--	P/S	P/S	P/S	P/S	§17-9-0111.5	None Req'd
<b>T. Residential Support Service</b>											
		--	--	--	--	--	--	P	P	§17-9-0114	None Req'd
<b>OTHER USES</b>											
<b>U. Wireless Communication Facilities</b>											
1.	Co-located	P	P	P	P	P	P	P	P	§17-9-0118	None Req'd

USE GROUP		Zoning Districts								Use Standard	Parking Standard
Use Category		RS	RS	RS	RT	RT	RM	RM	RM		
	Specific Use Type	1	2	3	3.5	4	4.5	5-5.5	6-6.5		
P = permitted by-right S = special use approval req'd PD = planned development approval req'd - = not allowed											
2.	Freestanding (Tower)	S	S	S	S	S	S	S	S	§17-9-0118	None Req'd
<b>ACCESSORY</b>											
V.	Accessory Uses	P	P	P	P	P	P	P	P	§17-9-0200	None Req'd

[amended: 09/01/2004, Council Journal: p. 30490; 03/09/2005, Council Journal: p. 44399-400; 09/13/2006, Council Journal: p. 84873-75]

## 17-2-0300 Bulk and Density Standards

### 17-2-0301 Lot Area

#### 17-2-0301-A Minimum Lot Area Standards

All development in R districts is subject to the following minimum *lot area* standards except as expressly allowed in Sec. 17-2-0301-B:

District	Minimum Lot Area (square feet)
RS1	6,250
RS2	5,000
RS3	2,500
RT3.5	2,500
RT4 to RM6.5	1,650

(See Sec. 17-17-0302 for rules governing the measurement of *lot area*.)

#### 17-2-0301-B Exemptions

##### 1. Contextual Standard for RS1 and RS2 Districts

In the RS1 and RS2 districts, when more than 50% of similarly zoned *lots* on a *block face* have a minimum *lot area* per unit less than prescribed in Sec. 17-2-0301-A, the minimum *lot area* per *dwelling unit* standard will be established based on the predominant *lot area* of all *zoning lots* fronting on the *block face*. In no case, however, may the minimum *lot area* established pursuant to this contextual standard be less than 3,750 square feet.

##### 2. Lots of Record

A *detached house* may be established on any *lot of record* regardless of the size of the *lot*, provided that all other requirements of this Zoning Ordinance are met. This exemption also applies if a *lot of record* is increased in area and still does not comply with applicable minimum *lot area* standards.

[amended: 03/09/2005, Council Journal: p. 44401]

### 17-2-0302 Lot Frontage

#### 17-2-0302-A Minimum Lot Frontage Standards

Except as expressly allowed in Sec. 17-2-0302-B, all *lots* in RS1 and RS2 districts must have a minimum *lot frontage* of 25 feet or the predominant *lot frontage* of similarly zoned *lots* on the same *block face*, whichever is greater. (See Sec. 17-17-0303 for rules governing the measurement of *lot frontage*.)

[amended: 03/09/2005, Council Journal: p. 44401]

#### **17-2-0302-B Exemption**

A *detached house* may be established on any *lot of record* regardless of its *lot frontage*, provided that all other requirements of this Zoning Ordinance are met. This exemption also applies if a *lot of record* is increased in area and still does not comply with applicable minimum *lot frontage* standards.

### **17-2-0303 Lot Area per Unit (Density)**

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#### **17-2-0303-A Minimum Lot Area per Unit Standards**

All development in R districts is subject to the following minimum lot-area-per-unit standards. These standards are not to be interpreted as a guarantee that allowed densities can be achieved on every *lot*. Other factors, such as off-street parking, height limits, *dwelling unit* sizes and *lot* configuration may work to limit *density* more than these standards.

District	Minimum Lot Area per Unit (square feet)
RS1	6,250
RS2	5,000
RS3	2,500, except as expressly allowed in Sec. 17-2-0303-B
RT3.5	1,250
RT4	Dwelling units: 1,000 Efficiency units: 1,000 SRO units: 500
RM4.5	Dwelling units: 700 Efficiency units: 700 SRO units: 500
RM5	Dwelling units: 400 Efficiency units: 400 SRO units: 200
RM5.5	Dwelling units: 400 Efficiency units: 400 SRO units: 200
RM6	Dwelling units: 300 Efficiency units: 135 SRO units: 135
RM6.5	Dwelling units: 300 Efficiency units: 135 SRO units: 135

(See Sec. 17-17-0304 for rules governing the measurement of *lot area per unit*.)

[amended: 03/09/2005, Council Journal: p. 44402]

#### **17-2-0303-B Exemption**

In the RS3 district the minimum *lot area per dwelling unit* may be reduced to 1,500 square feet when 60% or more of the *zoning lots* fronting on the same side of the *street* between the two nearest intersecting *streets* have been lawfully improved with *buildings* containing more than one *dwelling unit*. This exemption will only allow for the establishment of a two unit *building*.

[amended: 03/09/2005, Council Journal: p. 44402; 09/13/2006, Council Journal: p. 84875]

## 17-2-0304 Floor Area Ratio

### 17-2-0304-A Standards

All development in R districts is subject to the following maximum *floor area ratio* standards:

District	Maximum Floor Area Ratio
RS1	0.50
RS2	0.65
RS3	0.90
RT3.5	1.05
RT4	1.20 (See accessible dwelling unit exceptions, Sec. 17-2-0304-B)
RT4A	1.50 for multi-unit buildings that contain no more than 19 dwelling units and in which at least 33% of the units are accessible dwelling units 1.2 for all other buildings
RM4.5	1.70
RM5	2.00
RM5.5	2.50
RM6	4.40; premium may apply—See Sec. 17-2-304-C
RM6.5	6.60; premium may apply—See Sec. 17-2-304-C

(See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

[amended: 03/09/2005, Council Journal: p. 44402]

### 17-2-0304-B Exceptions

*Multi-unit buildings* in the RT4 district that contain no more than 19 *dwelling units* and in which at least 33% of the units are *accessible dwelling units* are subject to the maximum *floor area ratio* of the RT4A district if either of the following conditions exist:

1. more than 50% of the *zoning lots* fronting on the same side of the *street* between the two nearest intersecting *streets* contain buildings with a *height* of 38 feet or more; or
2. if the abutting lots on both sides of the subject *lot* contain *buildings* with a *height* of 38 feet or more.

### 17-2-0304-C Premiums

*Multi-unit residential buildings* located in an RM6 or RM6.5 district on lots that permit 50 or more *dwelling units*, based on the lot's zoning classification, are eligible for *floor area ratio* premiums in accordance with the following: For each one percent decrease in the number of *dwelling units* below the maximum number permitted under Sec. 17-2-0303-A, a 0.50% increase in the allowable *floor area ratio* is allowed, provided that the *floor area ratio* is not increased by more than 25% over the otherwise applicable maximum under Sec. 17-2-0304-A.

[amended: 03/09/2005, Council Journal: p. 44403]

### 17-2-0304-D Exemption

Ground floor accessible dwelling units are exempt from inclusion in floor area ratio calculations, that is, the square footage of a ground floor accessible dwelling unit shall not be included in calculating that building's total floor area ratio in RS3, RS3.5, RT4 [except single-family residences] zoning districts. Proponets will certify under oath that grade level units will be built for parties with disabilities for perpetual use.

[amended: 11/30/2005, Council Journal: p. 62719]

## 17-2-0305 Front Setbacks

**17-2-0305-A** Buildings and structures in R districts must be set back from the *front property line* in accordance with the average setback standards of Sec. 17-2-0305-B or in accordance with the following minimum fixed *front setback* standards:

District	Minimum Front Setback
RS1 to RS3	20 feet or 16% of lot depth, whichever is less
RT3.5 to RM6.5 + DR	15 feet or 12% of lot depth, whichever is less

[amended: 03/09/2005, Council Journal: p. 44403]

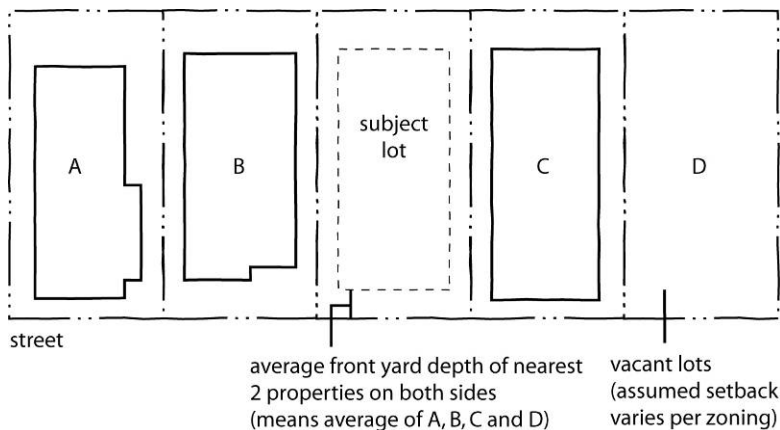
**17-2-0305-B** In lieu of complying with the fixed front setback standards of Sec. 17-2-0305-A, buildings and structures in R districts must be set back from the *front property line* a distance equal to the average *front yard* depth that exists on the nearest 2 lots on either side of the subject lot or 20 feet, whichever is less. The decision to comply with fixed front setback standards of Sec. 17-2-0305-A or the average front setback standards of Sec. 17-2-0305-B is left to the builder/property owner except in the case of lots with *lot frontage* on a *primary boulevard*, as defined in Sec. 17-17-02124, where buildings and structures must be set back from the *front property line* a distance equal to the average *front yard* depth that exists on the nearest 2 lots on both sides of the subject lot; there is no maximum depth to the required setback along a *primary boulevard* as defined in Sec. 17-17-02124. (See Sec. 17-17-0306 for rules governing the measurement of *front setbacks*)

[amended: 03/09/2005, Council Journal: p. 44403; 09/13/2006, Council Journal: p. 84875]

**17-2-0305-C** If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have the following *front yard* depths:

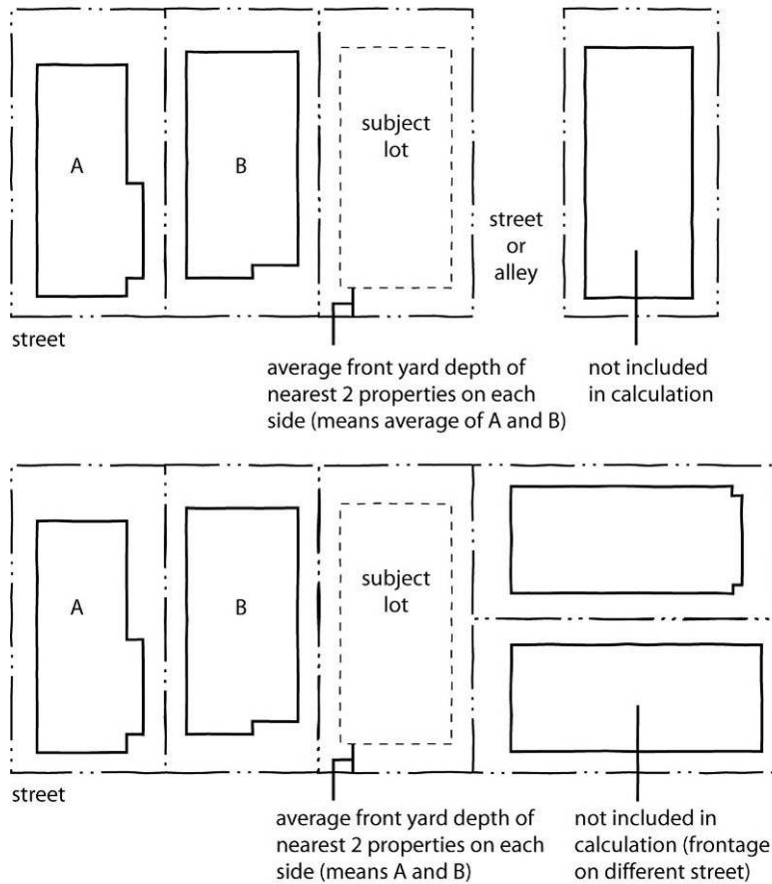
District	Assumed Setback on Vacant Lots
RS1 to RS3	20 feet or 16% of lot depth, whichever is less
RT3.5 to RM6.5 + DR	15 feet or 12% of lot depth, whichever is less

Figure 17-2-0305-C



1. Lots that front on a different *street* than the subject *lot* or that are separated from the subject *lot* by a *street* or *alley* may not be used in computing the average.

Figure 17-2-0305-C1



2. When the subject *lot* is a *corner lot*, the average setback will be computed on the basis of the nearest 2 *lots* that front on the same *street* as the subject *lot*.
3. When the subject *lot* abuts a *corner lot* fronting on the same *street*, the average setback will be computed on the basis of the abutting *corner lot* and the nearest 2 *lots* that front on the same *street* as the subject *lot*.

[amended: 03/09/2005, Council Journal: p. 44403]

**17-2-0305-D** The setback provisions of this section (Sec. 17-2-0305) do not apply to townhouses. Townhouses are subject to the standards of Sec. 17-2-0500.

[amended: 03/09/2005, Council Journal: p. 44404; 09/13/2006, Council Journal: p. 84876]

**17-2-0305-E** If the average *front yard* is 50% or less than the fixed *front yard setback*, then the *features* allowed to encroach in required setbacks established in Sec. 17-17-0309 do not apply.

[amended: 09/13/2006, Council Journal: p. 84876]

### 17-2-0306 Rear Setbacks

**17-2-0306-A** In all R districts, the minimum *rear setback* for buildings that contain no more than 19 dwelling units and in which at least 33% of the units are *accessible dwelling units* is 24% of *lot depth* or 50 feet, whichever is less. (See Sec. 17-17-0307 for rules governing the measurement of *rear setbacks*.)

[amended: 03/09/2005, Council Journal: p. 44404]

**17-2-0306-B** In all R districts, the minimum *rear setback* for *detached houses* is 28% of *lot depth* or 50 feet, whichever is less. (See Sec. 17-17-0307 for rules governing the measurement of *rear setbacks*.)

**17-2-0306-C** In all R districts, the minimum *rear setback* for *principal buildings* other than *detached houses* is 30% of *lot depth* or 50 feet, whichever is less.

**17-2-0306-D** In RM5 and RM 5.5 districts, the required *rear setback* applies to all portions of the *building* that are 6 feet or more above *grade*.

**17-2-0306-E** In RM6 and RM6.5 districts, the required *rear setback* applies to all portions of the *building* that are 18 feet or more above *grade*.

**17-2-0306-F** In all R districts other than RM5, RM5.5, RM6 and RM6.5, the required *rear setback* applies to all portions of the *building*.

### 17-2-0307 Rear Yard Open Space

All development in RS, RT, RM4.5 and RM5 districts is subject to the following minimum *rear yard* open space standards, except as expressly allowed under the *townhouse development* standards of Sec.17-2-0500.

District	Minimum Rear Yard Open Space (square feet per dwelling unit/% of lot area, whichever is greater)	Minimum Dimension on Any Side (feet)
RS1	400/6.5	20
RS2	400/6.5	20
RS3	225/6.5	15
RT3.5	100/6.5	12
RT4	65/6.5	12
RT4A	65/6.5	12
RM4.5	50/6.5	10
RM5	36/5.25	10

[amended: 03/09/2005, Council Journal: p. 44404]

#### 17-2-0307-A Location and Design

1. *Rear yard* open space refers to the amount of *lot area* required to be preserved as open space within the *rear yard*.
2. Required *rear yard* open space must be located within the *rear yard*, at ground level or, if located on a terrace or patio, within 4 feet of ground level. In RM5 and RM5.5 districts, where structures are located in the *rear setback* and do not exceed 6 feet in height, required *rear yard* open space may be located directly above such structures.

3. When located at ground level, the open space area must be substantially covered with grass, ground cover, shrubs, plants, trees, or usable outdoor open space features, such as walkways or patios.
4. Off-street parking areas and driveways may not be used to satisfy *rear yard* open space requirements. Bollards, curbs, wheel stops or other similar features must be provided to ensure that required *rear yard* open space is not used for off-street parking, loading or vehicle circulation.
5. If a *rear* setback is reduced by a variation or administrative adjustment, the *rear yard* open space must either be located in the *rear setback*, or between the established *rear setback* or accessory building and any principal building. The required open space may also be provided on the roof of an accessory building as allowed in Sec. 17-13-1003-K and Sec. 17-13-1101-A.

[amended: 03/09/2005, Council Journal: p. 44404; 09/13/2006, Council Journal: p. 84876]

#### **17-2-0308 On-Site Open Space in RM5.5, RM6 and RM6.5 Districts**

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##### **17-2-0308-A Amount and Dimensions**

Except as expressly allowed under the *townhouse development* standards of Sec.17-2-0500, all development containing *dwelling units* located in RM5.5, RM6 and RM6.5 districts must provide at least 36 square feet of useable on-site open space per *dwelling unit*. Required open space must have minimum dimension of at least 5 feet on any side if private or 15 feet on any side if provided as *common open space*.

[amended: 09/13/2006, Council Journal: p. 84876]

##### **17-2-0308-B Additional Standards**

1. Required open space must be located on the same *lot* as the *dwelling unit* it serves.
2. Required open space must be outdoors and designed for outdoor living, recreation or landscaping, including areas located on the ground and areas on decks, balconies, porches or roofs.
3. The required open space area is not required to be contiguous, but each open space area, whether common or private, must comply with minimum dimensional standards. *Common open space* areas must be accessible to all residents of the subject development.
4. When located at ground level, required open space area must be substantially covered with grass, ground cover, shrubs, plants, trees, or usable outdoor open space features, such as walkways or patios.

5. Off-street parking areas, loading facilities, driveways or required vehicular use landscape areas may not be used to satisfy open space requirements. Bollards, curbs, wheel stops or other similar features must be provided to ensure that required open space areas are not used for off-street parking or any other vehicular use.
6. Required open space areas may not be occupied by mechanical equipment, dumpsters or service areas.
7. All required open space areas must be located and designed to take advantage of sunlight and other climatic advantages of the site.

### 17-2-0309 Side Setbacks

#### 17-2-0309-A Standards

All development in R districts is subject to the following minimum *side setback* standards, except as expressly allowed under the *townhouse development* standards of Sec. 17-2-0500. *Reversed corner lots* are subject to Sec. 17-2-0309-B. (See Sec. 17-17-0308 for rules governing the measurement of *side setbacks*.)

District	Minimum Side Setback
RS1	<b>Detached house:</b> Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 5 feet or 10% of lot width, whichever is greater <b>Principal nonresidential building</b> (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater
RS2	<b>Detached house:</b> Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 4 feet or 10% of lot width, whichever is greater <b>Principal nonresidential building</b> (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater
RS3	<b>Detached houses:</b> Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater <b>Principal nonresidential buildings</b> (e.g., religious assembly and school buildings): 12 feet or 50% of building height, whichever is greater
RT3.5	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RT4/RT4A	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM4.5	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM5	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM5.5	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below

District	Minimum Side Setback
RM6	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> None abutting street or alley or for buildings covering 50% or less of the lot; buildings covering more than 50% of the lot must provide individual side setbacks equal to at least 10% of the lot width or 10% of the total building height, whichever is greater, provided that no side setback is required to exceed 20 feet in width
RM6.5	<b>Townhouse:</b> See Sec. 17-2-0500 <b>All other principal buildings:</b> None abutting street or alley or for buildings covering 50% or less of the lot; buildings covering more than 50% of the lot must provide individual side setbacks equal to at least 10% of the lot width or 10% of the total building height, whichever is greater, provided that no side setback is required to exceed 20 feet in width

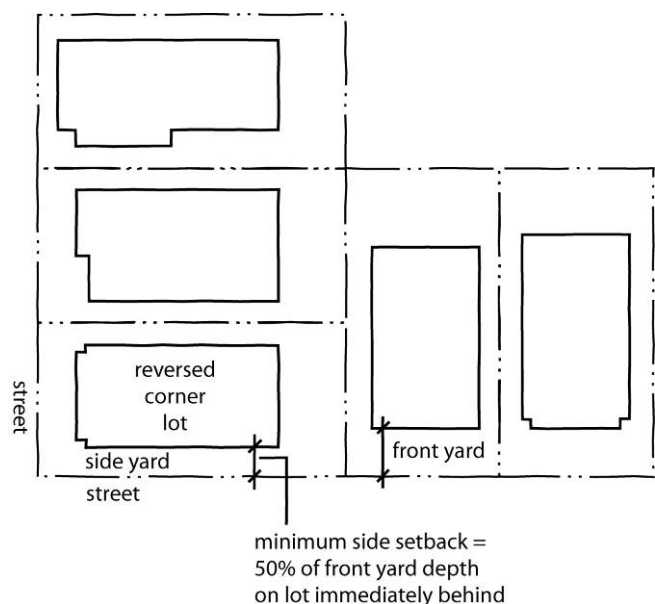
[1] When a side lot line abuts an alley or street, no side setback is required on the side of the building abutting the street or alley. In such cases, the side setback on the other (non-street or alley) side must be at least 10% of the lot's width.

[amended: 03/09/2005, Council Journal: p. 44405; 09/13/2006, Council Journal: p. 848776-77]

### 17-2-0309-B Reversed Corner Lot Setback Standards

In all R districts, the minimum *side setback* on a *reversed corner lot* must be equal to at least 50% of the *front yard* that exists on the *lot* abutting the rear of the *reversed corner lot*. If the abutting *lot* to the rear is vacant, the 50% is to be calculated on the basis of the abutting *lot*'s required *front setback*. Moreover, no accessory building on a *reverse corner lot* may be located within 5 feet of a rear lot line that abuts a side lot line of an RS1-, RS2-, or RS3-zoned lot.

Figure 17-2-0309-B



[amended: 03/09/2005, Council Journal: p. 44406]

### 17-2-0309-C Through Lots

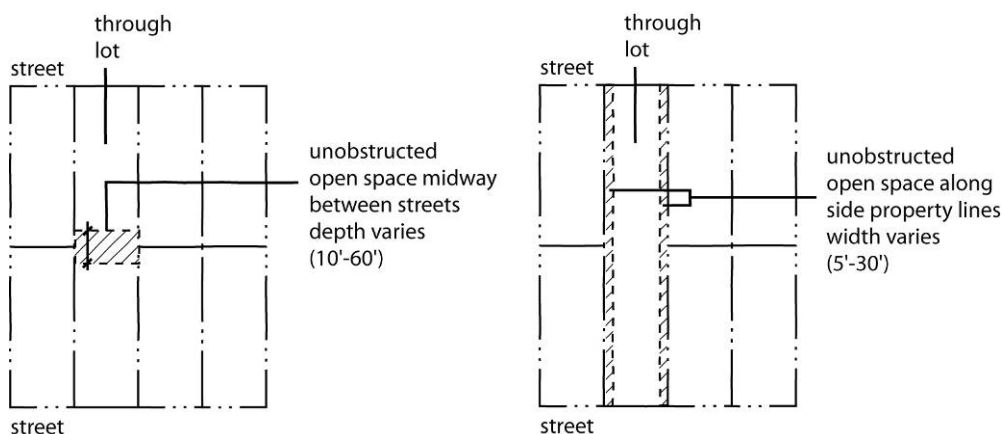
On *through lots* both (opposing) *street* lines are considered *front property lines* and *front setback* standards apply. *Rear setback* standards do not apply. On *through lots* that are at least 125 feet in depth one of the following must be provided on each floor of the building containing residential *dwelling units*:

1. unobstructed open space located midway between the *streets* on which such *lot* fronts and running the full width of the *lot*. This required open

space must provide at least 10 feet of separation between buildings or segments of buildings located on the *zoning lot*, plus an additional 2 feet of separation for every 5 feet or fraction thereof by which the *lot depth* exceeds 125 feet. In RM5, RM5.5, RM6 and RM6.5 districts, the required open area may begin the same distance above *grade* as the required *rear setback*. Regardless of *lot depth*, this open area need not provide more than 60 feet of building separation; or

2. unobstructed open space along all *property lines* other than *street property lines*. This open space must be at least 5 feet in width, plus an additional one foot for every 5 feet or fraction thereof by which the *lot depth* exceeds 125 feet. Regardless of *lot depth*, this open space need not exceed 30 feet in width.

Figure 17-2-0309-C



[amended: 09/13/2006, Council Journal: p. 84911]

## 17-2-0310 Building (Wall) Separation

### 17-2-0310-A Purpose; Applicability

The building separation standards of this section are intended to ensure adequate separation between exterior building walls that serve as a primary source of natural light and air for *dwelling units*. These standards apply to courtyard buildings, buildings with car courts, or other developments where *dwelling units* face or are adjacent to one another. *Townhouse developments* are exempt from these standards; they are subject to the standards of Sec. 17-2-0500.

[amended: 09/13/2006, Council Journal: p. 84877]

### 17-2-0310-B General

Unless otherwise expressly stated, exterior building walls are subject to the minimum setback standards of the underlying zoning district.

### 17-2-0310-C Front and Rear Walls

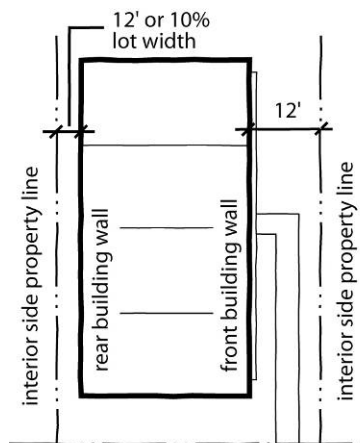
#### 1. Facing Interior Side Property Line

- (a) When a *front wall* faces the subject property's *interior side property line*, the *front wall* must be setback from the *interior side property line* a

distance equal to at least 12 feet. (See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)

- (b) When a *rear wall* faces the subject property's *interior side property line*, the *rear wall*, must be setback from the *interior side property line* a distance equal to at least 10% of the *lot width* or 12 feet, whichever is less.

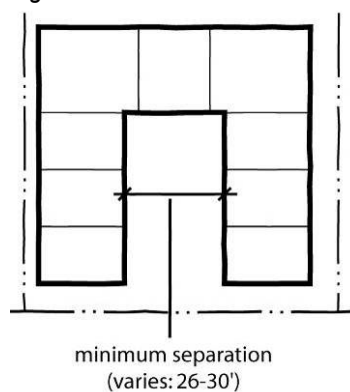
Figure 17-2-0310-C1



When the *front wall* or *rear wall* of a *dwelling unit* faces the *front wall* or *rear wall* of another *dwelling unit* located on the same *zoning lot*, the minimum required separation between such walls (excluding minor building projections allowed under Sec. 17-2-0501-H4) is as follows:

District	Minimum Separation (feet)
RT3.5	30
RT4	30
RM4.5	30
All other R districts	26

Figure 17-2-0310-C2

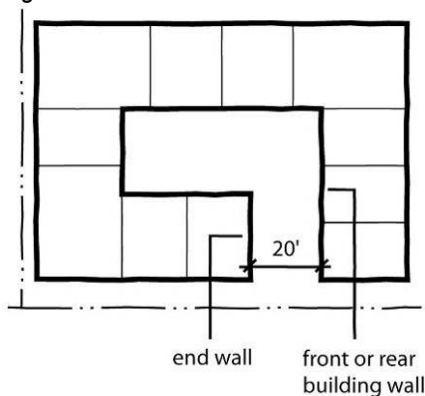


[amended: 09/13/2006, Council Journal: p. 84877]

#### 17-2-0310-D End Walls Facing Front or Rear Walls

When the *end wall* of a *dwelling unit* faces the *front wall* or *rear wall* of a *dwelling unit* located on the same *zoning lot*, the minimum required separation between such walls is 20 feet. Balconies and minor building projections allowed under Sec. 17-2-0501-H4 are allowed to encroach into required separation areas.

Figure 17-2-0310-D



[amended: 03/09/2005, Council Journal: p. 44406; 09/13/2006, Council Journal: p. 84878]

### 17-2-0311 Building Height

#### 17-2-0311-A Standards

All *residential buildings* in R districts are subject to the following maximum *building height* standards except as expressly allowed in Sec. 17-2-0311-B:

District	Maximum Building Height (feet)
RS1	Detached house: 30 Principal nonresidential buildings: None
RS2	Detached house: 30 Principal nonresidential buildings: None
RS3	Detached house: 30 Principal nonresidential buildings: None
RT3.5	Principal residential buildings: 35 Principal nonresidential buildings: None
RT4	Principal residential buildings: 38 Principal nonresidential buildings: None
RT4A	Multi-unit buildings that contain no more than 19 dwelling units and in which at least 33% of the units are accessible dwelling units: 42 All other principal residential buildings: 38
RM4.5	Principal residential buildings: Lot Frontage of less than 32 feet: 45 Lot Frontage of 32 feet or more: 47 Principal nonresidential buildings: None
RM5	Principal residential buildings: Lot Frontage of less than 32 feet: 45 Lot Frontage of 32 feet or more: 47 Principal nonresidential buildings: None
RM5.5	Principal residential buildings: Lot Frontage of 75 feet or less: 47 Lot Frontage of more than 75 feet: 60 Principal nonresidential buildings: None

District	Maximum Building Height (feet)
RM6	Principal residential buildings: None (tall buildings require Planned Development approval in accordance with Sec. 17-13-0600) Principal nonresidential buildings: None
RM6.5	Principal residential buildings: None (note: tall buildings require Planned Development approval in accordance with Sec. 17-13-0600) Principal nonresidential buildings: None

(See Sec. 17-17-0311 for rules governing the measurement of *building height*.)

[amended: 03/09/2005, Council Journal: p. 44407]

#### 17-2-0311-A[a] Exceptions

*Multi-unit buildings* in the RT4 district that contain no more than 19 *dwelling units* and in which at least 33% of the units are *accessible dwelling units* are subject to the maximum *building height* standard of the RT4A district if either of the following conditions exist:

1. more than 50% of the *zoning lots* fronting on the same side of the *street* between the two nearest intersecting *streets* contain buildings with a *height* of 38 feet or more; or
2. if the abutting *lots* on both sides of the subject *lot* contain *buildings* with a *height* of 38 feet or more.

[amended: 03/09/2005, Council Journal: p. 44408]

#### 17-2-0311-B Exemption

The *building height* limits of Sec. 17-2-0311-A do not apply to residential construction in the “Wrigley Field Adjacent Area,” as defined in Section 4-388 of the Municipal Code.

### 17-2-0312 Average Dwelling Unit Size

The gross residential floor area developed on a *lot* divided by the total number of *dwelling units* on such *lot* may not be less than 500 square feet. Existing residential uses may not be converted to conflict with or further conflict with this standard. The average dwelling unit size standard of this section does not apply to *government-subsidized* or *elderly housing* developments.

[amended: 03/09/2005, Council Journal: p. 44408]

### 17-2-0313 Number of Efficiency Units

#### 17-2-0313-A Standards

In those R districts in which *efficiency units* are allowed, the total number of *efficiency units* may not exceed the following standards except as expressly allowed in Sec. 17-2-0313-B:

District	Maximum Number of Efficiency Units (% of total units)
RT4	20
RM4.5	20
RM5	20
RM5.5	25
RM6	30

District	Maximum Number of Efficiency Units (% of total units)
RM6.5	40

#### 17-2-0313-B Exemption

The limits on *efficiency* units do not apply to SROs, *government-subsidized* or *elderly housing* developments, provided that the Zoning Administrator determines that such developments constitute bona fide SROs, *government-subsidized* or *elderly housing* developments.

[amended: 03/09/2005, Council Journal: p. 44408]

### 17-2-0400 Character Standards

#### 17-2-0401 Blank Walls

**17-2-0401-A** To avoid the appearance of blank walls and ensure “eyes on the street,” windows and/or main entrance doors must comprise at least 17.5% of the area of each building *façade* that faces a *street*.

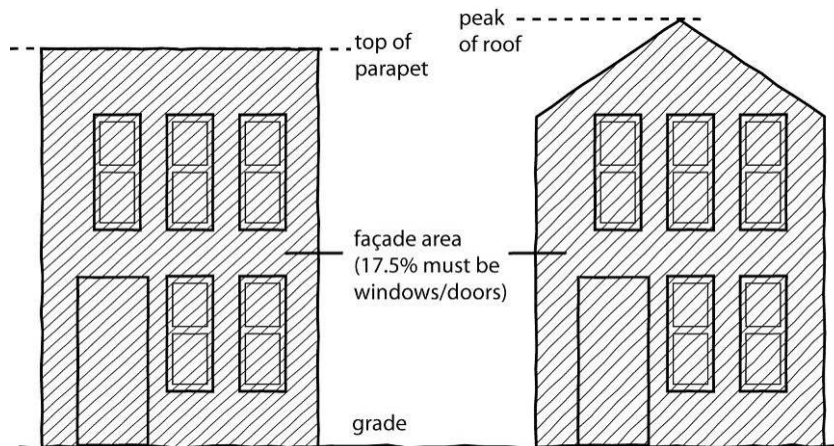
**17-2-0401-B** For purposes of this provision, the *façade* includes the entire exterior plane of the building measured from *grade* to the top of the *parapet* on a flat roof or to the roof peak on a pitched-roof building.

[amended: 03/09/2005, Council Journal: p. 44408]

**17-2-0401-C** Windows used to meet this standard must allow views from the building to the *street*.

**17-2-0401-D** Glass block, windows in garages and doors that do not provide pedestrian entrances to the building do not count toward meeting this standard.

Figure 17-2-0401



#### 17-2-0402 Access to Off-Street Parking

**17-2-0402-A** In all R districts except RS1 and RS2, all off-street parking must be accessed off the abutting *alley* except that direct *street* access to off-street parking is allowed in the following cases:

1. when the subject *zoning lot* lacks access to an improved *alley*;
2. when the *street* access leads to a *common parking area* for a *townhouse development* or row of *townhouse* units; or
3. when the street access leads to a multi-level parking garage in a *multi-unit residential building*.

**17-2-0402-B** When individual garages are accessed directly from a public street, garage doors and all required off-street parking spaces must have a setback of at least 20 feet from the *front property line* to prevent obstruction of the sidewalk by parked cars. This setback may be reduced or eliminated on *zoning lots* which have *substandard lot depths* as defined in Sec. 17-17-02174 by the Zoning Administrator or the Zoning Board of Appeals as referenced in Sec. 17-13-1003-S and 17-13-1101-A.

[amended: 09/13/2006, Council Journal: p. 84878]

## 17-2-0500 Townhouse Developments

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### **17-2-0501-A Purpose**

The purpose of these standards is to establish setback, building spacing, landscaping and design standards that are tailored to *townhouse developments*. Such standards are intended to ensure that *townhouse developments* are compatible with the traditional character of Chicago's neighborhoods.

[amended: 09/13/2006, Council Journal: p. 84872]

### **17-2-0501-B Applicability**

The *townhouse development* standards of this section apply in all districts in which townhouses are allowed.

[amended: 09/13/2006, Council Journal: p. 84872]

### **17-2-0501-C Number of Buildings on Zoning Lot**

Multiple townhouse buildings are expressly allowed on a single zoning lot in those townhouse developments that comply with the townhouse development standards of this section (Sec. 17-2-0500), provided that each building contains no more than 9 townhouse units.

[amended: 09/13/2006, Council Journal: p. 84872]

### **17-2-0501-D Lot Frontage**

The minimum *lot frontage* for a *townhouse development* is 35 feet.

(See Sec. 17-17-0303 for rules governing the measurement of *lot frontage*.)

[amended: 09/13/2006, Council Journal: p. 84872]

### **17-2-0501-E Building Setbacks for Front and Rear Walls**

#### **1. Front and Rear Walls Defined**

*Front walls* and *rear walls* are those walls that are generally perpendicular to party walls. These walls are typically the primary sources of light and air for a *townhouse unit*.

## 2. Front or Rear Walls Facing a Public Street

- (a) *Front walls* and *rear walls* that face a public street must be set back from the *street property line* as follows:

District	Minimum Setback (feet)
RT3.5	12
RT4	12
RM4.5	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
All other districts	10

- (b) Required *front wall* and *rear wall* setbacks may be reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. Landscaping must be installed within these required setbacks.

## 3. Front or Rear Walls Facing a Side or Rear Property Line

- (a) When a *front wall* or *rear wall* faces the *side property line* or *rear property line* of adjoining property, the minimum required building setback is as follows:

District	Minimum Setback (feet)
RT3.5	12
RT4	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
RM4.5	12
All other districts	10

- (b) When a *rear wall* adjoins property improved with a railroad or CTA elevated right-of-way, no building setback is required.

## 4. Front or Rear Walls Facing an Alley

- (a) When a *front wall* (a wall with the principal pedestrian access) faces an *alley*, the minimum required building setback is 3 feet.
- (b) When a *rear wall* faces an *alley*, no building setback is required, provided that an on-site storage area is provided for trash receptacles and clearly identified on building plans.

## 5. Separation Between Front and Rear Walls

- (a) When the *front wall* or *rear wall* of one row of *townhouse* units faces the *front wall* or *rear wall* of another row of *townhouse* units, the minimum required separation between such buildings (excluding minor building projections allowed under Sec. 17-2-0501-H4) is as follows:

District	Minimum Separation (feet)
RT3.5	30
RT4	30
RM4.5	30
B/C dash 1	30
B/C dash 1.5	30
B/C dash 2	30
All other districts	26

(See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)

- (b) Driveways and open parking areas may be located within this minimum separation area.
- (c) The minimum separation at the ground-floor only may be reduced to 20 feet for interior drives with garages doors facing garage doors, provided the upper-story living spaces comply with the separation requirements of Sec. 17-2-0501-E5(a).

[amended: 09/13/2006, Council Journal: p. 84872]

#### 17-2-0501-F Building Setbacks for End Walls

##### 1. End Walls Defined

An *end wall* is a wall that is generally parallel to party walls and located at the end of a row of *townhouse* units. Such walls are typically a secondary source of light and air for *townhouse* units.

##### 2. End Wall Facing Public Street

- (a) *End walls* that face a public street must be set back from the *street property line* as follows:

District	Minimum Setback (feet)
RT3.5	12
RT4	12
RM4.5	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
All other districts	10

- (b) Required *end wall* setbacks may be reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. Landscaping must be installed within these required setbacks.

##### 3. End Wall Facing Side or Rear Property Line

When an *end wall* adjoins a *side property line* or *rear property line*, the minimum required building setback is 3 feet. This required setback distance may be reduced to 2.5 feet if the building does not exceed 30 feet in height. Secondary stairs required by the Building Code may encroach into this required setback.

**4. End Wall Facing Alley**

When an *end wall* adjoins an *alley*, no building setback is required, provided an on-site storage area for trash receptacles is provided on-site and clearly identified on building plans.

**5. Separation Between End Walls and Front or Rear Walls**

- (a) When the *end wall* of a row of *townhouse* units faces the *front wall* or *rear wall* of another row of *townhouse* units, the minimum required separation between such buildings (excluding minor building projections allowed under Sec. 17-2-0501-H4) is 20 feet in all districts. (See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)
- (b) Driveways and open parking areas may be located within this minimum separation area, provided that *landscaped* planting areas with a minimum depth of 4 feet from one building face are provided.

**6. End Walls Facing Other End Walls**

When an *end wall* of one row of *townhouses* faces the *end wall* of another row of *townhouses*, the minimum required separation between the facing *end walls* is 10 feet.

[amended: 03/09/2005, Council Journal: p. 4443; 09/13/2006, Council Journal: p. 84872-73]

**17-2-0501-G Building Setbacks on Corner Lots**

On a *corner lot*, the required building setback on one (street-facing) side of the *lot* may be reduced to 5 feet. This setback may be further reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. Landscaping must be installed within these required setbacks.

[amended: 09/13/2006, Council Journal: p. 84873]

**17-2-0501-H Private Yard Requirement**

- 1. Private *yards* must be provided for each *townhouse* unit within a *townhouse development*. Each required private *yard* must have the following minimum area:

District	Minimum Contiguous Area (square feet)
RT3.5	200
RT4	200
RM4.5	200
B/C dash 1	200
B/C dash 1.5	200
B/C dash 2	200
All other districts	175

- 2. A required private *yard* may be located adjacent to a *front wall*, *rear wall*, or *end wall* provided that it is immediately adjacent to the *townhouse* unit it serves and directly accessible from the *townhouse* unit by way of a *door* or stair. Required private *yards* must be at *grade* or, if located on a terrace or patio, within 4 feet of *grade*. All private *yards* provided at *grade* must be *landscaped* so that they are substantially covered with grass, ground cover,

shrubs, plants, trees, or other landscape improvements, such as walkways or patios.

3. Required private *yards* may be located on a deck or patio more than 4 feet *above grade* if approved as an *administrative adjustment* by the Zoning Administrator in accordance with Sec. 17-13-1003-J. Required private *yards* may also be located within a *common open space* area (See Sec. 17-2-0501-I) provided that (a) such common area is contiguous and directly accessible to the *townhouse* unit and (b) the private *yard* area is in excess of any *common open space* Sec. 17-2-0501-I.
4. The *following* may encroach into required private *yards*:
  - (a) those encroachments allowed by Sec. 17-17-0309;
  - (b) open stairs exceeding 4 feet in height; and
  - (c) multi-story bay windows that project no more than 3 feet.
5. No *driveways* or parking spaces (open or enclosed) may be located within required *yards*.

[amended: 09/13/2006, Council Journal: p. 84873]

#### **17-2-0501-I Common Open Space**

1. In addition to required private *yards* (See Sec. 17-2-0501-H), any *townhouse development* of 40 or more *townhouse* units must provide a minimum of 150 square feet of *common open space* per *townhouse* unit.
2. Required *common open space* must be located in one or more usable, common areas, each with a minimum dimension of 25 feet and a minimum area of 2,000 square feet.
3. *Common open space* areas must be accessible to all *townhouse* units and must be improved with landscaping, recreational facilities, and/or walkways.
4. Trees must be planted within *common open space* areas at the rate of one tree for every 1,000 square feet of required *common open space*. Such trees must have a minimum 2.5-inch caliper.
5. Interior car courts that are at least 36 feet wide may be counted toward satisfying up to 50% of required *common open space*, provided such car courts include special paving materials (such as bomanite or brick pavers), pedestrian walkways and landscaping as required by Sec. 17-2-0501-J.

[amended: 09/13/2006, Council Journal: p. 84873]

#### **17-2-0501-J Landscaping of Interior Drives**

At least 5% of the *vehicular use area* in interior driveways must be *landscaped*. Interior driveway areas must include at least one tree (minimum 2.5-inch caliper) for every 4 *dwelling units* adjoining the driveway. Landscaping and trees in private *yards* adjoining interior driveways may count toward fulfillment of this requirement. These

landscaping requirements do not apply to interior drives that are bordered by garage doors that face other garage doors and that contain no pedestrian entrances.

[amended: 09/13/2006, Council Journal: p. 84873]

**17-2-0501-K Building Façades Facing Public Streets**

1. To avoid the appearance of blank walls, building *façades* that face public streets must include elements of a front *façade*, including doors and/or windows.
2. Garage door entrances for individual *townhouses* are not allowed to face a public street whenever an *alley* exists or when interior driveways may be used. This provision is not intended to prohibit garage doors that serve *common parking areas* for a row of *townhouse* units.
3. When garages for individual *townhouse* units must face a public street, the garage door must be set back at least 20 feet from the *property line* to prevent obstruction of the sidewalk by parked cars.

[amended: 09/13/2006, Council Journal: p. 84873]

[End of Chapter]

## Chapter 17-3 Business and Commercial Districts

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### 17-3-0100 District Descriptions

#### 17-3-0101 Generally

The “B” and “C” (Business and Commercial) districts are intended to accommodate retail, service and commercial uses and to ensure that business and commercial-zoned areas are compatible with the character of existing neighborhoods.

#### 17-3-0102 B1, Neighborhood Shopping District

**17-3-0102-A** The B1, Neighborhood Shopping district is intended to accommodate a broad range of small-scale retail and service uses.

**17-3-0102-B** B1 zoning is intended to be applied in compact nodes at the intersection of two or more major streets or in a cohesive linear fashion along relatively narrow *streets* that have low traffic speeds and volumes (compared to multi-lane, major streets).

**17-3-0102-C** The B1 district is intended to exhibit the physical characteristics of storefront-style shopping streets that are oriented to pedestrians.

**17-3-0102-D** The B1 district permits residential *dwelling units* above the ground floor.

**17-3-0102-E** The B1 district can be combined with the dash 1, dash 1.5, dash 2, dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-3-0401).

#### 17-3-0103 B2, Neighborhood Mixed-Use District

**17-3-0103-A** The purpose of the B2, Neighborhood Mixed-Use district is the same as the B1 district, but with the added objective of providing a greater range of development options for those streets where the market demand for retail and service uses is relatively low. By allowing ground-floor residential uses by-right, the B2 district is intended to help stimulate development along under-developed streets.

**17-3-0103-B** The B2 district permits residential *dwelling units* on or above the ground floor.

**17-3-0103-C** B2 zoning is intended to be applied in compact nodes at the intersection of two or more major streets or in a cohesive linear fashion along relatively narrow streets that have low traffic speeds and volumes (compared to multi-lane, major streets).

**17-3-0103-D** The B2 district can be combined with the dash 1, dash 1.5, dash 2, dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-3-0401).

#### **17-3-0104 B3, Community Shopping District**

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**17-3-0104-A** The primary purpose of the B3, Community Shopping district is to accommodate a very broad range of retail and service uses, often in the physical form of shopping centers or larger buildings than found in the B1 and B2 districts. In addition to accommodating development with a different physical form than found in B1 and B2 districts, the B3 district is also intended to accommodate some types of uses that are not allowed in B1 and B2 districts.

**17-3-0104-B** Development in B3 districts will generally be destination-oriented, with a large percentage of customers arriving by automobile. Therefore, the supply of off-street parking will tend to be higher in B3 districts than in B1 and B2 districts.

**17-3-0104-C** The B3 district permits residential *dwelling units* above the ground floor.

**17-3-0104-D** The B3 district is intended to be applied to large sites that have primary access to major streets. It may also be used along streets to accommodate retail and service use types that are not allowed in B1 and B2 districts.

**17-3-0104-E** The B3 district can be combined with the dash 1, dash 1.5, dash 2, dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-3-0401).

#### **17-3-0105 C1, Neighborhood Commercial District**

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**17-3-0105-A** The primary purpose of the C1, Neighborhood Commercial district is to accommodate a very broad range of small-scale, business, service and commercial uses.

**17-3-0105-B** C1 zoning is distinguished from B1 zoning by the range of use types allowed: C1 permits more intensive, more auto-oriented commercial use types than does B1. The C1 district also allows *taverns* and liquor stores by-right.

**17-3-0105-C** The C1 district permits residential *dwelling units* above the ground floor.

**17-3-0105-D** C1 zoning is generally intended to be applied in compact nodes, at the intersection of two or more major streets, or in a cohesive linear fashion along streets.

**17-3-0105-E** The C1 district can be combined with the dash 1, dash 1.5, dash 2, dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-3-0401).

#### **17-3-0106 C2, Motor Vehicle-Related Commercial District**

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**17-3-0106-A** The primary purpose of the C2, Motor Vehicle-Related Commercial district is to accommodate a very broad range of business, service and commercial uses. In terms of *allowed uses*, C2 represents the highest intensity business or commercial zoning district. It allows nearly any type of business, service or

commercial use, including those involving outdoor operations and storage. Like the B3 district, the C2 district, development will generally be destination-oriented; a very large percentage of customers will arrive by automobile.

**17-3-0106-B** The C2 district permits residential *dwelling units* above the ground floor.

**17-3-0106-C** The C2 district is intended to be applied to large sites that have primary access to major streets.

**17-3-0106-D** The C2 district can be combined with the dash 1, dash 1.5, dash 2, dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-3-0401).

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### 17-3-0107 C3, Commercial, Manufacturing and Employment District

**17-3-0107-A** The primary purpose of the C3, Commercial, Manufacturing and Employment district is to accommodate retail, service, commercial and manufacturing uses. The district is intended to serve as a buffer between M-zoned areas and other B, C and R-zoned areas.

**17-3-0107-B** C3 districts are appropriate for application adjacent to M districts and *planned manufacturing districts*, to act as a buffer against the encroachment of incompatible residential or very high-traffic generating uses.

**17-3-0107-C** The C3 district does not permit residential *dwelling units*.

**17-3-0107-D** The C3 district is intended to be applied to large sites that have primary access to major streets.

**17-3-0107-E** The C3 district can be combined with the dash 1, dash 1.5, dash 2, dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-3-0401).

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## 17-3-0200 Allowed Uses

Uses are allowed in the “B” and “C” Zoning Districts in accordance with the Use Table of this section.

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### 17-3-0201 Use Groups and Categories

Use Groups and Use Categories are described in Sec. 17-17-0100.

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### 17-3-0202 Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

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### 17-3-0203 Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, subject to compliance with all other applicable standards of this Zoning Ordinance.

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### 17-3-0203.5 Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600. Other uses and development activities

may also require review and approval as a *planned development* based on their size, height or other threshold criteria. (See the mandatory planned development thresholds of Sec. 17-8-0500)

[amended: 03/09/2005, Council Journal: p. 44409]

### 17-3-0204 Prohibited Uses

Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 17-3-0205 Use Standards

The “Use Standard” column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a Permitted (P) or *special use* (S).

### 17-3-0206 Parking Standards

The “Parking Standard” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in Chapter 17-10.

### 17-3-0207 Use Table and Standards

USE GROUP		Zoning Districts						Use Standard	Parking Standard
Use Category		B1	B2	B3	C1	C2	C3		
Specific Use Type									
P = permitted by-right    S = special use approval req'd    PD = planned development approval req'd    – = not allowed									
<b>RESIDENTIAL</b>									
<b>A. Household Living</b>									
1.	Artist Live/Work Space located above the ground floor	P	P	P	P	P	–		§17-10-0207-C
2.	Artist Live/Work Space located on the ground floor	S	P	S	S	S	–		§17-10-0207-C
3.	Dwelling Units located above the ground floor	P	P	P	P	P	–		§17-10-0207-C
4.	Dwelling Units located on the ground floor (as follows)								
5.	Detached House	S	P	S	S	S	–		§17-10-0207-A
6.	Elderly Housing	S	P	S	S	S	–		§17-10-0207-D
7.	Multi-Unit (3+ units) Residential	S	P	S	S	S	–		§17-10-0207-C
8.	Single-Room Occupancy	S	P	S	S	S	–		§17-10-0207-B
9.	Townhouse	S	P	S	S	S	–	§17-2-0500	§17-10-0207-A
<b>B. Group Living</b> (except as more specifically regulated)		S	S	S	S	S	–		§17-10-0207-Q
1.	Assisted Living (Elderly Custodial Care)	S	P	P	P	P	–		§17-10-0207-Q
2.	Community Home, Family	P	P	P	P	–	–	§17-9-0104	§17-10-0207-Q
3.	Community Home, Group	S	S	S	S	–	–	§17-9-0104	§17-10-0207-Q
4.	Domestic Violence Residence, Family (located above the ground floor [1])	P	P	P	P	–	–		§17-10-0207-Q
5.	Domestic Violence Residence, Group [2]	S/P	S/P	S/P	S	–	–		§17-10-0207-Q
6.	Domestic Violence Shelter	S	S	S	S	–	–		§17-10-0207-Q

[1] Special use permit required when located on the ground floor.

[2] Special use permit required when located in any business (B) district with a floor area ratio of less than 2.2; permitted by special use permit only when located above the ground floor in a C1 district; permitted use only when located above the ground floor in any business district with a floor area ratio of 2.2 or more.

USE GROUP		Zoning Districts						Use Standard	Parking Standard
Use Category		B1	B2	B3	C1	C2	C3		
	Specific Use Type								
P = permitted by-right    S = special use approval req'd		PD = planned development approval req'd						– = not allowed	
7.	Nursing Home (Skilled Nursing Care)	S	S	S	S	S	–		§17-10-0207-Q
8.	Temporary Overnight Shelter	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
9.	Transitional Residences	S	S	S	S	S	–	§17-9-0115	§17-10-0207-Q
10.	Transitional Shelters	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
PUBLIC AND CIVIC									
C. Colleges and Universities		P	P	P	P	P	S		§17-10-0207-E
D. Cultural Exhibits and Libraries		P	P	P	P	P	P		§17-10-0207-F
E. Day Care		P	P	P	P	P	P		§17-10-0207-E
F. Detention and Correctional Facilities		–	–	–	S	S	S		§17-10-0207-E
G. Hospital		–	–	–	P	P	P		§17-10-0207-G
H. Lodge or Private Club		–	S	S	S	S	S		§17-10-0207-H
I. Parks and Recreation (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-E
1.	Community Centers, Recreation Buildings and Similar Assembly Use	S	S	S	S	S	S		§17-10-0207-E
J. Postal Service		P	P	P	P	P	P		§17-10-0207-E
K. Public Safety Services		P	P	P	P	P	P		§17-10-0207-E
L. Religious Assembly		S	S	S	S	S	S		§17-10-0207-I
M. School		S	S	S	S	S	S		§17-10-0207-E
N. Utilities and Services, Minor		P	P	P	P	P	P		§17-10-0207-E
O. Utilities and Services, Major		S	S	S	S	S	S		§17-10-0207-E
COMMERCIAL									
P. Adult Use		–	–	–	S	S	S	§17-9-0101	§17-10-0207-J
Q. Animal Services									
1.	Shelter/Boarding Kennel	–	–	S	P	P	P		§17-10-0207-K
2.	Sales and Grooming	P	P	P	P	P	P		§17-10-0207-L
3.	Veterinary	–	–	P	P	P	P		§17-10-0207-K
4.	Stables	–	–	–	S	S	S		§17-10-0207-K
R. Artist Work or Sales Space		P	P	P	P	P	P		§17-10-0207-M
S. Body Art Services		–	–	S	P	P	P		§17-10-0207-M
T. Building Maintenance Services		P	P	P	P	P	P		§17-10-0207-N
U. Business Equipment Sales and Service		P	P	P	P	P	P		§17-10-0207-N
V. Business Support Services (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-L
1.	Day Labor Employment Agency	–	–	S	S	S	P		§17-10-0207-Q
2.	Employment Agencies	–	–	P	P	P	P		§17-10-0207-L
W. Communication Service Establishments		–	–	P	P	P	P		§17-10-0207-L
X. Construction Sales and Service									
1.	Building Material Sales	–	–	P	P	P	P		§17-10-0207-O
2.	Contractor/Construction Storage Yard	–	–	–	P	P	P		§17-10-0207-O
Z. Drive-Through Facility		S	S	S	S	S	S	§17-9-0106	NA
AA.Eating and Drinking Establishments									
1.	Restaurant, Limited	P	P	P	P	P	P		§17-10-0207-M
2.	Restaurant, General	–	–	P	P	P	P		§17-10-0207-M
3.	Tavern	–	–	S	P	P	P		§17-10-0207-M
BB.Entertainment and Spectator Sports									
1.	Indoor Special Event Class B (see Sec. 4-156-550(b)) including incidental liquor sales	P	P	P	P	P	P		
2.	Inter-Track Wagering Facility	–	–	–	S	S	S	§17-9-0110	§17-10-0207-P
3.	Small venues (1-149 capacity)	P	P	P	P	P	P		§17-10-0207-P

Chapter 17-3 | Business and Commercial Districts  
17-3-0200 | Allowed Uses

USE GROUP		Zoning Districts						Use Standard	Parking Standard
Use Category		B1	B2	B3	C1	C2	C3		
Specific Use Type									
<b>P = permitted by-right   S = special use approval req'd   PD = planned development approval req'd   – = not allowed</b>									
4.	Medium venues (150–999 capacity)	–	–	P	P	P	P		§17-10-0207-P
5.	Large venues (1,000+ capacity)	–	–	PD	PD	PD	PD		§17-10-0207-P
6.	Banquet or Meeting Halls	–	–	P	P	P	P		§17-10-0207-P
<b>CC.Financial Services</b> (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-L
1.	Payday Loan Store	–	–	S	S	S	S		§17-10-0207-L
2.	Pawn Shop	–	–	S	S	S	S		§17-10-0207-L
3.	Bank, Savings Bank, Savings and Loan Association and Credit Union	P/S	P/S	P/S	P	P	P	§17-3-0504-I	§17-10-0207-L
4.	Automated Teller Machine Facility	P/S	P/S	P/S	P	P	P	§17-3-0504-I	
<b>DD.Flea Market</b>		–	–	–	S	S	S		§17-10-0207-R
<b>EE. Food and Beverage Retail Sales</b> (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-M
1.	Liquor Store (package goods)	–	–	S	P	P	P		§17-10-0207-M
2.	Liquor Sales (as accessory use)	P	P	P	P	P	P		§17-10-0207-M
3.	Poultry (including slaughtering and retail sales)	–	–	–	P	P	P		§17-10-0207-M
<b>FF. Fortune Telling Service</b>		–	–	S	S	S	S		§17-10-0207-M
<b>GG.Funeral and Interment Service</b>									
1.	Cemetery/Mausoleum/Columbarium	–	–	–	–	–	–		§17-10-0207-Q
2.	Cremating	–	–	S	S	S	S		§17-10-0207-Q
3.	Undertaking	P	P	P	P	P	P		§17-10-0207-Q
<b>HH.Gas Stations</b>		–	–	S	S	S	S	§17-9-0109	§17-10-0207-R
<b>II. Lodging</b>									
1.	Bed and Breakfast	P	P	P	P	P	–	§17-9-0103	§17-10-0207-S
2.	Hotel/Motel	–	–	S	S	S	S		§17-10-0207-S
<b>JJ. Medical Service</b>		P	P	P	P	P	P		§17-10-0207-T
<b>KK.Office</b> (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-L
1.	High Technology Office	P	P	P	P	P	P		§17-10-0207-L
2.	Electronic Data Storage Center	–	–	P	P	P	P		§17-10-0207-U
<b>LL. Parking, Non-Accessory, Non-Required Accessory</b>		P	P	P	P	P	P	§17-3-0504-I	
<b>MM.Personal Service</b> (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-M
1.	Hair Salon, Nail Salon or Barbershop	P/S	P/S	P/S	P	P	P	§17-9-0112	
<b>NN.Repair or Laundry Service, Consumer</b> (except as more specifically regulated)		P	P	P	P	P	P		§17-10-0207-N
1.	Dry cleaning drop-off or pick-up (no on-premise plant)	P	P	P	P	P	P		§17-10-0207-N
2.	Coin-operated laundromat	–	–	P	P	P	P		§17-10-0207-N
<b>OO.Residential Storage Warehouse</b>		–	–	P	P	P	P		§17-10-0207-Q
<b>PP.Retail Sales, General</b>		P	P	P	P	P	P		§17-10-0207-M
<b>QQ.Sports and Recreation, Participant</b>									
1.	Outdoor	–	–	P	–	P	P		§17-10-0207-M
2.	Indoor	P	P	P	P	P	P		§17-10-0207-M
3.	Amusement Arcades	–	–	P	P	P	P	§17-9-0102	§17-10-0207-M
4.	Entertainment Cabaret	–	–	S	S	S	P		§17-10-0207-M
<b>RR.Vehicle Sales and Service</b>									
1.	Auto Supply/Accessory Sales	–	–	P	P	P	P		§17-10-0207-M
2.	Car Wash or Cleaning Service	–	–	–	P	P	P		§17-10-0207-N
3.	Heavy Equipment Sales/Rental	–	–	–	–	P	P	§17-9-0107	§17-10-0207-N
4.	Light Equipment Sales/Rental, Indoor (e.g., auto, motorcycle and boat sales)	–	–	P	P	P	P		§17-10-0207-N

USE GROUP		Zoning Districts						Use Standard	Parking Standard
Use Category		B1	B2	B3	C1	C2	C3		
Specific Use Type									
P = permitted by-right		S = special use approval req'd		PD = planned development approval req'd				-- = not allowed	
5.	Light Equipment Sales/Rental, Outdoor (e.g., auto, motorcycle and boat sales)	–	–	–	–	P	P	§17-9-0107	§17-10-0207-N
6.	Motor Vehicle Repair Shop, not including body work, painting or commercial vehicle repairs	–	–	P	P	P	P		§17-10-0207-N
7.	Motor Vehicle Repair Shop, may include body work, painting or commercial vehicle repairs	–	–	–	P	P	P		§17-10-0207-N
8.	RV or Boat Storage	–	–	–	–	P	P		§17-10-0207-N
9.	Vehicle Storage and Towing (indoor storage)	–	–	–	–	P	P		§17-10-0207-N
10.	Vehicle Storage and Towing (with outdoor storage)	–	–	–	–	S	S		§17-10-0207-N
INDUSTRIAL									
SS.Manufacturing, Production and Industrial Services									
1.	Artisan	–	–	–	P	P	P		§17-10-0207-U
2.	Limited (catering only)	–	–	P	P	P	P		§17-10-0207-U
3.	Limited	–	–	–	P	P	P		§17-10-0207-U
4.	General (laundry/dry cleaning plant; maximum 2 employees)	–	–	P	P	P	P		§17-10-0207-U
5.	General (laundry or dry cleaning plant only)	–	–	–	P	P	P		§17-10-0207-U
TT.Recycling Facilities									
1.	Class I	–	–	P	P	P	P		§17-10-0207-U
2.	Class II	–	–	–	P	P	P		§17-10-0207-U
UU.Warehousing, Wholesaling and Freight Movement									
		–	–	–	P	P	P		§17-10-0207-U
OTHER									
WW.Wireless Communication Facilities									
1.	Co-located	P	P	P	P	P	P	§17-9-0118	None required
2.	Freestanding (Towers)	S	S	S	S	S	S	§17-9-0118	None required

[amended: 09/01/2004, Council Journal: p. 30490; 02/09/2005, Council Journal: p. 42415; 03/09/2005, Council Journal: p. 44409-12; 11/30/2005, Council Journal: p. 62721; 06/28/2006, Council Journal: p. 79815; 09/13/2006, Council Journal: p. 84878-82]

## 17-3-0300 General District Standards

### 17-3-0301 Establishments Requiring Public Place of Amusement (PPA) Licenses

In all B and C districts, establishments that require a public place of amusement (PPA) license may not be located within 125 feet of any RS1, RS2 or RS3 district. This required distance must be measured from the nearest *property line* of the lot containing the establishment requiring the PPA license to the nearest RS1, RS2 or RS3 zoning district boundary. Establishments holding a valid PPA license that were lawfully established before July 2, 1997 may continue in operation as long as they maintain a valid PPA license. The restriction imposed by this section shall not apply to a performing arts venue, as defined by Section 4-156-530 of the municipal code.

[amended: 11/30/2005, Council Journal: p. 62489]

### 17-3-0302 Commercial Establishment Size Limits

#### 17-3-0302-A B1, B2, C1-1, C1-1.5 and C1-2 Districts

The gross floor area of *commercial establishments* in B1, B2, C1-1, C1-1.5 and C1-2 districts may not exceed 25,000 square feet.

[amended: 03/09/2005, Council Journal: p. 44412]

**17-3-0302-B B3, C1-3, C1-5, C2 and C3 Districts**

*Commercial establishments* are not subject to size limits in the B3, C1-3, C1-5, C2 and C3 districts, but some large *commercial establishments* require review and approval in accordance with the *planned development* review procedures of Sec. 17-13-0600. The mandatory *planned development* review thresholds for large *commercial establishments* are established in Sec. 17-8-0510.

[amended: 03/09/2005, Council Journal: p. 44412]

**17-3-0303 Industrial Establishment Size Limits**

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The gross floor area of *industrial establishments* in C1 and C2 districts may not exceed 25,000 square feet.

**17-3-0304 Indoor/Outdoor Operations**

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**17-3-0304-A B1, B2, B3, and C1 Districts**

All allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within *completely enclosed buildings* unless otherwise expressly stated. This requirement does not apply to off-street parking or loading areas, *automated teller machines*, outdoor seating areas or drive-through facilities that are allowed in such districts as a *special use*.

[amended: 03/09/2005, Council Journal: p. 44412; 09/13/2006, Council Journal: p. 84882]

**17-3-0304-B C2 and C3 Districts**

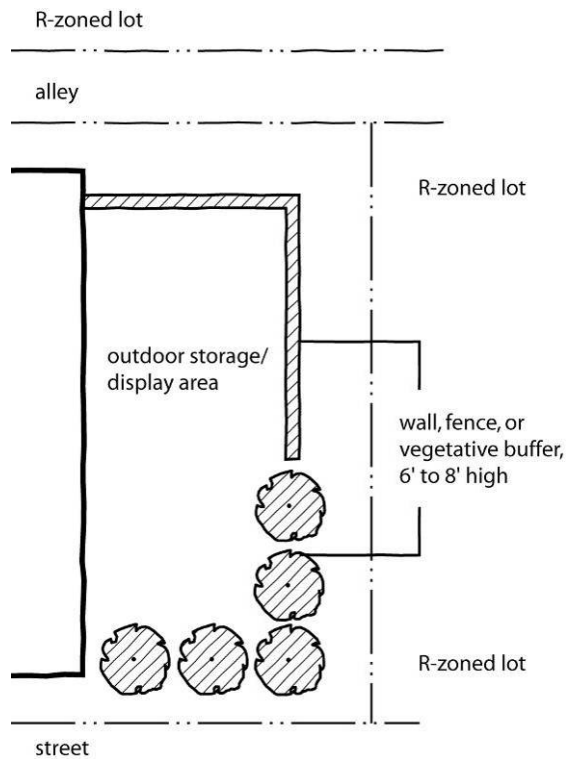
**1. Outdoor Display and Storage**

Outdoor display and storage is permitted in C2 and C3 districts, subject to the screening requirements of this section.

**2. Screening**

- (a) Outdoor storage or display areas that abut R districts along a *side property line* or *rear property line* or are separated from an R district by only an *alley* along a *side property line* or *rear property line* must be effectively screened from view of the R district by a solid wall, solid fence, or dense vegetative screen not less than 6 feet in height and not more than 8 feet in height. Fences and walls must be masonry or wood, sight-obscuring and planted with vines. Chain-link fencing is prohibited.
- (b) The view of outdoor areas used to store goods and materials that are not available for retail sale to the general public must be visually screened from all contiguous *streets* other than *alleys* either by permitted structures or by a vegetative buffer that is at least 6 feet in height or by a combination of such features. Required screening must be located between the perimeter of the outdoor storage area and any *property line* abutting a public street, other than an *alley*. This screening requirement is not intended to prohibit openings reasonably necessary for access drives and walkways.

Figure 17-3-0304-B2:



[amended: 03/09/2005, Council Journal: p. 44412-13]

### 17-3-0305 Floor-to-Floor Heights and Floor Area of Ground-floor Space

In B and C districts with a dash 1, dash 1.5, dash 2, dash 3, or dash 5 suffix (e.g., B1-3), all commercial floor space provided on the ground floor of a multi-floor building, other than floor space devoted to off-street parking, must have a minimum floor-to-floor height of 13 feet and must contain the following minimum floor area:

**17-3-0305-A** at least 800 square feet or 25% of the *lot area* (whichever is greater) on lots with *lot frontage* of less than 50 feet (as measured along the shorter *lot frontage* on lots containing multiple frontages); or

**17-3-0305-B** at least 20% of the *lot area* on lots with 50 feet of *lot frontage* or more (as measured along the shorter *lot frontage* on lots containing multiple frontages).

[amended: 03/09/2005, Council Journal: p. 44413-14]

### 17-3-0306 Strip Centers

*Strip centers* are subject to the standards of Sec. 17-9-0116.

## 17-3-0400 Bulk and Density Standards

### 17-3-0401 General

*Bulk* and *density* standards in the "B" and "C" districts vary according to the applicable *bulk* and *density* designation. *Bulk* and *density* designations are indicated by the numeral following the dash (–) in the district name, as in "B1-2" (B1 dash 2).

### 17-3-0402 Lot Area per Unit (Density)

Where allowed, all residential development in B and C districts is subject to the following minimum lot-area-per-unit standards:

District	Minimum Lot Area per Unit (square feet)		
	Per Dwelling Unit	Per Efficiency Unit	Per SRO Unit
Dash 1	2,500	2,500	Not Allowed
Dash 1.5	1,350	1,350	Not Allowed
Dash 2	1,000	700	700
Dash 3	400	300	200
Dash 5	200	135	100

(See Sec. 17-17-0304 for rules governing the measurement of *lot area per unit*.)

### 17-3-0403 Floor Area Ratio

#### 17-3-0403-A Standards

All development in B and C districts is subject to the following maximum *floor area ratio* standards:

District	Maximum Floor Area Ratio
Dash 1	1.2
Dash 1.5	1.5
Dash 2	2.2
Dash 3	3.0
Dash 5	5.0

(See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

### 17-3-0404 Front Setbacks

No *front setback* is required in B or C districts, except on B- or C-zoned *lots* abutting R-zoned *lots* that have *lot frontage* on the same *street*. The required *front setback* in those cases must equal at least 50% of the *front yard* that exists on the abutting R-zoned *lot*. If the abutting R-zoned *lot* is vacant, the 50% must be calculated on the basis of the abutting *lot's* required *front setback*. (See Sec. 17-17-0306 for rules governing the measurement of *front setbacks*.)

### 17-3-0405 Rear Setbacks

All development in B and C districts is subject to the following minimum *rear setback* standards:

**17-3-0405-A** For floors containing *dwelling units*, the minimum *rear setback* is 30 feet. This does not apply to existing *buildings* where there is a change of use or interior alterations and where there are no additions to the existing structure which are proposed within the *rear setback*. (See Sec. 17-17-0307 for rules governing the measurement of *rear setbacks*.)

[amended: 09/13/2006, Council Journal: p. 84882]

**17-3-0405-B** For floors without *dwelling units*:

1. When the *rear property line* of B- or C-zoned property abuts a *side property line* of R-zoned property, a *rear setback* is required on the B- or C-zoned property that is equal in dimension to the minimum *side setback* required for a *residential building* on the adjacent R-zoned *lot*.

2. When the *rear property line* of B- or C-zoned property abuts a *rear property line* of R-zoned property, the minimum *rear setback* for the B- or C-zoned property is 16 feet. In such cases, the *rear setback* may begin 15 feet or one *story above grade*, whichever is lower.

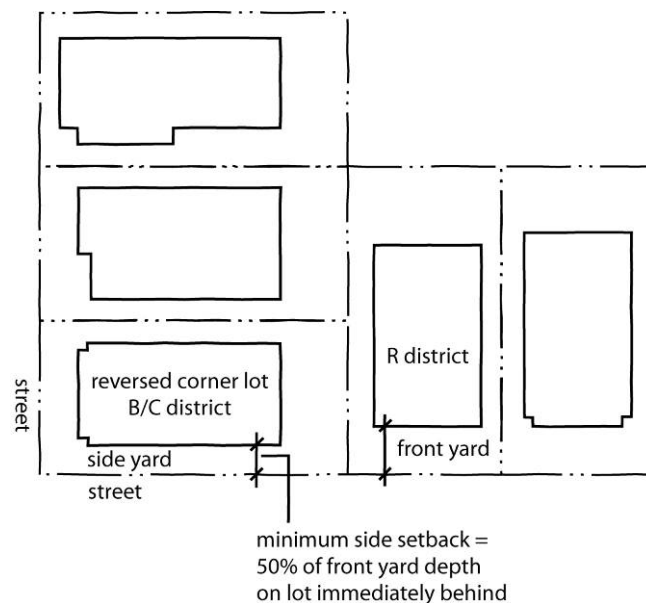
#### 17-3-0406 Side Setbacks

No *side setbacks* are required in B and C districts, except when B- or C-zoned property abuts R-zoned property, in which case the *side setback* required for a residential use on the R-zoned lot applies. *Townhouse developments*, where allowed, are subject to the *townhouse development* standards of Sec. 17-2-0500. (See Sec. 17-17-0308 for rules governing the measurement of *side setbacks*.)

##### 17-3-0406-A Reversed Corner Lot Setback Standards

In all B and C districts, the minimum *side setback* on a *reversed corner lot* must be equal to at least 50% of the *front yard* that exists on any R-zoned lot abutting the rear of the *reversed corner lot*. If the abutting R-zoned lot to the rear is vacant, the 50% is to be calculated on the basis of the abutting lot's required *front setback*. Moreover, no accessory building on a *reverse corner lot* may be located within 5 feet of any part of a rear lot line that coincides with a side lot line of property in an RS1, RS2, or RS3 district.

Figure 17-3-0406-A



[amended: 03/09/2005, Council Journal: p. 44414]

#### 17-3-0407 Building (Wall) Separation

##### 17-3-0407-A Purpose; Applicability

The building separation standards of this section are intended to ensure adequate separation between exterior building walls that serve as a primary source of natural light and air for *dwelling units*. These standards apply to courtyard buildings, buildings with car courts, or other developments when *dwelling units* face or are

adjacent to one another. *Townhouse developments* are exempt from these standards; they are subject to the standards of Sec.17-2-0500.

[amended: 09/13/2006, Council Journal: p. 84882]

#### 17-3-0407-B General

Unless otherwise expressly stated, exterior building walls are subject to the minimum setback standards of the underlying zoning district.

#### 17-3-0407-C Front and Rear Walls

##### 1. Facing Interior Side Property Line

When a *front wall* faces the subject property's *interior side property line*, the wall must be setback from the *interior side property line* a distance equal to at least 12 feet, or in the case of a *rear wall*, a distance equal to at least 10% of the *lot width* or 12 feet, whichever is less. (See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)

##### 2. Facing Other Front or Rear Walls

When the *front wall* or *rear wall* of a *dwelling unit* faces the *front wall* or *rear wall* of another *dwelling unit* located on the same *zoning lot*, the minimum required separation between such walls is as follows:

District	Minimum Separation (feet)
Dash 1	30
Dash 1.5	30
Dash 2	30
Dash 3	30
Dash 5	26

#### 17-3-0407-D End Walls Facing Front or Rear Walls

When the *end wall* of a *dwelling unit* faces the *front wall* or *rear wall* of a *dwelling unit* located on the same *zoning lot*, the minimum required separation between such walls is 20 feet.

### 17-3-0408 Building Height

#### 17-3-0408-A Standards

Maximum *building height* limits in B and C districts vary by building type and *lot frontage*, as follows:

Maximum Building Height (feet)				
District	Lot frontage of 25 feet or less	Lot frontage of more than 25 and less than 50 feet	Lot frontage of 50 to 99.9 feet	Lot frontage of 100 feet or more
Buildings with Ground-floor Commercial Space that complies with Sec. 17-3-0305				
Dash 1	38	38	38	38
Dash 1.5	38	38	38	38
Dash 2	47	50	50	50
Dash 3	50	55	65	65
Dash 5	50	55	70	80 [1]
Buildings without Ground-floor Commercial Space that complies with Sec. 17-3-0305				
Dash 1	38	38	38	38
Dash 1.5	38	38	38	38
Dash 2	45	45	45	45
Dash 3	50	50	60	60
Dash 5	50	50	65	75 [1]

Notes: See Sec. 17-17-0311 for rules governing the measurement of *building height*.

On lots with multiple lot frontages, allowable building height must be based on the shortest lot frontage.

- [1] Buildings may exceed the maximum height standard applicable to 100+-foot lots in dash 5 districts only if reviewed and approved in accordance with the Planned Development procedure of Sec. 17-13-0600; no minimum land area standard applies to projects seeking such PD approval.

#### **17-3-0408-B Exemption for Wrigley Field Adjacent Area**

The *building height* limits of Sec. 17-3-0407 do not apply to residential construction in the “Wrigley Field Adjacent Area,” as defined in Section 4-388 of the Municipal Code.

#### **17-3-0409 Average Dwelling Unit Size**

The gross residential floor area developed on a *lot* divided by the total number of *dwelling units* on such *lot* may not be less than 500 square feet. No existing residential use may be converted to conflict with or further conflict with this standard.

#### **17-3-0410 Number of Efficiency Units**

##### **17-3-0410-A Standards**

In B and C districts the total number of *efficiency* units may not exceed the following standards except as specified in Sec. 17-3-0410-B:

District	Maximum Number of Efficiency Units (% of total units)
Dash 1	10
Dash 1.5	15
Dash 2	20
Dash 3	20
Dash 5	30

##### **17-3-0410-B Exemption**

The limits on *efficiency* units do not apply to SROs or *elderly housing* developments, provided that the Zoning Administrator determines that such developments constitute bona fide SROs or *elderly housing* developments.

### **17-3-0500 Pedestrian Streets**

#### **17-3-0501 Purpose**

The regulations of this section are intended to preserve and enhance the character of *streets* and intersections that are widely recognized as Chicago’s best examples of pedestrian-oriented shopping districts. The regulations are intended to promote transit, economic vitality and pedestrian safety and comfort.

#### **17-3-0502 Description and Criteria for Designation**

*Pedestrian streets* exhibit most or all of the following characteristics:

- 17-3-0502-A** have a high concentration of existing stores and restaurants;
- 17-3-0502-B** abut a *street* with a right-of-way of 80 feet or less;
- 17-3-0502-C** have a continuous or mostly continuous pattern of buildings that are built abutting or very close to the sidewalk;
- 17-3-0502-D** have doors and entrances abutting the sidewalk;

**17-3-0502-E** have many storefront windows abutting the sidewalk; and

**17-3-0502-F** have very few vacant stores.

### 17-3-0503 Designation and Boundaries

**17-3-0503-A** *Pedestrian streets* must be identified in the text of this Zoning Ordinance and shown on the Official Zoning Atlas.

**17-3-0503-B** The “*pedestrian street*” designation may be established or removed only in accordance with the Zoning Ordinance Text and Zoning Map Amendment procedures of Sec. 17-13-0200 and Sec. 17-13-0300. Both a text and map amendment is required.

[amended: 03/09/2005, Council Journal: p. 44415]

**17-3-0503-C** The “*pedestrian street*” designation applies to all *zoning lots* that abut the right-of-way of a *pedestrian street*.

#### 17-3-0503-D Pedestrian Streets and Pedestrian Retail Streets

1. The following *street* segments are classified as *pedestrian streets*:

Street	Segment		Coordinates	
	From	To	From	To
103rd	Longwood	Wood	1800W	2000W
18th	Racine	Wood	1200W	1800W
26th	Homan	Pulaski	3400W	4000W
53rdz	Kenwood	Lake Park	1350E	1600E
Argyle	Sheridan	Broadway	1000W	1200W
Cermak	Washtenaw	Troy	2700W	3100W
Chicago	Ashland	Wood	1600W	1800W
Clark	Foster	Bryn Mawr	5200N	5600N
Clark	Montrose	Lawrence	4400N	4800N
Commercial	88th	92 <sup>nd</sup>	8800S	9200S
Devon	Western	California	2400W	2800W
Division	Marshfield	Leavitt	1650W	2200W
Halsted	Belmont	Grace	3200N	3800N
Milwaukee	Division	North	1200N	1600N
Milwaukee	Logan Blvd	Central Park	2600N	3000N/3600W
Montrose	C.T.A. Brown Line	Seeley	1814 north side 1821 south side	2044 north side 2017 south side
Roscoe	Damen	Leavitt	2000W	2200W
Taylor	Carpenter	Racine	1050W	1200W
Taylor	Loomis	Ashland	1400W	1600W
Wells	Division	North	1200N	1600N
Wentworth	Cermak	24th Place	2200S	2400S

[amended: 02/09/2005, Council Journal: p.42415; 03/09/2005, Council Journal: p.44415; 01/11/2007, Council Journal: p.97058-60]

2. The following street segments are classified as pedestrian retail streets:

Street	Segment		Coordinates	
	From	To	From	To
Armitage	Halsted	Racine	800W	1200W
Belmont	Halsted	Sheffield	800W	1000W
Broadway	Diversey	Cornelia	2800N	3500N

Street	Segment		Coordinates	
	From	To	From	To
Bryn Mawr	Kenmore	Broadway	1038W	1200W
Clark	Belden	Diversey	2300N	2800N
Diversey	Pine Grove	Burling	500W	750W
Halsted	Willow	Webster	1800N	2200N
Lincoln	Fullerton	Diversey	2400N	2800N
Lincoln	Sunnyside	Lawrence	4500N	4800N
Lincoln	Addison	Montrose	3600N	4400N
Southport	Roscoe	Grace	3400N	3800N

[amended: 02/09/2005, Council Journal: p. 42415; 01/11/2007, Council Journal: p. 97056]

**17-3-0503-E** Pedestrian streets also radiate from the following six-corner intersections.

Diagonal Street	Coordinates	East-West Street	Coordinates	North-South Street	Coordinates	Intersection Coordinates
Blue Island	From 1600S To 1900S	18th	From 1300W To 1500W	Loomis	From 1600S To 1900S	1800S 1400W
Broadway	From 4700N To 4900N	Lawrence	From 1100W To 1230W	Racine	From 4700N To 4800N	4800N 1200W
Clark	From 2700N To 2900N	Diversey	From 500W To 700W	Broadway	From 2800N To 2900N	2800N 600W
Lincoln	From 3200N To 3400N	School	From 1600W To 1700W	Marshfield	From 3300N To 3400N	3300N 1630W
Lincoln	From 3900N To 4100N	Irving Park	From 1900W To 2100W	Damen	From 3900N To 4100N	4000N 2000W
Milwaukee	From 1500N To 1700N	North	From 1900W To 2100W	Damen	From 1500N To 1700N	1600N 2000W
Milwaukee	From 2700N To 2860N	Diversey	From 3300W To 3500W	Kimball	From 2700N To 2900N	2800N 3400W
Milwaukee (Excluding 4062-84N)	From 3900N To 4100N	Irving Park	From 4650W To 4930W	Cicero	From 3900N To 4100N	4000N 4800W

[amended: 03/09/2005, Council Journal: p. 44415-16; 11/30/2005, Council Journal: p. 62726]

## 17-3-0504 Standards

### 17-3-0504-A Applicability

The standards of this section apply to all development on *lots* that abut the right-of-way of designated *pedestrian streets* unless otherwise expressly stated. For purposes of Title 17, the criteria, standards and regulations that apply to pedestrian streets shall apply to pedestrian retail streets, except as more specifically regulated herein.

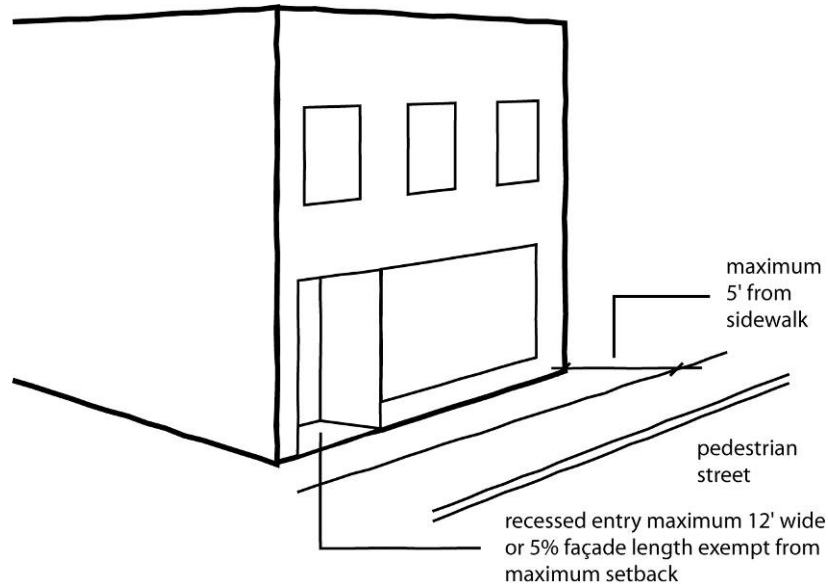
[amended: 2/9/2005, Council Journal: p.42415]

### 17-3-0504-B Building Location

1. The entire building *façade* that faces a designated *pedestrian street* must abut the sidewalk or be located within 5 feet of the sidewalk.
2. These building location standards do not apply to permitted arcades, public plazas or parks, entries to through-block connections, or recessed entries. Recessed entries are subject to the following standards:

- (a) The entrance width may not exceed 12 feet or 5% of the building's street-facing *façade* width;
- (b) The entrance depth may not exceed the entrance width; and
- (c) The entrance may not exceed 2 stories in height.

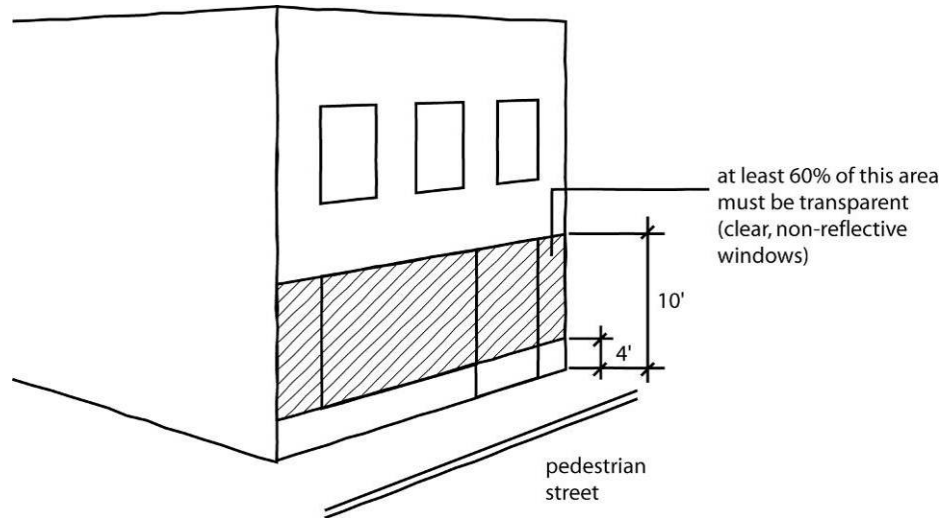
Figure 17-3-0504-B



**17-3-0504-C Transparency**

1. A minimum of 60% of the street-facing building *façade* between 4 feet and 10 feet in height must be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. This standard applies to building *façades* that face *pedestrian streets*.
2. The bottom of any window or *product display window* used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.
3. *Product display windows* used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

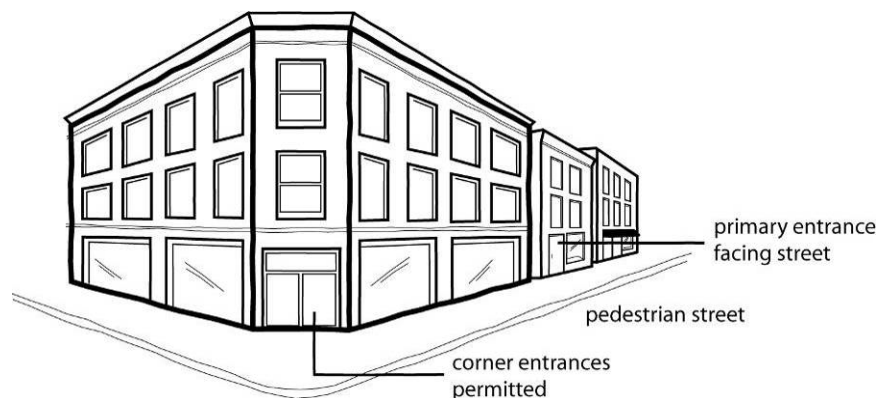
Figure 17-3-0504-C



#### 17-3-0504-D Doors and Entrances

1. On lots abutting *pedestrian streets*, buildings must have a primary entrance door facing the *pedestrian street*. Entrances at building corners facing a *pedestrian street* may be used to satisfy this requirement.
2. Building entrances may include doors to individual shops or businesses, lobby *entrances*, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of shops or businesses.

Figure 17-3-0504-D



#### 17-3-0504-E Off-Street Parking Requirements

No off-street parking is required for nonresidential uses on *lots abutting pedestrian streets* unless such uses exceed 10,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 10,000 square feet. (See Sec. 17-10-0200 for off-street parking ratios)

#### 17-3-0504-F Parking Location

All off-street parking spaces must be enclosed or located to the rear of the *principal building* and not be visible from the right-of-way of a *pedestrian street*.

[amended: 03/09/2005, Council Journal: p. 44416]

**17-3-0504-G Driveways and Vehicle Access**

Vehicle access to *lots* located along *pedestrian streets* must come from an *alley*. No curb cuts or driveways are allowed from a *pedestrian street*. (See Sec. 17-13-1003-S)

[amended: 03/09/2005, Council Journal: p. 44416; 09/13/2006, Council Journal: p. 84883]

**17-3-0504-H Prohibited Uses**

The following uses are expressly prohibited on *lots* abutting *pedestrian streets*:

1. *strip* centers;
2. drive-through facilities;
3. *vehicle sales and service* uses involving any outdoor storage of vehicles or goods;
4. *gas* stations;
5. car washes; and
6. *residential storage warehouses*.

[amended: 03/09/2005, Council Journal: p. 44416]

**17-3-0504-I Special Uses**

1. *Non-accessory parking* facilities are allowed on *lots* abutting *pedestrian streets* only if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900.
2. A bank, savings bank, savings and loan association, credit union, or automated teller machine facility is permitted on *lots* abutting *pedestrian retail streets*: provided that a proposed bank, savings bank, savings and loan association, credit union, or automated teller machine facility that will be located within 600 feet of a bank, savings bank, savings and loan association, credit union, or automated teller machine facility that already exists on the *pedestrian retail street* is allowed only if reviewed and approved in accordance with the special use procedures of Sec. 17-13-0900; provided further that the review and approval for such special use shall not be required if:
  - (a) the bank, savings bank, savings and loan association, credit union, or automated teller machine facility is located above or below curb level of a building with permitted or special uses on the curb level;
  - (b) the bank, savings bank, savings and loans association, credit union, or automated teller machine facility is accessory to a retail or commercial use; or
  - (c) the bank, savings bank, savings and loan association, credit union, or automated teller machine facility is located: (1) in the rear of the building that abuts the *pedestrian retail street*; and (2) 50 feet or more from the sidewalk that abuts the building façade that faces the

pedestrian retail street; and (3) in a building in which a retail or commercial use faces the pedestrian retail street.

[amended: 02/09/2005, Council Journal: p. 42415; 06/28/2006, Council Journal: p. 79816]

**17-3-0504-J Encouraged Uses**

The following uses are encouraged on *lots* abutting *pedestrian streets*:

1. Sidewalk cafes and outdoor eating areas; and
2. Outdoor display of produce, flowers and plants.

[End of Chapter]

## Chapter 17-4 Downtown Districts

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### 17-4-0100 District Descriptions

#### 17-4-0101 Generally

“D” zoning districts are intended solely for application within the downtown area. No “D” zoning may be established outside the “D” district boundaries in existence on November 1, 2004.

#### 17-4-0102 DC, Downtown Core District

**17-4-0102-A** The DC, Downtown Core district is primarily intended to promote high-intensity office and employment growth within the downtown core.

**17-4-0102-B** The DC district regulations recognize and support downtown’s role as a center of regional importance and as a primary hub for business, communications, office, government, retail, cultural, educational, visitor accommodations, and entertainment.

**17-4-0102-C** The district regulations are intended to accommodate a broad mix of office, commercial, public, recreation, and entertainment uses. The DC district also accommodates mixed-use (residential/nonresidential) and residential development.

**17-4-0102-D** The DC district can be combined with the dash 12 or dash 16 *bulk* and *density* designations (see Sec. 17-4-0401).

#### 17-4-0103 DX, Downtown Mixed-Use District

**17-4-0103-A** The DX, Downtown Mixed-Use district is primarily intended to accommodate office, commercial, public, institutional and residential development.

**17-4-0103-B** The district promotes vertical mixed-use (residential/nonresidential) projects that contain active ground-floor uses.

**17-4-0103-C** The DX district can be combined with the dash 3, dash 5, dash 7, dash 10, dash 12 or dash 16 *bulk* and *density* designations (see Sec. 17-4-0401).

[amended: 03/09/2005, Council Journal: p. 44383]

#### 17-4-0104 DR, Downtown Residential District

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**17-4-0104-A** The DR, Downtown Residential district is primarily intended to accommodate residential development and small-scale commercial uses on lower floors, with residential units above.

**17-4-0104-B** The DR district can be combined with the dash 3, dash 5, dash 7, or dash 10 *bulk* and *density* designations (see Sec. 17-4-0401).

#### 17-4-0105 DS, Downtown Service District

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**17-4-0105-A** The DS, Downtown Service district is primarily intended to accommodate commercial and service uses that are essential for the livelihood of businesses and residents of the downtown area and surrounding neighborhoods.

**17-4-0105-B** The district regulations allow a mix of small-scale office, commercial services, public uses, transportation and communication services, and industrial uses.

**17-4-0105-C** The DS district can be combined with the dash 3 or dash 5 *bulk* and *density* designations (see Sec. 17-4-0401).

### 17-4-0200 Allowed Uses

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Uses are allowed in the “D” zoning districts in accordance with the Use Table of this section.

#### 17-4-0201 Use Groups and Categories

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Use Groups and Use Categories are described in Sec. 17-17-0100.

#### 17-4-0202 Permitted Uses

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Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

#### 17-4-0203 Special Uses

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Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, subject to compliance with all other applicable standards of this Zoning Ordinance.

#### 17-4-0203.5 Planned Developments

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Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600. Other uses and development activities may also require review and approval as a *planned development* based on their size, height or other threshold criteria. (See the mandatory planned development thresholds of Sec. 17-8-0500)

[amended: 03/09/2005, Council Journal: p. 44417]

#### 17-4-0204 Prohibited Uses

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Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 17-4-0205 Use Standards

The “Use Standard” column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a Permitted (P) or *special use* (S).

### 17-4-0206 Unlisted Uses

If an application is submitted for a use that is not addressed by the Use Table, the Zoning Administrator is authorized to classify the unlisted use into an existing use category that most closely fits the new or unlisted use, in accordance with 17-17-0101-D. If no similar use determination can be made, the use is prohibited.

### 17-4-0207 Use Table and Standards

USE GROUP		Zoning Districts				Use Standard	Parking Standard
Use Category		DC	DX	DR	DS		
	Specific Use Type						
P = permitted by-right S = special use approval required PD = planned development approval required – = not allowed							
<b>RESIDENTIAL</b>							
<b>A. Household Living</b>							
1.	Artist Live/Work Space located above the ground floor	P	P	P	–		§17-10-0208
2.	Artist Live/Work Space located on the ground floor	–	S	P	–		§17-10-0208
3.	Dwelling Units located above the ground floor	P	P	P	–		§17-10-0208
4.	Dwelling Units located on the ground floor (as follows)						
5.	Detached House	–	S	P	–		§17-10-0208
6.	Elderly Housing	S	S	P	–		§17-10-0207-D
7.	Multi-unit (3+ units) residential	S	S	P	–		§17-10-0208
8.	Single-Room Occupancy	S	S	P	–		§17-10-0208
9.	Townhouse	–	S	P	–	§17-2-0500	§17-10-0208
10.	Two-Flat	–	S	P	–		§17-10-0208
<b>B. Group Living</b> (except as more specifically regulated)							
1.	Assisted Living (Elderly Custodial Care)	–	P	P	–		§17-10-0208
2.	Community Home, Family	–	P	P	–	§17-9-0104	§17-10-0208
3.	Community Home, Group	–	S	S	–	§17-9-0104	§17-10-0208
4.	Domestic Violence Residence, Family (located above the ground floor [3])	–	P	P	–		§17-10-0208
5.	Domestic Violence Residence, Group	–	S/P [3]	P	–		§17-10-0208
6.	Domestic Violence Shelter	–	S	S	–		§17-10-0208
7.	Nursing Home (Skilled Nursing Care)	–	S	S	–		§17-10-0208
8.	Temporary Overnight Shelter	–	S	S	–	§17-9-0115	§17-10-0208
9.	Transitional Residences	–	S	S	–	§17-9-0115	§17-10-0208
10.	Transitional Shelters	–	S	S	–	§17-9-0115	§17-10-0208
<b>PUBLIC AND CIVIC</b>							
<b>C. Colleges and Universities</b>							
		P	P	P	P		§17-10-0208
<b>D. Cultural Exhibits and Libraries</b>							
		P	P	P	P		§17-10-0208
<b>E. Day Care</b>							
		P	P	P	P		§17-10-0208
<b>F. Detention and Correctional Facilities</b>							
		–	–	–	S		§17-10-0208
<b>G. Hospital</b>							
		P	P	P	P		§17-10-0208
<b>H. Lodge or Private Club</b>							
		S	S	S	S	§17-9-0111	§17-10-0208
<b>I. Parks and Recreation</b> (except as more specifically regulated)							
		P	P	P	P		§17-10-0208
1.	Community Centers, Recreation Buildings and Similar Assembly Use	S	S	S	S		§17-10-0208

[3] Special use permit required when located on the ground floor.

Chapter 17-4 | Downtown Districts  
17-4-0200 | Allowed Uses

USE GROUP		Zoning Districts				Use Standard	Parking Standard
Use Category		DC	DX	DR	DS		
	Specific Use Type						
P = permitted by-right S = special use approval required PD = planned development approval required – = not allowed							
J. Postal Service		P	P	P	P		§17-10-0208
K. Public Safety Services		P	P	P	P		§17-10-0208
L. Religious Assembly		S	S	P	S		§17-10-0208
M. School		S	S	P	S		§17-10-0208
N. Utilities and Services, Minor		P	P	P	P		§17-10-0208
O. Utilities and Services, Major		S	S	S	S		§17-10-0208
<b>COMMERCIAL</b>							
P. Adult Use		S	S	–	S	§17-9-0101	§17-10-0208
Q. Animal Services		P	P	–	P		§17-10-0208
R. Artist Work or Sales Space		P	P	–	P		§17-10-0208
S. Body Art Services		S	S	–	P		§17-10-0208
T. Building Maintenance Services		–	–	–	P		§17-10-0208
U. Business Equipment Sales and Service		P	P	–	P		§17-10-0208
V. Business Support Services (except as more specifically regulated)		P	P	–	P		§17-10-0208
1. Day Labor Employment Agency		–	–	–	P		§17-10-0208
W. Communication Service Establishments		P	P	–	P		§17-10-0208
X. Construction Sales and Service		–	–	–	P		§17-10-0208
Y. Drive-Through Facility		–	S	–	S	§17-9-0106	§17-10-0208
Z. Eating and Drinking Establishments (all, including Taverns)		P	P	–	P		§17-10-0208
AA. Entertainment and Spectator Sports (except as more specifically regulated)		P	P	–	P		§17-10-0208
1. Indoor Special Event Class A (see Sec. 4-156-550(a)) including incidental liquor sales		–	–	–	P		
2. Indoor Special Event Class B (see Sec. 4-156-550(b)) including incidental liquor sales		P	P	–	P		
3. Inter-Track Wagering Facility		S	S	–	S	§17-9-0110	§17-10-0208
BB. Financial Services (except as more specifically regulated)		P	P	–	P		§17-10-0208
1. Payday Loan Store		S	S	–	S		§17-10-0208
2. Pawn Shop		S	S	–	S		§17-10-0208
CC. Flea Market		–	–	–	S		§17-10-0208
DD. Food and Beverage Retail Sales (except as more specifically regulated)		P	P	–	P		§17-10-0208
1. Liquor Store (package goods)		S	S	–	S		§17-10-0208
2. Liquor Sales (as accessory use)		P	P	–	P		§17-10-0208
EE. Fortune Telling Service		S	S	–	P		§17-10-0208
<b>FF. Funeral and Interment Service</b>							
1. Cemetery/Mausoleum/Columbarium		–	–	–	–		§17-10-0208
2. Cremating		–	–	–	S		§17-10-0208
3. Undertaking		P	P	–	P		§17-10-0208
GG. Gas Stations		–	S	–	S	§17-9-0109	§17-10-0208
<b>HH. Lodging</b>							
1. Bed and Breakfast		P	P	P	P	§17-9-0103	§17-10-0208
2. Hotel/Motel		P	P	–	P		§17-10-0208
II. Medical Service		P	P	–	P		§17-10-0208
JJ. Office		P	P	–	P		§17-10-0208
<b>KK. Parking, Non-Accessory</b>							
1. Within Central Area Parking District		PD	PD	–	–	§17-4-0800	§17-10-0208
2. Outside Central Area Parking District (1-249 parking spaces)		S	S	–	S	§17-4-0800	§17-10-0208
3. Outside Central Area Parking District (250+ spaces)		PD	PD	–	PD	§17-4-0800	§17-10-0208
LL. Personal Service		P	P	–	P		§17-10-0208

Chapter 17-4 | Downtown Districts  
17-4-0300 | Strip Centers

USE GROUP		Zoning Districts				Use Standard	Parking Standard
Use Category		DC	DX	DR	DS		
	Specific Use Type						
P = permitted by-right S = special use approval required PD = planned development approval required – = not allowed							
<b>MM.Repair or Laundry Service, Consumer</b>		P	P	–	P		§17-10-0208
<b>NN.Residential Storage Warehouse</b>		–	–	–	P		§17-10-0208
<b>OO.Residential Support Services</b>		–	–	P	–	§17-9-0114	None required
<b>PP. Retail Sales, General</b>		P	P	–	P		§17-10-0208
<b>QQ.Sports and Recreation, Participant</b>							
1.	Entertainment Cabaret	P	P	–	P		§17-10-0208
2.	Outdoor	–	–	–	P		§17-10-0208
3.	Indoor	P	P	–	P		§17-10-0208
<b>RR.Vehicle Sales and Service</b>							
1.	Auto Supply/Accessory Sales	–	P	–	P		§17-10-0208
2.	Car Wash or Cleaning Service	–	P	–	P		§17-10-0208
3.	Heavy Equipment Sales/Rental	–	–	–	P	§17-9-0107	§17-10-0208
4.	Light Equipment Sales/Rental, Indoor (e.g., auto, motorcycle and boat sales)	P	P	–	P		§17-10-0208
5.	Light Equipment Sales/Rental, Outdoor (e.g., auto, motorcycle and boat sales)	–	P	–	P	§17-9-0107	§17-10-0208
6.	Motor Vehicle Repair Shop, not including body work, painting or commercial vehicle repairs	–	P	–	P		§17-10-0208
7.	Motor Vehicle Repair Shop, may include body work, painting or commercial vehicle repairs	–	–	–	P		§17-10-0208
8.	RV or Boat Storage	–	–	–	P		§17-10-0208
9.	Vehicle Storage and Towing	–	–	–	P		§17-10-0208
<b>INDUSTRIAL</b>							
<b>SS.Manufacturing, Production and Industrial Services</b>							
1.	Artisan	P	P	–	P		§17-10-0208
2.	Limited	–	–	–	P		§17-10-0208
<b>TT.Recycling Facilities</b>							
1.	Class I	P	P	–	P		§17-10-0208
2.	Class II	–	–	–	P		§17-10-0208
<b>UU.Warehousing, Wholesaling and Freight Movement</b>		–	P	–	P		§17-10-0208
<b>OTHER</b>							
<b>VV. Wireless Communication Facilities</b>							
1.	Co-located	P	P	P	P	§17-9-0118	None required
2.	Freestanding (Towers)	S	S	S	S	§17-9-0118	None required

[amended: 09/01/2004, Council Journal: p. 30490; 03/09/2005, Council Journal: p. 44417-19; 11/30/2005, Council Journal: p. 62721; 09/13/2006, Council Journal: p. 84883-86]

## 17-4-0300 Strip Centers

Strip centers are prohibited in DC, DX and DR districts. Strip centers in the DS district are subject to the standards of Sec. 17-9-0116.

## 17-4-0400 Bulk and Density Standards

### 17-4-0401 General

*Bulk* and *density* standards in the “D” districts vary according to the *bulk* and *density* designation of the district. *Bulk* and *density* designations are indicated by the numeral following the dash (–) in the district name, as in “DX-16” (DX dash 16).

### 17-4-0402 Lot Area

There are no minimum *lot area* standards for the “D” districts.

### 17-4-0403 Lot Frontage

There are no minimum *lot frontage* standards for the “D” districts.

### 17-4-0404 Lot Area per Unit

#### 17-4-0404-A Standards

All development in “D” districts is subject to the following minimum *lot area* per unit standards. These standards are not to be interpreted as a guarantee that allowed densities can be achieved on every *lot*. Other factors, such as off-street parking requirements, minimum *dwelling unit* standards and *lot* configuration issues may work to limit *density* more than these standards.

Dash Designation	Minimum Lot Area per Unit (square feet)
–3	Dwelling units: 400 Efficiency units: 300 SRO units: 200
–5	Dwelling units: 200 Efficiency units: 135 SRO units: 100
–7	Dwelling units: 145 Efficiency units: 90 SRO units: 75
–10	Dwelling units: 115 Efficiency units: 75 SRO units: 60
–12	Dwelling units: 115 Efficiency units: 75 SRO units: 60
–16	Dwelling units: 100 Efficiency units: 65 SRO units: 50

(See Sec. 17-17-0304 for rules governing the measurement of *lot area per unit*.)

#### 17-4-0404-B MLA Reduction for Affordable Housing and Underground Parking

Projects that are awarded floor area bonuses for Affordable Housing or Underground Parking and Loading are eligible to use reduced lot-area-per-unit standards. For each one percent increase in floor area awarded through the Affordable Housing floor area bonus provisions of Sec. 17-4-1004 and the Underground Parking and Loading floor area bonus provisions of Sec. 17-4-1016, the minimum *lot area* per unit standard is reduced by one percent. The minimum *lot area* per unit reduction may not exceed 15 percent, regardless of the floor area bonus awarded.

## 17-4-0405 Floor Area Ratio

### 17-4-0405-A Standards

All development in “D” districts is subject to the following maximum *floor area ratio* standards:

Dash Designation	Maximum Base Floor Area Ratio	FAR Bonuses Allowed?
-3	3.0	No
-5	5.0	Yes (affordable housing and adopt-a-landmark bonuses only)
-7	7.0	Yes (affordable housing and adopt-a-landmark bonuses only)
-10	10.0	Yes (affordable housing and adopt-a-landmark bonuses only)
-12	12.0	Yes
-16	16.0	Yes

(See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

### 17-4-0405-B Bonus Floor Area

Under the provisions of Sec. 17-4-1000, development in dash 12 and dash 16 districts is eligible for floor area bonuses, over and above the stated maximum *base floor area ratios* of Sec. 17-4-0405-A. Floor area bonuses for affordable housing and “adopting” an historic landmark may be approved in any dash 5, dash 7, dash 10, dash 12 or dash 16 “D” district, subject to the provisions of Sec. 17-4-1004 and Sec. 17-4-1022, respectively.

## 17-4-0406 Setbacks

### 17-4-0406-A Front Setbacks

#### 1. DC, DX and DS Districts

No *front setback* is required in DC, DX or DS districts.

#### 2. DR Districts

*Buildings* and structures in DR districts are subject to the *R district* front setback standards of Sec. 17-2-0305.

[amended: 03/09/2005, Council Journal: p. 44419-21]

### 17-4-0406-B Other Setbacks

#### 1. DC, DX and DS Districts

*Side setbacks* are not required in “DC,” “DX,” or “DS” districts. *Rear setbacks* are required only for floors containing *dwelling units*. The minimum *rear setback* standard is 30 feet for floors containing *dwelling units*, except that buildings in the DC-12, DX-12, DC-16 and DX-16 are exempt from this *rear setback* standard.

#### 2. DR District

There is no minimum side setback requirement in the DR district. The minimum *rear setback* for *detached houses* is 28% of *lot depth* or 50 feet, whichever is less. (See Sec. 17-17-0307 for rules governing the measurement of *rear setbacks*.) The minimum *rear setback* for *principal buildings* other than *detached houses* is 30% of *lot depth* or 50 feet, whichever is less. The required *rear setback* for *principal buildings* other than *detached*

*houses* applies only to those portions of a *building* that are 18 feet or more above *grade*.

[amended: 03/09/2005, Council Journal: p. 44421]

#### **17-4-0406-C Pedestrian Streets**

Maximum setbacks apply on certain designated *pedestrian streets*. (See Sec. 17-4-0500)

### **17-4-0407 Maximum Building Height**

There are no maximum *building height* limits in the “D” districts. *Planned development* (PD) review and approval is required for buildings that exceed the *building height* thresholds stated in Sec. 17-4-0900. (See Sec. 17-17-0311 for rules governing the measurement of *building height*.)

### **17-4-0408 Average Dwelling Unit Size**

The gross residential floor area developed on a *lot* divided by the total number of *dwelling units* on such *lot* must equal at least 500 square feet. No existing residential use may be converted to conflict with or further conflict with this standard.

### **17-4-0409 Number of Efficiency Units**

#### **17-4-0409-A Standards**

The total number of *efficiency* units may not exceed the following standards except as specified in Sec. 17-2-0313-B:

District	Maximum Number of Efficiency Units (% of total units)
-3	20
-5	30
-7	40
-10	50
-12	50
-16	50

#### **17-4-0409-B Allowed Exceptions**

The limits on *efficiency* units do not apply to SROs or *elderly housing* developments, provided that the Zoning Administrator determines that such developments constitute bona fide SROs or *elderly housing* developments.

### **17-4-0410 On-Site Open Space**

#### **17-4-0410-A Amount and Dimensions**

Except as expressly allowed under the *townhouse development* standards of Sec. 17-2-0500, all development containing *dwelling units* located in D districts must provide at least 36 square feet of useable on-site open space per *dwelling unit*. Required open space must have minimum dimension of at least 5 feet on any side if private or 15 feet on any side if provided as *common open space*.

[amended: 09/13/2006, Council Journal: p. 84887]

#### **17-4-0410-B Additional Standards**

1. Required open space must be located on the same *lot* as the *dwelling units* it serves.

2. Required open space must be outdoors and designed for outdoor living, recreation or landscaping, including areas located on the ground and areas on decks, balconies, porches or roofs.
3. The required open space area is not required to be contiguous, but each open space area, whether common or private, must comply with minimum dimensional standards. *Common open space* areas must be accessible to all residents of the subject development.
4. When located at ground level, required open space area must be substantially covered with grass, ground cover, shrubs, plants, trees, or usable outdoor open space features, such as walkways or patios.
5. Off-street parking areas, loading facilities, driveways or required vehicular use landscape areas may not be used to satisfy open space requirements. Bollards, curbs, wheel stops or other similar features must be provided to ensure that required open space areas are not used for off-street parking or any other vehicular use.
6. Required open space areas may not be occupied by mechanical equipment, dumpsters or service areas.
7. All required open space areas must be located and designed to take advantage of sunlight and other climatic advantages of the site.

#### **17-4-0411 Floor-to-Floor Heights and Floor Area of Ground-floor Space**

In all DR, DX and DC districts, any commercial space that is provided on the ground floor of a building must have a minimum floor-to-floor height of 13 feet.

*[amended: 03/09/2005, Council Journal: p. 44421]*

### **17-4-0500 Pedestrian Streets**

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#### **17-4-0501 Purpose**

The regulations of this section are intended to preserve and enhance the character of *pedestrian streets* that are widely recognized as Chicago's best examples of pedestrian-oriented shopping districts. The regulations are intended to ensure pedestrian safety and comfort, promote economic vitality and preserve the positive character of downtown's most pedestrian-oriented streets.

#### **17-4-0502 Description and Criteria for Designation**

*Pedestrian streets* exhibit most or all of the following characteristics:

- 17-4-0502-A** have a high concentration of existing stores and restaurants;
- 17-4-0502-B** have a continuous or mostly continuous pattern of buildings that are built abutting or very close to the sidewalk;
- 17-4-0502-C** have doors and entrances abutting the sidewalk; and
- 17-4-0502-D** have many storefront windows abutting the sidewalk.

### 17-4-0503 Designation and Boundaries

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**17-4-0503-A** *Pedestrian streets* are identified in the text of this Zoning Ordinance and shown on the Official Zoning Atlas.

**17-4-0503-B** The “*pedestrian street*” designation may be established or removed only in accordance with the Zoning Ordinance Text and Zoning Map *Amendment* procedures of Sec. 17-13-0200 and Sec. 17-13-0300. Both a text and map amendment is required.

[amended: 03/09/2005, Council Journal: p. 44422]

**17-4-0503-C** The “*pedestrian street*” designation applies to all *zoning lots* that abut the right-of-way of a *pedestrian street*.

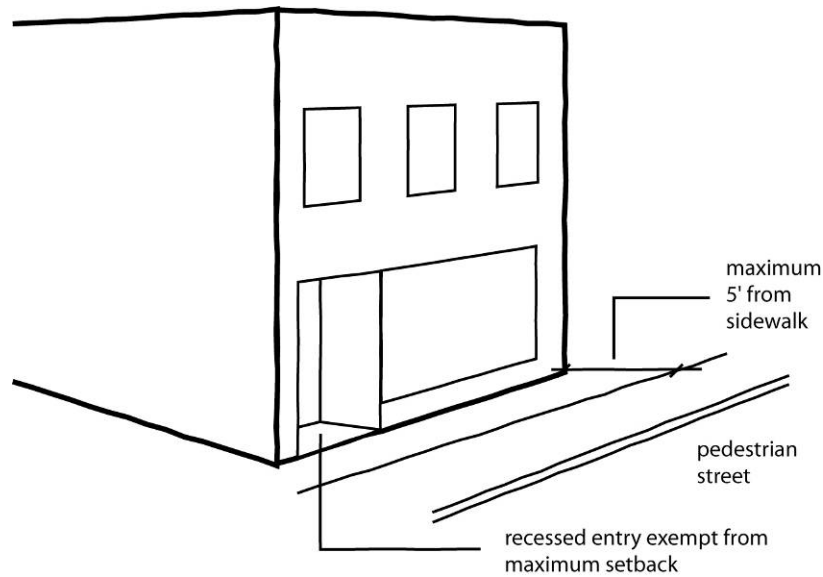
**17-4-0503-D** The following downtown *street* segments are classified as *pedestrian streets*:

Street	Segment	
	From	To
<b>North–South Streets</b>		
Michigan	Oak	Roosevelt
Wabash	Lake	Congress
State	Lake	Congress
Rush	Division	Pearson
LaSalle	Washington	Jackson
Clinton	Washington	Jackson
Halsted	Washington	Van Buren
<b>East–West Streets</b>		
Division	Dearborn	State
Oak	State	Michigan
Chicago	State	Michigan
Superior	Wabash	St. Clair
Huron	Wabash	St. Clair
Erie	Rush	St. Clair
Ontario	Dearborn	St. Clair
Ohio	Wabash	St. Clair
Grand	Wabash	St. Clair

[amended: 09/13/2006, Council Journal: p. 84887]



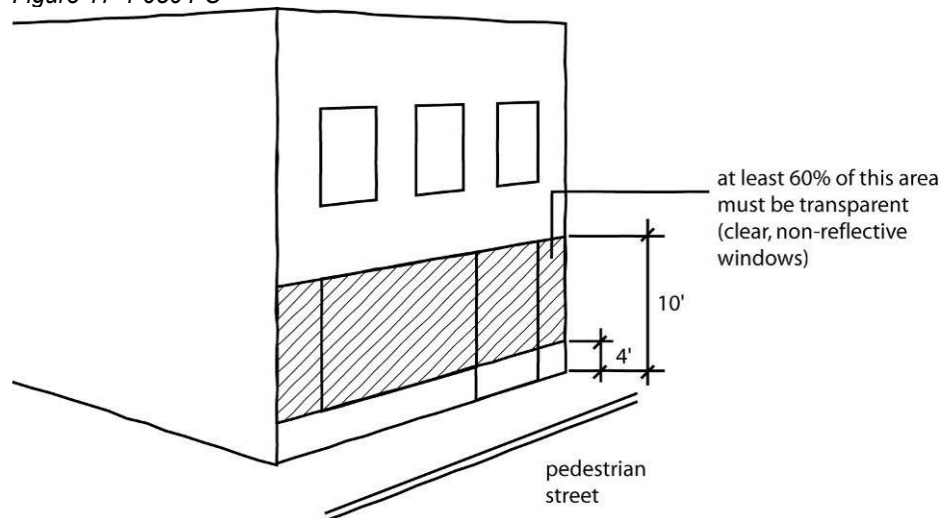
Figure 17-4-0504-B



**17-4-0504-C Transparency**

1. A minimum of 60% of the street-facing building *façade* between 4 feet and 10 feet in height must be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. This standard applies to building *façades* that face *pedestrian streets*.
2. The bottom of any window or *product display window* used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.
3. *Product display windows* used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

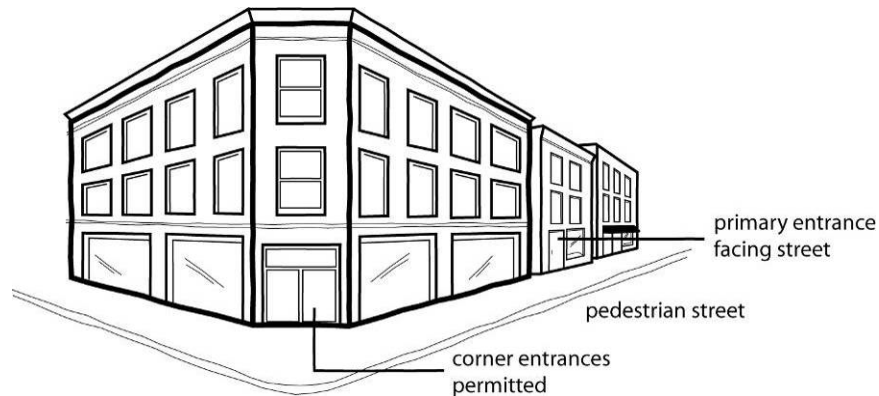
Figure 17-4-0504-C



#### 17-4-0504-D Doors and Entrances

1. On lots abutting *pedestrian streets*, buildings must have a primary entrance door facing the *pedestrian street*. Entrances at building corners facing a *pedestrian street* may be used to satisfy this requirement.
2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of shops or businesses.

Figure 17-4-0504-D



#### 17-4-0504-E Prohibited Uses

The following uses are expressly prohibited on lots abutting *pedestrian streets*:

1. drive-through facilities;
2. *vehicle sales and service* uses involving any outdoor storage of vehicles or goods;
3. *gas stations*;
4. car washes;
5. residential *storage warehouses*; and
6. strip *centers*.

[amended: 03/09/2005, Council Journal: p. 44422]

#### 17-4-0504-F Parking Location

Any off-street parking spaces must be enclosed or located to the rear of the *principal building* and not be visible from the right-of-way of a *pedestrian street*.

[amended: 03/09/2005, Council Journal: p. 44422]

#### 17-4-0504-G Driveways and Vehicle Access

Vehicle access to lots located along *pedestrian streets* must come from an *alley*. No curb cuts or driveways are allowed from a *pedestrian street*.

[amended: 03/09/2005, Council Journal: p. 44422]

## 17-4-0600 Mobility Streets

### 17-4-0601 Purpose

The regulations of this section are intended to preserve and enhance the function of certain *streets* that serve as primary pedestrian routes linking commuter rail stations with the downtown employment core. The regulations are intended to ensure pedestrian safety and comfort, support transit use and promote economic development by ensuring safe and efficient access to downtown's commercial and employment center.

### 17-4-0602 Description and Criteria for Designation

*Mobility streets* exhibit most or all of the following characteristics:

**17-4-0602-A** accommodate very high volumes of pedestrians (averaging 10,000 or more persons per work day); and

**17-4-0602-B** serve as important connections from commuter rail stations to downtown businesses and employment.

### 17-4-0603 Designation and Boundaries

**17-4-0603-A** *Mobility streets* are identified in the text of this Zoning Ordinance and shown on the Official Zoning Atlas.

**17-4-0603-B** The "*mobility street*" designation may be established or removed only in accordance with the Zoning Ordinance Text and Zoning Map Amendment procedures of Sec. 17-13-0200 and Sec. 17-13-0300. Both a text and map amendment is required.

[amended: 03/09/2005, Council Journal: p. 44422]

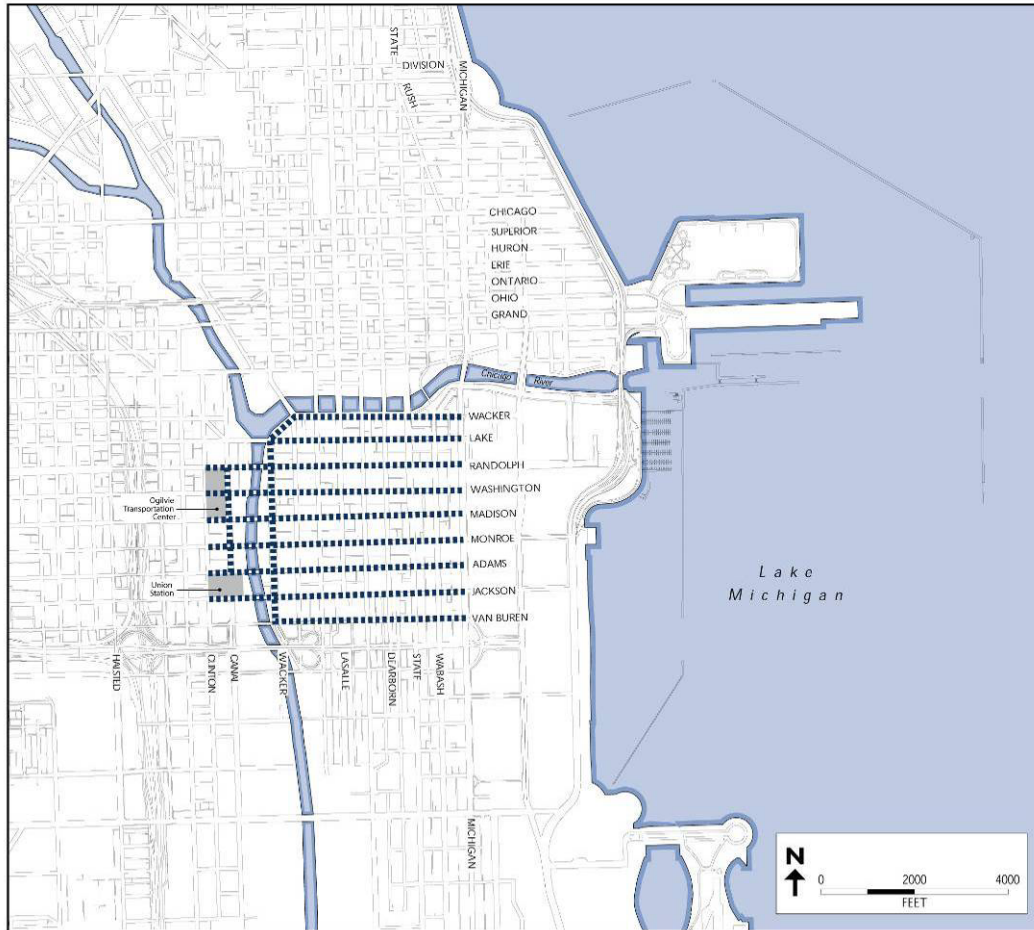
**17-4-0603-C** The "*mobility street*" designation applies to all *zoning lots* that abut the right-of-way of a *pedestrian street*.

**17-4-0603-D** The following downtown *street* segments are classified as *mobility streets*:

Street	Segment	
	From	To
<b>North-South Streets</b>		
Wacker	Franklin	Van Buren
Canal	Lake	Van Buren
<b>East-West Streets</b>		
Wacker	Michigan	Franklin
Lake	Michigan	Canal
Randolph	Michigan	Clinton
Washington	Michigan	Clinton
Madison	Michigan	Clinton
Monroe	Michigan	Clinton
Adams	Michigan	Clinton
Jackson	Michigan	Clinton
Van Buren	Michigan	Canal

[amended: 09/13/2006, Council Journal: p. 84887-88]

Figure 17-4-0603



----- Mobility Streets

(note: this map is provided for illustrative purpose only;  
mobility street descriptions may be amended only  
through text amendment procedures.)

#### 17-4-0604 Standards

Minimum sidewalk widths of at least 14 feet are necessary to promote safe and efficient pedestrian flows along designated *mobility streets*. Whenever development occurs on lots abutting a *mobility street* and the width of the abutting sidewalk is less than 14 feet, the building must be set back to accommodate a sidewalk with a width of at least 14 feet. Buildings abutting *mobility streets* that request floor area bonuses pursuant to Sec. 17-4-1000 must use the Sidewalk Widening bonus of Sec. 17-4-1010.

### 17-4-0700 Driveways and Vehicle Access

#### 17-4-0701 Purpose

The regulations of this section are intended to ensure safe and efficient (pedestrian and vehicular) traffic flows on downtown *streets*. The regulations are also intended to promote economic development by ensuring safe and efficient access to downtown's commercial and employment center.

### 17-4-0702 Description and Criteria for Designation

*Streets* that are subject to the driveway and vehicle access standards of this section:

**17-4-0702-A** accommodate very high volumes of pedestrian and/or vehicular traffic; and

**17-4-0702-B** serve as important connections to downtown commercial, businesses and employment area.

### 17-4-0703 Designation and Boundaries

**17-4-0703-A** *Streets* that are subject to the driveway and vehicle access standards of this section are identified in the text of this Zoning Ordinance and shown on the Official Zoning Atlas.

**17-4-0703-B** The driveway and vehicle access standards of this section may be amended only in accordance with the Zoning Ordinance Text and Zoning Map Amendment procedures of Sec. 17-13-0200 and Sec. 17-13-0300. Both a text and map amendment is required.

[amended: 03/09/2005, Council Journal: p. 44422]

**17-4-0703-C** Driveway and vehicle access standards apply along the following downtown *street* segments:

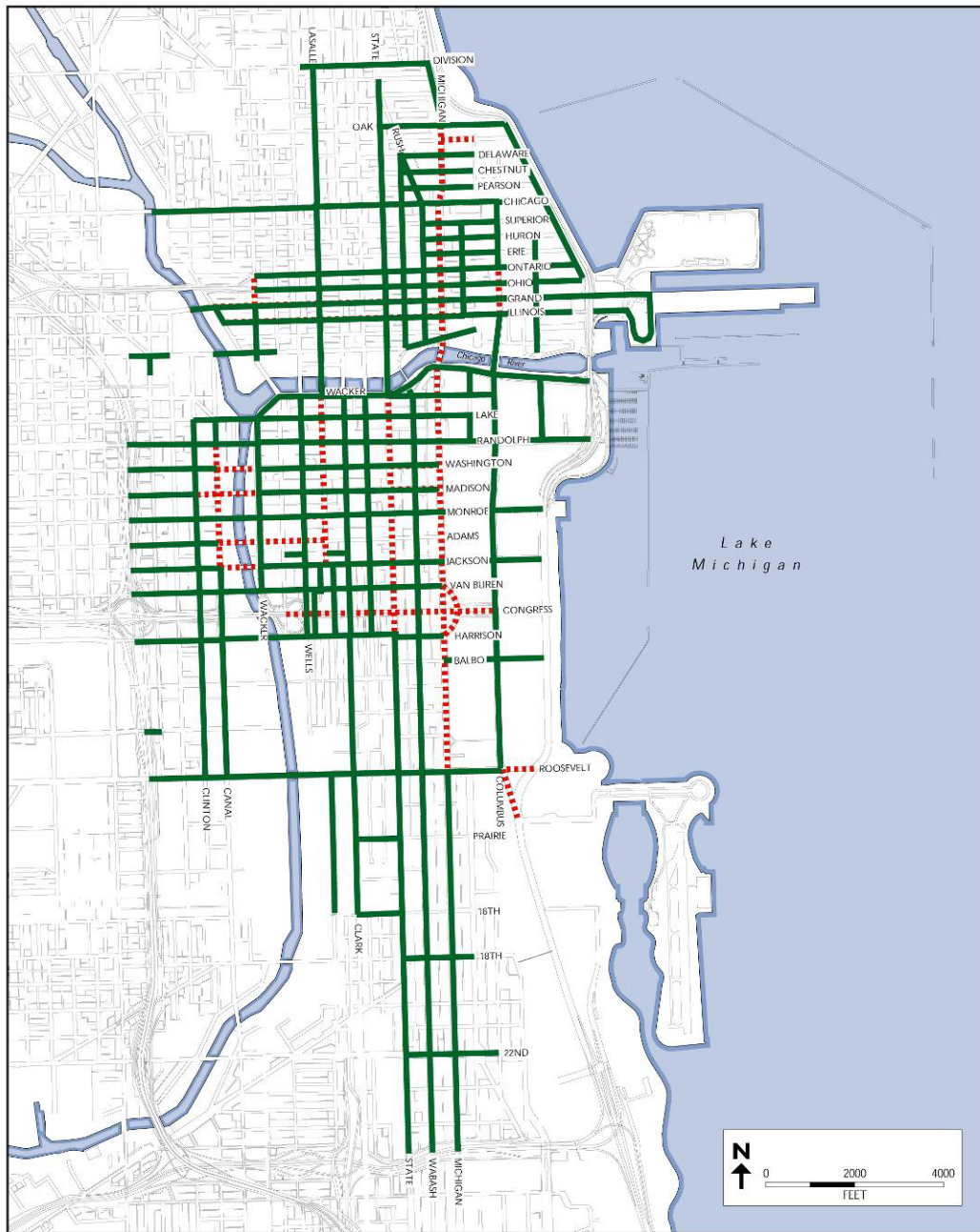
Street	Segment	
	From	To
<b>Class 1 North–South Streets</b>		
Canal	Jackson	Randolph
Orleans	Grand	Ontario
La Salle	Jackson	Wacker
State	Harrison	Wacker
Fairbanks	Illinois	Ontario
Michigan	Roosevelt	Oak
Columbus	Roosevelt	McFetridge
<b>Class 2 North–South Streets</b>		
Des Plaines	Wayman	Kinzie
Clinton	Roosevelt	Lake
Canal	Roosevelt	Lake
Kingsbury	Illinois	Grand
Wacker	Van Buren	Columbus
Orleans	Kinzie	Grand
Wells	Harrison	Wacker
Field	Randolph	Wacker
McClurg	N. Water	Huron
Financial	Harrison	Jackson
La Salle	16th	Roosevelt
La Salle	Harrison	Jackson
La Salle	Wacker	Division
Clark	16th	Wacker
Dearborn	Harrison	Wacker
State	25th	Harrison
State	Wacker	Elm
Wabash	25th	Wacker

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*17-4-0700 | Driveways and Vehicle Access*

Street	Segment	
	From	To
Wabash	N. Water	Delaware
Rush	N. Water	Delaware
Michigan	25th	Roosevelt
Stetson	Randolph	Lake
Stetson	S. Water	Wacker
St. Clair	Illinois	Superior
Columbus	Roosevelt	Illinois
Fairbanks	Illinois	Chicago
<b>Class 1 East-West Streets</b>		
Walton	Michigan	Mies Van Der Rohe
Adams	Canal	La Salle
Roosevelt	Michigan	Lakeshore
Congress	Wells	Michigan
<b>Class 2 East-West Streets</b>		
Division	LaSalle	Lakeshore
Oak	State	Lakeshore
Delaware	Rush	Lakeshore
Chestnut	Wabash	Mies Van Der Rohe
Pearson	Wabash	Mies Van Der Rohe
Chicago	Larrabee	Lakeshore
Superior	Rush	Fairbanks
Huron	Rush	Fairbanks
Erie	Rush	Fairbanks
Ontario	Orleans	Lakeshore
Ohio	Orleans	Lakeshore
Grand	Kingsbury	Streeter
Illinois	Kingsbury	Streeter
Water	State	Cityfront Plaza
Kinzie	Union	Larrabee
Kinzie	Canal	Franklin
Wacker	Van Buren	Columbus
Lake	Clinton	Stetson
Randolph	Kennedy Expy	Lakeshore
Washington	Kennedy Expy	Michigan
Madison	Kennedy Expy	Michigan
Monroe	Kennedy Expy	Lakeshore
Adams	Kennedy Expy	Canal
Quincy	Franklin	Wells
Jackson	Kennedy Expy	Lakeshore
Van Buren	Kennedy Expy	Michigan
Harrison	Kennedy Expy	Michigan
Balbo	Michigan	Lakeshore
Roosevelt	Kennedy Expy	Columbus
14 <sup>th</sup>	Clark	State
16 <sup>th</sup>	Clark	State
18 <sup>th</sup>	State	Indiana
Cermak	State	Prairie

[amended: 09/13/2006, Council Journal: p. 84888-89]

Figure 17-4-0703



- ..... Class 1: Prohibited Access
- Class 2: Conditional or Restricted Access

(note: this map is provided for illustrative purpose only;  
driveway and vehicle access descriptions may be amended  
only through text amendment procedures.)

Driveways and Vehicle Access

## 17-4-0704 Standards

### 17-4-0704-A Class 1 Streets

*Alleys* are intended to serve as the sole means of vehicle access to buildings and uses located along Class 1 streets. New curb cuts and driveway access are prohibited on Class 1 streets. The Zoning Board of Appeals may grant *variations* only as expressly allowed in Sec. 17-13-1100.

### 17-4-0704-B Class 2 Streets

*Alleys* are intended to serve as the primary means of vehicle access to buildings and uses located along Class 2 streets. New curb cuts and driveway access are permitted on Class 2 streets only when reviewed and approved as an *administrative adjustment* by the Zoning Administrator. (See Sec. 17-13-1003-S)

## 17-4-0800 Non-Accessory Parking

### 17-4-0801-A Central Area Parking District

#### 1. Approval Procedure

*Non-accessory parking* is allowed within the Central Area Parking District only if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600.

#### 2. Boundaries

The boundaries of the Central Area Parking District are as follows: to the north, the south line of East and West Kinzie Street and the south line of East North Water Street; to the east, the west line of North and South Michigan Avenue; to the south, the north line of East and West Congress Parkway; and to the west, the line of North and South Canal Street.

Figure 17-4-0801-A



(note: this map is provided for illustrative purpose only; the Central Area Parking District boundary may be amended only through text amendment procedures.)

Central Area Parking District

### 17-4-0801-B Outside Central Area Parking District

*Non-accessory parking* in a “D” district located outside the Central Area Parking District described in 17-4-0801-A, requires review and approval as follows:

1. *Non-accessory parking* lots containing fewer than 250 parking spaces may be allowed only if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900.
2. *Non-accessory parking* lots containing 250 parking spaces or more may be allowed only if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600.

## 17-4-0900 Planned Developments

Mandatory and elective *planned development* thresholds are established in Sec. 17-8-0500 and Sec. 17-8-0600, respectively.

## 17-4-1000 Floor Area Bonuses

### 17-4-1001 Purpose

The floor area bonus provisions of this section are intended to provide an economic incentive for developers to provide affordable housing and public amenities that improve the quality of life of city residents, employees and visitors and are a benefit to the public.

### 17-4-1002 Floor Area Ratio Bonus Menu

Floor area bonuses are subject to the standards of the following table and the specific standards of Sec. 17-4-1004 through Sec. 17-4-1022.

Public Benefit/Amenity	Eligibility Criteria and Bonus Formula	Maximum Bonus	Approval Authority
Affordable Housing	§17-4-1004	20% of base FAR in dash 5 25% of base FAR in dash 7 or 10 30% of base FAR in dash 12 or 16	Zoning Administrator
Public Plazas and Pocket Parks	§17-4-1005	6 FAR	DPD
Chicago Riverwalk Improvements	§17-4-1006	No maximum	DPD
Winter Gardens	§17-4-1007	3 FAR	DPD
Indoor Through-Block Connections	§17-4-1008	No maximum	Zoning Administrator
Outdoor Through-Block Connections	§17-4-1009	No maximum	Zoning Administrator
Sidewalk Widening	§17-4-1010	No maximum	Zoning Administrator
Arcades	§17-4-1011	2 FAR	Zoning Administrator
Water Features in Public Open Spaces	§17-4-1012	1 FAR	DPD
Upper-Level Setbacks	§17-4-1013	25% of base FAR	Zoning Administrator
Lower-Level Planting Terraces	§17-4-1014	No maximum	Zoning Administrator
Green Roofs	§17-4-1015	2 FAR	Zoning Administrator
Underground Parking and Loading	§17-4-1016	30% of base FAR	Zoning Administrator
Parking Concealed by Occupiable Space	§17-4-1017	25% of base FAR	DPD
Off-Site Park/Open Space Contributions	§17-4-1018	20% of base FAR	Planned Development
Streetscape Improvements	\$0	20% of base FAR	Planned Development
Transit Station Improvements	§17-4-1020	20% of base FAR	Planned Development
Pedway Improvements	§17-4-1021	20% of base FAR	Planned Development
Adopt-A-Landmark	§17-4-1022	20% of base FAR	Planned Development
Chicago Public Schools Capital Improvements Fund	§17-4-1023	25% of base FAR in dash 10 30% of base FAR in dash 12 or 16	Zoning Administrator

Notes: DPD = Commissioner of the Department of Planning and Development; ZA = Zoning Administrator; PD = Planned Development approval process

[amended: 03/29/2006, Council Journal: p. 74330; 07/26/2006, Council Journal: p. 82611 ]

## 17-4-1003 Administration

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### **17-4-1003-A Projects that are not Subject to Planned Development Review**

For projects that are not subject to *planned development* review, the Zoning Administrator or the Commissioner of the Department of Planning and Development, as indicated in Sec. 17-4-1002, are authorized to award floor area bonuses.

### **17-4-1003-B Projects that are Subject to Planned Development Review**

For projects that are subject to *planned development* review, the Commissioner of the Department of Planning and Development and the Chicago Plan Commission must review proposed floor area bonus requests and make a recommendation to the City Council. The Commissioner of the Department of Planning and Development and Plan Commission may recommend modifications of standards due to unique circumstances so long as the public benefits of the proposed improvements or amenities are of equal or greater value than otherwise required.

### **17-4-1003-C Decision-making Criteria**

1. In acting *on* floor area bonuses, authorized decision-making bodies must evaluate proposed amenities based on their contribution to and the degree to which they enhance the quality of life and benefit the public in the surrounding area. Floor area bonuses may be approved only if they:
  - (a) comply with the standards and criteria of this section;
  - (b) are consistent with the purposes described in 17-4-1001 and Sec. 17-1-0500, and
  - (c) are consistent with the *Guide to the Zoning Bonus Ordinance*.
2. Approval of floor area bonuses may not be unreasonably withheld. Any reasons for denial of floor area bonuses must be provided to the applicant in writing.

### **17-4-1003-D Submittal Requirements**

Before the issuance of any final zoning certificate or final building permit for a building that includes bonus floor area pursuant to this section, the applicant must file with the Zoning Administrator and the Commissioner of Planning and Development a bonus worksheet that identifies the improvements or public amenities to be constructed and the bonuses allowed.

1. The Zoning Administrator must, by administrative rule, establish a required form and content for such worksheets.
2. Such worksheets must describe the size, location, design, and maintenance provisions for the amenities and must include the calculations for the amount of bonus floor area requested.

3. Such worksheets will serve as an official record of bonuses and amenities and such records will be binding on the *property owners*, successors, and assigns for the life of the building to ensure compliance with the provisions of this Zoning Ordinance for the design, operation, and maintenance of the public amenities.

**17-4-1003-E** No public amenity for which a floor area bonus has been granted may be eliminated or reduced in size without a corresponding reduction in building floor area or substitution of an equivalent amenity.

1. Elimination or substitution of an amenity for which a floor area bonus was granted requires *planned development* review and approval in accordance with Sec. 17-13-0600.
2. In the case of an existing *planned development*, any elimination or reduction in size of an amenity for which a floor area bonus was granted requires an amendment to the *planned development* ordinance and final approval by the City Council.
3. Floor area exceeding the maximum *base floor area ratio* of Sec. 17-4-0405-A, added to a building by virtue of *floor area ratio* bonuses of this section, may not, in turn, serve as a basis for creating additional bonuses.

#### 17-4-1004 Affordable Housing

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**17-4-1004-A Purpose**

Floor area bonuses for affordable housing are intended to promote private-sector participation in helping meet the city's affordable housing needs.

**17-4-1004-B Eligibility Criteria**

1. *Residential buildings* in DR districts with a dash 5, 7 or 10 suffix are eligible to receive floor area bonuses for affordable housing, subject to the standards of Sec. 17-4-1004-E. The affordable housing and adopt-a-landmark floor area bonuses are the only bonuses available to such buildings.

[amended: 09/13/2006, Council Journal: p. 84890]

2. *Residential buildings* in DX districts with a dash 5, 7 or 10 suffix are eligible to receive floor area bonuses for affordable housing, subject to the standards of Sec. 17-4-1004-E. The affordable housing floor area and adopt-a-landmark bonuses are the only bonuses available to such buildings.

[amended: 03/09/2005, Council Journal: p. 44383; 09/13/2006, Council Journal: p. 84890]

3. *Residential buildings* in DX or DC districts with a dash 12 or 16 suffix are eligible to receive floor area bonuses for affordable housing, subject to the standards of Sec. 17-4-1004-E. Moreover, the affordable housing floor area bonus must be used by such *residential buildings* to obtain at least 20% of the total requested floor area bonus.

4. *Nonresidential buildings* in DX districts with a dash 7 or 10 suffix are eligible to receive floor area bonuses for affordable housing, subject to the standards of Section 17-4-1004-E. Such buildings are not required to use the affordable housing floor area bonus.

[amended: 07/26/2006, Council Journal: p. 82607]

5. *Nonresidential buildings* in DX or DC districts with a dash 12 or 16 suffix are eligible to receive floor area bonuses for affordable housing, subject to the standards of Sec. 17-4-1004-E. Such buildings are not required to use the affordable housing floor area bonus.

[amended: 07/26/2006, Council Journal: p. 82607]

#### **17-4-1004-C Bonus Formula**

1. The floor area bonus for affordable housing is calculated as follows: Bonus Floor Area = (sum of the on-site floor area improved with affordable housing units) × 4.0, or
2. Alternatively, in the case of cash payments to the City of Chicago Affordable Housing Opportunity Fund, floor area bonuses will be based on a financial contribution that reflects the value of land within the surrounding area, based on the following formula: Cost of 1 square foot of floor area = 80% × the median cost of land per buildable square foot.
3. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.
4. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.

[amended: 02/07/2007, Council Journal: p. 98531]

#### **17-4-1004-D Rezoning to Higher (FAR) District**

Property in a DC, DX or DR district that is rezoned to a zoning classification that allows a higher *base floor area ratio* and is subsequently developed with additional residential *dwelling units* must provide on-site affordable housing units or make cash contributions to the city's Affordable Housing Opportunity Fund in accordance with the standards of this subsection; provided that the developer of every residential housing project, as that term is defined in section 2-44-090, and every planned development subject to the provisions of this subsection and section 2-44-090 may elect to comply with the affordable housing requirement provisions of section 2-44-090 instead.

##### **1. Provision of Affordable Housing Units On-Site**

If the requirement to provide affordable housing units or contribute to the city's Affordable Housing Opportunity Fund is to be met by providing affordable housing units on site, the total floor area devoted to affordable housing units must equal at least 25% of the total increase in floor area allowed by the rezoning. Such units are not eligible for floor area bonuses but are subject to the standards of Sec. 17-4-1004-E.

**2. Cash Payments**

If this requirement is to be met through a cash payment to the City of Chicago Affordable Housing Opportunity Fund, such payment must reflect the value of land within the surrounding area and be based on the following formula: increase in allowable floor area resulting from rezoning × 80% of the median cost of land per buildable square foot.

**3. Acknowledgement of Affordable Housing Requirements**

Except as expressly stated in paragraph 17-4-1004-D4 below, before approval of an ordinance rezoning property to a DC, DX or DR district that allows a higher *base floor area ratio*, the subject *property owner* must provide written acknowledgement, in a form approved by the Corporation Counsel, of the *property owner's* obligation to provide affordable housing units or contribute to the city's Affordable Housing Opportunity Fund if any residential *dwelling units* are constructed on the subject property.

**4. Exemption for Nonresidential Construction**

Property that is rezoned to a zoning classification that allows a higher *base floor area ratio* but which is developed solely for nonresidential use will not be required to provide affordable housing units or make payments to the city's Affordable Housing Opportunity Fund.

[amended: 05/09/2007, Council Journal:forthcoming]

**17-4-1004-E Standards**

Buildings that meet the eligibility criteria of Sec. 17-4-1004-B and that provide affordable housing or contribute the city's Affordable Housing Opportunity Fund are eligible for floor area bonuses provided they comply with the following standards. These standards also apply to projects that are subject to 17-4-1004-D.

**1. Financial Assistance**

Projects that receive city financial assistance to provide affordable housing are eligible for affordable housing floor area bonuses; provided that any payment of fees in lieu or the creation of on-site affordable housing units required as a condition of the financial assistance shall not count as payment of fees in lieu or the creation of on-site affordable housing units for purposes of the affordable housing floor area bonus.

**2. Relationship to Mandatory Affordable Housing Standards**

Projects that are required to provide affordable housing by other city ordinances are eligible for affordable housing floor area bonuses; provided that any payment of fees in lieu or the creation of on-site affordable housing units required by such city ordinance shall not count as payment of fees in lieu or the creation of on-site affordable housing units for purposes of the affordable housing floor area bonus unless the project is a residential housing project or planned development subject to the provisions of section 2-44-090 that is meeting its affordable housing requirement pursuant to that section.

**3. Rents and Sales Prices**

The Department of Housing is authorized to establish rents and sales prices for affordable housing units provided pursuant to this section in accordance with the following:

- (a) For rental housing units, rents (including tenant-paid heat) must be affordable to *households* earning up to 60% of the median income reported for the Chicago Primary Metropolitan Statistical Area.
- (b) For owner-occupied housing units, total monthly housing costs (including mortgage principal, interest, property taxes and property insurance) must be affordable for *households* earning up to 100% of the median income reported for the Chicago Primary Metropolitan Statistical Area.

**4. Income Levels**

The Department of Housing is authorized to establish *household* income levels to be used in administering and enforcing the standards of this section.

**5. Term**

The minimum guaranteed term for continued affordability of affordable housing units must be no less than 30 years, unless the affordable housing units are placed in or administered by the CLT, as that term is defined in section 2-44-090. The initial rental or sales of such affordable housing units placed in or administered by the CLT shall be subject to the income eligibility and price restrictions set forth in this section, but the resale or transfer of such affordable housing units shall be governed by the terms of a restrictive covenant, long-term ground lease, or similar instrument, designed to balance the competing goals of long-term affordability and providing a fair return on the homeowner's investment.

**6. Timing of Cash Payments and Financial Guarantees**

*Property owners* that are subject to the affordable housing standards of this section must pay the required cash contribution or provide a performance bond or other security ensuring construction of the affordable housing units before the issuance of building permits for the construction of the subject buildings. Such bond or security must be:

- (a) in an amount equal to the cash contribution required under Sec. 17-4-1004-C2 or Sec. 17-4-1004-D2, whichever is applicable; and
- (b) released after the commissioner of housing has certified that the on-site affordable housing units have been created.

**7. Timing of Construction**

Affordable housing units provided on-site must be available for occupancy before or at the same time as market-rate units. Time schedules for construction of affordable housing units must be provided for large-scale planned development projects.

## **8. Design Guidelines**

- (a) Affordable housing units provided on-site should be reasonably dispersed in the project.
- (b) Affordable housing units provided on-site must be similar in general exterior appearance to market-rate units within the project.
- (c) Affordable housing units provided on-site may have different interior amenities than market-rate units, provided they comply with all applicable housing and building codes.
- (d) The percentage of affordable units that are *efficiency*, studio or one bedroom units should not exceed the percentage of market-rate units that are *efficiency*, studio or one bedroom units.

## **9. Affordable Housing Agreements**

Sponsors of Affordable Housing Projects must enter into an Affordable Housing Agreement with the Department of Housing, in form approved by the Corporation Counsel. The Affordable Housing Agreement will include the following:

- (a) data on the number of affordable housing units by type, location, and number of bedrooms;
- (b) standards for maximum qualifying incomes and maximum affordable rents or affordable sales prices;
- (c) a description of any floor area bonus, *density* bonus or any other regulatory or financial incentives provided by the city;
- (d) identification of the party responsible for certifying rents and sales prices of affordable units, and the process that will be used to certify incomes of tenants and purchasers of such units;
- (e) the schedule for construction and occupancy of affordable housing units;
- (f) a description of the manner in which vacancies will be marketed and filled, including screening and qualifying prospective renters and purchasers of affordable units; and
- (g) a description of remedies for breach of the agreement by either party.

## **10. Administration and Enforcement**

- (a) The Department of Construction and Permits may not approve an application for a building permit in any development receiving a floor areas bonus for affordable housing units until the Department of Housing provides written verification that the applicant has submitted all necessary agreements and complied with all applicable affordable housing standards.
- (b) Upon the resale or transfer of any affordable housing unit (1) at a price above the sales price limits established by the Department of

Housing or (2) to a *household* that does not meet the income eligibility criteria of the Department of Housing, the seller or transferor must pay an amount equal to the difference, at the time of the initial sale, between the affordable housing unit's market value and its affordable housing price plus 3% per year interest from the date the initial sale on that difference.

- (c) Upon the rental of any affordable housing unit (1) at a price above the rental price limits established by the Department of Housing or (2) to a *household* that does not meet the income eligibility criteria of the Department of Housing, the *property owner* will be subject to a fee of \$500.00 per housing unit per day for each day that the *property owner* is in noncompliance. Before the assessment of this authorized fee, the *property owner* must be given 90 days, after written notice from the Commissioner of Housing, to cure the noncompliance. If, after 90 days, the *property owner* fails to cure the noncompliance, the fees will be assessed from the first day of noncompliance. The 90-day time period to cure the noncompliance may be extended by the Commissioner of Housing for good cause.

#### **11. Annual Reports (Rental Units)**

The *property owner* or qualifying sponsor must submit an annual report to the Department of Housing, which includes the name, address, and income of each person occupying an affordable rental housing unit and that identifies the monthly rent of each affordable rental housing unit.

#### **12. Administrative Rules**

The Department of Housing must publish administrative rules governing administration and interpretation of the affordable housing bonus provision of this section.

*[amended: 05/09/2007, Council Journal:forthcoming]*

#### **17-4-1004-F Affordable Housing Requirement**

The developer of every planned development and every residential housing project, as that term is defined in section 2-44-090, subject to the provisions of section 2-44-090 shall comply with the requirements of section 2-44-090, if applicable, unless the developer elects to comply with the affordable housing requirement provisions of section 17-4-1004 instead.

*[amended: 05/09/2007, Council Journal:forthcoming]*

### **17-4-1005 Public Plazas and Pocket Parks**

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#### **17-4-1005-A Eligibility and Standards**

Plazas and pocket parks are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 "D" district.
2. Plazas and parks must be open to the sky, except for arbors, trellises, or small structures such as kiosks.

3. Plazas and parks must have a minimum site area of 4,000 square feet.
4. A minimum of 30% of the park or plaza area must consist of landscaping or water features.
5. Plazas or parks between 4,000 and 12,000 square feet in area must include at least 1 tree per 1,000 square feet of site area.
6. Plazas or parks greater than 12,000 square feet in area must include at least 1 tree per 2,000 square feet of site area.
7. One linear foot of seating area must be provided for each 30 square feet of plaza or park space.
8. Pedestrian lighting must be provided at a minimum level of illumination of 2.5-foot candles.
9. All parks or plazas must be visible from and connected to a sidewalk. A minimum of 25% of the perimeter of the park or plaza must abut a *street*.
10. The length of a park or plaza may not exceed 3 times its width in order to avoid long and narrow spaces.
11. Parks and plazas must be designed in accordance with the Americans with Disabilities Act accessibility requirements. No plaza may be more than 3 feet above the adjacent sidewalk level.
12. Plazas or parks must be open to the public at least during the hours of 8:00 a.m. to 9:00 p.m. An appropriate plaque approximately 2 to 4 square feet in area must be displayed at all entrances stating the hours of public use.
13. Plazas and parks should be located so that they receive natural light during the day. Generally plazas that face south, east or west are acceptable. No floor area bonus may be granted for a plaza or park that has *street frontage* only on a north-facing *street*.
14. No floor area bonuses may be given for parks or plazas that disrupt the continuity of an existing street wall on La Salle Street between Madison Street and Jackson Boulevard; Michigan Avenue between Oak Street and Roosevelt Road; and Wabash Avenue between Van Buren Street and East Wacker Drive.
15. Water features in a park or plaza may be eligible for additional bonuses in accordance with Sec. 17-4-1012.

**17-4-1005-B Bonus Formula**

The floor area bonus for qualifying parks and plazas is calculated as follows: Bonus FAR = (area of plaza or park ÷ *lot area*) × 1.0 × Base FAR.

## 17-4-1006 Chicago Riverwalk Improvements

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### 17-4-1006-A Eligibility and Standards

Open space, parks, and public access corridors along the Chicago River are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. Setbacks provided pursuant to Sec. 17-8-0509 are not eligible for a floor area bonus. A qualifying setback must be in addition to setback required under Sec. 17-8-0509.
3. Setback areas must be open from the ground to the sky.
4. Qualifying setback areas must be open to the public at least during the hours of 8:00 a.m. to 9:00 p.m. An appropriate plaque approximately 2 to 4 square feet in area must be displayed at all entrances stating the hours of public use.
5. Bonusable areas must be improved with walkways, railings, light fixtures, seating, kiosks, landscaping, and other amenities that are consistent with the *Chicago River Urban Design Guidelines*.
6. Multiple pedestrian access routes from the *street* to the river are encouraged in order to avoid riverwalks that lead to dead ends. Elevators, stairs, and/or ramps must be used to create a connection to the *street* and sidewalk that meets applicable American with Disabilities Act accessibility requirements.
7. Water features along the riverside may be eligible for additional bonuses in accordance with Sec. 17-4-1012.

### 17-4-1006-B Bonus Formula

The floor area bonus for qualifying riverwalk improvements is calculated as follows:  
$$\text{Bonus FAR} = (\text{setback area exceeding Zoning Ordinance minimum} \div \text{lot area}) \times 1.0 \times \text{Base FAR}.$$

## 17-4-1007 Winter Gardens

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### 17-4-1007-A Eligibility and Standards

Enclosed winter gardens offer opportunities for public gathering, rest, and warmth. They are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. Winter gardens must be located on the first floor level of the building.
3. The floor area of the winter garden space must be at least 4,000 square feet, with a minimum unobstructed width of 40 feet.

4. A winter garden must have a floor-to-ceiling height of at least 30 feet.
5. A winter garden must have direct access from a public sidewalk, plaza or a through-block connection that connects with a *street*. Additional connections to a pedway are encouraged.
6. Winter gardens must occupy a distinct space within the building that is separate from a lobby or corridor.
7. All winter gardens must be open to the public at least during the hours of 8:00 a.m. to 7:00 p.m. An appropriate plaque approximately 2 to 4 square feet in area must be displayed at all entrances stating the hours of public use.
8. Natural light must be provided by means of glazed roofs and/or windows. A minimum of 50% of the walls and/or roof must be transparent.
9. A minimum of 5 foot candles of illumination must be maintained during all hours of public use.
10. A minimum of 30% of the floor area must be improved with landscaping or water features. When public gallery space or sculptured gardens are planned, the landscaping requirements of this section may be reduced.
11. Public seating must be provided at tables, on benches, or in other forms at the rate of one seat for every 200 square feet of floor area.
12. Retail uses may be provided that are directly accessible to the winter garden space. Up to 20% of the area of the winter garden may be reserved for restaurant seating. Such seating may not be counted toward satisfying the public seating requirements of this section.
13. Water features within winter gardens may be eligible for additional bonuses in accordance with Sec. 17-4-1012.

**17-4-1007-B Bonus Formula**

The floor area bonus for qualifying winter gardens is calculated as follows: Bonus FAR = (area of winter garden ÷ lot area) × 1.0 × Base FAR.

**17-4-1008 Indoor Through-Block Connection**

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**17-4-1008-A Eligibility and Standards**

Through-block connections facilitate pedestrian circulation and create a pedestrian scale for larger development blocks. Indoor through-block connections are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. Indoor through-block connections must create a continuous, mid-block indoor corridor at least 20 feet in width that connects two *streets*.

3. The corridor must have a minimum unobstructed floor-to-ceiling height of 15 feet.
4. A minimum of 75% of the interior *façade* abutting the indoor connection must have clear glazing (between a height of 2.5 feet and 8 feet), with active retail or other pedestrian-oriented uses (e.g., offices, service uses, restaurants, galleries, or lobbies) on both sides of the corridor (except for elevators).
5. The space must be open to the public at least during the hours of 8:00 a.m. to 7:00 p.m. An appropriate plaque approximately 2 to 4 square feet in area must be displayed at all entrances stating the hours of public use.
6. Water features within such corridors may be eligible for additional bonuses in accordance with Sec. 17-4-1012.

**17-4-1008-B Bonus Formula**

The floor area bonus for qualifying indoor through-block connections is calculated as follows: Bonus FAR = (area of the indoor through-block connection/*lot area*) × 0.66 × Base FAR.

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**17-4-1009 Outdoor Through-Block Connections**

**17-4-1009-A Eligibility and Standards**

Through-block connections facilitate pedestrian circulation and create a pedestrian scale for larger development blocks. Outdoor through-block connections are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. Outdoor through-block connections must create a continuous, mid-block corridor at least 20 feet in width that connects two *streets*.
3. The connection must be unobstructed and open to the sky. The installation of seating, trees, and other pedestrian or landscape features will not be considered obstructions.
4. The connection may be no more than 3 feet above or below the level of the adjacent sidewalk.
5. Building elevations that border outdoor connections may not be blank, but must be improved with plants, murals, and other architectural details. Windows, entrances, and active retail or other pedestrian-oriented uses (e.g., offices, service uses, restaurants, galleries, or lobbies) are strongly encouraged along such corridors.
6. Outdoor through-block connections must be *landscaped* and/or furnished with decorative pavement, trellises, bicycle racks, seating, public art, water features, flagpoles, or other amenities.

7. Pedestrian lighting must be provided at a minimum level of illumination of 2.5 foot candles.
8. No vehicular traffic or loading is permitted within the connection.
9. The corridor must be open to the public at least during the hours of 8:00 a.m. to 7:00 p.m. An appropriate plaque approximately 2 to 4 square feet in area must be displayed at all entrances stating the hours of public use.
10. Water features within such corridors may be eligible for additional bonuses in accordance with Sec. 17-4-1012.

**17-4-1009-B Bonus Formula**

The floor area bonus for qualifying outdoor through-block connections is calculated as follows: Bonus FAR = (area of the outdoor through-block connection ÷ lot area) × 1.00 × Base FAR.

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**17-4-1010 Sidewalk Widening**

**17-4-1010-A Eligibility and Standards**

Buildings that are set back to create a wider sidewalk for pedestrians and for the planting of trees, landscaping, the installation of outdoor seating, bus shelters or other amenities are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. The open area of the qualifying setback must be unobstructed and extend from the ground to the sky, except for landscaping improvements described in this section.
3. In order to qualify for a floor area bonus, the total width of the sidewalk, including the building setback, must be at least 14 feet.
4. The maximum total width of a sidewalk for which a floor area bonus may be granted is 25 feet. Additional widening beyond 25 feet will not result in additional floor area bonus.
5. The area that qualifies for a floor area bonus as a sidewalk widening must be located entirely on private property.
6. The widened sidewalk must be improved with landscaping that exceeds the minimum standards of Chapter 17-11, special sidewalk pavement, raised planter beds, special lighting, seating, bus shelters, transit information kiosks, or other amenities appropriate for the location.
7. All amenities installed in the sidewalk must be maintained by the building property owner.

8. In order to qualify for a floor area bonus the sidewalk widening improvements must be provided from one *street* right-of-way to the next *street* or *alley* or match the width of an existing, contiguous sidewalk.
9. No floor area bonus may be granted for sidewalk widenings that are required by applicable city ordinances.
10. Water features within such corridors may be eligible for additional bonuses in accordance with Sec. 17-4-1012.

**17-4-1010-B Bonus Formula**

The floor area bonus for qualifying sidewalk widenings is calculated as follows:

Bonus FAR = (setback area devoted to widened sidewalk ÷ *lot area*) × 2 × Base FAR.

**17-4-1011 Arcades**

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**17-4-1011-A Eligibility and Standards**

Arcades that offer weather protection for pedestrians are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. Bonuses may not be granted when the arcade would create a break in an existing streetwall, as identified in this Zoning Ordinance or in the *Guide to the Zoning Bonus Ordinance*.
3. The new arcade must align with and provide continuous passage to an existing arcade in an adjoining building.
4. A continuous arcade can be provided from one *street* right-of-way to the next *street* or *alley*.
5. All arcades must be located adjacent to a sidewalk
6. No floor area bonuses may be granted for arcades along *alleys* or named *streets* that function as *alleys*.
7. No floor area bonuses may be granted for arcades on:
  - (a) LaSalle Street between Jackson Boulevard and Madison Street;
  - (b) State Street from the Chicago River to Congress Parkway; or
  - (c) Michigan Avenue from Randolph Street to Roosevelt Road.
8. All arcades that qualify for floor area bonuses must have the following minimum dimensions:
  - (a) minimum width exclusive of columns: 8 feet.
  - (b) maximum width exclusive of columns: 20 feet.
  - (c) minimum interior height: 14 feet unobstructed.
9. All arcades must be open and accessible to the public at all times.

10. All arcades must have decorative pavement treatment. The Zoning Administrator is authorized to require seating and landscaping.
11. Arcades may not contain parking spaces, passenger drop-offs, ramps, loading spaces, *vehicular use areas*, or trash storage facilities but may be intersected by one driveway not exceeding 24 feet in width.
12. Lighting must be provided at a minimum level of illumination of 5 foot candles.
13. At least 75% of the ground-floor building frontage abutting the arcade must contain active retail or other pedestrian-oriented uses (e.g., offices, service uses, restaurants, galleries, or lobbies), with at least one entrance directly off the arcade. Sidewalk cafes may be used to meet a portion of this requirement.
14. At least 75% of the wall abutting the arcade must be transparent between a height of 2.5 feet and 8 feet above the sidewalk level.

**17-4-1011-B Bonus Formula**

The floor area bonus for qualifying arcades is calculated as follows: Bonus FAR = (area of arcade exclusive of columns or obstructions ÷ *lot area*) × 1.25 × Base FAR.

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**17-4-1012 Water Features in Public Open Spaces**

**17-4-1012-A Eligibility and Standards**

Water features located in *public open spaces* are eligible for floor area bonuses if they comply with the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. The water feature must be located in one of the following *public open space* areas:
  - (a) public park or plaza;
  - (b) Chicago Riverwalk;
  - (c) winter gardens;
  - (d) indoor or outdoor through-block connections; or
  - (e) sidewalk widenings.
3. Water features may consist of fountains, water walls, water channels, water sculptures, ponds or pools.
4. All water features must be appropriately scaled and designed to enhance the *public open space*. The design, location, and scale of the proposed fountain or water feature must be consistent with guidelines contained in the *Guide to the Zoning Bonus Ordinance*. The design and location of the water feature will be reviewed by the Department of Planning and Development in the context of the development.

- Indoor water features must be open to the public at least during the hours of 8:00 a.m. to 7:00 p.m. Outdoor water features must be in operation during the entire year except for the winter months and must operate at least during the hours of 8:00 a.m. to 10:00 p.m.

**17-4-1012-B Bonus Formula**

The floor area bonus for qualifying water features in *public open spaces* is calculated as follows: Bonus FAR = (area of *public open space* amenity in which water feature is located ÷ lot area) × 0.30 × Base FAR.

### 17-4-1013 Upper-Level Setbacks

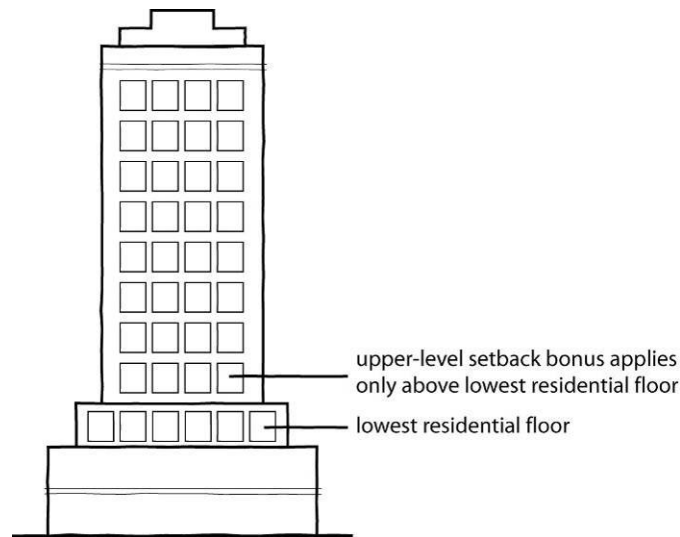
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**17-4-1013-A Eligibility and Standards**

Buildings with upper-level setbacks are eligible for a floor area bonus, provided they meet the following minimum standards:

- The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
- In *residential buildings*, floor area bonus may be granted only for upper-level setbacks that occur above the lowest floor in the building that is occupied exclusively by residential *dwelling units*.

Figure 17-4-1013-A2



- In order to qualify for a bonus, upper-level floors must be set back at least 10 feet from the face of the building at the floor immediately below.
- Each setback must be at least 250 square feet in area.
- No floor area bonus may be granted for any other ground-level amenity that is already receiving a bonus, including plazas, parks, Riverwalk improvements, widened sidewalks, and outdoor through-block connections.

6. No floor area bonus may be granted for setbacks on floors that are obtained from floor area bonuses.
7. Setbacks that are improved with planting terraces or green roofs may be eligible for additional bonuses in accordance with 17-4-1014 and 17-4-1015.
8. Floor area bonuses for upper-level setbacks may not be granted on LaSalle Street between Madison Street and Jackson Boulevard, unless the upper-level setbacks occur at a height above 175 feet.
9. Floor area bonuses for upper-level setbacks may not be granted on State Street or Wabash Avenue between the Chicago River and Congress Parkway, unless the upper-level setbacks occur at a height above 55 feet.

**17-4-1013-B Bonus Formula**

The floor area bonus for qualifying upper-level setbacks is calculated as follows:

1. In dash 12 districts: Bonus FAR =  $(0.3 \times \text{sum of setback areas on each floor}) \div \text{lot area}$ .
2. In dash 16 districts: Bonus FAR =  $(0.4 \times \text{sum of setback areas on each floor}) \div \text{lot area}$ .

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**17-4-1014 Lower-Level Planting Terraces**

**17-4-1014-A Eligibility and Standards**

Buildings with lower-level planting terraces are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. Lower-level planting terraces must provide landscaping that is visible to pedestrians at street level or screen parked cars, mechanical equipment, and vents from street-level view.
3. Planting terraces must be provided along public streets and be located between 15 feet and 45 feet above the sidewalk level.
4. The total length of terraces per *street frontage* must be at least 35 feet, but the length does not need to be continuous.
5. The minimum qualifying width of a planting terrace is 5 feet unobstructed (interior dimension), and the maximum qualifying width is 15 feet unobstructed (interior dimension).
6. Terraces must be *landscaped* with small trees, shrubs, flowers, vines, or other plant materials in varieties that add interest to the streetscape. All terraces must be properly irrigated and maintained to ensure continued viability of plants.
7. A minimum soil depth of 18 inches is required for planting shrubs, flowers, vines or other low planting materials. For terraces with trees, a

minimum soil depth of 3 feet is required around the root ball. Trees must have a minimum caliper size of 3.5 inches.

**17-4-1014-B Bonus Formula**

The floor area bonus for qualifying lower-level planting terraces is calculated as follows: Bonus FAR = (area of terrace devoted to landscaping ÷ lot area) × 1.0 × Base FAR.

### 17-4-1015 Green Roofs

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**17-4-1015-A Eligibility and Standards**

Buildings with green roofs are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.
2. To be eligible for floor area bonus, a green roof must cover more than 50% of the net roof area (i.e., the total gross area of the roof minus any roof area covered by mechanical equipment) or 2,000 square feet of contiguous roof area, whichever is greater.
3. Documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water, and that an adequate soil depth will be provided for plants to thrive.
4. The roof area must contain sufficient space for future installations (e.g., mechanical equipment) that will prevent adverse impacts (e.g., removal of or damage to plants or reduction in area) on the green roof.
5. Plant varieties, soil depths and soil content must comply with Chicago Department of Environment guidelines.
6. Vegetation must be maintained for the life of the building.
7. Green roofs are subject to periodic inspection by the Department of Zoning to ensure that the amenity is properly maintained.
8. Private decks or terraces associated with individual *dwelling units* may do not qualify for floor area bonuses.

**17-4-1015-B Bonus Formula**

The floor area bonus for qualifying green roofs is calculated as follows: Bonus FAR = (area of roof landscaping in excess of 50% of net roof area ÷ lot area) × 0.30 × Base FAR.

### 17-4-1016 Underground Parking and Loading

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**17-4-1016-A Eligibility and Standards**

Underground parking and loading are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.

2. Parking spaces and loading docks must be located entirely below the lowest *grade* level of any adjacent *street frontage*, except for buildings adjacent to pre-existing multi-level roadways.
3. Development projects that construct parking garages adjacent to pre-existing multi-level roadways (e.g., Columbus Drive) are eligible for floor area bonuses only for parking levels that require full soil excavation. Cross-sections indicating existing and future *grade* conditions must be submitted as verification.
4. Underground parking spaces for which a floor area bonus is granted must comply with all size, dimension, and access requirements of this Zoning Ordinance. Floor area bonuses may not be granted for tandem parking spaces.
5. Underground loading docks for which a floor area bonus is granted must comply with all size, dimension, and access requirements of this Zoning Ordinance.
6. The entrance and exit to the parking garage or loading dock should be located off an *alley*. Other locations must comply with applicable Chicago Department of Transportation criteria.
7. The design of any garage entrance or exits that are permitted on public streets must be compatible with the *façade* treatment of the rest of the building.

#### **17-4-1016-B Bonus Formula**

The floor area bonus for qualifying underground parking and loading areas is calculated as follows:

1. For parking spaces within the first two levels that are fully underground: Bonus FAR = [(number of underground parking spaces × 350 square feet) ÷ *lot area*] × 0.15 × Base FAR.
2. For parking spaces within the third or lower levels that are fully underground: Bonus FAR = [(number of underground parking spaces × 350 square feet) ÷ *lot area*] × 0.20 × Base FAR.
3. For loading docks that are fully underground: Bonus FAR = [(number of underground loading docks × 1000 square feet) ÷ *lot area*] × 0.15 × Base FAR.

#### **17-4-1017 Above-Ground Parking Concealed by Occupiable Floor Space**

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##### **17-4-1017-A Eligibility and Standards**

Parking structures that are separated from the *street* by occupiable floor space—such as residential *dwelling units*, office space, or retail space—are eligible for floor area bonuses, provided they meet the following minimum standards:

1. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.

2. To be eligible for floor area bonus, concealed parking structures must meet the City's landscaping and design guidelines for parking garages.
3. Parking structures must be separated from a public street or *public open space* by residential, office or retail floor space.
4. The *façade* of the floor space separating the parking structure from the *street* or open space must contain transparent windows.
5. Only the *façade* area of the parking structure that is concealed by occupiable floor space is eligible for a bonus.
6. The parking structure must be separated from the *street* or open space by occupiable floor space for the entire length of the *façade*. Minor exceptions may be made for non-occupiable floor space, such as mechanical or storage spaces, which may occupy up to 10% of the *façade* length.
7. The ground-floor is required to have active retail or other pedestrian-oriented uses (e.g., offices, service uses, restaurants, galleries, or lobbies) for the entire length of the *façade* qualifying for the bonus, except for accessory driveways or loading bays.
8. Parking garage structures on sites that abut one or two public streets or open spaces must be concealed by occupiable space along all public street or open spaces to receive a floor area bonus.
9. Parking garage structures on sites that abut 3 or more public streets or open spaces must be concealed by occupiable space along at least two public street or open spaces to receive a floor area bonus. On the side that is not concealed, the *façade* of the exposed parking garage structure must be treated with glazed window openings or other treatments that are similar in proportion, materials, and detailing to the occupiable floors. This *façade* area may not be granted any floor area bonus.
10. Louvers required for air intake and exhaust should be located on non-public facing *façades* whenever possible. When louvers are necessary on public *façades*, they should be minimized and be architecturally integrated with the *façade*.

**17-4-1017-B Bonus Formula**

The floor area bonus for qualifying occupiable floor space that conceals a parking garage is calculated as follows: Bonus FAR = (area of concealed parking *façade* ÷ lot area) × 0.40 × Base FAR.

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**17-4-1018 Off-site Park and Open Space Contributions**

**17-4-1018-A Planned Development Approval**

Floor area bonuses for off-site park and open space contributions may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. These bonuses are in addition to the permitted floor area bonuses set forth in Sec. 17-4-1004

through Sec. 17-4-1017. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.

**17-4-1018-B Guidelines**

Contributions toward the creation or improvement of nearby pocket parks, improvements to the Chicago Riverwalk, or other public park spaces may be eligible for floor area bonuses, subject to the following criteria and guidelines:

1. Contributions of land, cash, or improvements must be targeted for specific improvement projects, or for off-site land acquisition within one-half mile of the *planned development* site. The identification of specific improvement projects or land acquisition sites will be made on a case-by-case basis by the Department of Planning and Development or other agencies, as may be appropriate.
2. Applicants who contribute improvements and will be undertaking the work themselves, must submit documentation including but not limited to, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements.
3. Applicants who make cash contributions for specific improvements that are to be undertaken by agencies such as the Chicago Park District, must enter into an agreement with the City of Chicago and the agency undertaking the improvement. All agreements must be in a form approved by the Corporation Counsel.

**17-4-1018-C Bonus Formula**

1. Floor area bonuses for qualifying improvements are to be based on the value of property within the geographic area, based on the following formula: Cost of 1 square foot of floor area = 80% × median cost of land per buildable square foot.
2. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.
3. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.

[amended: 02/07/2007, Council Journal: p. 98532]

## 17-4-1019 Streetscape Improvements

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### 17-4-1019-A Planned Development Approval

Floor area bonuses for streetscape improvements may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. These bonuses are in addition to the permitted floor area bonuses set forth in Sec. 17-4-1004 through Sec. 17-4-1017. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.

### 17-4-1019-B Guidelines

Floor area bonuses may be granted for streetscape improvements that exceed current landscape ordinance requirements or provide for the installation of decorative or historic street lighting fixtures or pavement, subject to the following criteria and guidelines:

1. To qualify for a floor area bonus, the improvements must be located within 2 *blocks* as the proposed development and may include the following:
2. Qualifying streetscape improvements may include the following: raised planters, special pavers, special street lighting, pedestrian lighting, *flag* and *banner* poles, and hanging baskets that exceed minimum standards of Chapter 17-11.
3. Plans should demonstrate the maximum use of trees without obstructing the *public way* or views of retail uses.
4. Street lighting components should be selected from the City of Chicago’s Lighting Palette.
5. Pavement treatments and materials should reflect those generally used in the immediate area.
6. Applicants who contribute street improvements and will be undertaking the work themselves, must submit documentation including but not limited to, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements.
7. Applicants who make a cash contribution for specific improvements that are to be undertaken by agencies such as the Chicago Department of Transportation, must enter into an agreement with the City of Chicago and the agency undertaking the improvement. All agreements must be in a form approved by the Corporation Counsel.

### 17-4-1019-C Bonus Formula

1. Floor area bonuses for qualifying improvements are to be based on the value of property within the geographic area, based on the following formula: Cost of 1 square foot of floor area = 80% × median cost of land per buildable square foot.

2. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.
3. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.

[amended: 02/07/2007, Council Journal: p. 98532]

## 17-4-1020 Transit Station Improvements

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### 17-4-1020-A Planned Development Approval

Floor area bonuses for transit station improvements may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. These bonuses are in addition to the permitted floor area bonuses set forth in Sec. 17-4-1004 through Sec. 17-4-1017. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.

### 17-4-1020-B Guidelines

Floor area bonuses may be granted for improvements to transit stations, subject to the following criteria and guidelines:

1. Qualifying improvements may include new access easements or improvements to connecting passageways, mezzanines, or concourse areas.
2. Cash contributions for transit stations or passageway improvements must be for stations within 1,200 feet of the proposed development site.
3. Applicants who contribute transit station improvements and will be undertaking the work themselves, must submit documentation, including but not limited to, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements.
4. Applicants who make a cash contribution for transit station improvements that are to be undertaken by agencies such as the Chicago Transit Authority, must enter into an agreement with the City of Chicago and the agency undertaking the improvement. All agreements must be in a form approved by the Corporation Counsel.

### 17-4-1020-C Bonus Formula

1. Floor area bonuses for qualifying improvements are to be based on the value of property within the geographic area, based on the following formula: Cost of 1 square foot of floor area = 80% × median cost of land per buildable square foot.
2. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.
3. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.

[amended: 02/07/2007, Council Journal: p. 98532]

#### 17-4-1021 Pedway Improvements

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##### **17-4-1021-A Planned Development Approval**

Floor area bonuses for pedway improvements may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. These bonuses are in addition to the permitted floor area bonuses set forth in Sec. 17-4-1004 through Sec. 17-4-1017. The site for which the floor area bonus is requested must be located in a dash 12 or dash 16 “D” district.

##### **17-4-1021-B Guidelines**

Floor area bonuses may be granted for significant improvements to the existing pedway system or for the addition of new links to existing pedways, subject to the following criteria and guidelines:

1. Pedway improvements must be for pedway links within 600 feet of the proposed development site.
2. Applicants who contribute pedway improvements and will be undertaking the work themselves, must submit documentation including but not limited to, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements.
3. Applicants who make a cash contribution for pedway improvements that are to be undertaken by agencies such as the Chicago Department of Transportation, must enter into an agreement with the City of Chicago and the agency undertaking the improvement. All agreements must be in a form approved by the Corporation Counsel.

##### **17-4-1021-C Bonus Formula**

1. Floor area bonuses for qualifying improvements are to be based on the value of property within the geographic area, based on the following formula: Cost of 1 square foot of floor area =  $80\% \times$  median cost of land per buildable square foot.
2. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.
3. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.

[amended: 02/07/2007, Council Journal: p. 98532]

#### 17-4-1022 Adopt-a-Landmark

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##### **17-4-1022-A Planned Development Approval**

Floor area bonuses for “adopting” an historic landmark may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. These bonuses are in addition to the permitted floor area bonuses set forth in Sec. 17-4-1004 through

Sec. 17-4-1017. The site for which the floor area bonus is requested must be located in a dash 5, 7, 10, 12 or 16 “D” district.

**17-4-1022-B Guidelines**

Floor area bonuses may be granted in return for payments to *property owners* of officially designated historic buildings to support specific building restoration projects, subject to the following criteria and guidelines:

1. Restoration projects must be consistent with landmark guidelines.
2. Landmarks eligible for adoption must be identified by the Commission on Chicago Landmarks and must be located on or within 1,200 feet of a proposed development site.
3. Funds received must be used for substantial interior or exterior renovation work that is visible from a public street or within a portion of the interior that is open to the public. Such work must exceed normal maintenance work (e.g., restoration of a missing cornice, replacement of deteriorated terra cotta).
4. The *property owner* of the landmark building receiving the funds must enter into an agreement with the City of Chicago and the Commission on Chicago Landmarks regarding the manner in which the funds will be used. All agreements must be in a form approved by the Corporation Counsel.

[amended: 02/07/2007, Council Journal: p. 98535]

**17-4-1022-C Bonus Formula**

1. Floor area bonuses for qualifying activities are to be based on financial contributions that reflect the value of property within the geographic area, based on the following formula: Cost of 1 square foot of floor area = 80% × median cost of land per buildable square foot.
2. The cost of land must be based on sale prices within the most recent 5 years, as provided by the Department of Planning and Development.
3. The Commissioner of Planning and Development is responsible for updating estimates of land values annually.

[amended: 02/07/2007, Council Journal: p. 98533]

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**17-4-1023 Chicago Public Schools Capital Improvement Program**

**17-4-1023-A Purpose**

Floor area bonuses for construction of new schools are intended to promote private-sector participation in response to overcrowded and physically decaying school buildings.

**17-4-1023-B Eligibility Criteria**

*Residential buildings* and nonresidential buildings in D districts with a dash 10, 12 or 16 suffix are eligible to receive floor area bonuses for making a financial contribution to

the Public Schools Capital Improvement Program; provided the applicant first selects, qualifies and obtains the affordable housing bonus.

**17-4-1023-C Guidelines**

Applicants who contribute to the Public Schools Capital Improvement Program must enter into an agreement with the City of Chicago and the Chicago Board of Education regarding the manner in which the funds will be paid. All agreements must be in a form approved by the Corporation Counsel.

**17-4-1023-D Bonus Formula**

Floor area bonuses will be based on a financial contribution that reflects the value of land within the surrounding area, based on the following formula: cost of 1 square foot of floor area = 80% multiplied by the median cost of land per buildable square foot.

*[amended: 03/29/2006, Council Journal: p. 74334; 07/26/2006, Council Journal: p. 82611-12]*

*[End of Chapter]*

## Chapter 17-5 Manufacturing Districts

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### 17-5-0100 District Descriptions

#### 17-5-0101 Generally

The “M,” Manufacturing districts are intended to accommodate manufacturing, warehousing, wholesale and industrial uses outside the Central Area. The district regulations are intended to:

- 17-5-0101-A** promote the economic viability of manufacturing and industrial uses;
- 17-5-0101-B** encourage employment growth; and
- 17-5-0101-C** limit the encroachment of unplanned residential and other non-industrial development within *industrial corridors*.

#### 17-5-0102 M1, Limited Manufacturing/Business Park District

The primary purpose of the M1, Limited Manufacturing/*Business Park* district is to accommodate low-impact manufacturing, wholesaling, warehousing and distribution activities that occur within enclosed buildings. The district is intended to promote high-quality new development and reuse of older industrial buildings.

#### 17-5-0103 M2, Light Industry District

The primary purpose of the M2, Light Industry district is to accommodate moderate-impact manufacturing, wholesaling, warehousing and distribution uses, including storage and work-related activities that occur outside of enclosed buildings. The M2 district is generally intended to accommodate more land-intensive industrial activities than the M1 district.

#### 17-5-0104 M3, Heavy Industry District

The primary purpose of the M3, Heavy Industrial district is to accommodate high-impact manufacturing and industrial uses, including extractive and waste-related uses.

### 17-5-0200 Allowed Uses

Uses are allowed in the “M” Zoning Districts in accordance with the Use Table of this section.

#### 17-5-0201 Use Groups and Categories

Use Groups and Use Categories are described in Sec. 17-17-0100.

### 17-5-0202 Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

### 17-5-0203 Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, subject to compliance with all other applicable standards of this Zoning Ordinance.

### 17-5-0203.5 Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600. Other uses and development activities may also require review and approval as a *planned development* based on their size, height or other threshold criteria. (See the mandatory planned development thresholds of Sec. 17-8-0500)

[amended: 03/09/2005, Council Journal: p. 44423]

### 17-5-0204 Prohibited Uses

Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 17-5-0205 Use Standards

The “Use Standard” column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a Permitted (P) or *special use* (S).

### 17-5-0206 Parking Standards

The “Parking Standard” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in Chapter 17-10.

### 17-5-0207 Use Table and Standards

USE GROUP		District			Use Standard	Parking Standard
Use Category		M1	M2	M3		
	Specific Use Type					
P = permitted by-right S = special use approval required PD = planned development approval required – = not allowed						
<b>RESIDENTIAL</b>						
<b>A. Group Living</b>						
1.	Temporary Overnight Shelter	S	S		§17-9-0115	§17-10-0207-Q
2.	Transitional Shelters	S	S		§17-9-0115	§17-10-0207-Q
<b>PUBLIC AND CIVIC</b>						
<b>B. Day Care</b>						
		P	P		§17-9-0105.5	§17-10-0207-E
<b>C. Detention and Correctional Facilities</b>						
		S	S	S		§17-10-0207-E
<b>D. Parks and Recreation</b> (except as more specifically regulated)						
		P	P	P		§17-10-0207-E
1.	Community Centers, Recreation Buildings and Similar Assembly Use	–	–	–		§17-10-0207-E
<b>E. Postal Service</b>						
		P	P	P		§17-10-0207-E
<b>F. Public Safety Services</b>						
		P	P	P		§17-10-0207-E

Chapter 17-5 | Manufacturing Districts  
17-5-0200 | Allowed Uses

USE GROUP		District			Use Standard	Parking Standard
Use Category		M1	M2	M3		
Specific Use Type						
P = permitted by-right S = special use approval required PD = planned development approval required -- = not allowed						
<b>G. Utilities and Services, Minor</b>		P	P	P		§17-10-0207-E
<b>H. Utilities and Services, Major</b>		S	S	S		§17-10-0207-E
1.	Wind Energy Meteorological Testing Center	—	—	P	§17-9-0117.7	None required
<b>COMMERCIAL</b>						
<b>I. Adult Use</b>		S	S	S	§17-9-0101	§17-10-0207-J
<b>J. Animal Services</b>						
1.	Shelters/Boarding Kennels	P	P	P		§17-10-0207-K
2.	Veterinary	P	P	P		§17-10-0207-K
3.	Stables	P	P	P		§17-10-0207-K
<b>K. Building Maintenance Services</b>		P	P	P		§17-10-0207-N
<b>L. Business Support Services</b>						
1.	Copying and Reproduction	P	P	P		§17-10-0207-M
2.	Business/Trade school	P	P	P		§17-10-0207-E
3.	Day Labor Employment Agency	P	P	P		§17-10-0207-Q
4.	Employment Agencies	P	P	P		§17-10-0207-L
<b>M. Communication Service Establishments</b>		P	P	P		§17-10-0207-L
<b>N. Construction Sales and Service</b>						
1.	Building Material Sales	—	P	P	Customer-accessible retail sales areas may not exceed 20% of total floor area	§17-10-0207-O
2.	Contractor/Construction Storage Yard	—	P	P		§17-10-0207-O
<b>O. Drive-Through Facility</b>		S	S	S	§17-9-0106	
<b>P. Eating and Drinking Establishments</b>						
1.	Restaurant, Limited	P	P	P	max GFA: 4,000 sq ft; no entertainment allowed	§17-10-0207-M
2.	Restaurant, General	P	P	P	max GFA: 4,000 sq ft; no entertainment allowed	§17-10-0207-M
3.	Tavern	P	P	P	max GFA: 4,000 sq ft; no entertainment allowed	§17-10-0207-M
<b>Q. Entertainment and Spectator Sports</b>						
1.	Indoor Special Event Class A or B (see Sec. 4-156-550) including incidental liquor sales	P	P	P		
2.	Inter-Track Wagering Facility	S	S	S	§17-9-0110	§17-10-0207-P
<b>R. Financial Services</b> (except as more specifically regulated)		P	P	P	Max GFA: 3,000 sq ft	§17-10-0207-L
1.	Consumer Loan Establishment	S	S	S	Max GFA: 3,000 sq ft	§17-10-0207-L
2.	Payday Loan Store	S	S	S	Max GFA: 3,000 sq ft	§17-10-0207-L
3.	Pawn Shop	S	S	S	Max GFA: 3,000 sq ft	§17-10-0207-L
<b>S. Food and Beverage Retail Sales</b>		P	P	P	Max GFA: 3,000 sq ft	§17-10-0207-M
<b>T. Gas Stations</b>		S	S	S	§17-9-0109	§17-10-0207-R
<b>U. Office</b> (except as more specifically regulated)		P	P	P	In M2 and M3, max GFA: 9,000 sq ft or accessory use to allowed industrial use	§17-10-0207-L
1.	High Technology Office	P	P	P		§17-10-0207-L
2.	Electronic Data Storage Center	P	P	P		§17-10-0207-U
<b>V. Parking, Non-Accessory</b>		S	S	S		
<b>W. Personal Service</b>		P	P		Max GFA: 3,000 sq ft	§17-10-0207-M
<b>X. Repair or Laundry Service, Consumer</b>		P	P	P		§17-10-0207-N
<b>Y. Residential Storage Warehouse</b>		P	P	P		§17-10-0207-Q

Chapter 17-5 | Manufacturing Districts  
17-5-0200 | Allowed Uses

USE GROUP		District			Use Standard	Parking Standard
Use Category		M1	M2	M3		
Specific Use Type						
P = permitted by-right S = special use approval required PD = planned development approval required -- = not allowed						
<b>Z. Retail Sales, General</b>		P	P	P	Accessory sales of goods produced on-site: not to exceed 20% of on-site GFA	§17-10-0207-M
<b>AA.Sports and Recreation, Participant</b>		S	S	S		§17-10-0207-M
<b>BB.Vehicle Sales and Service</b>						
1.	Car Wash or Cleaning Service	P	P	P		§17-10-0207-N
2.	Heavy Equipment Sales/Rental	--	P	P	§17-9-0107	§17-10-0207-N
3.	Light Equipment Sales/Rental, including automobile, motorcycle or boat sales	--	P	P	§17-9-0107	§17-10-0207-N
4.	Motor Vehicle Repair Shop	P	P	P		§17-10-0207-N
5.	Vehicle Storage and Towing	P	P	P		§17-10-0207-N
6.	RVs or Boat Storage	--	P	P	Sales allowed as accessory use only	§17-10-0207-N
<b>INDUSTRIAL</b>						
<b>CC.Junk/Salvage Yard</b>						
1.	Storage/Sales Area	--	S	S		§17-10-0207-U
2.	Mechanical Separator or Crushing Equipment	--	--	S		§17-10-0207-U
<b>DD.Manufacturing, Production and Industrial Service</b>						
1.	Artisan	P	P	P		§17-10-0207-U
2.	Limited	P	P	P		§17-10-0207-U
3.	General	P	P	P		§17-10-0207-U
4.	Intensive	--	--	P		§17-10-0207-U
<b>EE.Mining/Excavation</b>		--	--	S	§17-9-0117	§17-10-0207-U
<b>FF.Recycling Facilities</b>						
1.	Class I	P	P	P		§17-10-0207-U
2.	Class II	S	P	P		§17-10-0207-U
3.	Class III	--	S	P		§17-10-0207-U
<b>GG.Warehousing, Wholesaling and Freight Movement</b> (except as more specifically regulated)		P	P	P		§17-10-0207-U
1.	Container Storage	--	S	S	§17-9-0105	§17-10-0207-U
2.	Freight Terminal		P	P		§17-10-0207-U
3.	Outdoor Storage of Raw Materials as a Principal Use	--	--	P		§17-10-0207-U
<b>HH.Waste-Related Use</b>						
1.	Hazardous Materials Disposal or Storage	--	--	S	§17-9-0117	§17-10-0207-U
2.	Incinerators	--	--	S	§17-9-0117	§17-10-0207-U
3.	Incinerators, Municipal	--	--	S	§17-9-0117	§17-10-0207-U
4.	Liquid Waste Handling Facilities	--	--	S	§17-9-0117	§17-10-0207-U
5.	Reprocessible Construction/Demolition Material Facility	--	--	S	§17-9-0117	§17-10-0207-U
6.	Resource Recovery Facilities	--	--	S	§17-9-0117	§17-10-0207-U
7.	Sanitary Landfills	--	--	S	§17-9-0117	§17-10-0207-U
8.	Transfer Stations	--	--	S	§17-9-0117	§17-10-0207-U
<b>OTHER</b>						
<b>II. Wireless Communication Facilities</b>						
1.	Co-located	P	P	P	§17-9-0118	None required
2.	Freestanding (Towers)	P	P	P	§17-9-0118	None required

[amended: 03/09/2005, Council Journal: p. 44423-25; 11/30/2005, Council Journal: p. 62722; 09/13/2006, Council Journal: p. 84890-93, 84913-15]

## 17-5-0300 Strip Centers

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*Strip centers* are prohibited in M districts.

## 17-5-0400 Bulk and Density Standards

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### 17-5-0401 General

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*Bulk* and *density* standards in the M districts vary according to the type of district or applicable *bulk* designation. *Bulk* designations are indicated by the numeral following the dash (–) in the district name, as in “M1-2” (M1 dash 2).

### 17-5-0402 Lot Area

---

There are no minimum *lot area* standards in the M districts.

### 17-5-0403 Lot Frontage

---

There are no minimum *lot frontage* standards in the M districts.

### 17-5-0404 Floor Area Ratio

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All development in M districts is subject to the following maximum *floor area ratio* standards:

District	Maximum Floor Area Ratio
Dash 1	1.2
Dash 2	2.2
Dash 3	3.0

(See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

### 17-5-0405 Setbacks

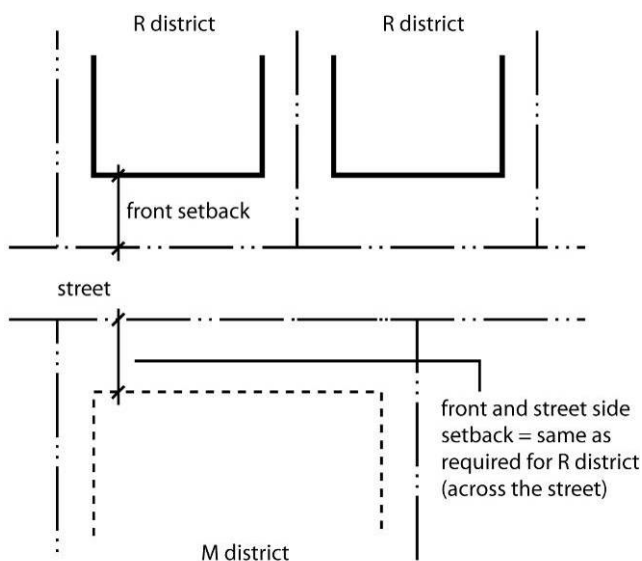
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#### 17-5-0405-A Front and Side Setbacks

No *front setback* or *side setback* is required in M districts, except in the following cases:

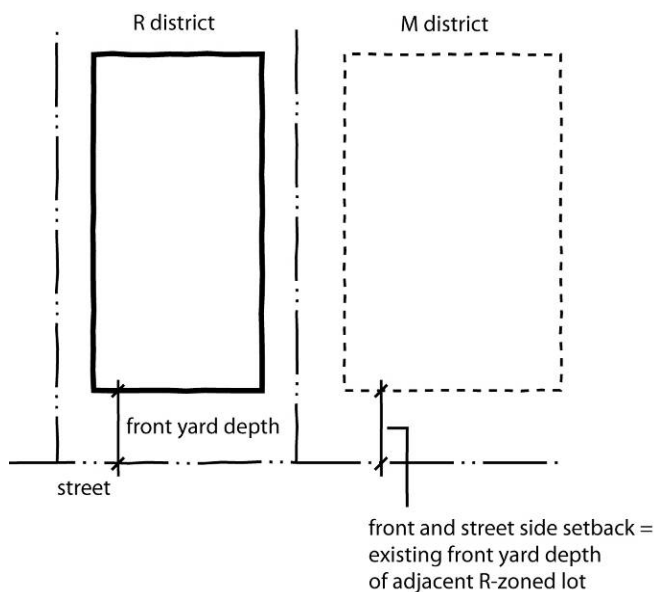
1. All *industrial parks* and *business parks* within the M1 district must provide a *landscaped setback* along all *property lines* that abut public streets. This setback must be at least 10 feet in width.
2. M-zoned *lots* that are across the street from an R district must provide a setback along the *street property line* opposite the R district at least equal to the minimum *front setback* required on the R-zoned *lot* on the opposite side of the *street*.

Figure 17-5-0405-A2



3. M-zoned lots abutting R-zoned lots with street frontage along the same street must provide a front setback or street side setback at least equal to the minimum front setback required on the abutting R-zoned lot.

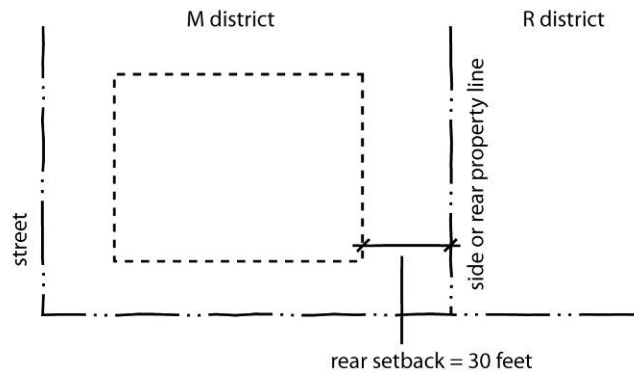
Figure 17-5-0405-A3



#### 17-5-0405-B Rear Setbacks

No rear setback is required in M districts, except when the rear property line of an M-zoned site abuts the side property line or rear property line of a lot in an R district or is separated from an R district rear property line by an alley, the minimum rear setback on the M-zoned property is 30 feet. (See Sec. 17-17-0307 for rules governing the measurement of rear setbacks.)

Figure 17-5-0405-B



## 17-5-0500 Outdoor Storage and Work Activities

### 17-5-0501 Outdoor Storage and Display Areas

**17-5-0501-A** Outdoor storage is allowed as an *accessory use* in all M districts, if such storage is a customary *accessory use* to the *principal use* on a site.

**17-5-0501-B** Outdoor storage is allowed as a *principal use* in the M2 and M3 districts, but not in the M1 district.

**17-5-0501-C** Outdoor storage or outdoor product display areas must be screened in accordance with the standards of Sec. 17-5-0601. All accessory outdoor storage areas in the M1 district must be paved. Paving of outdoor storage areas is not required in M2 or M3 districts.

### 17-5-0502 Outdoor Work Areas

Outdoor work areas are allowed in M2 and M3 districts, but not in the M1 district. Outdoor work areas must be buffered and screened in accordance with the standards of Sec. 17-5-0602.

## 17-5-0600 Screening and Buffering

### 17-5-0601 Outdoor Storage and Display Areas

#### 17-5-0601-A Screening from R Districts

Outdoor storage or display areas that abut R districts along a *side property line* or *rear property line* or are separated from an R district by only an *alley* along a *side property line* or *rear property line* must be effectively screened from view of the R district by a solid wall, solid fence, or dense vegetative screen not less than 6 feet in height and not more than 8 feet in height. Fences and walls must be masonry or wood, sight-obscuring and planted with vines. Chain-link fencing is prohibited.

#### 17-5-0601-B Screening from Public Streets

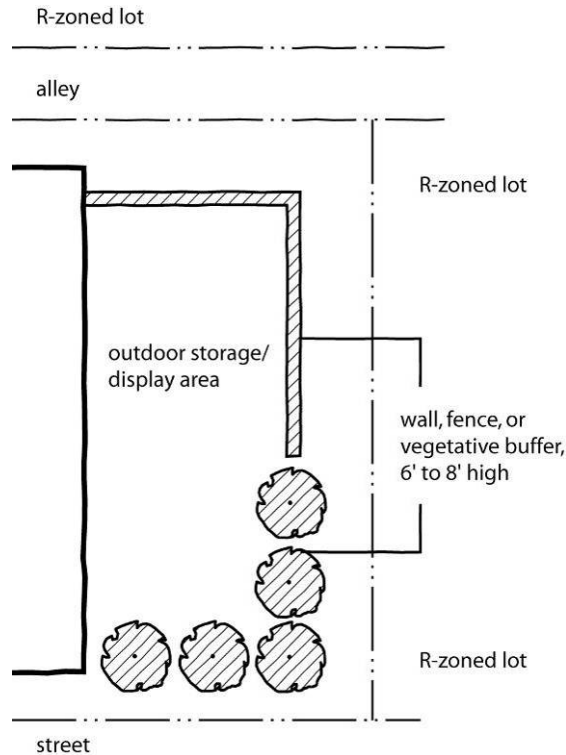
All outdoor storage areas must be screened from view of public streets, as follows:

1. The view of outdoor storage areas be visually screened from all contiguous *streets* other than *alleys* must either by permitted structures or

by a vegetative buffer that is at least 6 feet in height or by a combination of such features.

2. Required screening must be located between the perimeter of the outdoor storage area and any *property line* abutting a public street, other than an *alley*.
3. This screening requirement is not intended to prohibit openings reasonably necessary for access drives and walkways.

Figure 17-5-0601-B

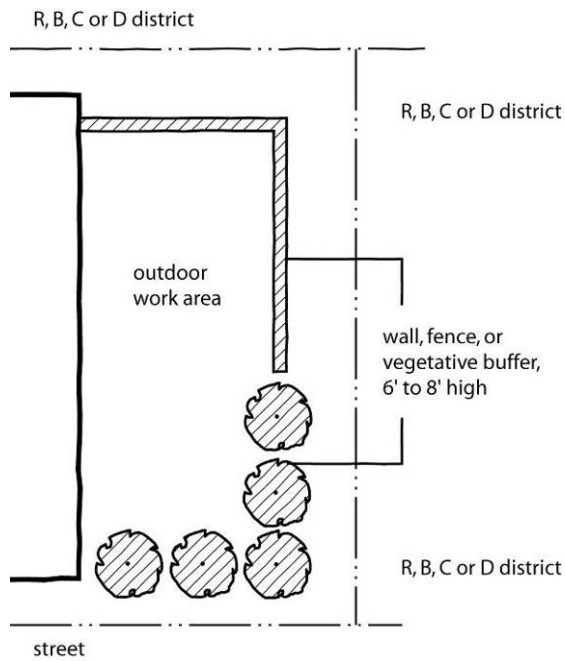


#### 17-5-0602 Outdoor Work Areas

##### 17-5-0602-A Screening from Other Zoning Districts

All outdoor work areas situated on a lot with *side property lines* or *rear property lines* contiguous to any property within any R, B, C or D district that allows residential uses must be effectively screened along such *side property lines* or *rear property lines* by a solid wall, solid fence, or dense vegetative screen not less than 6 feet in height and not more than 8 feet in height. Fences and walls must be masonry or wood, sight-obscuring and planted with vines. Chain-link fencing is prohibited.

Figure 17-5-0602-A



**17-5-0602-B Screening from Public Streets**

All outdoor work areas must be screened from view of public streets, as follows:

1. The view of such outdoor work areas from all contiguous *streets* must be visually screened either by permitted structures or by a vegetative buffer that is at least 6 feet in height or by a combination of such features.
2. Such screening must be located between the perimeter of the outdoor work area and any *property line* abutting a public street, other than an *alley*.
3. This screening requirement is not intended to prohibit openings reasonably necessary for access drives and walkways.

[amended: 03/09/2005, Council Journal: p. 44425]

[End of Chapter]

## Chapter 17-6 Special Purpose Districts

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### 17-6-0100 General

Special purpose districts are established to address land use and development issues that are not easily addressed by R, B, C, D or M district regulations. Special purpose districts are base zoning districts, not overlays.

### 17-6-0200 POS, Parks and Open Space District

#### 17-6-0201 Purpose and Applicability

The “POS,” Parks and Open Space zoning district is intended to preserve, protect and enhance lands set aside for *public open space*, public parks and public beaches. Such areas and facilities provide many benefits to city residents and visitors. They provide cultural and recreation opportunities; preserve natural and scenic areas; protect sensitive natural resource areas; and offer refuge from the built, urban environment. The POS district is also intended to be applied to *cemetery* lands. Other than cemeteries, the POS district is intended to be applied exclusively to public-owned lands.

#### 17-6-0202 Establishment

POS zoning may be established or changed to another classification only in accordance with the Zoning Map Amendment procedures of Sec. 17-13-0300. Parcels zoned POS must be identified with the map symbol “POS” and accompanied by an indication of the applicable park or open space type:

- 17-6-0202-A** Regional or Community Park (POS-1);
- 17-6-0202-B** Neighborhood Park, Mini-Park or Playlot (POS-2);
- 17-6-0202-C** Open Space or Natural Area (POS-3); or
- 17-6-0202-D** *Cemetery* (POS-4).

#### 17-6-0203 Allowed Uses

Permanent uses and facilities are allowed in the POS district in accordance with the use table of this section.

##### 17-6-0203-A Permitted Uses

Uses identified with a “P” are permitted by-right, provided they:

1. have been approved by the governing body with jurisdiction over the park or open space area (e.g., Chicago Park District Board of Commissioners); and
2. comply with all other applicable standards of this Zoning Ordinance.

### 17-6-0203-B Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, provided they:

1. have been approved by the governing body with jurisdiction over the park or open space area; and
2. comply with all other applicable standards of this Zoning Ordinance.

### 17-6-0203-C Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the procedures of Sec. 17-13-0600, provided they:

1. have been approved by the governing body with jurisdiction over the park or open space area (e.g., Chicago Park District Board of Commissioners); and
2. comply with all other applicable standards of this Zoning Ordinance.

### 17-6-0203-D Accessory Uses

Uses that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to allowed *principal uses* will be allowed as *accessory uses* within the POS district. No attempt is made in the use table to identify all allowed *accessory uses*, although some examples are listed. Uses identified with an “A” and others as determined by the Zoning Administrator may be permitted by-right when they constitute an *accessory use* or activity to the primary use of the park/open space site, provided that they:

1. have been approved by the governing body with jurisdiction over the park or open space area; and
2. comply with all other applicable standards of this Zoning Ordinance.

### 17-6-0203-E Use Table

USE GROUP		Park/Open Space Facility Type				Additional Standards
Use Category		POS-1 Regional or Community Parks	POS-2 Neighborhood, Mini- and Play- lot Parks	POS-3 Open Space/Natural Areas	POS-4 Cemeteries	
	Specific Use Type					
A = accessory    P = permitted by-right    S = special use approval required    – = not allowed						
<b>PUBLIC AND CIVIC</b>						
<b>A. Daycare</b>		P	P	–	–	
<b>B. Parks and Recreation</b>						
1.	Arboretums and Botanical Gardens	P	P	P	–	
2.	Band Shells and Outdoor Theaters	P	P	–	–	
3.	Batting Cage	P	P	–	–	
4.	Beaches	P	P	P	–	
5.	Bowling Alley	P	P	–	–	

*Chapter 17-6 | Special Purpose Districts  
17-6-0200 | POS, Parks and Open Space District*

USE GROUP		Park/Open Space Facility Type				Additional Standards
Use Category		POS-1 Regional or Community Parks	POS-2 Neighborhood, Mini- and Play- lot Parks	POS-3 Open Space/Natural Areas	POS-4 Cemeteries	
	Specific Use Type					
A = accessory    P = permitted by-right    S = special use approval required    – = not allowed						
6.	Canoe/Boat Launch	P	P	P	–	
7.	Community Center, Recreation Building and Similar Assembly Use	S	S	–	–	
8.	Community Garden	P	P	–	–	
9.	Conservatories and Greenhouses	P	–	–	–	
10.	Dog Park	P	P	–	–	
11.	Driving Range	P	–	–	–	
12.	Fishing Pier	P	P	P	–	
13.	Forest or Nature Preserve	P	P	P	–	
14.	Golf Courses	P	–	–	–	
15.	Harbor Facilities	P	–	–	–	
16.	Ice Skating Rink (indoor and outdoor)	P	P	–	–	
17.	Marinas	PD	–	–	–	
18.	Miniature Golf	P	P	–	–	
19.	Passive Open Space	P	P	P	–	
20.	Playgrounds including water play areas	P	P	–	–	
21.	Playing Courts (basketball, volleyball, etc.,)	P	P	–	–	
22.	Playing Fields (baseball, soccer, etc.,)	P	P	–	–	
23.	Skate Park	P	P	–	–	
24.	Swimming Pools	P	P	–	–	
25.	Tennis Courts (indoor and outdoor)	P	P	–	–	
26.	Trails for Hiking, Bicycling, or Running	P	P	P	–	
27.	Zoos	PD	–	–	–	
28.	Parks and Recreation uses not listed above	Allowed when expressly approved by governing body with jurisdiction over facility or shown on approved master plan			–	
C. Cultural Exhibits and Libraries		PD	PD	–	–	
D. Utility Service, Major		S	S	S	S	
E. Utility Service, Minor		P	P	P	P	
F. Hospitals (provided they were in existence prior to the adoption of this comprehensive amendment)		P	–	–	–	
COMMERCIAL						
G. Food and Beverage Retail Sales		A	A	–	–	No liquor/alcohol sales allowed
H. Funeral and Interment Services						
1.	Cemeteries and Mausoleums	–	–	–	P	
I. Eating and Drinking Establishments		A	A	–	–	

USE GROUP		Park/Open Space Facility Type				Additional Standards
Use Category		POS-1 Regional or Community Parks	POS-2 Neighborhood, Mini- and Play- lot Parks	POS-3 Open Space/Natural Areas	POS-4 Cemeteries	
	Specific Use Type					
A = accessory    P = permitted by-right    S = special use approval required    – = not allowed						
OTHER						
J.	Field house, locker rooms or similar buildings that support primary outdoor recreation areas.	A	A	–	–	
K.	Kiosks	A	A	–	–	
L.	Off-Street Parking, Accessory	A	A	–		
M.	Off-Street Parking, Non-accessory	S	S	–	–	
N.	Restrooms	A	A	–	–	
O.	Storage and Maintenance Areas/Buildings	A	A	–	–	Must be screened from public view by fences, walls and landscaping
P.	Temporary Uses	P	P	–	–	
Q. Wireless Communication Facilities						
1.	Co-located	P	P	–	P	§17-9-0118
2.	Freestanding (Tower)	S	S	–	S	§17-9-0118

[amended: 03/09/2005, Council Journal: p. 44426-27; 09/13/2006, Council Journal: p. 84893-95; 02/07/2007, Council Journal: p. 98538-41]

## 17-6-0204 Development Standards

### 17-6-0204-A Bulk Standards

1. The size, location and design of all buildings, structures, activity areas and other improvements must be expressly approved by the governing body with jurisdiction over the park or open space area or shown on an approved Park Master Plan.
2. Buildings must be set back from *side property lines* and *rear property lines* at least one foot for each foot of *building height*.
3. No *front setback* is required, except on *lots* abutting R-zoned *lots* that have *lot frontage* on the same *street*. The required *front setback* in those cases must be equal to at least 50% of the *front yard* that exists on the abutting R-zoned *lot*. If the abutting R-zoned *lot* is vacant, the 50% must be calculated on the basis of the abutting *lot's* required *front setback*.

### 17-6-0204-B Lakefront Protection Ordinance; Applicability

All development proposed within the boundaries of the Lake Michigan and Chicago Lakefront Protection District are subject to the provisions of Chapter 16-4 (Lake Michigan and Chicago Lakefront Protection Ordinance).

**17-6-0204-C Light and Glare**

All lighting must be located, designed and operated to minimize light spillover and glare onto R-zoned properties.

**17-6-0204-D Noise**

All loudspeakers and public address systems must be located, designed and operated to minimize disturbance or nuisance to the surrounding area.

**17-6-0204-E Landscaping and Screening**

1. The *vehicular use area* landscaping standards of Sec. 17-11-0200 apply within the POS district.
2. All maintenance facilities and outdoor storage areas must be completely screened from view of recreation areas within parks and from abutting *streets* and R-zoned property.

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## 17-6-0300 T, Transportation District

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### 17-6-0301 Purpose and Applicability

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The "T," Transportation zoning district is intended to preserve, protect and enhance road, rail and other important transportation corridors and to ensure public review of proposals to convert such corridors to non-transportation use.

### 17-6-0302 Establishment

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"T" zoning may be established or changed to another classification only in accordance with the Zoning Map Amendment procedures of Sec. 17-13-0300. Lands included in the T district must be identified with the map symbol "T."

### 17-6-0303 Allowed Uses

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**17-6-0303-A Uses Permitted By-right**

Only the following uses are allowed by-right in the T district:

1. Roads;
2. Commuter and freight rail lines and activities directly related to the provision of commuter or freight rail service;
3. Bus ways;
4. Pedestrian and bicycle trails;
5. Minor utilities; and
6. Customary and incidental *accessory uses* to any of the uses described above, as determined by the Zoning Administrator.

**17-6-0303-B Other Uses**

Only those uses listed in Sec. 17-6-0303-A are allowed in the T district. Land within a T district may be put to another use only after rezoning to a base zoning district

classification that allows such use, following the Zoning Map Amendment procedures of Sec. 17-13-0300.

#### **17-6-0304 Buildings and Structures**

The only permanent buildings or structures allowed in a T district are those directly and customarily related to uses allowed under Sec. 17-6-0303. Buildings in the T district may not exceed a floor area ratio of 1.5.

### **17-6-0400 PMD, Planned Manufacturing Districts**

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#### **17-6-0401 General**

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##### **17-6-0401-A Purpose**

The “PMD,” *planned manufacturing district* zoning classification is intended to:

1. foster the city’s industrial base;
2. maintain the city’s diversified economy for the general welfare of its citizens;
3. strengthen existing manufacturing areas that are suitable in size, location and character and which the City Council deems may benefit from designation as a PMD;
4. encourage industrial investment, modernization, and expansion by providing for stable and predictable industrial environments; and
5. help plan and direct programs and initiatives to promote growth and development of the city’s industrial employment base.

##### **17-6-0401-B Minimum Land Area**

Only areas of 5 or more contiguous acres are eligible for designation as a *planned manufacturing district*.

##### **17-6-0401-C Establishment**

PMD zoning may be established only in accordance with the PMD rezoning procedures of Sec. 0.

##### **17-6-0401-D District Boundaries**

The boundaries of PMD districts must be shown on the Official Zoning Atlas. Detailed legal descriptions must be included in the ordinance establishing the specific PMD.

##### **17-6-0401-E Conflicting Provisions**

When any provision of this section conflicts with a comparable provision concerning the same subject matter in another section under this Zoning Ordinance, the provisions of this section will govern.

##### **17-6-0401-F Districts Established**

The following *planned manufacturing districts* are established:

1. PMD 1, Clybourn Corridor

2. PMD 2, Elston Corridor
3. PMD 3, Goose Island
4. PMD 4, Kinzie Corridor
5. PMD 5, Chicago/Halsted Corridor
6. PMD 6, Lake Calumet
7. PMD 7, Western/Ogden
8. PMD 8, Stockyards
9. PMD 9, Northwest
10. PMD 10, West Pullman
11. PMD 11, Pilsen
12. PMD 12, Harlem
13. PMD 13, Greater Southwest
14. PMD 14, Kennedy

[amended: 05/26/2004, Council Journal: p. 25277, 25287, 25299; 01/11/2005, Council Journal: p. 41231; 03/09/2005, Council Journal: p. 44427-28; 11/30/2005, Council Journal: p. 62734]

## 17-6-0402 Reserved

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[amended: 03/09/2005, Council Journal: p. 44428-30]

## 17-6-0403 Allowed Uses

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Permanent uses and facilities are allowed in PMD districts in accordance with the use table of this section.

### 17-6-0403-A Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

### 17-6-0403-B Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, subject to compliance with all other applicable standards of this Zoning Ordinance.

### 17-6-0403-C Prohibited Uses

Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 17-6-0403-D Use Standards

The “Use Standard” column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a permitted use (P) or *special use* (S).

### 17-6-0403-E Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600. Other uses and development activities may also require review and approval as a *planned development* based on their size, height or other threshold criteria. (See the mandatory planned development thresholds of Sec. 17-8-0500)

[amended: 03/09/2005, Council Journal: p. 44431]

### 17-6-0403-F Use Table and Standards

USE GROUP		PMD (Planned Manufacturing District)														Use Standard		
Use Category		No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10	No. 11	No. 12	No. 13	No. 14			
Specific Use Type		A	B	A	B	A	B	A	B	A	B	A	B	A	B		A	B
P = permitted by-right    S = special use approval req'd    PD = planned development approval req'd    – = not allowed																		
PUBLIC AND CIVIC																		
A. Day Care		P	P	P	P	P	P	P	P	P	–	–	–	–	P	P	P	§17-9-0105.5
B. Detention and Correctional Facilities		–	–	–	–	–	S	–	–	–	–	–	–	–	–	–	–	
C. Parks and Recreation (except as more specifically regulated)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
1. Community Centers, Recreation Buildings and Similar Assembly Use		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
D. Postal Service		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
E. Public Safety Services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
F. Utilities and Services, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
G. Utilities and Services, Major		S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	
COMMERCIAL																		
H. Adult Use		–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	§17-9-0101
I. Animal Services																		
1. Shelters/Boarding Kennels		P	P	P	P	P	P	P	S	S	P	S	S	P	P	P	P	
2. Sales and Grooming		–	P	–	P	–	–	–	–	–	S	–	–	–	–	–	–	
3. Veterinary		–	P	–	P	–	–	–	S	–	S	S	S	S	S	S	–	
4. Stables		P	P	P	P	P	P	P	S	S	P	S	S	P	–	–	–	
J. Artist Work Space		–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	–	
K. Building Maintenance Services		P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	
L. Business Support Services																		
1. Copying and Reproduction		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Max GFA: 3,000 sq ft or reuse of existing build.
2. Business/Trade school		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
3. Day Labor Employment Agency		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
4. Employment Agencies		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
M. Communication Service Establishments		P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	
N. Construction Sales and Service																		
1. Building Material Sales		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Customer-accessible retail sales areas may not exceed 20% of total floor area.

USE GROUP		PMD (Planned Manufacturing District)														Use Standard		
Use Category		No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10	No. 11	No. 12	No. 13	No. 14			
	Specific Use Type	A	B	A	B	A	B	A	B	A	B	A	B	A	B			
P = permitted by-right    S = special use approval req'd    PD = planned development approval req'd    -- = not allowed																		
2.	Contractor/Construction Storage Yard	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
O. Drive-Through Facility		-	S	-	S	-	-	-	-	-	S	S	-	-	-	-	\$17-9-0106	
P. Eating and Drinking Establishments																		
1.	Restaurant, Limited	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Max GFA: 4,000 sq ft; no entertainment allowed.	
2.	Restaurant, General	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Max GFA: 4,000 sq ft; no entertainment allowed.	
3.	Tavern	-	P	P	P	P	P	P	P	P	S	P	P	P	P	P	Max GFA: 4,000 sq ft; no entertainment allowed.	
Q. Entertainment and Spectator Sports																		
1.	Small Venue	-	P	-	P	-	S	S	S	-	-	-	S	-	-	-	-	
2.	Medium Venue	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	
3.	Inter-Track Wagering Facility	S	S	S	S	S	S	S	S	-	S	S	S	-	S	-	-	\$17-9-0110
4.	Indoor Special Event Class A (see Sec. 4-156-550) including incidental liquor sales	P	-	P	-	P	-	P	P	P	P	P	P	P	P	P	P	
5.	Indoor Special Event Class B (see Sec. 4-156-550(b)) including incidental liquor sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
R. Financial Services (except as more specifically regulated)		-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Max GFA: 3,000 sq ft Max GFA: 6,000 sq ft in PMD #9 for lots which front on West North Avenue.
1.	Consumer Loan Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2.	Payday Loan Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
3.	Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
S. Food and Beverage Retail Sales		-	P	-	P	-	-	-	-	P	P	-	-	-	P	-	-	Max GFA: 3,000 sq ft
T. Gas Stations		S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	-	\$17-9-0109
U. Medical Service		P	P	P	P	P	P	P	P	-	S	P	-	S	P	P	-	Max GFA: 9,000 sq ft or reuse of existing build.
V. Office (except as more specifically regulated)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Except in P.M.D. 5, max GFA: 9,000 sq ft or reuse of existing build or accessory to allowed industrial use.
1.	High Technology Office	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
2.	Electronic Data Storage Center	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
W. Parking, Non-Accessory		P	P	P	P	P	P	P	P	P	P	S	P	S	P	P	-	
X. Personal Service		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Max GFA: 3,000 sq ft
Y. Repair or Laundry Service, Consumer		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Max GFA: 3,000 sq ft
Z. Residential Storage Warehouse		-	-	-	-	-	-	-	P	P	P	P	-	S	P	P	P	

USE GROUP		PMD (Planned Manufacturing District)														Use Standard		
Use Category		No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10	No. 11	No. 12	No. 13	No. 14			
Specific Use Type		A	B		A	B												
P = permitted by-right    S = special use approval req'd    PD = planned development approval req'd    -- = not allowed																		
AA.Retail Sales, General		P	P	P	P	P	P	P	P	P	S	P	P	P	S	S	P	Max GFA: 3,000 sq ft for accessory sales of goods produced on-site: not to exceed 20% of on-site GFA
BB.Sports and Recreation, Participant		-	S	-	S	-	S	-	S	-	-	-	-	-	-	-	-	
CC.Schools, Elementary and High (non-boarding)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
DD.Vehicle Sales and Service																		
1. Auto Supply/Accessory Sales		-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	Max GFA: 3,000 sq ft
2. Car Wash or Cleaning Service		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	
3. Heavy Equipment Sales/Rental		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§17-9-0107
4. Light Equipment Sales/Rental (e.g., auto, motorcycle and boat sales)		-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	§17-9-0107
5. Motor Vehicle Repair Shop, not including body work, painting or commercial vehicle repairs		P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	-	
6. Motor Vehicle Repair Shop, may include body work, painting or commercial vehicle repairs		P	S	P	S	P	P	P	P	P	P	P	-	P	P	P	P	
7. Vehicle Storage and Towing		P	P	P	P	P	P	P	P	P	S	P	S	P	P	P	-	
8. RVs or Boat Storage		P	P	P	P	P	P	P	-/P	P	S	P	-	P	P	P	-	P.M.D. Number 6: Boat Storage permitted on sites of 10 acres or more located on the Calumet River north of East 100 <sup>th</sup> Street.
INDUSTRIAL																		
EE.Junk/Salvage Yard																		
1. Storage/Sales Area		S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
2. Mechanical Separator or Crushing Equipment		S	-	S	-	S	-	S	-	S	-	S	S	S	S	-	S	§17-9-0117
FF.Manufacturing, Production and Industrial Service																		
1. Artisan		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2. Limited		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
3. General		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
4. Intensive		P	-	P	-	P	-	P	-	P	-	-	P	P	P	P	P	
GG.Mining/Excavation		S	-	S	-	S	-	-	-	-	-	-	-	-	-	-	-	§17-9-0117
HH.Recycling Facilities																		
1. Class I		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2. Class II		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
3. Class III		P	S	P	S	P	S	P	S	S	S	S	-	S	P	P	P	
II. Warehousing, Wholesaling and Freight Movement (except as more specifically regulated)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
1. Container Storage		P	S	P	S	P	S	P	S	S	S	S	S	P	S	S	-	§17-9-0105
2. Freight Terminal		P	S	P	S	P	S	P	S	S	S	S	S	P	P	P	P	

USE GROUP		PMD (Planned Manufacturing District)														Use Standard		
Use Category		No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10	No. 11	No. 12	No. 13	No. 14			
	Specific Use Type	A	B		A	B												
P = permitted by-right    S = special use approval req'd    PD = planned development approval req'd    -- = not allowed																		
3.	Outdoor Storage of Raw Materials as a Principal Use	P	-	P	-	P	-	P	-	S	P	S	P	P	P	P		
JJ.Waste-Related Use																		
1.	Hazardous Materials Disposal or Storage	S	-	S	-	S	-	S	-	P	-	S	S	-	S	S	S	§17-9-0117
2.	Incinerators	S	-	S	-	S	-	S	-	-	-	S	-	-	S	S	S	§17-9-0117
3.	Incinerators, Municipal	S	-	S	-	S	-	S	-	-	-	S	S	-	S	S	S	§17-9-0117
4.	Liquid Waste Handling Facilities	S	-	S	-	S	-	S	-	S	-	S	S	-	S	S	S	§17-9-0117
5.	Reprocessable Construction/Demolition Material Facility	S	-	S	-	S	-	S	-	S	-	S	S	-	S	S	S	§17-9-0117
6.	Resource Recovery Facilities	S	-	S	-	S	-	S	-	S	-	S	S	-	S	S	S	§17-9-0117
7.	Sanitary Landfills	S	-	S	-	S	-	S	-	-	-	S	-	S	S	S	S	§17-9-0117
8.	Transfer Stations	S	-	S	-	S	-	S	-	S	-	S	S	-	S	S	S	§17-9-0117
OTHER																		
KK.Signs, Advertising (Billboards)		-	-	-	-	-	-	-	-	P	P	P	P	S	P	P	-	
LL.Wireless Communication Facilities																		
1.	Co-located	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§17-9-0118
2.	Freestanding (Towers)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§17-9-0118

[amended: 05/26/2004, Council Journal: p. 25277, 25287, 25299; 01/11/2005, Council Journal: p. 41231; 03/09/2005, Council Journal: p. 44431-34; 07/27/2005, Council Journal: p. 54240-41; 09/14/2005, Council Journal: p. 55914-16; 11/01/2005, Council Journal: p. 60275-79; 11/30/2005, Council Journal: p. 62722-23, 62734-42; 09/13/2006, Council Journal: p. 84896-99]

### 17-6-0404 Nonconforming Uses

Nonconforming uses may be replaced only with *allowed uses*.

### 17-6-0405 Development Standards

#### 17-6-0405-A Regulations along R District Boundaries

Setbacks must be provided in accordance with the standards of Sec. 17-5-0405 and Sec. 17-5-0600, provided that such setback rules do not apply in PMD No. 1 (Clybourn Corridor).

#### 17-6-0405-B Signs

Development in all PMD districts except PMD No. 6, No. 7, No. 8, No. 9, No. 10 and No. 12 must comply with the *sign* standards applicable to M2 districts (see Chapter 17-12). Development in PMDs No. 6, No. 7, No. 8, No. 9, No. 10 and No. 12 must comply with the *sign* standards applicable to M1 districts (see Chapter 17-12).

#### 17-6-0405-C Off-street Parking

Development in all PMD districts must comply with the off-street standards applicable to M1, M2 and M3 districts (See Sec. 17-5-0206 and Chapter 17-10). When no off-street parking standard for a PMD use is established in Sec. 17-5-0206, a parking standard must be established in accordance with Sec. 17-10-0406)

**17-6-0405-D Off-street Loading**

Development in all PMD districts must comply with the off-street loading standards of Sec. 17-10-1100.

**17-6-0405-E Floor Area Ratio**

All development in PMDs is subject to the following maximum *floor area ratio* standards:

District	Maximum Floor Area Ratio
PMD No. 1 Subdistrict A	3.0
PMD No. 1 Subdistrict B	2.2
PMD No. 2	3.0
PMD No. 3	3.0
PMD No. 4	3.0
PMD No. 5 Subdistrict A	5.0
PMD No. 5 Subdistrict B	7.0
PMD No. 6	3.0
PMD No. 7	3.0
PMD No. 8	3.0
PMD No. 9	3.0
PMD No. 10	3.0
PMD No. 11	3.0
PMD No. 12	2.2
PMD No. 13	2.2
PMD No. 14	2.2

(See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

[amended: 05/26/2004, Council Journal: p. 25277, 25287, 25299; 01/11/2005, Council Journal: p. 41231; 03/09/2005, Council Journal: p. 44381; 11/30/2005, Council Journal: p. 62743]

**17-6-0406 Indoor/Outdoor Operations**

Within 300 feet of any R district, all business, servicing, *processing* and product assembly must take place within a *completely enclosed building*.

**17-6-0407 Indoor/Outdoor Storage**

Within 300 feet of any R district, all storage of goods and materials, except *motor vehicles*, must take place within a *completely enclosed building* or be effectively screened from view by a solid fence or wall (including solid entrance and exit gates) at least 8 feet in height.

[End of Chapter]

## Chapter 17-7 Overlay Districts

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### 17-7-0100 Overlay Districts Generally

#### 17-7-0101 Described

*Overlay districts* deal with special situations or accomplish specific city goals that cannot be easily or efficiently addressed through the use of *base districts*. As the name implies, *overlay districts* “overlay” applicable *base district* classifications to alter some or all of the zoning regulations that apply to particular sites. *Overlay districts* are shown on the maps in the Official Zoning Atlas.

#### 17-7-0102 Effect

*Overlay district* regulations supplement the zoning regulations of the applicable *base district*. When *overlay district* standards conflict with applicable *base district* standards or other regulations of this Zoning Ordinance, the regulations of the *overlay district* always govern. When no special *overlay district* standards are specified, the *base district* standards and all other applicable regulations of this Zoning Ordinance will govern.

### 17-7-0200 Near North Historic Overlay District No. 1

#### 17-7-0201 Boundaries

The Near North Historic Overlay District No. 1 consists of all parcels within the area bounded by: North Boulevard; North State Parkway; East Burton Place; North Astor Street; East Goethe Street; North Lake Shore Drive; East Division Street; the alley next east of and parallel to North State Parkway; a line 27 feet north of and parallel to East Division Street; North State Parkway; a line 120 feet north of and parallel to West Division Street; North Dearborn Street; a line 170 feet north of and parallel to West Division Street; the alley next west of and parallel to North Dearborn Street; a line 218.44 feet south of and parallel to West Goethe Street; North Dearborn Street; a line 69.94 feet south of and parallel to West Goethe Street; and the alley next west of and parallel to North Dearborn Street.

### 17-7-0202 Purpose

The purpose of the Near North Historic Overlay District No. 1 is to supplement existing *base district* zoning regulations in order to:

**17-7-0202-A** preserve and enhance the unique and historic residential character of the Near North Historic Area;

**17-7-0202-B** preserve the existing and delicate balance of *townhouses*, rowhouses, landmark structures and high-rise buildings; and

**17-7-0202-C** prevent further increases in scale, *density* and congestion by limiting construction of taller buildings.

### 17-7-0203 Height Limits

**17-7-0203-A** The maximum permitted *building height* for new construction within Near North Historic Overlay District No. 1 is based on the *base district* zoning classification with height limitations expressed in terms of feet and stories, as follows:

Base District Zoning Classification	Maximum Building Height (whichever is greater)	
	Feet	Stories
RM5	45	4
RM6	90	8
RM6.5	125*	11*

\* The maximum building height in RM6.5 may be increased to a maximum of 175 feet or 16 stories if reviewed and approved as a Planned Development in accordance with the procedures of Sec. 17-13-0600.

\* See Sec. 17-17-0311 for rules governing the measurement of *building height*.

**17-7-0203-B** When a building is proposed in an official Chicago landmark district, the Commission on Chicago Landmarks must provide to the Zoning Administrator a recommendation on appropriate *building height*.

**17-7-0203-C** Chimney, heating and cooling equipment, *parapets*, unenclosed roof decks, enclosed stairways to roof decks and similar structures are not to be measured as part of the *building height*.

### 17-7-0204 Administrative Adjustments

Notwithstanding any other provision of this Zoning Ordinance, the Zoning Administrator is expressly authorized to consider and decide requests for *administrative adjustments* to exceed the height limits of Sec. 17-7-0203-A by up to 10%. (See Sec. 17-13-1003-O)

### 17-7-0205 Other Regulations

Except as expressly stated in this section, and to the extent not inconsistent with the provisions of this section, all other regulations of this Zoning Ordinance, the Chicago Landmark Ordinance and the Lake Michigan and Chicago Lakefront Protection Ordinance apply to parcels in the Near North Historic Overlay District No. 1. In case of conflict between the regulations of this section and other regulations of this Zoning Ordinance, the Chicago Landmark Ordinance or the Lake Michigan and Chicago Lakefront Protection Ordinance, the regulations of this section will govern.

## 17-7-0300 Near North Historic Overlay District No. 2

### 17-7-0301 Boundaries

The Near North Historic Overlay District No. 2 consists of all parcels within the area bounded by: North Boulevard (on the north), North Lake Shore Drive (on the east), the north side of East Goethe Street (on the south) and a line delineated by the east side of North Astor Street, the north side of East Burton Place and the east side of North State Parkway (on the west).

### 17-7-0302 Purpose

The purpose of the Near North Historic Overlay District No. 2 is to supplement existing *base district* zoning regulations in order to:

**17-7-0302-A** preserve and enhance the unique and historic residential character of the Near North Historic Area;

**17-7-0302-B** preserve the existing and delicate balance of *townhouses*, rowhouses, landmark structures and high-rise buildings; and

**17-7-0302-C** prevent further increases in scale, *density* and congestion by limiting construction of taller buildings.

### 17-7-0303 Height Limits

**17-7-0303-A** The maximum permitted *building height* for new construction within Near North Historic Overlay District No. 2 is based on the *base district* zoning classification, with height limitations expressed in terms of feet and stories, as follows:

Base District Zoning Classification	Maximum Building Height (whichever is greater)	
	Feet	Stories
RM5	45	4
RM6	90	8
RM6.5	125*	11*

\* The maximum building height in RM6.5 may be increased to a maximum of 175 feet or 16 stories if reviewed and approved as a Planned Development in accordance with the procedures of Sec. 17-13-0600.

\* See Sec. 17-17-0311 for rules governing the measurement of *building height*.

**17-7-0303-B** When a building is proposed in an official Chicago landmark district, the Commission on Chicago Landmarks must provide to the Zoning Administrator a recommendation on appropriate *building height*.

**17-7-0303-C** Chimney, heating and cooling equipment, *parapets*, unenclosed roof decks, enclosed stairways to roof decks and similar structures will not be measured as part of the *building height*.

### 17-7-0304 Administrative Adjustments

Notwithstanding any other provision of this Zoning Ordinance, the Zoning Administrator is expressly authorized to consider and decide requests for *administrative adjustments* to exceed the height limits of Sec. 17-7-0203-A by up to 10%. (See Sec. 17-13-1003-O)

### **17-7-0305 Other Regulations**

Except as expressly stated in this section, and to the extent not inconsistent with the provisions of this section, all other regulations of this Zoning Ordinance, the Chicago Landmark Ordinance and the Lake Michigan and Chicago Lakefront Protection Ordinance applies to parcels in the Near North Historic Overlay District No. 2. In case of conflict between the regulations of this section and other regulations of this Zoning Ordinance, the Chicago Landmark Ordinance or the Lake Michigan and Chicago Lakefront Protection Ordinance, the regulations of this section will govern.

### **17-7-0400 Reserved**

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[amended: 11/30/2005, Council Journal: p. 62728]

### **17-7-0500 Burling Street Special Setback Overlay District**

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#### **17-7-0501 Purpose**

The Burling Street Special Setback Overlay District is intended to preserve established development patterns and to protect the area's special character.

#### **17-7-0502 Boundaries**

The Burling Street Special Setback Overlay District applies to all properties abutting North Burling Street between the first alley north of and parallel to West Fullerton Avenue and the first alley south of and parallel to West Wrightwood Avenue.

#### **17-7-0503 Standards**

All buildings within the Burling Street Special Setback Overlay District must be set back at least 30 feet from the *property line* adjacent to Burling Street.

### **17-7-0550 North Greenview Avenue Special Setback District**

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#### **17-7-0551 Purpose**

The North Greenview Avenue Setback District is intended to require larger front yard setbacks for new residential development consistent with the existing pattern of front yards on that portion of North Greenview Avenue as described below.

#### **17-7-0552 Boundaries**

The North Greenview Avenue Setback District applies to properties abutting North Greenview Avenue within the following subdistricts:

##### **Subdistrict A**

Bounded by: West Berteau Avenue; the alley next east of and parallel to North Greenview Avenue; West Irving Park Road; North Greenview Avenue; West Belle Plaine Avenue; and the alley next west of and parallel to North Greenview Avenue.

##### **Subdistrict B**

Bounded by: West Cullom Avenue; North Greenview Avenue; a line 276.9 feet north of and parallel to West Berteau Avenue; and the alley next west of and parallel to North Greenview Avenue.

### **Subdistrict C**

Bounded by: West Cullom Avenue; the alley next east of and parallel to North Greenview Avenue; West Hutchinson Street; and North Greenview Avenue.

### **Subdistrict D**

Bounded by: West Hutchinson Street; a line 190 feet east of and parallel to North Greenview Avenue; the alley next south of and parallel to West Hutchinson Avenue; the alley next east of and parallel to North Greenview Avenue; West Berteau Avenue; and North Greenview Avenue.

## **17-7-0553 Front Setbacks**

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The minimum front setback in Subdistrict A is forty (40) feet.

The minimum front setback in Subdistrict B is forty-five (45) feet.

The minimum front setback in Subdistrict C is thirty (30) feet.

The minimum front setback in Subdistrict D is forty (40) feet.

See Section 17-17-0306 for rules governing the measurements of front setbacks.

*[amended: 01/11/2006; Council Journal: p. 68319-20]*

## **17-7-0600 Special Character Overlay Districts Generally**

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### **17-7-0601 Purpose**

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**17-7-0601-A** The purpose of this section is to expressly authorize the establishment of *special character overlay districts* for neighborhoods that have unique physical characteristics that are not generally present in other areas of the city. Such unique physical characteristics may come in the form of:

1. Size, shape or *lot* configurations that deviate greatly from the platting pattern found in other parts of the city;
2. Building types or architectural styles that conflict with *base district* standards, yet make a positive contribution to the physical character or livability of an area; or
3. Environmental or other physical features that would prevent reasonable development under applicable zoning standards.

**17-7-0601-B** The special zoning regulations that apply within *special character overlay districts* are intended to reduce conflicts between new construction and existing development, encourage city beautification and conserve the character of the city's most unique neighborhoods. Special character districts are not intended to serve as neighborhood-specific zoning rules that modify zoning standards merely because of dissatisfaction with development that complies with otherwise applicable standards. Such situations should be addressed through consideration of amendments to *base district* zoning standards that would apply citywide.

### 17-7-0602 Minimum Requirements

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An area will be eligible for designation as a *special character overlay district* after a recommendation by the City Council Committee on Zoning if at the time of application it is located within any R, B, C, D or M district and contains at least 4 contiguous acres of land area.

### 17-7-0603 Authorized Regulations and Standards

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*Special character overlay district* regulations may address any of the following:

- 17-7-0603-A** uses;
- 17-7-0603-B** floor area ratios;
- 17-7-0603-C** densities (*lot area* per dwelling unit);
- 17-7-0603-D** number of buildings on a zoning lot;
- 17-7-0603-E** lot area;
- 17-7-0603-F** building coverage;
- 17-7-0603-G** yards or setbacks;
- 17-7-0603-H** lot frontage;
- 17-7-0603-I** building heights;
- 17-7-0603-J** building entrances and/or orientation;
- 17-7-0603-K** exterior building materials and design;
- 17-7-0603-L** layout of public ways;
- 17-7-0603-M** vehicular and pedestrian circulation patterns;
- 17-7-0603-N** amount or location of parking and loading; or
- 17-7-0603-O** other zoning-related standards that are necessary to address unique zoning, platting or development features.

### 17-7-0604 Procedure for Establishment

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*Special character overlay districts* must be established in accordance with the procedures of Sec. 17-13-0500.

### 17-7-0605 Variations/Administrative Adjustments

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Within any established *special character overlay district*, applicants may seek authorized *administrative adjustments* or *variations*, pursuant to the applicable *administrative adjustment* or *variation* procedures of Chapter 17-13.

### 17-7-0606 Special Uses

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Within any established *special character overlay district*, any applicant may seek approval of a *special use* allowed by the *base district* or Special Character District standards. In such cases, the applicant must demonstrate that the proposed *special use* meets the general applicable

approval criteria for *special uses* and that the proposed use will comply with applicable *special character overlay district* regulations.

## **17-7-0700 SD-1, Norwood Park Special Character Overlay District**

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### **17-7-0701 Description**

The SD-1, Norwood Park Special Character Overlay District is intended to permit low-density residential development that is compatible with the existing pattern of development within the core area of Norwood Park—commonly referred to as “Norwood Park Circle”—and adjacent *streets*.

### **17-7-0702 Lot Area per Dwelling Unit**

At least 7,500 square feet of *lot area* is required per *dwelling unit*.

### **17-7-0703 Lot Frontage**

Each *lot* must have *lot frontage* along a public street that is equal to the predominant *lot frontage* of the *lots* of record on the same side of the *street* between the two nearest intersecting *streets* or a minimum of 50 feet of *lot frontage*, whichever is greater. (See Sec. 17-17-0303 for rules governing the measurement of *lot frontage*.)

### **17-7-0704 Front Setbacks**

The minimum *front setback* is 30 feet or the predominant *front yard* depth of the *lots* of record on the same side of the *street* between the two nearest intersecting *streets*, whichever is greater, plus an additional one foot for every 2 feet by which the building’s height exceeds 25 feet. A *front yard* must face onto a public street. (See Sec. 17-17-0306 for rules governing the measurement of *front setbacks*.)

### **17-7-0705 Administrative Adjustments**

In addition to the *administrative adjustments* authorized by Sec. 17-13-1000, the Zoning Administrator is authorized to permit a reduction of up to 10% of the minimum *lot frontage* required within the SD-1 district.

### **17-7-0706 Variations**

In addition to the *variations* authorized by Sec. 17-13-1100, the Zoning Board of Appeals is authorized to grant *variations* from the minimum *lot frontage* standards of the SD-1 district.

## **17-7-0800 SD-2, Norwood Park Special Character Overlay District**

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### **17-7-0801 Description**

The SD-2, Norwood Park Special Character Overlay District is intended to permit low- to moderate-density residential development that is compatible with the existing pattern of development within the core area of Norwood Park—commonly referred to as “Norwood Park Circle”—and adjacent *streets*.

### **17-7-0802 Lot Area per Dwelling Unit**

At least 5,750 square feet of *lot area* is required per *dwelling unit*.

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#### 17-7-0803 Lot Frontage

Each *lot* must have *lot frontage* along a public street that is equal to the predominant *lot frontage* of the *lots* of record on the same side of the *street* between the two nearest intersecting *streets* or a minimum of 35 feet of *lot frontage*, whichever is greater. (See Sec. 17-17-0303 for rules governing the measurement of *lot frontage*.)

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#### 17-7-0804 Floor Area Ratio

The *floor area ratio* may not exceed 0.50. (See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

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#### 17-7-0805 Front Yards

All *front yards* must face onto a public street.

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#### 17-7-0806 Administrative Adjustments

In addition to the *administrative adjustments* authorized by Sec. 17-13-1000, the Zoning Administrator is authorized to approve an *administrative adjustment* allowing a reduction of up to 10% of the minimum *lot frontage* required within the SD-2 district.

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#### 17-7-0807 Variations

In addition to the *variations* authorized by Sec. 17-13-1100, the Zoning Board of Appeals is authorized to grant *variations* from the minimum *lot frontage* standards of the SD-2 district.

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### 17-7-0900 SD-4A, North Southport Special Character Overlay District

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#### 17-7-0901 Description

The SD-4A, North Southport Special Character Overlay District (subdistrict A) is intended to conserve the existing low-density character of the North Southport area.

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#### 17-7-0902 Lot Area per Dwelling Unit

At least 1,250 square feet of *lot area* is required per *dwelling unit*, except that on *lots* with a depth of more than 125 feet, the minimum lot area per dwelling unit is 1,500 square feet.

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### 17-7-1000 SD-8, Longwood Drive Special Character Overlay District

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#### 17-7-1001 Description

The SD-8, Longwood Drive Special Character Overlay District is intended to permit low-density residential use that is compatible with the existing pattern of neighborhood development.

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#### 17-7-1002 Lot Width

##### 17-7-1002-A Subdistricts A and B

In Subdistricts A and B, each *lot* must have at least 70 feet of *lot frontage* along a public street.

##### 17-7-1002-B Subdistrict C

In Subdistrict C, each *lot* must have at least 50 feet of *lot frontage* along a public street.

### 17-7-1003 Setbacks from Longwood Drive

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#### **17-7-1003-A Subdistrict A**

In Subdistrict A, all new buildings must be set back at least 130 feet from the *property line* along Longwood Drive.

#### **17-7-1003-B Subdistricts B and C**

In Subdistricts B and C, all new buildings must be set back at least 85 feet from the *property line* along Longwood Drive.

#### **17-7-1003-C Corner or Through Lots**

When *corner lots* or *through lots* are subdivided and *lots* are created without Longwood Drive *lot frontage*, the required setback of the base zoning district is to be measured from the adjoining *streets*.

### 17-7-1004 Administrative Adjustments

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In addition to the *administrative adjustments* authorized by Sec. 17-13-1000, the Zoning Administrator is authorized to approve an *administrative adjustment* allowing a reduction of up to 10% of the minimum *lot frontage* and *setbacks* required within the SD-8 district.

### 17-7-1005 Variations

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In addition to the *variations* authorized by Sec. 17-13-1100, the Zoning Board of Appeals is authorized to grant *variations* from the minimum *lot frontage* and setback requirements of the SD-8 district.

## 17-7-1100 SD-10, Roscoe Street

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### 17-7-1101 Description

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The SD-10, Roscoe Street Special Character Overlay District is intended to conserve the existing low-density, multi-use commercial and residential character of the portion of West Roscoe Street between North Damen Avenue and North Leavitt Street. The existing pattern of development is two- and three-story structures with pedestrian-oriented retail at street level and *dwelling units* above. The Roscoe Street District seeks to maintain the street's existing scale and to limit construction of taller four- and five-story buildings. In addition, the District regulations seek to maintain the street-front orientation of existing buildings by requiring this orientation for new construction and by encouraging conformity to the *front setbacks*, if any, of the prevailing street wall.

### 17-7-1102 Building Height

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New construction may not exceed 36 feet in height. (See Sec. 17-17-0311 for rules governing the measurement of *building height*.)

### 17-7-1103 Building Orientation

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All new construction must have a principal entrance or the design of a principal entrance oriented toward Roscoe Street. Such orientation or apparent orientation must be evidenced by a principal doorway (excluding garage doors), *front yard*, or front porch. All parking must be located and accessed off the *alley*.

#### 17-7-1104 Lot Area

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At least 1,400 square feet of *lot area* is required per *dwelling unit*.

#### 17-7-1105 Administrative Adjustments

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In addition to the *administrative adjustments* authorized by Sec. 17-13-1000, the Zoning Administrator is authorized to allow the following as *administrative adjustments*:

**17-7-1105-A** a *building height* increase of up to 10%; and

**17-7-1105-B** waiver or modification of the building orientation and parking access requirements for parcels lacking *alley* access or when other circumstances impose hardship conditions.

#### 17-7-1106 Variations

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In addition to the *variations* authorized by Sec. 17-13-1100, the Zoning Board of Appeals is authorized to grant the following *variations*:

**17-7-1106-A** a *building height* increase of up to 10%; and

**17-7-1106-B** waiver or modification of the building orientation and parking access requirements for parcels lacking *alley* access or when other circumstances impose hardship conditions.

#### 17-7-1200 Reserved

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[amended: 03/09/2005, Council Journal: p. 44434-35]

#### 17-7-1300 SD-23 Sheridan Park North Special Character Overlay District

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##### 17-7-1301 Description

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The SD-23, Sheridan Park North Special Character Overlay District is intended to require larger *front setbacks* for new residential development, consistent with the existing pattern of *front yards* in the neighborhood.

##### 17-7-1302 Front Setbacks

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**17-7-1302-A** The minimum *front setback* is 30 feet, except that within Subdistrict A, where the minimum *front setback* is 40 feet. (See Sec. 17-17-0306 for rules governing the measurement of *front setbacks*.)

**17-7-1302-B** Porches and terraces may not encroach within the required *front setback* within Subdistrict A. Outside of Subdistrict A, porches and above-grade, open terraces (including roofed terraces) are permitted within the required *front setback*, provided such structures do not project more than 10 feet and provided a minimum 20-foot *front setback* is maintained.

## 17-7-1400 SD-24 Sheridan Park South Special Character Overlay District

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### 17-7-1401 Description

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The SD-24, Sheridan Park South Special Character Overlay District is intended to require larger *front setbacks* for new residential development, consistent with the existing pattern of *front yards* in the neighborhood.

### 17-7-1402 Front Setbacks

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**17-7-1402-A** The minimum *front setback* is 30 feet, except that within Subdistrict A, where the minimum *front setback* is 20 feet. (See Sec. 17-17-0306 for rules governing the measurement of *front setbacks*.)

**17-7-1402-B** Porches and terraces may not encroach within the required *front setback* within Subdistrict A. Outside of Subdistrict A, porches and above-grade, open terraces (including roofed terraces) are permitted within the required *front setback*, provided such structures do not project more than 10 feet and provided a minimum 20-foot *front setback* is maintained.

[End of Chapter]

## Chapter 17-8 Planned Developments

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### 17-8-0100 Purpose

The *planned development* regulations of this chapter are intended to:

- 17-8-0101** ensure adequate public review of major development proposals;
- 17-8-0102** encourage unified planning and development;
- 17-8-0103** promote economically beneficial development patterns that are compatible with the character of existing neighborhoods;
- 17-8-0104** ensure a level of amenities appropriate to the nature and scale of the project;
- 17-8-0105** allow flexibility in application of selected use, *bulk*, and development standards in order to promote creative building design and high-quality urban design; and
- 17-8-0106** encourage protection and conservation of natural resources.

### 17-8-0200 Number of Buildings and Uses

*Planned developments* may include one or more *principal buildings* and one or more *principal uses*.

### 17-8-0300 Number of Lots

*Planned developments* may consist of one or more *lots* to be developed as a unit, whether simultaneously or phased within a period of time commensurate with the character of the proposal.

### 17-8-0400 Ownership, Control and Designated Control

All planned development applications must be at the time of filing be under single ownership, or control or single designated control. Provided, however, that after the adoption of an ordinance wherein the property is divided into specifically delineated subareas or subparcels, each having its own bulk and density standards, or similar subarea specific or subparcel specific development controls or requirements, the owners of or designated controlling party for each subarea may seek amendments, changes, or modifications for that subarea without the consent of the owners or designated controlling party of other subareas. Single designated control for the purpose of this paragraph shall mean the party who is authorized by the applicant, its successors and assigns or any property owners association, which is formed to succeed the applicant for the

purposes of seeking approval of a Planned Development amendment, change or modification. This Section 17-8-0400 is not intended to interfere with, abrogate or annul any zoning rights agreement, deed restriction, or other written agreement between owners or designated controlling parties of subareas, or any provision in a Planned Development where the issue of subarea control is expressly addressed. Notwithstanding the foregoing, in no instance shall the owner or designated controlling party of a subarea be permitted to unilaterally seek an amendment, change or modification that would reduce any bulk, density, parking or similar development requirement generally available or applicable to all subareas, such as any unused bulk or density rights, or which would materially adversely reduce another subarea owner's right of access, or which would materially adversely reduce open space, walkways, or similar design requirements applicable to one or more subareas, or which would render another subarea a non-conforming use.

[amended: 01/11/2006, Council Journal: p. 68322-23]

## **17-8-0500 Mandatory Planned Development Thresholds**

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*Planned development* review and approval, in accordance with the procedures of Sec. 17-13-0600, is required for all of the following.

### **17-8-0501 Air Rights**

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*Planned development* review and approval is required for the development of *air rights* above land used or proposed to be used for railroad, expressway, *streets*, or other *public ways*, or land otherwise devoted to public purposes.

### **17-8-0502 Airports and Heliports**

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*Planned development* review and approval is required for the development of land for airports and land or *air rights* to be used for heliports.

### **17-8-0503 Non-Accessory Parking in the "D" Zoning Districts**

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**17-8-0503-A** *Planned development* review and approval is required for the creation, establishment or erection of all *non-accessory parking* facilities in the Central Area Parking District and any additions to or expansions of existing *non-accessory parking* facilities in the Central Area Parking District. (See also Sec. 17-4-0800)

**17-8-0503-B** *Planned development* review and approval is required for the creation, establishment or erection of *non-accessory parking* facilities in "D" districts located outside the boundaries of the Central Area Parking District if such *non-accessory parking* facility contains 250 parking spaces or more. (See also Sec. 17-4-0800)

### **17-8-0504 Hospitals, Colleges, Universities and Campus-Style Institutional Uses**

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*Planned development* review and approval is required for development of land to be used for *hospitals*, colleges, universities and similar campus-style institutional uses on sites with a *net site area* of 2 acres or more.

### **17-8-0505 Religious Assembly, Community Centers and Similar Assembly Uses**

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*Planned development* review and approval is required for development of land to be used for *religious assembly*, community centers and similar public assembly uses on sites with a *net site area* of 2 acres or more.

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#### **17-8-0506 Schools, Safety Services and Other Government Buildings**

*Planned development* review and approval is required for development of land to be used for schools, safety services and other government buildings on sites with a *net site area* of 2 acres or more.

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#### **17-8-0507 Power Plants, Water Plants and Wastewater Plants**

*Planned development* review and approval is required for development of land for any power generation plant, water treatment or wastewater treatment plant.

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#### **17-8-0508 Entertainment and Spectator Sports**

*Planned development* review and approval is required for development of any entertainment and spectator sport use with a seating capacity of 1,000 or more persons.

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#### **17-8-0509 Development Along Waterways**

**17-8-0509-A** *Planned development* review and approval is required for the development of land for any building, structure, or parking area, when any portion of the land is located within 100 feet of any waterway, provided that the repair or rehabilitation of any portion of an existing building, structure or parking area is exempt from this requirement. Additionally, outside the area bounded by Chicago Avenue, Lake Michigan, Cermak Road and Halsted Street, the following are exempt from this mandatory PD threshold:

1. residential structures containing 3 or fewer *dwelling units* and structures that are accessory or additions thereto; and
2. other buildings, structures or parking areas that are accessory or an addition to an existing building, structure or use and are either 500 square feet or less in enclosed floor area or are set back a minimum of 30 feet from the *top of the bank*.

**17-8-0509-B** The waterways subject to this provision include: Chicago River Main Branch, Chicago River North Branch and North Branch Canal, Chicago River South Branch and South Fork of the South Branch, North Shore Channel, Chicago Sanitary and Ship Canal, Calumet River and Lake Calumet, Little Calumet River, Grand Calumet River, Wolf Lake, and Des Plaines River.

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#### **17-8-0510 Large Commercial Developments**

**17-8-0510-A** *Planned development* review and approval is required in B and C zoning districts for any building to be occupied by any retail sales-related use with a gross floor area of 75,000 square feet or more. For purposes of this paragraph, “retail sales-related uses” include general retail sales; food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.

[amended: 03/09/2005, Council Journal: p. 44435]

**17-8-0510-B** *Planned development* review and approval is also required in B and C zoning districts for any commercial development with a *net site area* of 4 acres or more. For purposes of this paragraph, “commercial development” includes development intended to accommodate any use classified in the *commercial use group*.

[amended: 03/09/2005, Council Journal: p. 44436]

### 17-8-0511 Large Industrial Developments

*Planned development* review and approval is required for any industrial development on M-zoned land with a *net site area* of 5 acres or more if the lot on which the development is located is within 100 feet of any *residential district*. Otherwise, planned development review and approval is required only for industrial development on M-zoned land with a *net site area* of 10 acres or more.

### 17-8-0512 Tall Buildings

*Planned development* review and approval is required for any building that meets or exceeds the following height thresholds:

#### 17-8-0512-A Neighborhood Zoning Districts

Zoning District	Height Threshold (feet)
RM6	110
RM6.5	140
B/C-5	75*/80 (See Sec. 17-3-0408-A)

[amended: 09/13/2006, Council Journal: p. 84899]

#### 17-8-0512-B Downtown Zoning Districts

Zoning District	Residential Building Height Threshold (feet)	Nonresidential Building Height Threshold (feet)
D dash 3	75	90
D dash 5	130	150
D dash 7	155	180
D dash 10	220	310
DX-12	330	390
DC-12	330	470
DX-16	440	520
DC-16	440	600

[amended: 03/09/2005, Council Journal: p. 44384]

### 17-8-0513 Large Residential Developments

*Planned development* review and approval is required for any residential development that meets or exceeds the following land area or unit-count thresholds:

#### 17-8-0513-A Neighborhood Zoning Districts

Zoning District	Thresholds		
	Detached Houses	Townhouses	Multi-Unit or Mixed Housing Types
RS1–RS3	3 acres net site area	NA	NA
RT3.5–RT4	3 acres net site area	40 units	30 units
RM4.5	3 acres net site area	50 units	40 units
RM5	3 acres net site area	60 units	50 units
RM5.5	3 acres net site area	70 units	60 units
RM6	3 acres net site area	80 units	80 units
RM6.5	3 acres net site area	100 units	100 units
B/C-1	3 acres net site area	50 units	30 units
B/C-1.5	3 acres net site area	50 units	30 units

Zoning District	Thresholds		
	Detached Houses	Townhouses	Multi-Unit or Mixed Housing Types
B/C-2	3 acres net site area	60 units	40 units
B/C-3	3 acres net site area	85 units	60 units
B/C-5	3 acres net site area	100 units	100 units

#### 17-8-0513-B Downtown Zoning Districts

Zoning District	Threshold (Number of Dwelling Units)
D dash 3	90 units
D dash 5	150 units
D dash 7	200 units
D dash 10	300 units
DX-12	350 units
DC-12	350 units
DX-16	400 units
DC-16	350 units

[amended: 04/11/2007, Council Journal: p.103488]

#### 17-8-0513-C Government-Assisted and Elderly Housing Developments

The unit-count thresholds of Sec. 17-8-0513-A and Sec. 17-8-0513-B are increased by 20% for *government-assisted* and *elderly housing* developments. An elderly housing development in the RM4.5 district, for example, must be reviewed and approved as a *planned development* if it contains 48 or more dwelling units.

[amended: 03/09/2005, Council Journal: p.44436]

#### 17-8-0514 Bonus Floor Area in Excess of 150% of the Base FAR

*Planned development* review and approval is required for any development using floor area bonuses (See Sec. 17-4-1000) if the development is proposed to exceed 150% of the base FAR allowed in the underlying zoning district. *Planned development* review and approval is also required for elimination or substitution of any amenity for which a floor area bonus was granted.

#### 17-8-0515 Expansions of Existing Development

**17-8-0515-A** If an approved *planned development* is proposed to be expanded or changed, the regulations of Sec. 17-13-0611 apply.

**17-8-0515-B** Proposed expansions of any other existing development that will result in an increase in *building height*, *lot area* or number of *dwelling units* must be reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600 if the expanded development meets the threshold for a mandatory *planned development*.

**17-8-0515-C** The mandatory PD requirement of the preceding paragraph (Sec. 17-8-0515-B) does not apply in the following cases:

1. the Commissioner of Planning and Development determines that the proposed expansion will not result in a significant increase in adverse impacts on the surrounding area, in terms of traffic congestion,

incompatible building bulk or scale, or other measurable land-use impacts;  
or

2. the development involves only reuse of an existing building and the building's height is not being increased.

### 17-8-0600 Elective Planned Development Thresholds

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Applicants for developments that do not meet the minimum criteria for a mandatory *planned development* may nonetheless elect to follow the *planned development* review and approval procedures if the proposed development is to be located on a site with a minimum site area of 12,500 square feet in any D district, or 21,875 square feet in any other district and meets at least one of the following criteria:

[amended: 12/13/2006, Council Journal: p. 95362]

**17-8-0601** is to include at least 50% of the number of *dwelling units* that triggers a mandatory PD (In an RT4 district, for example, a *townhouse development* containing at least 20 *dwelling units* would be eligible to follow the elective *planned development* review and approval procedures);

[amended: 12/13/2006, Council Journal: p. 95362]

**17-8-0602** is to include at least 50% of the gross floor area that triggers a mandatory PD. In a B or C zoning district, for example, a commercial use containing at least 37,500 square feet of gross floor area would be eligible to follow the elective *planned development* review and approval procedures.

[amended: 12/13/2006, Council Journal: p. 95362]

**17-8-0603** is to include a building that is at least 50% of the height of a building that triggers a mandatory PD. In a D dash 5 district, for example, a residential building of at least 65 feet in height or a nonresidential building of at least 75 feet in height would be eligible to follow the elective *planned development* review and approval procedures.

[amended: 03/09/2005, Council Journal: p. 44436; amended: 12/13/2006, Council Journal: p. 95362]

### 17-8-0700 Measurement of Planned Development Thresholds

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In interpreting the mandatory *planned development* criteria of Sec. 17-8-0500 the following measurement rules apply:

**17-8-0701** Measurements of acreage apply to all land that is contiguous or would be contiguous except for separation by a *public way* or private access drive.

**17-8-0702** Measurement of the 100-foot distance from waterways is to be made from the high water mark boundary of the waterway along an axis generally perpendicular to the waterway. Land occupied by public roads, streets, alleys and other public property must be included when computing the 100-foot distance.

[amended: 03/09/2005, Council Journal: p. 44436; 12/13/2006, Council Journal: p. 95362]

## 17-8-0800 Review and Approval Procedures

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Mandatory and elective *planned developments* must be reviewed and approved in accordance with the procedures of Sec. 17-13-0600.

## 17-8-0900 Standards and Guidelines

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### 17-8-0901 Uses, Bulk, Density and Intensity

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*Planned developments* are subject to strict compliance with the *floor area ratio* standards of the zoning district applicable to the subject property immediately before approval of the *planned development*. *Planned developments* must be in substantial compliance with *density*, use, setback, building height, and open space and other (non-FAR-related) development standards of the zoning district applicable to the subject property immediately before approval of the *planned development*.

### 17-8-0902 Other Regulations

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Except as otherwise expressly stated, *planned developments* must comply with any special regulations that apply to the subject property, such as the Chicago Landmark Ordinance and the Lake Michigan and Chicago Lakefront Protection Ordinance.

### 17-8-0903 Approved Plans

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*Planned developments* must be consistent with plans that have been adopted by the Plan Commission or approved by the City Council.

### 17-8-0904 Transportation, Traffic Circulation and Parking

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#### 17-8-0904-A General Intent

*Planned developments* should:

1. promote the safe and efficient circulation of pedestrians, cyclists and *motor vehicles*;
2. promote transit, pedestrian and bicycle use;
3. ensure accessibility for persons with disabilities;
4. minimize conflict with existing traffic patterns in the vicinity;
5. minimize and mitigate traffic congestion associated with the proposed development;
6. provide safe and ample access for emergency and delivery vehicles, while minimizing the adverse visual impact of vehicular service areas; and
7. provide adequate bicycle and vehicle parking, while minimizing the adverse visual impact of any off-street parking areas.

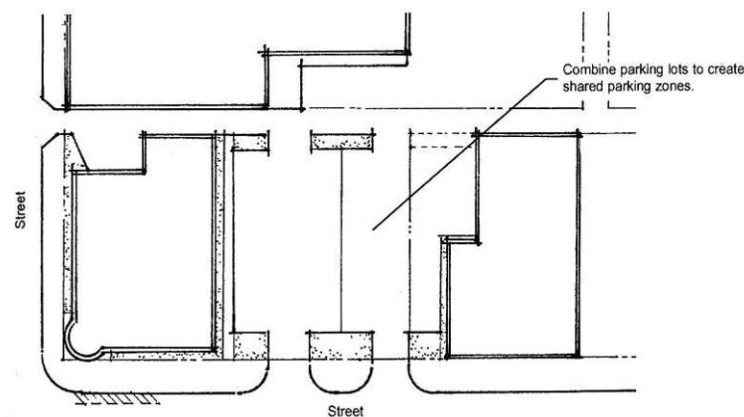
#### 17-8-0904-B Transportation

All streets should be constructed to city standards pertaining to paving and construction materials and be dedicated for public use. Deviations from standard widths (cross-sections) may be approved as part of the PD approval process.

**17-8-0904-C Parking**

1. Large fields of surface parking should be avoided. Large parking lots should be broken up into smaller “cells” or “pods” that are defined by buildings, landscaping and pedestrian paths.
2. Parking should be located behind buildings or to the side of buildings. Large parking areas between buildings and the adjacent street/sidewalk should be avoided.
3. Shared parking should be provided whenever possible. Parking lots should be constructed to allow easy access to one or more buildings and multiple storefronts/uses.

Figure 17-8-0904-C3



4. On large retail and shopping center sites, multi-level parking structures are preferred over large surface parking lots.
5. Parking areas should be designed and laid out to maximize pedestrian safety and ease of connections to adjoining property.
6. On large retail and shopping center sites, separate and distinct pedestrian pathways should be provided to connect adjacent public sidewalks and parking areas with building entrances. Clearly delineated crosswalks should be provided when such pathways cross vehicular traffic lanes.
7. Bicycle parking facilities should be easily accessible and secure.
8. Driveways to parking areas should be located and designed to maximize pedestrian safety and comfort.

**17-8-0904-D Parking in “D” Districts**

1. Vehicle access and service functions should be accessed from alleys in order to diminish conflicts with pedestrian traffic on sidewalks.
2. Porte cocheres and similar covered entrances for automobiles are generally discouraged. When used, such features should be limited in size and serve

lobbies that are clearly visible from the street. These entrances should be combined with landscaped open space.

3. Underground parking is strongly encouraged as a means of reducing the height and bulk of downtown buildings.
4. Any portion of a multi-level parking garage not located below grade should be lined by active use for a minimum depth of 20 feet.
5. Motor courts and parking courts are discouraged.

#### **17-8-0905 Pedestrian-Orientation**

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##### **17-8-0905-A General Intent**

*Planned developments* should be designed to promote pedestrian interest, safety and comfort by:

1. creating safe and attractive walkways and pedestrian routes;
2. providing street-level spaces within buildings that are designed to accommodate active uses or to otherwise engage pedestrian interest;
3. avoiding blank walls, especially near sidewalks; and
4. emphasizing building entries through architecture and design.

##### **17-8-0905-B Building Features**

1. Buildings should be located abutting the sidewalk with doors, windows and active uses adjacent to it. Exceptions are appropriate when building setbacks would allow the widening of a narrow sidewalk or where a large site allows a plaza or open space.
2. Primary pedestrian entrances should be located at sidewalk level. These entrances should form a significant focal element of the building through the use of façade variations, porticos, roof variations, recesses or projections, or other architectural forms that are integral to the building. Such features help provide building identity and presence on the street.
3. On large lots, townhouses or multi-story retail should be employed as liner space to screen parking garages from view and to ensure active uses at sidewalk level.
4. Large expanses of blank walls should be avoided, particularly in areas where pedestrian movement is expected.
5. A minimum of 60% of the street-facing building *façade* between 2 feet and 8 feet in height should be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas.

6. If solid windowless walls are necessary in limited instances because of a building's use or activity, they should be articulated with arches, piers, columns, planters, landscaping and other elements that reduce building scale at ground level and add to the building's visual interest.
7. In neighborhood areas (outside of downtown), street-facing *façades* of buildings should be broken up by using horizontal bays that give the appearance of smaller, individual storefronts. Bays should have a width of 25 to 40 feet to reduce the visual impact of larger buildings and create a more pedestrian friendly environment.
8. Adequate sidewalk widths should be maintained to ensure pedestrian clear zones with a width appropriate for the level of pedestrian activity expected.

#### 17-8-0906 Urban Design

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##### 17-8-0906-A General Intent

*Planned developments* should be designed to:

1. reinforce desirable urban features found within the surrounding area, such as siting patterns, massing arrangements and streetscape characteristics;
2. create seamless or gradual transitions in *bulk* and scale when high-intensity development occurs in or near areas with a lower-intensity character; and
3. ensure that *signs* associated with the development are appropriate to the scale and character of the development and the surrounding area.

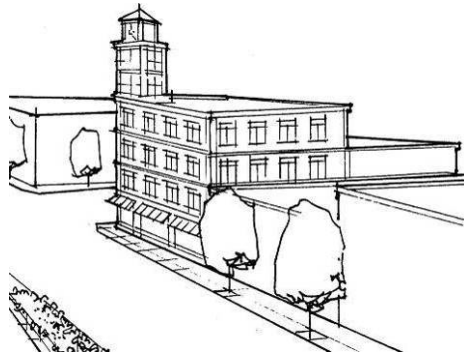
##### 17-8-0906-B Building Orientation and Massing

1. Building orientation and massing should create active "street or building walls" lining the sidewalk.
2. Buildings should be located close to the sidewalk and close to one another.
3. Gaps between buildings that interrupt the street wall should be avoided.
4. Buildings on corner sites should be located close to both *street frontages* to help "hold" and give prominence to the corner. Parking areas and driveways should not be located at corners.
5. Large retail developments and shopping centers should help reinforce the characteristics of urban streets by placing liner buildings (outlot buildings) near the street/public sidewalk. Such liner buildings should contain retail/commercial uses.
6. Multiple-building developments should provide separation distances between buildings that are adequate to protect public safety and to ensure privacy and open space for residents of the development. Setbacks and

separation distances within *planned developments* should be at least as large as would otherwise be required for similar buildings located outside of a *planned development*.

[amended: 03/09/2005, Council Journal: p. 44437]

Figure 4



Holding the corner

#### 17-8-0906-C Residential Development

1. Gated, walled-off residential developments are not characteristic of Chicago neighborhoods. Such development styles should not be used.
2. Large-scale residential developments of 2 or more acres should include a variety of housing types, such as *townhouses* and *detached houses*. A mix of building types is representative of the diverse residential building types found in Chicago neighborhoods.

#### 17-8-0906-D Transitions

1. Service areas, such as those for dumpsters, loading docks and mechanical equipment, should be located away from the street and away from residential buildings and entrances. Landscaping and walls should be used to screen such areas/activities from view.

### 17-8-0907 Building Design

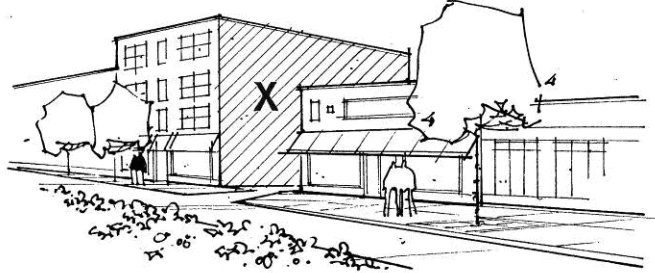
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#### 17-8-0907-A General Guidelines

1. Cornices or similar enhancements should be located at the top of building *façades* facing public streets.
2. Elements such as cornices, belt courses, window bays, variations in wall plane and roof features should be used to create interesting attractive buildings.
3. Architectural design should articulate and enhance buildings, especially those located at intersections due to their prominence and visibility.

4. All sides and areas of buildings that are visible to the public should be treated with materials, finishes and architectural details that are of high-quality and appropriate for use on the primary street-facing *façade*.

Figure 17-8-0907-A4



Visible sidewall



Visible sidewall

#### 17-8-0907-B High-rise Buildings

1. Buildings should have a clearly defined vertical appearance, comprised of a base, midsection, and top.
2. The bases and upper stories of high-rise buildings should be in the same vertical plane along all building *façades* fronting public streets.
3. Upper-story setbacks should be used to reduce the apparent mass and bulk of tall buildings. Such setbacks should convey a sense of sculpting to the tower and the top floors of the building.

#### 17-8-0908 Green Design

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##### 17-8-0908-A General Intent

*Planned developments* should:

1. minimize human exposure to noxious materials;
2. conserve non-renewable energy and scarce materials;
3. minimize life-cycle ecological impact of energy and materials used;
4. use renewable energy and materials that are sustainably harvested;

5. protect and restore local air, water, soils, flora and fauna;
6. support pedestrians, bicycles, mass transit and other alternatives to fossil-fueled vehicles.

**17-8-0908-B Stormwater**

*Planned developments* should reduce the speed and contamination of stormwater runoff flows from a site.

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**17-8-0909 Parks, Open Space, and Landscaping**

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**17-8-0909-A General Intent**

*Planned developments* should:

1. provide adequate, inviting, usable and accessible parks, open spaces and recreation areas for workers, visitors and residents;
2. provide special elements within parks, open spaces or on sidewalks to create a sense of place associated with the development; and
3. provide substantial landscaping of the open areas on the building and the site (including contiguous *public ways*).

**17-8-0909-B Design**

1. Open spaces should be located to ensure maximum exposure to sunlight.
2. In addition to providing a visual amenity to the street, open space should be designed to allow public gathering space and activity.

**17-8-0909-C Residential Development**

Large residential developments should include on-site amenities, such as common open space, recreational facilities, dog runs/exercise areas and health/fitness facilities.

*[amended: 03/09/2005, Council Journal: p. 44437]*

**17-8-0909-D Neighborhood Institutional Uses**

Hospitals, universities, religious institutions should provide significant perimeter landscaping and setbacks when such institutions are located in or near *residential districts*.

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**17-8-0910 Public and Civic Amenities**

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*Planned developments* should provide public, social and cultural amenities for workers, visitors and residents; and promote public safety and security.

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**17-8-0911 Historic and Cultural Resources**

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*Planned developments* should give priority to the adaptive reuse of Chicago Landmark buildings and those buildings identified in the Chicago Historic Resources Survey as having historic or cultural significance.

### 17-8-0912 Waterways

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The beauty, amenity, economic potential, recreation value and environmental quality of Chicago's waterways should be protected and enhanced by developing more attractive relationships between land and water. *Planned developments* adjacent to waterways must:

- 17-8-0912-A** provide a minimum setback of 30 feet from the *top of the bank* along all points of the waterway adjacent to the Chicago River Main Branch, Chicago River North Branch and North Branch Canal, Chicago River South Branch and South Fork of the South Branch, North Shore Channel, and Chicago Sanitary and Ship Canal;
- 17-8-0912-B** provide public waterfront paths, plazas, overlooks, esplanades and access points where appropriate;
- 17-8-0912-C** include provisions for landward connections to maintain continuity and linkage with nearby public edge improvements at locations of active commercial/industrial waterfront activities;
- 17-8-0912-D** provide adequate setbacks for bulk storage facilities to prevent littering or leaching of pollutants into the waterways;
- 17-8-0912-E** include stabilizing treatments for waterway edges with landscaping screening for visual relief and safety provisions for landslide and waterside users;
- 17-8-0912-F** provide boat landings and/or water-oriented commercial facilities where appropriate and feasible;
- 17-8-0912-G** provide landscaping within all waterway setback areas, with trees and vegetation that are compatible with and enhance the riparian environment; and
- 17-8-0912-H** comply with the general goals set forth in the Chicago River Urban Design Guidelines—Downtown Corridor, and any other inland waterway design guidelines adopted by the Plan Commission or City Council.

[End of Chapter]

## Chapter 17-9 Use Regulations

17-9-0100 Use Standards .....	9-1
17-9-0200 Accessory Uses, Buildings and Structures .....	9-14
17-9-0300 Temporary Uses.....	9-18

### 17-9-0100 Use Standards

#### 17-9-0101 Adult Uses

*Adult uses* may not be located in any of the following areas or locations:

- 17-9-0101-A** within 1,000 feet of another existing *adult use*;
- 17-9-0101-B** within 1,000 feet of any zoning district that is zoned for residential use;
- 17-9-0101-C** within 1,000 feet of any pre-existing *school* or *religious assembly* establishment; or
- 17-9-0101-D** within any *planned manufacturing district* (PMD).

#### 17-9-0102 Amusement Arcades

*Amusement arcades* are allowed only when part of a shopping center, on a site of at least 5 acres in area.

#### 17-9-0103 Bed and Breakfast

*Bed and breakfast* facilities must be located above the ground floor in those zoning districts in which *dwelling units* and other residential uses are not permitted (by-right) on the ground floor.

#### 17-9-0104 Community Homes

*Community homes* must be located above the ground floor in those zoning districts in which *dwelling units* and other residential uses are not permitted (by-right) on the ground floor.

#### 17-9-0105 Container Storage

*Container storage* facilities are subject to the following standards:

- 17-9-0105-A** Container storage areas must be set back at least 20 feet from any lot line adjacent to a *residential district* and at least 7 feet from any lot line adjacent to a *public way*.
- 17-9-0105-B** Container storage areas must be screened from view by a 6-foot *ornamental fence* to be installed along the perimeter of the facility along any lot line adjacent to a *residential district* or *public way*, excluding alleys. The fence must be installed behind the landscaped area at a minimum distance of 7 feet from the lot line.
- 17-9-0105-C** The ground adjacent to required fences must be landscaped to a distance extending not less than 7 feet from the front of the fence. The ground area must be covered with grass or other ground cover or plant material, and with hedges

and trees planted in a manner that effectively screens the facility from public view. Hedges must consist of individual shrubs of a minimum of 24 inches in width planted at 36-inch intervals on center. Trees must be planted at the rate of one tree for every 25 feet of frontage adjacent to any *residential district* or *public way*. The landscaping must be installed in accordance with the standard practices of horticultural professionals and in good and workmanlike manner and must be maintained in good condition.

**17-9-0105-D** If containers are stacked along any lot line adjacent to a *residential district*, the outermost stack may not exceed 2 containers in height; the inner stack immediately adjacent to the outermost stack may not exceed 3 containers in height; and no other stack may exceed 5 containers in height.

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#### **17-9-0105.5 Day Care Facilities in Manufacturing and Planned Manufacturing Districts**

**17-9-0105.5-A** Day Care facilities are subject to the provisions of Municipal Code Section 4-72.

**17-9-0105.5-B** Day care facilities operating as a primary use are permitted only in M1, M2, PMD buffer districts, and those PMD districts where specifically permitted. The maximum gross floor area of a day care facility that operates as a primary use is 4,500 square feet.

**17-9-0105.5-C** Day care facilities are permitted as an accessory use to any industrial use type allowed in any M or PMD district.

*[amended: 03/09/2005, Council Journal: p. 44437; 03/13/2006, Council Journal: p. 84900]*

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#### **17-9-0106 Drive-Through Facility**

##### **17-9-0106-A Drive-In and Drive-Through Queue Area**

Each facility must provide sufficient queue area at a minimum of 20 feet per vehicle in advance of the service window to accommodate a minimum of 3 vehicles per establishment. The queue area may not interfere with other on-site circulation and parking facilities.

##### **17-9-0106-B Pedestrian Walkways**

Pedestrian walkways must have clear visibility, and be emphasized by enhanced paving or markings when they intersect the drive-through aisles.

##### **17-9-0106-C Screening**

All service areas, trash storage areas, and ground-mounted mechanical equipment must be screened from ground-level view by fences or walls.

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#### **17-9-0107 Equipment Sales and Rental**

All areas used for the display of *motor vehicles* or other light or heavy equipment for sale or lease must have proper drainage and must be connected to the municipal sewer system, all in compliance with applicable provisions of the Municipal Code. Any existing areas used for the display of *motor vehicles* or other light or heavy equipment for sale or lease must be brought into compliance with this standard by June 1, 2003.

### 17-9-0108 Foreign Consulates

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Office space in Foreign Consulates located in R districts are limited to no more than 25% of the gross floor area of the building or 4,000 square feet, whichever is greater.

### 17-9-0109 Gas Stations

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**17-9-0109-A** *Special use* approval is required for all new *gas stations* and for additions to existing *gas stations* that would result in adding 2 or more new gas pumps, 5 or more parking spaces (or equivalent paved area) or floor area in excess of 25% of the existing floor area or 1,500 square feet, whichever is less. *Special use* approval is not required for new gas pumps or excavation work required to ensure compliance with state or federal regulations.

**17-9-0109-B** The minimum *lot area* for a gas station is 20,000 square feet.

**17-9-0109-C** *Gas stations* are subject to compliance with the applicable landscape regulations of Chapter 17-11, expressly including the *vehicular use area* standards of 17-11-0200.

**17-9-0109-D** No *signs* are allowed on fences.

**17-9-0109-E** All lighting must be directed downward and shielded to prevent illumination of adjoining residential property.

**17-9-0109-F** All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining *streets*. The Chicago Department of Transportation must review the proposed gas station plans before the public hearing on the *special use* application.

**17-9-0109-G** The minimum lot area for a new gas station may be reduced to not less than 10,000 square feet, when approved as a variation (see Sec. 17-13-1101-T).

[amended: 04/06/2005, Council Journal: p. 46180]

### 17-9-0110 Inter-Track Wagering Facilities

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New inter-track wagering facilities are not allowed to be established within 500 feet of the *property line* of a *lot* containing a *religious assembly*, *school* or *household living* use.

Notwithstanding the foregoing, an inter-track wagering facility existing in a Downtown District on May 11, 2005 may relocate as a special use within DC, DX or DS District if the facility demonstrates compliance with paragraph (h)(8.2) of Section 26 of the Illinois Horse Racing Act of 1975 (230 ILCS 5/26(h)(8.2)), and obtains all applicable approvals necessary to the establishment of a special use.

[amended: 09/14/2005, Council Journal: p. 55918]

### 17-9-0111 Lodges and Private Clubs

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The following standards apply to lodges and private clubs located in R or DR zoning districts:

**17-9-0111-A** No more than 20% of the gross floor area or 2,000 square feet, whichever is greater, may be devoted to or used as office space.

**17-9-0111-B** A private club organized for the purpose of promoting knowledge of and participation in the fine or performing arts need not restrict use of its premises to its members and their guests, if revenue derived from the presence of additional persons is necessary for the club's program of support for the fine or performing arts and is used for that purpose.

**17-9-0111-C** A private club's program of supporting the fine or performing arts must include offering residential facilities to performers or artists; offering a venue for practice and performances; and availability of facilities for the discussion, promotion and development of skills and interests in the fine or performing arts.

**17-9-0111-D** The affairs and management of such lodge or private club must be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting.

**17-9-0111-E** It is permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available.

**17-9-0111-F** The sale of alcoholic beverages to members and their guests is allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

#### **17-9-0111.5 Non-Accessory Parking**

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Non-accessory parking is a permitted use in RT4 and higher R districts when located on those areas of elementary or high school grounds currently devoted to accessory parking. Such non-accessory parking is permitted only when the school is not in session. All other non-accessory parking in RT4 and higher R districts requires special use approval in accordance with Sec. 17-13-0900.

*[amended: 03/09/2005, Council Journal: p. 44437]*

#### **17-9-0112 Personal Services**

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Hair salons, barber shops, beauty shops and nail salons are permitted by-right in "B" districts if located more than 1,000 feet from any other hair salon, barber shop, beauty shop or nail salon. Special use approval is required for hair salons, barber shops, beauty shops and nail salons in "B" districts when such use is located within 1,000 feet of any other hair salon, barber shop, beauty shop or nail salon.

#### **17-9-0113 Philanthropic and Eleemosynary Institutions**

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Office space in Philanthropic and Eleemosynary Institutions located in R districts are limited to no more than 25% of the gross floor area of the building or 4,000 square feet, whichever is greater.

### 17-9-0114 Residential Support Services

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#### **17-9-0114-A Where Allowed**

*Residential support services* are allowed only when identified as a permitted or *special use* in the applicable use table and only in buildings containing more than 50 *dwelling units*.

#### **17-9-0114-B Location and Maximum Area**

*Residential support services* may be located only on the first two floors of a building. Individual business, service or office uses within the Residential Support Service category are limited to a maximum of 5,000 square feet in area. Additional floor area requires *special use* approval in accordance with Sec. 17-13-0900.

### 17-9-0115 Shelter Facilities

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**17-9-0115-A** Notwithstanding any other provision of this Zoning Ordinance, any *transitional shelter* or *temporary overnight shelter* in existence as of December 21, 1983, is considered a *permitted use* regardless of district in which it is located. Any expansion of such existing *transitional overnight shelter* or *temporary overnight shelter* will be considered as a new use for purposes of this Zoning Ordinance.

**17-9-0115-B** Notwithstanding any Zoning Board of Appeals resolution to the contrary, any lawfully established *transitional residence*, or *transitional shelter* may be converted to a shelter for victims of domestic violence or abuse without *special use* approval.

**17-9-0115-C** The Commissioner of the Department of Planning and Development is authorized to review shelter applications for the purposes of determining the need, if any, for off-street parking spaces.

### 17-9-0116 Strip Centers

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#### **17-9-0116-A Site Plan Review**

*Strip centers* are subject to the Site Plan Review procedures of Sec. 17-13-0800.

#### **17-9-0116-B Standards and Guidelines**

##### **1. General**

The site plan and elevations for a proposed *strip center* should demonstrate the proposed building's compatibility with the existing pattern of development in the neighborhood in which it is to be located. This compatibility must be judged in terms of: building orientation, massing and scale; building materials; access, circulation and parking; service facilities; utility/mechanical equipment, outdoor storage, buffers and screens; landscaping; *signs* and lighting.

##### **2. Building Orientation**

- (a) The proposed building's primary *façade* should abut the *front property line* where the existing pattern of development is characterized by buildings built to the *front property line*. In such cases, store entries should face or be adjacent to the *property line* that abuts the *street*. All

walls facing a public street must have show windows, entryways, piers, and/or masonry detailing to enhance the appearance of the building at the *street* and avoid the appearance of blank walls at the *street*.

- (b) On corner sites, the proposed building must abut one *street property line* and should abut both *street property lines* where the existing pattern of development at the intersection is characterized by is buildings built to both *property lines* on the *street* (aka: “holding the corner”). The front door of each store or office should face or be adjacent to the *street*. All walls facing a public street must have show windows, entryways, piers, and/or masonry detailing to enhance the appearance of the building at the *street* and avoid the appearance of blank walls at the *street*.

### 3. Traffic

- (a) Site plans must demonstrate safe and attractive accommodation of pedestrians, as well as vehicles.
- (b) Driveways must be located as far as possible from *street* intersections and adjoining residential properties.
- (c) The number and width of curb cuts should be kept to the minimum necessary for pedestrian and traffic safety.
- (d) Traffic leaving the *strip center* should be directed away from any adjacent residential area through the use of channelized curbs and *signs*.

### 4. Landscaping and Fencing

- (a) Landscaping must be used to screen residential properties from the vehicle noise and headlights associated with *strip centers* and to soften the visual impact of the parking and *vehicular use areas* in a manner that is also consistent with the goal of traffic safety and maintenance of appropriate lines-of-sight.
- (b) When *strip centers* are set back from *front property lines* or *side property lines*, added landscaping and fencing must be provided along the *street frontage* to maintain the existing street wall and edge condition typical of urban commercial streets.
- (c) Fencing along *street frontages* must be designed to be integrated with the building’s *façade* and should be constructed of masonry columns and/or decorative metal materials.
- (d) The *rear property line* adjacent to an *alley* must be fenced.

### 5. Signs

- (a) The total allowable area of all *signs* on the site may not exceed 4 square feet for each linear foot of *street frontage*.
- (b) Signs should be attached to the building.

- (c) The use of individual lettering for *signs* is encouraged and the use of box *signs*, raceway *signs* and reader boards is discouraged.
- (d) Free-standing *sign* (i.e., pylon *signs*) must be reviewed in terms of the character of signage in the area and the existing pattern of development. Monument *signs* are preferred, and such *signs* may not exceed 10 feet above finished *grade* (measured at the point where the *sign* is installed) and must be *landscaped* at the base.

#### **6. Garbage Facilities**

- (a) Facilities generating 50 cubic yards or more of garbage a week must install a trash compactor.
- (b) All exterior trash receptacles and compactors must be enclosed using materials compatible with the building *façade*.

#### **7. Loading Facilities**

When *alley* access is authorized by City Council, all loading facilities must be located behind the building or otherwise screened from visibility from the public right-of-way and should be accessed from the *alley*.

#### **8. Lighting**

All lighting must be directed downward and shielded to prevent illumination of adjoining residential property.

### **17-9-0117 Waste-related and Mining/Excavation Uses**

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Buildings, storage areas and work areas on the site of all *waste-related uses* and *mining/excavation* uses must be located at least 150 feet from all R zoning district boundaries, provided that landfills and hazardous waste disposal/storage facilities must be located at least 500 feet from R zoning district boundaries.

[amended: 03/09/2005, Council Journal: p. 44438; 09/13/2006, Council Journal: p. 84872-73, p. 84900]

### **17-9-0117.7 Wind Energy Meteorological Tower**

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#### **17-9-0117.7-A General Standards**

- 1. No *wind energy meteorological tower* may rise more than 200 feet.
- 2. No *wind energy meteorological tower* may be constructed within a distance equal to one-and-a-half times the height of an existing *wind energy meteorological tower*.
- 3. *Wind energy meteorological towers* must be constructed so that if a failure does occur, the tower will collapse into itself and will not fall onto structures near the site.
- 4. *Wind energy meteorological towers* must be enclosed by security fencing not less than 6 feet high and must also be equipped with an appropriate anti-climbing device. The anti-climbing device may not include barbed wire, razor wire, or similar sharp barrier.

5. *Wind energy meteorological towers* must be landscaped with a buffer of plant materials that effectively screens the view of the tower and associated equipment from adjacent residential properties.
  - (a) The standard buffer must consist of a *landscaped* strip at least 5 feet wide outside the perimeter of the facility.
  - (b) In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived altogether.
  - (c) Existing mature trees (more than 3 inches in diameter) and natural forms on the site must be preserved to the maximum extent possible. If mature trees are removed, the same number of trees must be planted on the site within 6 months following completion of the tower. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

#### **17-9-0117.7-B Review and Approval Procedures**

Each applicant requesting a permit for a *wind energy meteorological tower* must submit with the application a scaled site plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by appropriate licensed professionals, showing:

- (a) the location and dimension of all improvements;
- (b) information concerning topography;
- (c) tower height requirements and setbacks;
- (d) drives, parking, fencing, landscaping, and adjacent uses; and
- (e) any other information deemed by the Zoning Administrator to be necessary to assess compliance with the Zoning Ordinance.

[amended: 09/13/2006, Council Journal: p. 84915-16]

### **17-9-0118 Wireless Communication Facilities**

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#### **17-9-0118-A General Standards**

1. All wireless communication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and any other agency of the federal government with the authority to regulate wireless communication facilities.
  - (a) If such standards and regulations are changed, then the owners of each wireless communication facility governed by this Zoning Ordinance must bring such facility into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

- (b) Failure to bring a wireless communication facility into compliance with the federal standards and regulations, as revised, will constitute grounds for the removal of the wireless communication facility at the owner's expense.
- 2. Wireless communication facilities must be designed so as not to cause interference with radio, TV, or other electric appliances.
- 3. Wireless communication facilities must be set back a minimum of 30 feet from the *top of the bank* of any waterway.
- 4. Wireless communication facilities must be designed, constructed and installed to minimize their aesthetic impact on adjoining properties. The design of wireless communication facilities must, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower and associated equipment with the natural setting and built environment.
- 5. Wireless communication towers must maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- 6. Towers and antennas may not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Zoning Administrator or Zoning Board of Appeals, as appropriate, must review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views, consistent with FAA rules.
- 7. No *off-premise sign* is allowed on a wireless communication facility, except for co-located facilities attached to an existing and approved *sign* or its support structure. Wireless communication facilities may have safety or warning *signs* in appropriate places.

**17-9-0118-B Co-Location on Existing Wireless Communication Facility**

Installation of a wireless antenna and associated equipment on an existing wireless communication facility is a *permitted use* in all zoning districts.

**17-9-0118-C Co-Location by Attachment to Existing Structure**

This subsection addresses the installation of a tower or antenna on an existing structure, other than a wireless communication facility tower, including but not limited to buildings, light poles, water towers, commercial *signs*, church steeples, and any other freestanding structures. Such co-located facilities, including associated equipment and *accessory structures*, are subject to the following minimum standards:

**1. R, B1, B2, and POS Districts**

In Residential (R) and Neighborhood Business (B1, B2) districts, co-located facilities may not extend above the highest point of the structure to which it is attached by more than:

- (a) 10 feet, if the structure is up to 40 feet high; or

(b) 15 feet, if the structure is more than 40 feet high.

**2. Other B, C and D Districts**

In Business (B), Commercial (C), and Downtown (D) districts, other than those specified in Sec. 17-9-0118-C1, co-located facilities may extend up to 75 feet above *curb level*. The height limit may be increased, as provided in Sec. 17-9-0118-G2, to 100 feet above *curb level* for one additional user and 120 feet for two additional users. Co-located wireless communication facilities exceeding the height limits established in this section are allowed only if reviewed and approved as special uses in accordance with the procedures of Sec. 17-13-0900.

**3. M and T Districts**

In Manufacturing (M) and Transportation (T) districts, such co-located facilities may extend up to 150 feet above *curb level*.

**4. Antenna Dimensions**

Antennas on co-located facilities may not be more than:

(a) 4 feet high or wide, if the structure is up to 40 feet high; or

(b) 6 feet high or wide, if the structure is more than 40 feet high.

**5. Antenna Projection**

The antenna of such a *co-located facility* may not project more than 3 feet from the side of the structure, nor may any equipment shelter or platform or other supporting electrical or mechanical equipment that is mounted on the structure be located within 5 feet of the outer edge of the structure.

**6. Antenna Design**

The antenna and associated equipment of such a *co-located facility* must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure or building so as to make the antenna and associated equipment as visually unobtrusive as possible.

[amended: 03/09/2005, Council Journal: p. 44438]

**17-9-0118-D Freestanding Facilities**

1. An application for a *freestanding facility* must include an affidavit of intent committing the site owner, his successors and assigns, the operator, and his successors and assigns to allow the shared use of the tower and to offer at least one potential additional user reasonable terms and conditions for co-location. Failure to abide by such commitment constitutes a violation of this Zoning Ordinance and may result in revocation of the building permit associated with the facility.
2. When a *freestanding facility* requires *special use* approval, it may not be granted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Appeals that no existing facility or structure can accommodate the applicant's proposed facility. Evidence submitted to demonstrate that no existing facility or structure can accommodate the applicant's proposed facility may consist of any of the following:

- (a) No existing wireless communication facilities are located within the geographic area required to meet applicant's engineering requirements.
  - (b) Existing wireless communication facilities are not of sufficient height to meet applicant's engineering requirements.
  - (c) Existing wireless communication facilities do not have sufficient structural strength to support applicant's proposed antenna and associated equipment.
  - (d) The applicant's proposed facility would cause electromagnetic interference with an antenna on the existing tower, or vice versa
  - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication facility, or to adapt an existing wireless communication facility for sharing, are unreasonable. Costs exceeding new facility development are presumed to be unreasonable.
3. No *freestanding facility* may rise more than 75 feet above *curb level*, or 150 feet in Manufacturing (M), Planned Manufacturing (PMD) and Transportation (T) districts. The height limit may be increased, as provided in Sec. 17-9-0118-G2 to 100 feet for one additional user and 120 feet for two additional users.
4. In Residential (R), Business (B), Commercial (C), and Downtown (D) districts, freestanding facilities must be set back a minimum of 30 feet from the *rear property line* and 20 feet from the *front property line*. On a *corner lot*, the 20-foot setback requirement applies to both *property lines* fronting on the *public way*.
5. In M, PMD and T districts, freestanding facilities must be set back a minimum of:
- (a) 30 feet from a *property line* that serves as a common boundary line between an M, PMD or T district and an R district or is located in an *alley* adjacent to an R District; and
  - (b) 20 feet from any *property line* adjoining a *public way*. On a *corner lot*, the 20-foot setback requirement applies to both *property lines* fronting on the *public way*.
6. There may be no more than one *freestanding facility* per *zoning lot*, except in M, PMD or T districts, which may have more than one *freestanding facility*.
7. Except in M, PMD and T districts, no *freestanding facility* may be located within 1,320 feet of any existing *freestanding facility*.
8. Towers must be of monopole construction (cylindrical, tapering steel tubes without guy wires).

9. Towers must be constructed so that if a failure does occur, the tower will collapse into itself and will not fall onto structures near the site.
10. Freestanding facilities must be enclosed by security fencing not less than 6 feet high and must also be equipped with an appropriate anti-climbing device. The anti-climbing device may not include barbed wire, razor wire, or similar sharp barrier.
11. Wireless communication facilities must be *landscaped* with a buffer of plant materials that effectively screens the view of the tower and associated equipment from adjacent residential properties.
  - (a) The standard buffer must consist of a *landscaped* strip at least 5 feet wide outside the perimeter of the facility.
  - (b) In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived altogether.
  - (c) Existing mature trees (more than 3 inches in diameter) and natural land forms on the site must be preserved to the maximum extent possible. If mature trees are removed, the same number of trees must be planted on the site within 6 months following completion of the tower. In some cases, such as towers sited on large, wooded *lots*, natural growth around the property perimeter may be sufficient buffer.

[amended: 09/13/2006, Council Journal: p. 84900]

**17-9-0118-E      Abandonment or Discontinuation of Use**

1. At such time as the operator of a wireless communication facility plans to abandon or discontinue operation of the facility, the operator must notify the Zoning Administrator by certified mail of the proposed date of abandonment or discontinuation of operation. Such notice must be given no less than 30 days before abandonment or discontinuation of operation.
2. In the event that the operator fails to give such notice, the facility will be deemed abandoned upon such discontinuation of operation.
3. Upon such abandonment or discontinuation of use, the operator must physically remove the wireless communication facility within 120 days from the date of abandonment or discontinuation of use. "Physically remove" includes, but is not limited to:
  - (a) removal of tower, antennas, mount, equipment shelters or platforms and security barriers from the subject property;
  - (b) proper disposal of the waste materials from the site in accordance with applicable solid waste disposal regulations; and
  - (c) restoration of the location of the wireless communication facility to its natural condition, except that any landscaping and grading must remain.

4. In the event that the operator fails to remove a wireless communication facility in accordance with the provisions of this section, upon the city's provision of 30 days written notice to the operator, the city or its *agents* has the authority to enter the subject property and physically remove the facility. The operator of the facility, or the owner if different from the operator, is liable to the city for all costs associated with entry and removal. This liability will be collectible in the same manner as any other personal liability.

#### **17-9-0118-F      Review and Approval Procedures**

1. A building permit is required for each wireless communication facility installation.
  - (a) When a wireless communication facility requires *special use* approval, such approval must be obtained before any building permit may issue.
  - (b) If the Zoning Board of Appeals does not render a final decision on a *special use* application for a wireless communication facility within 120 days after the application is filed, the application will be considered to be approved, provided that this limitation does not apply during any period of time during which consideration of the application has been delayed at the request of the applicant.
  - (c) The Alderman in whose ward a wireless communication facility is to be constructed must be provided by the operator with a copy of drawings for the proposed facility that show its configuration, location, base design, scale and size at least 10 days before filing of the application for a building permit or special use application. The operator may redact or exclude confidential or proprietary information before providing such drawings.
  - (d) All property owners within a 250-foot radius of the location of the proposed installation must be provided with a copy of the building permit application by the operator at least 10 days before filing of the application. Such copy shall be provided by first-class mail, with USPS proof of delivery. The operator shall furnish to the official responsible for accepting the application a written affidavit certifying compliance with the notice requirement of this subsection, such affidavit to be accompanied by USPS proof of delivery. The requirements of this subsection (d) shall not be required with respect to proposed installations in downtown districts.
  - (e) The operator shall also provide Posted Notice of the proposed installation pursuant to the requirements of Section 17-13-0107-C.

[amended: 02/08/2006, Council Journal: p. 70308]

2. Each applicant requesting a permit for a wireless communication facility must submit with the application a scaled site plan and a scaled elevation view and other supporting drawings, calculations and other

documentation, signed and sealed by appropriate licensed professionals, showing:

- (a) the location and dimension of all improvements;
  - (b) information concerning topography;
  - (c) radio frequency coverage;
  - (d) tower height requirements and setbacks;
  - (e) drives, parking, fencing, landscaping, and adjacent uses; and
  - (f) any other information deemed by the Zoning Administrator to be necessary to assess compliance with this Zoning Ordinance.
3. Applications for a wireless communication facility filed before the effective date of this Zoning Ordinance are subject to the requirements of all applicable ordinances in effect at the time the application was filed.
  4. Approved wireless communication facilities may be transferred to successors and assigns of the approved party, subject to all of the conditions that apply to initial approval.

**17-9-0118-G Waiver**

The Zoning Board of Appeals may waive any of the non-federally-mandated requirements of this section pertaining to height limitations, setback requirements, and camouflage and landscaping if it determines that the goals of this section are better served thereby.

1. Setback requirements may be modified if the applicant shows, to the satisfaction of the Zoning Board of Appeals, that such modification will result in a reduction of the visual impact of the wireless communication facility.
2. The height increases authorized in Sec. 17-9-0118-C2 and Sec. 17-9-0118-D3 are available only if the applicant shows, to the satisfaction of the Zoning Board of Appeals, that:
  - (a) the facility will be constructed to safely and effectively accommodate co-location of one or more wireless communication facilities comparable in weight, size and surface area to the applicant's wireless communication facility; and
  - (b) certified letters have been sent to all other wireless carriers licensed to serve the Chicago market notifying them of the construction of the wireless communication facility and its availability for co-location.

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## 17-9-0200 Accessory Uses, Buildings and Structures

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### 17-9-0201 General

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**17-9-0201-A** Unless otherwise expressly stated in this Zoning Ordinance, *accessory uses*, buildings and structures are permitted in conjunction with allowed *principal uses*.

**17-9-0201-B** The Zoning Administrator is authorized to determine when a use, building or structure meets the definition of an *accessory use*, *accessory building* or *accessory structures*. In order to classify a use, building or structure as “accessory,” the Zoning Administrator must determine that the use, building or structure:

1. is subordinate to the *principal building* or *principal use* in terms of area, extent and purpose;
2. contributes to the comfort, convenience or necessity of occupants of the *principal building* or *principal use* served; and
3. is located on the same *zoning lot* as the *principal building* or *principal use* served, with the single exception of accessory off-street parking facilities that are permitted to locate elsewhere than on the same *zoning lot* with the building or use served.

**17-9-0201-C** An *accessory building* or structure may not be constructed on any *lot* before the construction of the *principal building* to which it is accessory.

**17-9-0201-D** No *accessory building* may occupy more than 60% of the area of a required *rear setback*, except:

1. That an accessory garage building on a *lot* with a width of 25 feet or less may have an area of up to 480 square feet; and
2. That the 60% coverage limit does not apply to accessory garage buildings in the RM5 thru RM6.5 districts, when the garage is designed to provide an enclosed facility for required off-street parking.

**17-9-0201-E** No *accessory building* or structure located in a required *rear setback* may exceed 15 feet in height. (See Sec. 17-17-0311 for measurement of height).

[amended: 09/13/06, Council Journal: p. 84900]

## 17-9-0202 Home Occupations

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### **17-9-0202-A General**

*Home occupations* are *accessory uses* to uses in the *household living* category. The regulations of this section are intended to ensure that *home occupations* will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the *home occupation* remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

### **17-9-0202-B Applicability**

Uses are allowed as *home occupations* only if they comply with all of the standards of this section.

### **17-9-0202-C Standards**

A *dwelling unit* may be used for one or more *home occupations* subject to compliance with all of the following minimum standards:

1. The *home occupation* must be accessory and secondary to the use of a *dwelling unit* for residential purposes, and the *home occupation* must not change the residential character of the *residential building* or adversely affect the character of the surrounding neighborhood.
2. No more than one non-resident employee is allowed in conjunction with a *home occupation*. All other employees must reside in the *dwelling unit* in which the *home occupation* is located. No more than two patrons or clients may be present in the *dwelling unit* at any one time, and no more than 10 clients or patrons may be present in the *dwelling unit* during any 24-hour period.
3. No separate entrance from the outside of the building may be added to the *residential building* for the sole use of the *home occupation*.
4. The *home occupation* may not display or create any external evidence of the operation of the *home occupation*.
5. There may be no internal or external *structural alterations* or construction, either permanent or accessory, to the *dwelling unit*, nor the installation of any equipment which would change the residential character of the *dwelling unit* or *residential building*.
6. The *home occupation* and all related activities, including storage, must be conducted completely within the *dwelling unit* and may not be operated from an *accessory structure* or garage.
7. The total floor area of any *home occupation* may not occupy more than 10% of the floor area of any *detached house* or 15% of the floor area of any other type of *dwelling unit*; provided, however, that in no instance may one or more *home occupations* in any single *dwelling unit* permanently occupy more than 300 square feet of the *dwelling unit*.
8. No direct sale of any product on display shelves or racks is permitted.
9. Bulk deliveries related to a *home occupation* are limited to one per day (in addition to United States mail service, Federal Express, U.P.S. and messenger services) and may only occur between the hours of 8:00 a.m. and 5:00 p.m. No delivery via tractor trailer is permitted.
10. No *home occupation* may produce or emit any noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or any other effect that unreasonably interferes with any person's enjoyment of their residence.
11. The following uses are expressly prohibited as *home occupations*:
  - (a) any repair of motorized vehicles, including the painting or repair of automobiles, trucks, trailers, boats, and lawn equipment;
  - (b) animal hospitals;
  - (c) kennels;

- (d) stables;
- (e) bird keeping facilities;
- (f) barber shops or beauty parlors;
- (g) dancing schools;
- (h) restaurants;
- (i) massage therapy;
- (j) catering/food preparation businesses;
- (k) funeral chapels or homes;
- (l) crematoria;
- (m) *mausoleums*;
- (n) medical or dental clinics;
- (o) any facility where products are manufactured, produced or assembled when the *home occupation* licensee is not the retail point of sale for such products;
- (p) public places of amusement;
- (q) the sale of firearms or ammunition;
- (r) caterers;
- (s) construction businesses or landscaping businesses that provide the storage of goods and materials to be utilized in the operation of the business or use;
- (t) warehousing; and
- (u) welding or machine shops.

#### **17-9-0203 Satellite Dish Antennas**

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**17-9-0203-A** *Satellite dish antennas* up to one meter in diameter are permitted as *accessory uses* in all zoning districts.

**17-9-0203-B** *Satellite dish antennas* over one meter in diameter, up to 3 meters in diameter, are a permitted as *accessory uses* in all B, C, D, M and special purpose zoning districts, subject to the following standards:

1. Roof-mounted, pole-mounted antennas may be erected on the roof or attached to a *principal building*, provided the maximum height of the installation does not exceed 16 feet in height above the building on which it is to be located.
2. Ground-mounted *satellite dish antennas* must comply with all setback requirements of the zoning district in which it is to be located.
3. A building permit is required for each *satellite dish antenna* installation.

**17-9-0203-C** Any *satellite dish antenna* not expressly permitted by paragraphs 17-9-0203-A or 17-9-0203-B requires *special use* approval in accordance with Sec. 17-13-0900.

## 17-9-0300 Temporary Uses

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### 17-9-0301 Contractor's Office and Construction Equipment Sheds and Temporary Sales Trailers

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Contractor's offices and construction equipment sheds are allowed in any zoning district when accessory to an allowed construction project.

**17-9-0301-A** Contractor's offices, construction equipment sheds and temporary sales trailers must be located on the same site as the construction project unless approved by the Commissioner of Building Inspection.

*[amended: 09/13/2006, Council Journal: p. 84901]*

**17-9-0301-B** No contractor's office, shed or temporary sales trailer may contain sleeping or cooking accommodations, except as necessary to accommodate security personnel.

*[amended: 09/13/2006, Council Journal: p. 84901]*

**17-9-0301-C** The maximum length of the permit is one year. The permit may be renewed.

**17-9-0301-D** Any such office, shed or sales trailer must be removed within 14 days of completion of the construction project.

*[amended: 09/13/2006, Council Journal: p. 84901]*

*[End of Chapter]*

## Chapter 17-10 Parking and Loading

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### 17-10-0100 General

#### 17-10-0101 Applicability

##### 17-10-0101-A New Development

Unless otherwise expressly stated, the parking and loading standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

##### 17-10-0101-B Expansions and Increases in Intensity

###### 1. Nonresidential Uses

- (a) Unless otherwise expressly stated, the parking and loading standards of this chapter apply when an existing nonresidential building or nonresidential use is expanded or enlarged by 15% or more. This provision applies to the addition of floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.
- (b) In the case of nonresidential buildings or nonresidential uses that have been in lawful existence for 50 or more years, the parking and loading standards of this chapter apply when the building or use is expanded or enlarged by 25% or more.
- (c) In the case of nonresidential building or use expansions triggering requirements for additional parking, such additional off-street parking and loading spaces are required only to serve the enlarged or expanded area, not the entire building or use.

###### 2. Residential Uses

- (a) Unless otherwise expressly stated, the parking and loading standards of this chapter apply whenever additional *dwelling units* are added to an existing *residential building* or residential use. In such cases, additional off-street parking and loading spaces are required only to serve the added *dwelling units*. While a lawfully existing off-street parking deficit is not required to be eliminated when

additional *dwelling units* are added to a *building*, existing *accessory parking* facilities may not be reduced below, or if already less than, may not be further reduced further below minimum required parking ratios. The Zoning Administrator is authorized to require that applicants provide reasonable evidence showing the existing number of dwelling units and the existing number of off-street parking spaces. The intent of this provision is to ensure that existing parking deficits in *residential buildings* are not increased as a result of additions. If the *residential building* or residential use has been in lawful existence for 50 or more years, the parking and loading standards of this chapter apply when 2 or more *dwelling units* are added.

[amended: 03/09/2005, Council Journal: p. 44438-39]

#### **17-10-0101-C Change of Use (Nonresidential)**

1. Unless otherwise expressly stated, when the use of property changes, off-street parking and loading facilities must be provided to serve nonresidential uses only when the number of parking or loading spaces required for the new nonresidential use exceeds the number of spaces required for the use that most recently occupied the building, based on the minimum parking standards of this Zoning Ordinance. In other words, “credit” is given to the most recent use of the property for the number of parking spaces that would be required now; a new nonresidential use is not required to “make up” the existing deficit.
2. If the building in which the change of use occurs has been in lawful existence for 50 or more years, additional parking and loading facilities must be provided only when the number of parking or loading spaces required for the new nonresidential use exceed by 25% or more the number of spaces that would have been required for the use that most recently occupied the building based on the minimum parking standards of this Zoning Ordinance. In such cases, additional parking and loading spaces must be provided only in the amount by which the number of parking or loading spaces required for the new nonresidential use exceed 125% of the number of spaces that would have been required for the use that most recently occupied the building (based on existing parking ratios).

[amended: 03/09/2005, Council Journal: p. 44439]

### **17-10-0102 Off-street Parking Exemptions and Reductions**

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#### **17-10-0102-A Landmarks**

1. No additional off-street parking or loading spaces are required for rehabilitation or reuse of an official Chicago Landmark building
2. No additional off-street parking or loading spaces are required for rehabilitation or reuse of an existing “contributing building” within an official Chicago Landmark district.

**17-10-0102-B Transit-Served Locations**

1. In B, C or D districts, minimum off-street parking ratios are reduced by 50 percent from the otherwise applicable standards for rehabilitation or reuse of existing structures located within 600 feet of a CTA or METRA rail station entrance.
2. For new construction in such locations, the Commissioner of the Department of Planning and Development is authorized to approve off-street parking ratio reductions of up to 25 percent if the Commissioner determines, based on information provided by the applicant, that transit use and alternatives to private automobile use will be actively promoted and/or that other factors are likely to result in automobile ownership rates that are lower than indicated by applicable off-street parking ratios.
3. The 600-foot distance specified in this section must be measured along a straight line between the rail station entrance and the entrance of the building for which the parking reduction is requested.

**17-10-0102-C Underground Parking**

When buildings in “D” zoning districts provide all parking spaces underground, minimum off-street parking ratios are reduced by 50 percent from otherwise applicable standards.

**17-10-0102-D Small Dwelling Units**

The Commissioner of the Department of Planning and Development is authorized to approve off-street parking ratio reductions of up to 25 percent for *multi-unit residential* developments in “D” districts if the Commissioner determines, based on information provided by the applicant, that automobile ownership rates are likely to be lower than minimum off-street parking requirements. In order to qualify for consideration of lower parking ratios under this provision, the building must contain 100 or more *dwelling units* and the average size of a *dwelling unit* within the building must be less than 800 square feet.

**17-10-0102-E Minimal Parking**

When the minimum off-street parking requirements of this chapter result in a requirement to provide fewer than the following number of parking spaces, off-street parking need not be provided:

District	Parking Waived if Minimum Requirement is for Less than:
D dash 5	5 spaces
D dash 7, 10	10 spaces
D dash 12, 16	50 Spaces

**17-10-0103 Damage or Destruction**

When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or

loading facilities in excess of those required by this Zoning Ordinance for equivalent new uses or construction.

## **17-10-0200 Off-Street Parking Ratios**

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### **17-10-0201 General**

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Off-street parking spaces must be provided in accordance with the off-street parking schedules of this section.

### **17-10-0202 Parking Groups**

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Each land use listed in the use tables of Sec. 17-2-0200, Sec. 17-3-0200, Sec. 17-4-0200 and Sec. 17-5-0200, is assigned to a parking group which, in turn, establishes the applicable off-street parking standard for the listed use type. The off-street parking standards that apply of each of the parking groups are listed in the off-street parking schedules of this section.

### **17-10-0203 Districts**

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Many parking standards vary according the district in which the use is located. The first column of the off-street parking schedules identifies the zoning districts in which the listed standard applies.

### **17-10-0204 Minimum Automobile Parking Ratio**

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The second column of the off-street parking schedules establishes the minimum required off-street automobile parking ratio.

### **17-10-0205 Maximum Accessory Parking Ratio**

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In downtown zoning districts, many uses are subject to a maximum *accessory parking* ratio. The third column of off-street parking schedule 2 establishes applicable maximum *accessory parking* ratios. When the number of off-street spaces provided exceeds the stated maximum *accessory parking* ratio, then each parking space provided in excess of the maximum accessory ratio will be counted as 350 square feet of floor area when calculating the building's floor area and determining compliance with applicable *floor area ratio* standards. Parking spaces provided in excess of maximum accessory ratios will not be counted as floor area if such spaces are located underground, below the lowest *grade* level of any abutting *street*.

### **17-10-0206 Minimum Bicycle Parking**

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The final column of the off-street parking schedules establishes the minimum bicycle parking ratio for the parking group.

### **17-10-0207 Off-Street Parking Schedule 1: Neighborhood Zoning Districts**

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Schedule "1" presents off-street parking standards for uses in neighborhood zoning districts (i.e., R, B, C and M districts). The off-street parking standards for downtown (D) zoning districts are presented in Sec. 17-10-0208 below. In the event of conflict between this schedule and zoning district use regulations (e.g., this schedule establishes a parking standard for a use not allowed in the underlying zoning district), the zoning district use regulations govern.

*Chapter 17-10 | Parking and Loading*  
*17-10-0200 | Off-Street Parking Ratios*

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
<b>17-10-0207-A Parking Group A</b> (Detached Houses, Two-flat, Townhouses)		
RS1 and RS2	2 spaces per unit, provided that off-street parking is not required for detached houses on lots of records that are 33 feet or less in width if the subject lot does not have access to an improved alley and provided further that the Zoning Administrator is authorized to approve an administrative adjustment allowing a minimum of 1 parking space per unit if such reduction will result in more useable open space on the lot (See Sec. 17-13-1003-CC); 1 space per unit for government-subsidized units	None
RS3	2 spaces per unit for detached houses and 1.5 spaces per unit for two-flats, provided that off-street parking is not required for detached houses or two-flats on lots of records that are 33 feet or less in width if the subject lot does not have access to an improved alley and provided further that the Zoning Administrator is authorized to approve an administrative adjustment allowing a minimum of 1 parking space per unit if such reduction will result in more useable open space on the lot (See Sec. 17-13-1003-CC); 1 space per unit for government-subsidized units	None
All other districts	1 space per unit, provided that off-street parking is not required for detached houses or two-flats on lots of records that are 33 feet or less in width if the subject lot does not have access to an improved alley; 1 space per unit for government-subsidized detached houses and two-flats	None
<b>17-10-0207-B Parking Group B</b> (Single-room Occupancy)		
All districts	1 space per 10 units	1 per 2 auto spaces in buildings containing 8 or more units
<b>17-10-0207-C Parking Group C</b> (Multi-Unit, nongovernment-subsidized; based on zoning)		
R (all)	1 space per unit	1 per 2 auto spaces in buildings containing 8 or more units
B, C dash 1, 1.5, 2	1 space per unit	
B, C dash 3	1 space per unit	
B, C dash 5	1 space per unit for first 100 units; 0.60 spaces per unit for all additional units	
(Multi-Unit, government-subsidized; based on unit size)		
Less than 600 sq. ft.	0.33 spaces per unit	1 per 2 auto spaces in buildings containing 8 or more units
600–1,200 square feet	0.70 spaces per unit	
1,201+ square feet	1 space per unit	
(Note: DPD authorized to grant further reductions for government-subsidized units based on transit availability, auto availability, income levels, availability of shopping and services within walking distance and other pertinent factors)		
<b>17-10-0207-D Parking Group D</b> (Elderly Housing)		
All	0.33 spaces per unit	1 per 4 auto spaces in buildings containing 8 or more units
<b>17-10-0207-E Parking Group E</b> (Universities, Day Care, Parks and Recreation, Postal Service, Public Safety, Schools, Utilities, Business/Trade School)		
R (All)	1 per 3 employees + additional parking and drop-off spaces as determined by Department of Planning and Development	1 per 10 auto spaces; minimum 4 spaces
B, C, M dash 1, 1.5, 2, 3		
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
<b>17-10-0207-F Parking Group F</b> (Cultural Exhibits and Libraries)		
R (All)	None for first 4,000 square feet then 1 space per 1,000 square feet	1 per 10 auto spaces; minimum 4 spaces
B, C, M dash 1, 1.5 or 2		
B, C, M dash 3	None for first 10,000 square feet then 2.5 space per 1,000 square feet	
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-G Parking Group G</b> (Hospitals)		
R (All)	1 space per 3 beds + 1 per 3 employees + 1 per doctor	1 per 10 auto spaces
B, C, M dash 1, 1.5, 2, 3		
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-H Parking Group H</b> (Lodges and Private Clubs)		
R (All)	1 per 3 lodging rooms + 1 per 10 persons capacity	1 per 10 auto spaces
B, C, M dash 1, 1.5, 2, 3		
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-I Parking Group I</b> (Religious Assembly)		
R (All)	1 per 8 seats in auditorium	1 per 10 auto spaces
B, C, M dash 1, 1.5, 2, 3		
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-J Parking Group J</b> (Adult Use)		
C, M dash 1, 1.5, 2, 3	Entertainment-related: 1 per 10 persons capacity Retail-related: None for first 4,000 square feet then 2.5 spaces per 1,000 square feet	1 per 10 auto spaces
B, C, M dash 5	Entertainment-related: 1 per 10 persons capacity Retail-related: None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-K Parking Group K</b> (Shelter/Boarding Kennel, Veterinary)		
B, C, M dash 1, 1.5, 2, 3	2 spaces for 1,000 square feet not including space used for animal pens and other non-public areas	None
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-L Parking Group L</b> (Office, High Technology Office, Animal Sales and Grooming, Communication Service, Financial Services, Business Support Services, Employment Agencies)		
B, C, M dash 1, 1.5, 2	None for first 4,000 square feet then 2 spaces per 1,000 square feet	1 per 10 auto spaces
B, C, M dash 3	None for first 10,000 square feet then 2 spaces per 1,000 square feet	
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-M Parking Group M</b> (Retail, Body Art, Eating and Drinking Establishments, Food and Beverage Sales, Participant Sports and Recreation, Fortune Telling, Personal Service, Auto Supply/Accessory Sales, Artist Work or Sales Space, Copying and Reproduction)		
B, C, M dash 1, 1.5, 2	Health Clubs: as required by Sec. 4-4-312 of the Municipal Code Participant Sports and Recreation: 1 per 10 persons capacity All other: None for first 4,000 square feet then 2.5 spaces per 1,000 square feet	1 per 5 auto spaces

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
B, C, M dash 3	Health Clubs: as required by Sec. 4-4-312 of the Municipal Code Participant Sports and Recreation: 1 per 10 persons capacity None for first 10,000 square feet then 2.5 spaces per 1,000 square feet	
B, C, M dash 5	Health Clubs: as required by Sec. 4-4-312 of the Municipal Code Participant Sports and Recreation: 1 per 10 persons capacity None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-N Parking Group N</b> (Building Maintenance, Business Equipment Sales and Service, Repair or Laundry Service, Vehicle Sales and Service)		
B, C, M dash 1, 1.5, 2	None for first 4,000 square feet then 1.66 spaces per 1,000 square feet	
B, C, M dash 3	None for first 10,000 square feet then 1.66 spaces per 1,000 square feet	None
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-O Parking Group O</b> (Construction Sales and Service)		
B, C, M dash 1, 1.5, 2, 3	1.66 spaces per 1,000 square feet	1 per 10 auto spaces
B, C, M dash 5 D (all)	See Off-Street Parking Schedule "2"	
<b>17-10-0207-P Parking Group P</b> (Entertainment and Spectator Sports)		
B, C, M dash 1, 1.5, 2, 3	1 space per 10 persons capacity; none for live theater venues with less than 150 seats	1 per 10 auto spaces
B, C, M dash 5	Banquet Halls: 1 space per 10 persons capacity All other: None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-Q Parking Group Q</b> (Group Living, Funeral and Interment, Consulates, Philanthropic Institutions, Day Labor Employment Agency, Residential Storage Warehouse)		
R (All)	As determined by DPD	As determined by DPD
B, C, M dash 1, 1.5, 2, 3		
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-R Parking Group R</b> (Flea Market, Gas Stations)		
B, C, M dash 1, 1.5, 2, 3	1 space per 3 employees	None
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-S Parking Group S</b> (Lodging)		
R (All)	<b>Bed and Breakfast:</b> 1 space per 4 rooms, plus 1 space for owner; none required if guests have access to public parking (non-accessory) facility within 600 feet <b>Hotel/Motel:</b> 1 space per 3 lodging rooms	1 per 10 auto spaces
B, C, M dash 1, 1.5, 2, 3		
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-T Parking Group T</b> (Medical Service)		
R (All)		
B, C, M dash 1, 1.5, 2, 3	None for the first 4,000 square feet, then 2.5 spaces per 1,000 square feet	1 per 10 auto spaces
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
<b>17-10-0207-U Parking Group U</b> (Electronic Data Storage Centers, Industrial)		
B, C, M dash 1, 1.5, 2, 3	1 space per 4 employees	1 per 10 auto spaces
B, C, M dash 5	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
<b>17-10-0207-V Parking Group V</b> (Indoor Special Event)		
All	1 space per 10-persons capacity; none required on-site (i) for events with an estimated attendance of 150 or fewer persons; or (ii) upon proof of an agreement, submitted pursuant to Section 17-10-0604, providing for the use of off-site parking privileges; or (iii) in manufacturing districts, upon proof of an agreement with a licensed valet parking operator in a form acceptable to the Zoning Administrator.	None
<b>17-10-0207-W Parking Group W</b> (Motor Vehicle Repair Shops required to be licensed under Chap. 4-228 of the Chicago Municipal Code)		
All	2 spaces for each repair bay or 300 square feet of vehicle repair space, whichever is greater.	None

[amended: 03/09/2005, Council Journal: p. 44440-43; 11/30/2005, Council Journal: p. 62723-24; 09/13/2006, Council Journal: p. 84901-05]

### 17-10-0208 Off-Street Parking Schedule 2: Downtown Zoning Districts

Schedule “2” presents off-street parking standards for uses in downtown (D) zoning districts. The off-street parking standards for neighborhood zoning districts (i.e., R, B, C and M) are presented in Sec. 17-10-0207 above.

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Maximum Accessory Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
Residential Uses			
D dash 3	1 space per dwelling unit	2.0 per dwelling unit	1 per 2 auto spaces in buildings containing 8 or more units
D dash 5	1 space per unit for first 100 units; 0.60 spaces per unit for all additional units; subsidized units as determined by DPD	1.5 per dwelling unit	
D dash 7	0.7 spaces per dwelling unit	DC district: 1.1 per dwelling unit	
D dash 10, 12, 16	0.55 spaces per dwelling unit	DX and DR districts: 1.1 per dwelling unit for dwelling units containing less than 1,600 square feet of floor area; 1.5 per dwelling unit for dwelling units containing 1,600 square feet of floor area or more	
Nonresidential Uses			
D dash 3	None for first 10,000 square feet then 2 spaces per 1,000 square feet	None	None
D dash 5	None for first 70,000 square feet or 2 × lot area, whichever is greater, then 0.8 spaces per 1,000 square feet	None	

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Maximum Accessory Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
D dash 7, 10, 12, 16	<p>No minimums in dash 7, 10, 12 or 16 except for the following:</p> <p><b>Hotels</b> with more than 15,000 square feet of meeting, conference or banquet area: 1 space per 1,000 square feet</p> <p><b>Theaters and other indoor entertainment and spectator sport facilities</b> with seating capacity of more than 1,000: 1 space per 20 seats when located in a DX district (none required in DC)</p>	<p>Maximum accessory parking ratio in DC and DX dash 7, 10, 12 and 16:</p> <p><b>Hotels:</b> 1 space per 400 square feet of assembly space (i.e., meeting, conference or banquet area) + 1 space per 10 rooms in DC and 1 space per 5 rooms in DX</p> <p><b>Offices:</b> 1 space per 2,800 square feet of gross floor area</p> <p><b>Retail:</b> 1 space per 1,000 square feet in DC; 2.5 per 1,000 square feet in DX</p> <p><b>Restaurant:</b> 1 space per 1,000 square feet in DC; 3 per 1,000 square feet in DX</p> <p><b>Theaters and other indoor entertainment and spectator sport facilities:</b> 1 space per 10 seats in DC; 1 per 5 seats in DX</p>	

[amended: 03/09/2005, Council Journal: p. 44384-86]

## 17-10-0300 Bicycle Parking

### 17-10-0301 Spaces Required

Except as expressly stated in this section, bicycle parking must be provided in accordance with the off-street parking ratios of Sec. 17-10-0200.

**17-10-0301-A** Unless otherwise expressly stated, whenever bicycle parking is required, at least 2 bicycle spaces must be provided.

**17-10-0301-B** No use is required to provide more than 50 bicycle parking spaces.

**17-10-0301-C** The Zoning Administrator is authorized to approve an *administrative adjustment* reducing the number of bicycle spaces required for a particular use in accordance with Sec. 17-13-1003-FF.

### 17-10-0302 Design and Location

**17-10-0302-A** Required bicycle parking spaces for nonresidential uses must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet. Racks and other fixtures used to provide required bicycle parking for nonresidential uses must be of a design that is approved by the Chicago Department of Transportation. Such fixtures must be affixed securely to the ground or a building, to which a bicycle may be locked or chained. Bicycle racks are not required for bicycle parking associated with residential uses. Required bicycle parking for residential uses may be provided in garages, storage rooms and other resident-accessible, secure areas.

**17-10-0302-B** Required bicycle parking may be located indoors or outdoors. Such spaces must be located on private property unless the Commissioner of the

Department of Transportation approves location within the public right-of-way. If required bicycle parking facilities are not visible from the *street*, *signs* must be posted indicating their location.

**17-10-0302-C** A nonresidential use may use up to two vehicle parking spaces required under this Chapter as space for providing bicycle parking.

**17-10-0302-D** Space within *dwelling units* or on balconies may not be counted toward satisfying bicycle parking requirements.

**17-10-0302-E** Areas used for required bicycle parking must be:

1. paved and drained to be reasonably free of mud, dust, and standing water; and
2. well-lighted.

### 17-10-0303 Non-accessory Parking

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A *non-accessory parking* facility must provide bicycle parking area equivalent to 2 parking spaces if the facility has more than 250 parking spaces. The space must contain lockers, hard covers or shells, or other similar structures or devices in which bicycles may be individually covered and locked.

## 17-10-0400 Calculation Rules

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The following rules apply when calculating off-street parking requirements.

### 17-10-0401 Multiple Uses

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**17-10-0401-A** Unless otherwise approved, *lots* containing more than one *principal use* must provide parking in an amount equal to the total of the requirements for all *principal uses*. (See the shared and cooperative parking provisions of Sec. 17-10-0600 and Sec. 17-10-0800 for possible exceptions)

[amended: 03/09/2005, Council Journal: p. 44444]

**17-10-0401-B** When two or more *principal uses* are located on a single *lot* and the applicable parking ratio for such uses exempts a certain portion of the floor area (e.g., the first 4,000 or 10,000 square feet), only one such floor area exemption may be taken.

[amended: 03/09/2005, Council Journal: p. 44444]

**17-10-0401-C** No parking is required for accessory uses unless otherwise expressly stated.

[amended: 03/09/2005, Council Journal: p. 44444]

### 17-10-0402 Fractions

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When measurements of the number of required spaces result in a fractional number, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. For example, if a minimum ratio of 2 spaces per 1,000 square feet is applied to a use with 1,900 square feet of floor area, the result (3.8) must be rounded up to 4 spaces.

#### 17-10-0403 Area Measurements

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**17-10-0403-A** Unless otherwise expressly stated, all area-based (square feet) parking standards must be computed on the basis of gross floor area, which is to be measured as the sum of the gross horizontal area devoted to such use, including accessory storage areas located within sales or working spaces, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or *processing* of goods, or to business or professional *offices*. Except as noted in the preceding sentence, “floor area” for purposes of calculating off-street parking requirements does not include: floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area.

**17-10-0403-B** For outdoor areas, calculations will be based on the portion of the *lot* actually being used for the specified purpose.

**17-10-0403-C** When open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open use of land must be added to floor space in determining the number of off-street parking spaces required

#### 17-10-0404 Occupancy- or Capacity-Based Standards

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For the purpose of calculating parking requirements based on employees, students, or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

#### 17-10-0405 Bench Seating

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When seating consists of benches, pews or other similar seating facilities, each 20 linear inches of seating space counts as 1 seat.

#### 17-10-0406 Unlisted Uses

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Upon receiving a permit or *development application* for a use not specifically addressed, the Zoning Administrator is authorized to apply the off-street parking standard specified for the use that the Zoning Administrator deems most similar to the proposed use or require the applicant to submit a parking study or other evidence that will help Zoning Administrator determine the appropriate parking ratio to be applied.

#### 17-10-0407 Public Places of Amusement

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There is no special parking requirement for uses that require a public place of amusement (PPA) license. Parking requirements are to be determined solely in accordance with the off-street parking schedules of Sec. 17-10-0200.

*[amended: 03/09/2005, Council Journal: p. 44444]*

### 17-10-0500 Use of Off-Street Parking Areas; Leasing of Required Spaces

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**17-10-0501** Required off-street parking areas are to be used solely for the parking of licensed *motor vehicles* in operating condition. Required spaces may not be used for the

display of goods for sale or lease or for long-term storage of vehicles, boats, or recreational vehicles or building materials.

**17-10-0502** Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the *principal use*. Off-street parking spaces that are required by this Zoning Ordinance must be maintained for the life of the *principal use*. Except as expressly allowed by Sec. 17-10-0503, the following are deemed *non-accessory parking* spaces and may not be counted toward satisfaction of minimum off-street parking requirements:

**17-10-0502-A** spaces that have been sold to or are owned by persons or entities who do not at the same time also own a *dwelling unit* used as a residence or other permitted *principal use*, unless the parking space is rented to or is otherwise being used by residents, tenants, patrons, employees or guests of the *principal use*; and

**17-10-0502-B** spaces used by persons who are not residents, tenants, patrons, employees or guests of the *principal use*.

**17-10-0503** In RM5, RM5.5, RM6, RM6.5, all B, all C and DR dash 3 and DX dash 3 districts, up to 25% of the number of parking spaces required for residential uses may be leased out on a daily, weekly or monthly basis to persons who are not residents, tenants, patrons, employees, or guests of the *principal use*. In the RM6, RM6.5, B dash 5, C dash 5 and DR dash 5 and DX dash 5 districts and above, the amount of spaces allowed to be leased out to non-occupants may be increased to 45% if reviewed and approved as a *special use* in accordance with Sec. 17-13-0900.

[amended: 09/13/2006, Council Journal: p. 84905]

**17-10-0504** Before a parking garage operator may obtain a license for a public (non-accessory) or accessory garage, the applicant must provide the Zoning Administrator with a written statement declaring that the minimum off-street parking standards for the *zoning lot* have been satisfied, and that all of the *non-accessory parking* spaces to be licensed are spaces provided in excess of applicable minimum standards.

**17-10-0505** No *motor vehicle* repair work of any kind is permitted in conjunction with *accessory parking* facilities located in R, B, DC, DX and DR districts.

**17-10-0506** No *motor vehicle* repair work of any kind is permitted in conjunction with open (outdoor) *accessory parking* facilities located in C districts.

**17-10-0507** No *motor vehicle* repair work of any kind is permitted in conjunction with open (outdoor) *accessory parking* facilities located in M districts if such parking facilities are located within 500 feet of a residential or B district.

## **17-10-0600 Location of Off-Street Parking**

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### **17-10-0601 RS Districts**

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The following standards apply in all RS districts.

**17-10-0601-A** Off-street parking is prohibited in *side setbacks* and within 20 feet of the *front property line*. Off-street parking is permitted in a required *side setback* when accessed by a permitted driveway from the *front property line*.

**17-10-0601-B** Required off-street parking spaces for residential uses must be located on the same *zoning lot* as the *dwelling units* served.

**17-10-0601-C** Required off-street parking and non-required *accessory parking* serving nonresidential uses in RS districts (e.g., *religious assembly*) must be located on the same *zoning lot* as the use served, except that such parking may be located off site if approved as a *special use*. In such cases, the distance between the nearest parking space and the entrance to the use served by such parking may not exceed 600 feet. (See the *special use* procedures of Sec. 17-13-0900)

#### 17-10-0602 RT, RM and DR Districts

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The following standards apply in all RT, RM and DR districts.

**17-10-0602-A** Off-street parking is prohibited in *side setbacks* and within a 20-foot *setback* as measured from the *front property line*. Off-street parking is permitted in a required *side setback* when accessed by a permitted driveway from the *front property line*.

[amended: 09/13/2006, Council Journal: p. 84905]

**17-10-0602-B** Off-street parking spaces required for *detached houses*, *townhouses* and *two-flats* must be located on the same *zoning lot* as the dwellings served.

**17-10-0602-C** Required off-street parking and non-required *accessory parking* serving uses other than *detached houses*, *townhouses* and *two-flats* in RT, RM and DR districts must be located on the same *zoning lot* as the use served, except that such parking may be located off site if approved as a *special use*. In such cases, the distance between the nearest parking space and the entrance to the use served by such parking may not exceed 600 feet. Off-site parking spaces accessory to a use in an RT, RM or DR district may not be located in RS1, RS2 or RS3 district. (See the *special use* procedures of Sec. 17-13-0900)

#### 17-10-0603 B, C, DC, DX, DS and M Districts

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**17-10-0603-A** In B, C, DC, DX, DS and M districts, all required *accessory parking* spaces must be located on the same *zoning lot* as the building or use served, except that:

1. Required *accessory parking* serving nonresidential uses in B, C, DC, DX, DS and M districts may be located off site when approved as an *administrative adjustment* (See Sec. 17-13-1003-EE), provided that:
  - (a) the distance between the nearest off-site, *accessory parking* space and the entrance to the use served by such parking does not exceed 100 feet; and
  - (b) the proposed off-site, *accessory parking* is not located in an R or DR district.

2. Required accessory parking serving residential or nonresidential uses in B, C, DC, DX, DS and M districts may be located off site when approved as a *special use* (See Sec. 17-13-0900), provided that the distance between the nearest off-site, *accessory parking* space and the entrance to the use served by such parking does not exceed 600 feet.

[amended: 03/09/2005, Council Journal: p. 44445]

**17-10-0603-B** Non-required *accessory parking* serving uses in B, C, DC, DX, DS and M districts may be located off site in any zoning district that allows *non-accessory parking*.

[amended: 03/09/2005, Council Journal: p. 44445]

### 17-10-0604 Agreement

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An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.

## 17-10-0700 Shared Parking

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### 17-10-0701 Description

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Shared parking represents an arrangement in which two or more nonresidential uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

### 17-10-0702 Authorization and Criteria

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**17-10-0702-A** The Zoning Administrator is authorized to approve and *administrative adjustment* allowing shared parking arrangements for nonresidential uses with different hours of operation. (See Sec. 17-13-1003-GG)

**17-10-0702-B** The Zoning Administrator may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice-versa.

**17-10-0702-C** In order to approve the *administrative adjustment* for shared parking, the Zoning Administrator must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

### 17-10-0703 Uses with Different Hours of Operation

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**17-10-0703-A** For the purposes of this section, the following uses are considered daytime uses:

1. Office uses;

2. Retail uses,
3. Industrial uses; and
4. Other similar primarily daytime uses, when authorized by the Zoning Administrator.

**17-10-0703-B** For the purposes of this section, the following uses are considered nighttime or Sunday uses:

1. Auditoriums accessory to *schools*;
2. *Religious assembly* facilities;
3. Entertainment uses;
4. *Eating and drinking establishments*; and
5. Other similar primarily nighttime or Sunday uses, when authorized by the Zoning Administrator.

#### **17-10-0704 Location of Shared Parking Facility**

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A use for which an application is being made for shared parking must be located within 600 feet walking distance of the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.

#### **17-10-0705 Agreement**

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An agreement providing for the shared use of parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.

### **17-10-0800 Cooperative Parking**

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#### **17-10-0801 Description**

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Cooperative parking represents an arrangement in which two or more commercial uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking. Approval of an *administrative adjustment* is required. (See Sec. 17-13-1003-GG)

#### **17-10-0802 Authorization**

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The Zoning Administrator is authorized to approve an *administrative adjustment* allowing a reduction in the number of off-street parking spaces required when multiple commercial uses provide their off-street parking in the same parking lot, as follows:

**17-10-0802-A** up to a 20% reduction may be approved when 4 or more commercial uses are involved;

**17-10-0802-B** up to a 15% reduction may be approved when 3 commercial uses are involved; and

**17-10-0802-C** up to a 10% reduction may be approved when 2 commercial uses are involved.

#### **17-10-0803 Location of Cooperative Parking Facility**

A use for which an application is being made for cooperative parking must be located within 600 feet walking distance of the cooperative parking, measured from the entrance of the use to the nearest parking space within the cooperative parking lot.

#### **17-10-0804 Agreement**

An agreement providing for cooperative use of parking must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Cooperative parking privileges will continue in effect only as long as the agreement remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.

### **17-10-0900 Accessible Parking (for People with Disabilities)**

#### **17-10-0901 Applicability**

The accessible parking standards of this section apply to all new parking lots and to changes, improvements and maintenance of existing parking lots, including but not limited to sealcoating, resurfacing, remarking, fencing, curbs, walks and landscaping.

#### **17-10-0902 Required Parking Spaces and Passenger Loading Facilities**

##### **17-10-0902-A Nonresidential Occupancy**

Unless otherwise expressly stated, accessible off-street parking spaces must be provided to serve nonresidential occupancies as follows:

<b>Total Off-Street Parking Spaces Provided [1]</b>	<b>Minimum Number of Accessible Spaces Required</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

[1] Motorcycle and bicycle spaces are not required to be counted in the total number of spaces provided.

[amended: 03/09/2005, Council Journal: p. 44445]

#### 17-10-0902-B Residential Occupancy

When off-street parking is provided to serve residential occupancies that are required by the Chicago Building Code to have Type A or Type B accessible dwelling units, accessible parking spaces must be provided as follows:

Total Off-Street Parking Spaces Provided [1]	Minimum Number of Accessible Spaces Required [2]
1 to 50	1
51 to 100	2
101 to 150	3
151 to 200	4
201 to 250	5
251 to 300	6
301 to 350	7
351 to 400	8
401 to 450	9
451 to 500	10
More than 500	2% of total

[1] Motorcycle and bicycle spaces are not required to be counted in the total number of spaces provided.

[2] In addition, at least one accessible parking space each must be provided for a minimum of 5% of the units required by Section 18-11-1107.6.5.1 that receive HUD Section 504 federal funding (see Section 18-11-1106.2).

[amended: 03/09/2005, Council Journal: p. 44446]

#### 17-10-0902-C Medical Facilities

Parking at outpatient facilities, rehabilitation facilities and outpatient physical therapy facilities must be provided as follows:

##### 1. Outpatient Facilities

At least 10% of patient and visitor parking spaces provided to serve hospital outpatient facilities must be accessible.

##### 2. Rehabilitation Facilities and Outpatient Physical Therapy Facilities

At least 20% of patient and visitor parking spaces provided to serve rehabilitation facilities and outpatient physical therapy facilities must be accessible.

### 17-10-0903 Layout and Design

#### 17-10-0903-A Vehicle Spaces

Car and van parking spaces must be at least 11 feet in width, except that car and van parking spaces serving residential buildings with 19 or fewer Type B units may be 8 feet in width.

[amended: 03/09/2005, Council Journal: p. 44446]

#### 17-10-0903-B Access Aisle

Access aisles serving accessible parking spaces must comply with the following standards:

##### 1. Width

Access aisles must be at least 5 feet in width. Access aisles serving diagonal parking spaces must be located at the passenger side of the parking space served, based on the vehicle moving forward into the space.

**2. Length**

Access aisles must extend the full length of the accessible parking spaces they serve.

**3. Marking**

Access aisles must be marked to prohibit parking in them.

**17-10-0903-C Floor or Ground Surfaces**

Parking spaces and access aisles must have surface slopes no steeper than 1:48. Access aisles must be at the same level as the parking spaces they serve.

**17-10-0903-D Vertical Clearance**

1. Parking spaces for vans and the vehicle routes leading to such spaces must have a vertical clearance of at least 8 feet 2 inches.
2. For every 6 accessible parking spaces, and fraction of 6 when there are 7 or more accessible parking spaces, at least one must provide the vertical clearance required for vans.

**17-10-0903-E Signs and Identification**

Accessible parking spaces required by Sec. 17-10-0902 and accessible passenger loading zones must be identified by *signs*. Such *signs* must comply with U.S. Department of Transportation R7-8 standards and include the words “\$150 Fine”. The *sign* must be vertically mounted on a post or wall no more than 5 feet from the front of the parking space. The distance from finished *grade* to the bottom of the *sign* must be at least 5 feet. The *sign* must be centered on the width of the parking space and located so that the *sign* will not be obscured by a vehicle parked in the space. Required *signs* must include the International Symbol of Accessibility.

**17-10-0903-F Location**

**1. General**

Accessible parking spaces must be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. When parking serves more than one accessible entrance, parking spaces must be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building, accessible parking spaces must be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility. When buildings have multiple accessible entrances with adjacent parking, accessible parking spaces must be dispersed and located near the accessible entrances.

**2. Administrative Adjustments**

- (a) In multilevel parking structures, van-accessible parking spaces may be consolidated on a single level.
- (b) The total number of accessible parking spaces may be distributed among parking lots if greater accessibility is achieved, considering such factors as anticipated usage, user convenience, number and location of entrances and level of parking areas.

## 17-10-0904 Passenger Loading Zones

### 17-10-0904-A Medical Facilities

A passenger loading zone must be provided at an accessible entrance to licensed medical and long-term care facilities where people receive physical or medical treatment or care and when the period of stay exceeds 24 hours. A passenger loading zone must be incorporated at the weather-protected entrance required by Chicago Building Section 18-11-1105.3.

### 17-10-0904-B Valet Parking

A passenger loading zone must be provided at valet parking services. If accessible at-grade parking is available, at least one space for self-parking of a vehicle must be provided.

## 17-10-1000 Parking Area Design

The parking area design standards of this section apply to all off-street parking areas.

### 17-10-1001 Dimensions

Unless otherwise expressly stated, off-street parking areas must comply with the following standards:

Dimensions (in feet)	Parking Angle		
	45°	60°	90°
A. Stall Depth to Wall	18.4	19.7	18
B. Stall Depth Parallel to Vehicle	18	18	18
C. Aisle Width [1] [2]	12	16	22
D. Stall Depth to Interlock	16.4	18.2	18
E. Stall Depth Reduction due to Interlock	2	1.5	0
F. Stall Width (Parallel to Aisle)	11.3	11.1	8
G. Stall Width Perpendicular to Vehicle	8	8	8

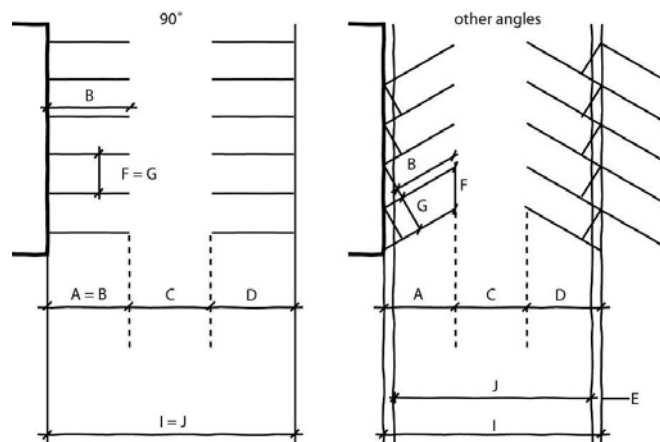
Note: For bumper overhang deduct 2 feet from stall-depth-to-wall dimension and 4 feet from wall-to-wall dimensions.

[1] Aisle width standards for parking angles of 90° may be reduced to 20 feet when parking stall width is increased to 8.5 feet.

[2] Aisle width standards for indoor accessory parking garages in existing buildings that are being rehabbed for residential use may be reduced to 16 feet for parking angles of 90°.

[amended: 09/13/2006, Council Journal: p. 84905-06]

Figure 17-10-1001



### 17-10-1002 Materials and Surfacing

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The materials used in the design of off-street parking and circulation areas must be easily maintained and indicative of their function.

#### 17-10-1002-A Surfacing

All off-street parking areas and driveways except those serving *detached houses* must be improved with a compacted base, not less than 4 inches thick, surfaced with asphaltic concrete, or a comparable all-weather dustless material. Sand or gravel is not considered dustless material.

[amended: 03/09/2005, Council Journal: p. 44446]

#### 17-10-1002-B Maintenance

Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris and hazards.

### 17-10-1003 Vertical Clearance

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All off-street parking spaces must have a vertical clearance of at least 7 feet.

### 17-10-1004 Access

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All off-street parking areas must be designed with appropriate means of vehicular access to a *street* or *alley* in a manner that will least interfere with traffic movements. No curb cut or driveway onto a public street property may exceed 25 feet in width.

### 17-10-1005 Striping

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All parking spaces must be clearly marked with striping. Stripes must have a minimum width of 4 inches. Parking stall widths may be measured from the center of the stripe.

### 17-10-1006 Pedestrian Connections

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Surface parking lots containing 150 parking space or more must be designed to provide protected walkways for pedestrians that link store entrances with parking spaces and with public sidewalks along adjacent *streets*.

### 17-10-1007 Landscaping

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Parking lot landscaping must be provided in accordance with Sec. 17-11-0200.

### 17-10-1008 Plot Plan

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**17-10-1008-A** Any application for a certificate of occupancy for any parking lot must include a plot plan—drawn to scale and fully dimensioned—showing all provisions for:

1. bumper guards;
2. markings;
3. surfacing;
4. screening and landscaping; and

5. lighting, in compliance with the regulations of this Zoning Ordinance.

**17-10-1008-B** Any other application for a building permit, or for a certificate of occupancy when no building permit is required, must include a plot plan—drawn to scale and fully dimensioned—showing all off-street parking and loading facilities.

#### **17-10-1009 Multi-level Parking Garages**

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All parking garages containing 2 or more above-grade parking levels are subject to Site Plan Review pursuant to Sec. 17-13-0800. (See also Sec. 17-11-0206)

#### **17-10-1010 Automotive Lifts**

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##### **17-10-1010-A General**

1. *Automotive lifts* shall be used only as expressly provided in this Section 17-10-1010 or as expressly approved as part of a *planned development*. If an *automotive lift(s)* is expressly approved as part of a *planned development*, the *automotive lift(s)* shall be exempt from the standards of this Section 17-10-1010.
2. *Automotive lifts* shall be exempt from the following requirements of this code:
  - (a) the parking lot dimensions requirements of Section 17-10-1001;
  - (b) the parking lot surfacing requirements of Section 17-10-1002;
  - (c) the vertical clearance requirements of Section 17-10-1003;
  - (d) the striping requirements of Section 17-10-1005; and
  - (e) the maximum parking requirements of Sections 17-10-0205 and 17-10-0208 as they relate to the additional parking spaces provided by the use of *automotive lifts*.
3. Allowed *automotive lifts* shall be located wholly within an enclosed *building* and shall not be visible from outside the *building* or facility. For purposes of this item (3), an enclosed *building* shall include a parking facility as defined in Section 13-96-890.

##### **17-10-1010-B Use In Residential Buildings/Residential Use In Mixed-Use Buildings.**

1. *Automotive lifts* in *residential buildings* shall be used only for *accessory parking* in excess of minimum off-street parking ratios and for any non-accessory parking permitted in the building. *Automotive lifts* in *residential buildings* shall not be used to satisfy minimum off-street parking ratios.
2. Allowed *automotive lifts* within *residential buildings* shall be operated by a valet or an attendant employed by the Equipment's owner or owned and operated by an *owner* or resident of a *dwelling unit* within the *building*.

**17-10-1010-C Use in Non-Residential Buildings/Non-Residential Use In Mixed-Use Buildings.**

1. In DX12, DC12, DX16 and DC16 district, *automotive lifts* may be used in non-residential *buildings* for any *accessory parking* permitted in the *building*.
2. Outside the DX12, DC12, DX16 and DC16 districts, *automotive lifts* may be used in non-residential *buildings* (i) only for *accessory parking* in excess of minimum off-street parking ratios; and (ii) for any *non-accessory parking* permitted in the *building*; provided, however, that *automotive lifts* may not be used in non-residential *buildings* to satisfy minimum off-street parking ratios.
3. Allowed *automotive lifts* within non-residential *buildings* shall be operated by a valet or an attendant employed by the Equipment's owner.

[amended: 06/29/2005, Council Journal: p. 52356-58]

## 17-10-1100 Off-Street Loading

### 17-10-1101 Schedule of Minimum Requirements

Minimum off-street loading ratios are as follows:

Use	Gross Floor Area (Square Feet)	Required Loading Spaces	Space Size (feet)
Multi-Unit Residential	0-24,999	0	10 x 25
	25,000-199,999	1	
	200,000+	1 per 200,000 sq. ft. or portion thereof	
Lodging, Group Living and all uses in Public and Public and Civic Use Group)	0-24,999	0	10 x 25; 10 x 50 for buildings over 50,000 sq. ft.
	25,000-199,999	1	
	200,000+	1 per 200,000 sq. ft. or portion thereof	
Industrial (all uses in Industrial Use Group)	0-9,999	0	10 x 25; 10 x 50 for buildings over 20,000 sq. ft.
	10,000-49,999	1	
	50,000-99,999	2	
	100,000+	2 + 1 per 100,000 sq. ft. or portion thereof above 100,000 sq. ft.	
Retail	0 to 9,999	0	NA
	10,000 to 24,999	1	10 x 25
	25,000 to 49,999	2	10 x 50
	50,000 to 99,999	3	10 x 50
	100,000 to 249,999	4	10 x 50
	+250,000	1 per 200,000 above 250,000	10 x 50
Entertainment and Spectator Sports	0-49,999	0	10 x 50
	50,000-99,999	1	
	100,000+	1 per 100,000 sq. ft. or portion thereof	

Use	Gross Floor Area (Square Feet)	Required Loading Spaces	Space Size (feet)
Commercial (uses in Commercial Use Group for which loading standard is not otherwise specified in this schedule)	0–24,999	0	10 x 25
	25,000–499,999	1 per 100,000 sq. ft. or portion thereof	
	500,000+	1 per 500,000 sq. ft. or portion thereof	
Funeral Service	0–9,999	0	10 x 25
	10,000	1 per 100,000 sq. ft. or portion thereof	

### 17-10-1102 Special Uses

For *special uses* other than prescribed for hereinafter, loading spaces adequate in number and size to serve such uses as determined by the Department of Planning and Development must be provided.

[amended: 03/09/2005, Council Journal: p. 44446]

### 17-10-1103 Calculation Rules

The following rules apply when calculating off-street loading requirements.

#### 17-10-1103-A Multiple Uses

Unless otherwise approved, lots containing more than one use must provide loading in an amount equal to the total of the requirements for all uses.

#### 17-10-1103-B Fractions

When measurements of the number of required spaces result in a fractional number, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.

#### 17-10-1103-C Area Measurements

1. Unless otherwise expressly stated, all area-based (square feet) loading standards must be computed on the basis of gross floor area, which is to be measured as the sum of the gross horizontal area devoted to such use, including accessory storage areas located within sales or working spaces, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or *processing* of goods, or to business or professional *offices*. Except as noted in the preceding sentence, “floor area” for purposes of calculating off-street parking requirements does not include: floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area.
2. For outdoor areas, calculations will be based on the portion of the lot actually being used for the specified purpose.
3. When open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open use of land must be

added to floor space in determining the number of off-street loading spaces required

**17-10-1103-D Unlisted Uses**

Upon receiving a permit or *development application* for a use not specifically addressed, the Zoning Administrator must apply the off-street loading standard specified for the use that the Zoning Administrator deems most similar to the proposed use or require that the applicant submit a loading study or other evidence that will help in determining the appropriate loading ratio.

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**17-10-1104 Location**

**17-10-1104-A** All required loading spaces must be located on the same *zoning lot* as the use served.

**17-10-1104-B** No loading spaces may be located within 25 feet of the nearest point of intersection of any two *streets*.

**17-10-1104-C** No loading spaces may be located in a required *front setback* or *side setback*.

**17-10-1104-D** Any loading spaces located in a required *rear setback* must be open to the sky.

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**17-10-1105 Use of Off-Street Loading Areas**

No *motor vehicle* repair work or service of any kind is permitted in conjunction with off-street loading facilities provided in any R or B district.

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**17-10-1106 Design**

**17-10-1106-A Size**

Required off-street loading spaces must comply with the space size standards of Sec. 17-10-1101 and must have a minimum vertical clearance of 14 feet.

**17-10-1106-B Access**

Each required off-street loading space must be designed with appropriate means of vehicular access to a *street* or *alley* in a manner which will least interfere with traffic movements, subject to approval by the Commissioner of Transportation.

**17-10-1106-C Surfacing**

All open off-street loading spaces must be improved with a compacted macadam base, not less than 7 inches thick, surfaced with not less than 2 inches of asphaltic concrete or some comparable all-weather dustless material.

[End of Chapter]

## Chapter 17-11 Landscaping and Screening

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### 17-11-0050 *Guide to the Chicago Landscape Ordinance*

The regulations and standards of this chapter are further explained and clarified with explanatory text and illustrative guidelines in the *Guide to the Chicago Landscape Ordinance*.

[amended: 03/09/2005, Council Journal: p. 44447]

### 17-11-0100 Parkway Trees

#### 17-11-0101 Applicability

The standards of this section (17-11-0100) apply to all of the following, except as expressly exempted under Sec. 17-11-0102:

- 17-11-0101-A** construction of any *principal building*;
- 17-11-0101-B** any addition to or enlargement of an existing *principal building* when the addition or enlargement exceeds 1,500 square feet of gross floor area;
- 17-11-0101-C** any existing *vehicular use area* that is accessory to an existing *principal building* if such building or any portion thereof is repaired or rehabilitated (including interior alteration and remodeling) and the cost of such repair or rehabilitation exceeds 150% of the property's assessed value or \$10,000, whichever is greater;
- 17-11-0101-D** construction or installation of any surface parking area containing more than 4 parking spaces; and
- 17-11-0101-E** repair, rehabilitation or expansion of any existing surface parking area containing more than 4 parking spaces, if such repair, rehabilitation or expansion would increase the number of existing parking spaces by more than 25% or 4 spaces, whichever is less.

#### 17-11-0102 Exemptions

The standards of this section do not apply to:

- 17-11-0102-A** restoration of any building or portion thereof damaged by fire, explosion, flood, casualty or other calamity of any kind;
- 17-11-0102-B** construction, repair or rehabilitation of any *accessory buildings* or structures; and
- 17-11-0102-C** construction, repair or rehabilitation of or upon any *detached house, two-flat* or three-flat (multi-unit building containing only 3 *dwelling units*).

### 17-11-0103 Standards

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**17-11-0103-A** Anyone undertaking or allowing the construction upon, improvement to, or use of any property that is subject to this section, must install and maintain *parkway trees* within that portion of the *public parkway* contiguous to the *zoning lot* in accordance with the provisions of Chapter 10-32 of the Municipal Code and the following requirements:

1. One *parkway tree* is required per 25 linear feet of *street frontage*.
2. *Parkway trees* must have a minimum caliper size of 4 inches within the Central Area and 2.5 inches outside the Central Area.
3. Tree grates are required when trees are planted in sidewalk openings.
4. Curbs and low railings to protect plantings are required on busy pedestrian retail and commercial streets within the Central Area consistent with recommendations in the *Guide to the Chicago Landscape Ordinance*. For the purpose of this provision “Central Area” means the area bounded by North Avenue; Lake Michigan; Cermak Road; and Ashland Avenue.

**17-11-0103-B** *parkway trees* are not required to be installed or maintained in the following locations:

1. above an area containing soil of a depth of less than 6 feet, not including sidewalk pavement;
2. below or within 50 feet of an elevated rail structure; or
3. any areas determined by the Deputy Commissioner of the Bureau of Forestry to be unsuitable or unsafe for *parkway trees*.

**17-11-0103-C** When *parkway trees* are not required pursuant to Sec. 17-11-0103-B, the Zoning Administrator must require alternative landscape treatments, in accordance with Sec. 17-11-0603.

**17-11-0103-D** The Zoning Administrator must receive the recommendation of the Bureau of Forestry regarding:

1. conformance of the plans and specifications for any required *parkway trees* with the provisions of Chapter 10-32 of the Municipal Code before issuance of any zoning certificate; and
2. conformance of the installation of such *parkway trees* with the approved plans and specifications before issuance of any certificate of occupancy or release of the performance bond or other security, whichever is applicable.

### 17-11-0200 Vehicular Use Areas

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#### 17-11-0201 Applicability

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Unless otherwise expressly stated, the standards of this section (17-11-0200) apply to all of the following in all zoning districts:

**17-11-0201-A** the construction or installation of any *vehicular use area*.

**17-11-0201-B** any existing *vehicular use area* that is accessory to an existing *principal building*, if: if such building or any portion thereof is repaired or rehabilitated (including interior alteration and remodeling) and the cost of such repair or rehabilitation exceeds 150% of the property's assessed value;

**17-11-0201-C** the repair, rehabilitation or expansion of any existing *vehicular use area*, if such repair, rehabilitation or expansion would increase the number of existing parking spaces by more than 25% or 4 spaces, whichever is less;

**17-11-0201-D** any existing *vehicular use area* which is accessory to an existing *principal building*, if such building or any portion thereof is expanded or enlarged and the expansion increases the existing floor area on the *zoning lot* by 50% or 5,000 square feet, whichever is less; and

**17-11-0201-E** the excavation and reconstruction of an existing *vehicular use area* if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete or other pavement devoted to vehicular use. This provision does not apply to the resurfacing of asphalt or concrete or to emergency work on underground storage tanks if such work is intended to maintain the integrity and safety of such tanks and is subject to review under other federal, state or local laws.

#### **17-11-0202 Perimeter Landscaping, Screening and Fencing**

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##### **17-11-0202-A Screening from Abutting Residential and Institutional Uses**

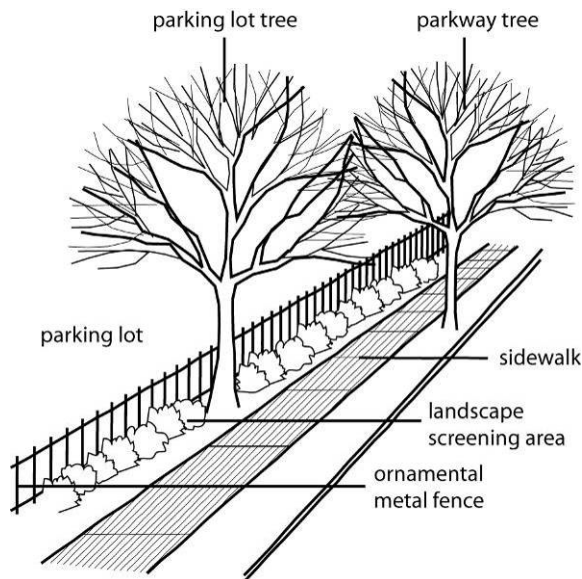
1. The perimeter of all *vehicular use areas* larger than 1,200 square feet must be effectively screened from all abutting R-zoned property and from all abutting property this is improved with a *hospital, nursing home, religious assembly, community center, school, college* or other similar institutional use.
2. Such screening must consist of a wall, fence, or hedge not less than 5 feet in height and not more than 7 feet in height.
3. Screening fences must be masonry or wood and must be planted with vines. Chain-link fencing is prohibited.

##### **17-11-0202-B Screening from Streets**

1. The perimeter of all *vehicular use areas* larger than 1,200 square feet must set back at least 7 feet from front and *street side (corner) property lines* and effectively screened from view of such *street*.
2. The view of such *vehicular use areas* from all abutting *streets* must be visually screened either by permitted buildings (other than fences or walls) or by a hedge, not less than 2.5 feet in height and not more than 4 feet in height, or by a combination of buildings and hedges.

- (a) This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings reasonably necessary for access drives and walkways.
  - (b) Visual screening must be located between the perimeter of the *vehicular use area* and the *front property line*.
  - (c) Hedges used to satisfy the standards of this section must consist of individual shrubs with a minimum width of 24 inches, spaced no more than 36 inches on center.
3. The remainder of the required 7-foot *vehicular use area* setback must be *landscaped* and must include at least one tree for every 25 linear feet of *street frontage*. Trees must have a minimum caliper size of 4 inches within the Central Area and 2.5 inches outside the Central Area.
  4. Notwithstanding the other provisions of this Zoning Ordinance, the front or rear bumper overhang of vehicles parked within the *vehicular use area* may encroach upon the required *front setback* up to a maximum distance of 2 feet. This allowed overhang area may be included in the calculation of the required depth of each abutting parking space.

Figure 17-11-0202-B



#### 17-11-0202-C Fencing

*Ornamental fencing* is required to be installed along the perimeter of *vehicular use areas* adjacent to front and *street side (corner) property lines* and abutting any existing *front yard* of property located within an R district.

1. The required *ornamental fencing* must be installed behind the required perimeter landscape area, at least 5 feet from abutting *property lines*.
2. Required fences are limited to a height of no more than 5 feet above *grade* unless the Zoning Administrator determines that the fence is necessary for

security purposes in which case the fence may be a maximum of 6 feet in height.

- Any pre-existing *vehicular use areas* must have *ornamental fencing* installed behind any existing hedges or, when no hedges exist, at the *property line* based on the following schedule:

Area	Size of Vehicular Use Area	Required Date of Compliance
Central Area	Any	January 1, 2002
Outside Central Area	30,000 square feet or more	January 1, 2004
Outside Central Area	8,000–29,999 square feet	January 1, 2007
Outside Central Area	2,000–7,999 square feet	January 1, 2008

Note: for purposes of this provision, the Central Area is the area bounded by North Avenue, Lake Michigan, Cermak Road, and Ashland Avenue

[amended: 01/11/2006, Council Journal: p. 68369-70; 09/13/2006, Council Journal: p.85599]

### 17-11-0203 Interior Landscaping

All lots containing *vehicular use areas* with an area 3,000 square feet or more must provide interior landscaping in accordance with the requirements of this section.

- 17-11-0203-A** The area of interior landscaping must be equal to:

Area of Vehicular Use Area (square feet)	Minimum Interior Landscaped Area
3,000–4,500	5% of vehicular use area
4,501–30,000	7.5% of vehicular use area
More than 30,000	10% of vehicular use area

- 17-11-0203-B** Required interior landscaping must comply with the following standards:

- The area of setbacks and landscaping provided to comply with the perimeter landscape standards of Sec. 17-11-0202 may not be counted toward satisfying interior landscaping standards.
- Interior *landscaped* areas must be designed to enhance the appearance and safety of the *vehicular use areas*. Such areas must be reasonably dispersed throughout *vehicular use area*.
- Existing plant material may be counted towards satisfaction of this requirement.
- One tree must be planted for each 125 square feet of required interior landscape area. Trees must have a minimum caliper size of 4 inches within the Central Area and 2.5 inches outside the Central Area.
- Existing trees that have a minimum caliper size of 2.5 inches may be counted towards satisfying interior landscaping requirements if such trees are preserved and adequately protected through all phases of contraction. Each 2.5 caliper inches of any existing tree that is preserved will be deemed to be the equivalent of one 2.5-inch caliper tree.

6. Each separate *landscaped* island or area must contain a minimum of 165 square feet of area, have a minimum dimension of 8 feet in any direction and include at least one tree. Within *vehicular use areas* with an area of less than 4,600 square feet, required trees may be installed along the perimeter of the *vehicular use area* instead of within interior islands.
7. The trees required to be planted within interior landscaping areas must be canopy trees consistent with the species recommended in the *Guide to the Chicago Landscape Ordinance*.
8. The soil volume and composition for trees required within interior planting islands must have 2-foot minimum depth and topsoil must be backfilled and mounded as described in the *Guide to the Chicago Landscape Ordinance*. The soil composition (soil types, acidity and organic content) and soil percolation rates must follow the recommendations of the *Guide to the Chicago Landscape Ordinance*.

#### **17-11-0204 Landscape and Tree Protection**

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All required landscaping area must be protected from vehicular encroachment by curbs or wheel stops. All trees must be installed and trimmed to ensure that no tree limb or portion thereof extends below the level of 6 feet above the ground.

#### **17-11-0205 Sight Triangles**

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**17-11-0205-A** No landscape material more than 12 inches in height may be installed or allowed to grow within any sight triangle.

**17-11-0205-B** A sight triangle is the triangular area bounded as follows:

1. at the intersection of a *street* and either an *alley* or a driveway, by the edges of the *alley* or driveway and the edge of the *street* right-of-way for a distance of 12 feet from the point of intersection and by a line connecting the ends of the two sides; or
2. at the intersection of two or more *streets*, by the edges of the *street* rights-of-way for a distance of 30 feet from the point of intersection and by a line connecting the ends of the two sides.

#### **17-11-0206 Multi-level Parking Garages**

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##### **17-11-0206-A Purpose**

The landscaping, screening and design standards for multi-level parking garages are intended to ensure that above-ground, multi-level parking structures are compatible with the building to which they are accessory and with other buildings in the immediate area. In the case of both accessory and non-accessory garages, parked cars must be concealed or screened from view from public streets and open spaces, as described below.

##### **17-11-0206-B Accessory Parking Garages**

The exterior elevations of any *accessory parking* structure must be designed to be architecturally integrated with the exterior elevation of any *accessory parking* structure

and the *principal building* to which it is accessory. Architectural integration will be judged in terms of: building form and materials; the pattern, size, shape and number of window openings; the glazing and screening of window openings; and surface treatments such as cornices, moldings, reveals and sills.

#### **17-11-0206-C Parking Garages as Principal Buildings**

1. The exterior elevations of any parking structure that is the *principal building* on a site must be designed so as to screen or conceal parked cars from view from public streets and open space on its first and second floors. In multi-level garages to be constructed in the Central Area and the Lakefront Protection District, openings above the second floor must be treated with glazing, screening panels or other architectural treatments that make the parking structure more architecturally compatible with surrounding buildings. For the purpose of this provision, “Central area” means the area bounded by North Avenue; Lake Michigan; Cermak Road; and Ashland Avenue.
2. The design of parking structures must minimize the appearance of sloped floors from the *street*.

#### **17-11-0206-D Site Details**

All parking garages must provide shielding of lighting so as to minimize glare on adjoining properties. New parking garages in R or DR zoning districts must install garage doors at street level when such doors would enhance the appearance or safety of the parking structure at the street level.

#### **17-11-0206-E Traffic Standards**

The location and design of the parking structure’s entrances and exits should be planned so as to have the least impact on residential streets and busy intersections and to minimize conflicts with pedestrians. Special paving materials should be used to help define the pedestrian walkways along garage openings when this definition would enhance pedestrian safety. Driveway widths should be kept to a minimum consistent with the standards of the Chicago department of transportation. Driveway review must be coordinated with the Chicago Department of Transportation’s driveway permit processing.

#### **17-11-0206-F Screening**

The parking areas of multi-story garages must be screened or concealed by 1 or more of the following methods:

##### **1. Ground-Floor Retail**

When a parking structure is proposed for a *street* where the predominant use is retail or business services, the garage’s ground-level *street frontage* (except for driveways and pedestrian entrances) must be improved with retail and business services. Ground-floor and second-floor spaces improved with retail, business service or other active uses must include display windows, lighting, architectural treatments or landscaping that enhances the pedestrian environment.

**2. Ground-Floor Residential**

Where permitted, ground-floor residential use may be used to screen a parking structure.

**3. Landscaping**

- (a) Landscaping may be required for all parking garages (except fully enclosed garages) at ground-level or on each *street façade* above ground-level in the form of perimeter planters within openings, upper-level *landscaped* setbacks and/or the incorporation of hanging baskets, flower boxes or planting trellises.
- (b) A parking structure that does not incorporate ground-floor retail or residential use or is not otherwise screened or concealed at *street frontages* on the first and second levels, must provide a densely planted *landscaped yard* that is a minimum of 10 feet in depth for any garage 4 levels or less and 20 feet in depth for any garage 5 levels or more.

**4. Upper-Level Screening**

On upper levels of a parking garage, the parking may be screened by business or residential uses, glazing, metal grillwork, louvers and other architectural treatments.

**17-11-0206-G Site Plan Review**

Multi-level parking garages are subject to site plan review, in accordance with Sec. 17-13-0800. In addition to the site plans and drawings required to be submitted as part of the site plan review application, all multi-level parking garages, except fully-enclosed garages, must submit a landscape plan to the Commissioner of Planning and Development illustrating all site landscaping as well as the proposed use of perimeter planters, hanging baskets, flower boxes, planting trellises and/or roof-top gardens. Consistent with the goal of screening and enclosing garages, the Commissioner of Planning and Development may require:

- 1. the planting of vines at the base of any multi-level garage;
- 2. the installation of perimeter planters on at least every other floor of garages using natural ventilation; and/or
- 3. the installation of perimeter planters on rooftops used for parking with such rooftop planters designed and constructed consistent with the standards illustrated in the *Guide to the Chicago Landscape Ordinance* and the *Guide to the Chicago Parking Garage Ordinance*.

**17-11-0206-H Existing Garages**

- 1. By April 1, 2007, *property owners* of every pre-existing, multi-level, nonresidential parking garage located within the Central Area must submit a landscape plan to the Commissioner of Planning and Development illustrating compliance with the standards of this section and Sec. 17-11-0206.

2. If, before April 1, 2007, the *property owner* or operator of any pre-existing, multi-level, nonresidential parking garage located within the Central Area is required to obtain from the Department of Construction and Permits a permit for the enlargement, alteration or repair of the garage and the estimated value of the building work is \$50,000 or more, as stated on the permit application, the *property owner* or operator of the garage must submit a landscape plan to the Commissioner of the Department of Planning and Development within 12 months of the date that such permit is issued.
3. Within 6 months of the date on which the landscape plan is approved by the Commissioner of Planning and Development, the *property owner* or operator of the nonresidential parking garage must install and maintain landscaping consistent with the approved landscape plan.
4. Any landscape plan submitted pursuant to this subsection must:
  - (a) illustrate the proposed use of perimeter planters, hanging baskets, flower boxes, planting trellises and/or rooftop gardens to screen all garage openings visible from any public street or park; and
  - (b) screen at least one-half of all such openings with landscaping.
5. Consistent with the goal of screening and enclosing garages, the Commissioner of Planning and Development may require:
  - (a) the planting of vines at the base of any multi-level garage;
  - (b) the installation of perimeter planters on at least every other floor of garages using natural ventilation; and
  - (c) the installation of perimeter planters on rooftops used for parking with such rooftop planters designed and constructed consistent with the standards illustrated in the *Guide to the Chicago Landscape Ordinance*.
6. For purposes of this section (17-10-1009) only, “nonresidential parking garage” means any parking structure licensed or required to be licensed under this Zoning Ordinance where 45% or more of the parking spaces are available to the public for a fee.

## 17-11-0300 Trash Storage Area Screening

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### 17-11-0301 Applicability

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All of the following must provide for the enclosure and screening of dumpsters and trash collection bins:

- 17-11-0301-A multi-unit buildings containing more than 6 *dwelling units*;
- 17-11-0301-B business, commercial, or manufacturing development; and
- 17-11-0301-C substantial rehabilitation of such developments, when the cost of such repair or rehabilitation exceeds 150% of the property's assessed value.

### 17-11-0302 Exemptions

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Trash compactors are exempt from the enclosure and screening requirements. Trash compactors must be required for any new residential, business, commercial or manufacturing use that generates 50 or more cubic yards of garbage per week as provided in Title 7, Chapter 7-28, Section 7-28-225 of the Municipal Code.

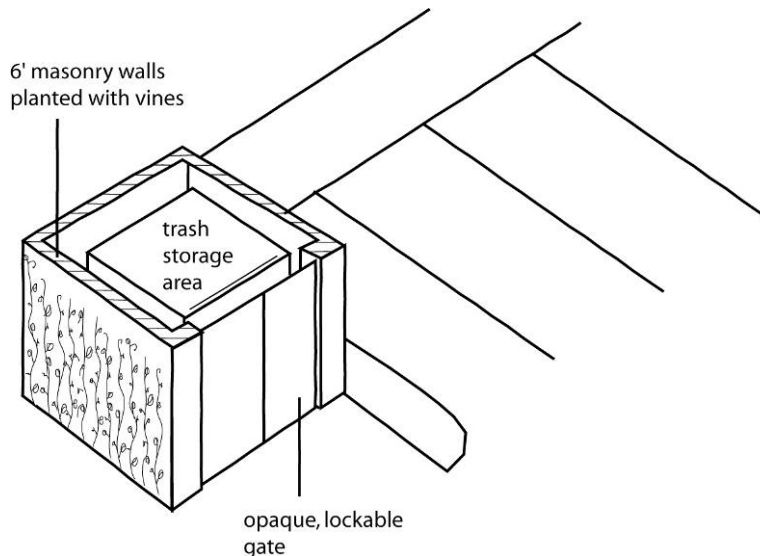
### 17-11-0303 Screening Methods

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**17-11-0303-A** Required trash storage area screening may be achieved by designating an enclosed space for trash facilities within a *principal building* or within an *accessory structure* such as a garage.

**17-11-0303-B** When trash storage areas are not enclosed within a *principal building* or *accessory structure*, they must be screened on all sides by masonry walls with a minimum height of 6 feet. One side of the storage area must be furnished with an opaque, lockable gate.

Figure 17-11-0303-B



**17-11-0303-C** The screening walls required by this section must be planted with vines.

## 17-11-0400 Special (Area-Specific) Landscaping Standards

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In the event that the City Council or Plan Commission adopts plans, designs or guidelines addressing the establishment of area-specific landscaping standards applicable to a designated area of the city or to any specific streets and the area-specific landscaping requirements are inconsistent with the provisions of this chapter or with the provisions of Chapter 10-32 of the Municipal Code, then the area-specific landscaping standards and guidelines govern.

### 17-11-0401 Lake Calumet

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#### 17-11-0401-A Purpose

The Lake Calumet Landscape Area guidelines are intended to:

1. act as a guide for developers, design professionals, city staff, and other city departments or public agencies;
2. coordinate site development, landscape design, storm water management and environmental issues;
3. provide sustainable landscapes for industrial sites that complement the city's *Calumet Land Use Plan* and *Calumet Open Space Reserve Plan*.

**17-11-0401-B Boundaries and Descriptions**

The boundaries of the Lake Calumet Landscape Area are set forth in the *Calumet Design Guidelines* adopted by the Chicago Plan Commission on March 11, 2004.

**17-11-0401-C Applicability**

All of the following are subject to the guidelines:

1. new construction of any principal building or vehicular use area on sites larger than 4 acres;
2. new *planned developments*.

**17-11-0401-D Standards and Methods**

The following standards and methods apply within the Lake Calumet Landscape Area.

1. Develop industrial sites to mitigate environmental impact through thoughtful design addressing soils, landscape design and management, and stormwater management.
2. Provide input and feedback early in the design process between the private and public sector in planning and layout of industrial sites according to the guidelines.
3. The lack of available sewers may require 100% of runoff volume to be retained on site.
4. Route surface water runoff through stormwater management systems incorporating best management practices (BMPs) improving water quality.
5. Reduce site runoff through infiltration techniques and on-site stormwater storage.
6. Stabilize riverbanks and shorelines to minimize erosion and sedimentation.
7. Minimize fragmentation of open space and increasing BMP efficiency by locating BMPs next to existing open space, natural areas, or stormwater facilities on adjacent lots.
8. Integrate BMPs into a sustainable landscape design that minimizes the use of turf grasses.

9. Create a natural landscape that blends in with the existing landscape character avoiding linear and repetitive installations of trees and shrubs with an emphasis on native plant species.

## 17-11-0500 Installation and Maintenance

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**17-11-0501** All landscape materials required by this chapter must be installed in accordance with standard practices of horticultural professionals and in good and workmanlike manner and must be maintained by the *property owner* in good condition.

**17-11-0502** All applicants for landscape plan approval must file a maintenance schedule and a scope of maintenance work with the Zoning Administrator in a form consistent with the recommendations of the *Guide to the Chicago Landscape Ordinance*.

**17-11-0503** Any damaged or dead trees, shrubs or ground cover must be promptly replaced.

**17-11-0504** Maintenance of landscaping must include continuous operations of removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects and rodents by nontoxic methods whenever possible; watering (a working hose bib connected to an active water supply must be available within 100 feet of perimeter landscape areas); and other operations necessary to assure normal plant growth.

**17-11-0505** The obligation for continuous maintenance is binding on the applicant for landscape plan approval, to any subsequent *property owners* or any other parties having a controlling interest in the property.

**17-11-0506** At the time the Zoning Administrator issues a zoning certificate for a land use, building or parking lot that requires the submission of a landscape plan or the planting of street trees, the Zoning Administrator must require the posting of a performance bond or other form of financial security approved by the Zoning Administrator. The bond or other form of financial security must be in a form and amount as deemed adequate by the Zoning Administrator to ensure that the required landscape materials will be installed within 6 months or the next planting season.

## 17-11-0600 Administrative Adjustments

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### 17-11-0601 Fencing Standards

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The Zoning Administrator is authorized to approve an *administrative adjustment* waiving or modifying the fence standards of Sec. 17-11-0202-C when:

**17-11-0601-A** the *vehicular use area* is located within an M district, a Transportation district or a *planned manufacturing district*; and

**17-11-0601-B** the Zoning Administrator determines that the *vehicular use area* is isolated from R zoning districts and residential uses. (See the *administrative adjustment* provisions of Sec. 17-13-1000)

**17-11-0601-C** The Zoning Administrator is authorized to grant an administrative *adjustment* from the fencing requirements of Section 17-11-0202-C3 for any pre-existing *vehicular use area* with less than 31 feet of frontage and where the existing access is from a street.

[amended: 01/11/2006, Council Journal: p. 68370]

**17-11-0601-D** The Zoning Administrator is authorized to grant an administrative *adjustment* from the fencing requirements of Section 17-11-0202-C3 for any pre-existing *vehicular use area* owned or operated by a nonprofit or charitable organization where the existing parking lot has less than 50 feet of frontage and where the existing access is from a street.

[amended: 01/11/2006, Council Journal: p. 68370; 09/13/2006, Council Journal: p. 85599]

### **17-11-0602 Screening of Vehicular Use Areas from Streets**

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**17-11-0602-A** The Zoning Administrator is authorized to approve an *administrative adjustment* allowing alternative landscape treatments to partially or wholly satisfy the standards of 17-11-0202-B that require the installation and maintenance of hedges as *vehicular use area* screening. (See the *administrative adjustment* provisions of Sec. 17-13-1000)

**17-11-0602-B** The Zoning Administrator is expressly authorized to approve such alternative landscape treatments as:

1. *landscaped* earth berms,
2. elevation changes,
3. vine-covered fences, walls or trellises; and
4. brick walls.

**17-11-0602-C** The Zoning Administrator may authorize such *administrative adjustment* only upon finding that the proposed alternative landscape treatment would:

1. provide an effective visual screen of the parking areas and parked automobiles;
2. promote the physical definition of a continuous *street* wall;
3. provide a visual effect which promotes and enhances the vehicular and pedestrian experience through the use of quality architectural and urban design; and
4. be appropriately designed and maintained to satisfy applicable building and/or landscape industry standards.

### 17-11-0603 Parkway Trees

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**17-11-0603-A** The Zoning Administrator is authorized to approve an *administrative adjustment* allowing alternative landscape treatments to partially or wholly satisfy the *parkway tree* planting standards of Sec. 17-11-0100.

**17-11-0603-B** The Zoning Administrator is expressly authorized to approve such alternative landscape treatments as:

1. *landscaped* earth berms;
2. raised planters;
3. hanging baskets;
4. flower boxes;
5. planting trellises;
6. roof-top gardens;
7. perimeter plantings on roof-tops, decks or balconies;
8. pedestrian lighting;
9. *flag* or *banner* poles;
10. benches and seating areas; and
11. additional landscaping and tree planting elsewhere on the site that will be visible from public right-of-way.

**17-11-0603-C** Before approving an *administrative adjustment* of *parkway tree* planting standards, the Zoning Administrator must first obtain a written recommendation from the Bureau of Forestry.

### 17-11-0604 Hardships

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**17-11-0604-A** The Zoning Administrator is authorized to approve an *administrative adjustment* waiving or modifying the requirements of this Chapter, provided that the Zoning Administrator finds that the:

1. strict application of the provisions would deprive the applicant of the reasonable use of the land or would otherwise impose an unreasonable hardship upon the applicant;
2. conditions and circumstances upon which the waiver or modification is sought are not caused by the applicant; and
3. that alternative landscape treatments will be provided to off-set the waiver or reduction in otherwise applicable standards.

**17-11-0604-B** The Zoning Administrator is expressly authorized to approve such alternative landscape treatments as:

1. *landscaped* earth berms;
2. raised planters;
3. hanging baskets;
4. flower boxes;
5. planting trellises;
6. roof-top gardens;
7. perimeter plantings on roof-tops, decks or balconies;
8. pedestrian lighting;
9. *flag* or *banner* poles;
10. benches and seating areas;
11. vine-covered fences, walls or trellises; and
12. brick walls; and
13. additional landscaping and tree planting elsewhere on the site that will be visible from public right-of-way.

*[End of Chapter]*

## Chapter 17-12 Signs

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### 17-12-0100 Purpose

**17-12-0101** The *sign* regulations of this chapter are intended to balance the public interest—in promoting a safe, well-maintained and attractive city—with the interests of businesses, organizations and individuals in ensuring the ability to identify and advertise products, services and ideas. The regulations have the following specific objectives:

- 17-12-0101-A** to ensure that *signs* are designed, constructed, installed and maintained in a way that protects life, health, property and the public welfare;
- 17-12-0101-B** to allow *signs* as a means of communication, while at the same time avoiding nuisances to nearby properties;
- 17-12-0101-C** to support the desired character of various neighborhoods and zoning districts and promote an attractive visual environment;
- 17-12-0101-D** to allow for adequate and effective *signs*, while preventing *signs* from dominating the appearance of the area; and
- 17-12-0101-E** to ensure that the constitutionally guaranteed right of free speech is protected.

**17-12-0102** The regulations allow for a variety of *sign* types and sizes, based on zoning and *lot* sizes. They do not necessarily ensure every *property owner* or business owner’s desired level of visibility.

### 17-12-0200 Applicability

Sign may be erected, placed, established, painted, created or maintained only in conformance with the standards, procedures, exemptions and other requirements of this Chapter and other applicable city regulations. In the event of conflict between the regulations of this chapter and those of other local, state or federal regulations, the more restrictive regulation governs, to the extent allowed by law.

## 17-12-0300 Noncommercial Messages

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Any *sign* allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the *sign* complies with the size, height and other requirements of this chapter.

## 17-12-0400 Transitional Provisions

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**17-12-0401** All *signs* legally erected or installed before the effective dates specified in Sec. 17-1-0200 may remain in place and in use, subject to Sec. 17-15-0500.

[amended: 03/09/2005, Council Journal: p. 44447]

**17-12-0402** All holders of permits for *signs* issued legally before the effective dates specified in Sec. 17-1-0200 may erect the *signs* that are the subject of such permits within the times allowed by such permits, and such *signs* will then be treated as though they had been erected before the effective dates specified in Sec. 17-1-0200 subject to Sec. 17-15-0500. However, such permits may not be extended or amended unless the *sign* that is the subject of such permit will conform to all of the requirements of this chapter.

[amended: 03/09/2005, Council Journal: p. 44447]

**17-12-0403** All violations of the *sign* regulations repealed by this Zoning Ordinance will remain violations and all penalties and enforcement remedies will be available to the city as though the violation were a violation of this Zoning Ordinance. However, if the effect of this Zoning Ordinance is to make a *sign* that was formerly illegal or nonconforming become conforming, then enforcement action will cease except to the extent of collecting penalties (other than removal of the *sign*) for violations that occurred before the effective dates specified in Sec. 17-1-0200.

[amended: 03/09/2005, Council Journal: p. 44447]

## 17-12-0500 Signs Exempt from Regulation

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The following are exempt from regulation under this Zoning Ordinance and do not require *sign* permits:

**17-12-0501** Any official *sign*, public notice *sign* or warning *sign* required by a valid and applicable federal, state or local law, regulation or ordinance or by order of a court of competent jurisdiction;

**17-12-0502** Any *sign* inside a building that is not *legible* from the *public way* or off the *lot* on which it is located;

**17-12-0503** Any *sign* inside an athletic field or other enclosed outdoor space, where the sign is not *legible* beyond the *property line* of the *lot* on which it is located;

**17-12-0504** Works of art with no *commercial message*; and

**17-12-0505** Holiday decorations with no *commercial message*.

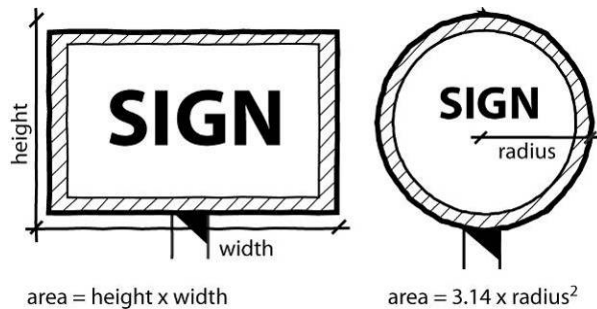
## 17-12-0600 Measurements

### 17-12-0601 Sign Area

#### 17-12-0601-A Signs Enclosed in Frames or Cabinets

The area of a *sign* enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the *sign* face.

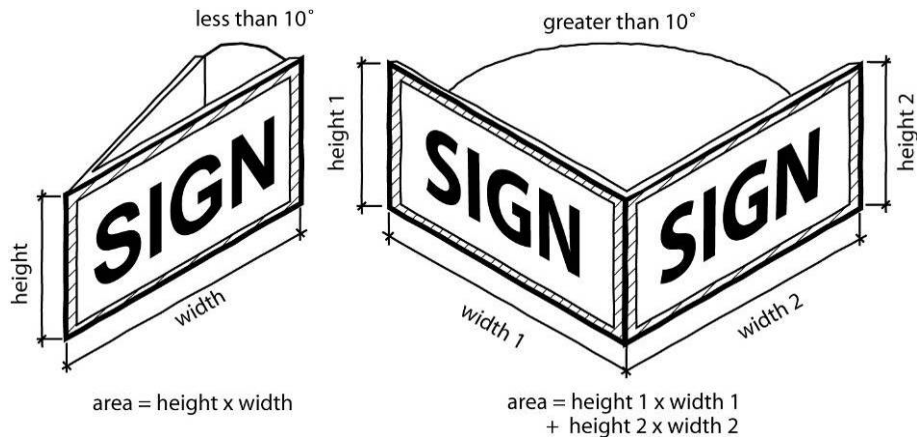
Figure 17-12-0601-A



#### 17-12-0601-B Back-to-back Signs

When the *sign* faces of a back-to-back *sign* are parallel or within 30 degrees of parallel, only one side is counted. If the *sign* faces are not parallel or within 30 degrees of parallel, each is considered one *sign* face and both faces are counted.

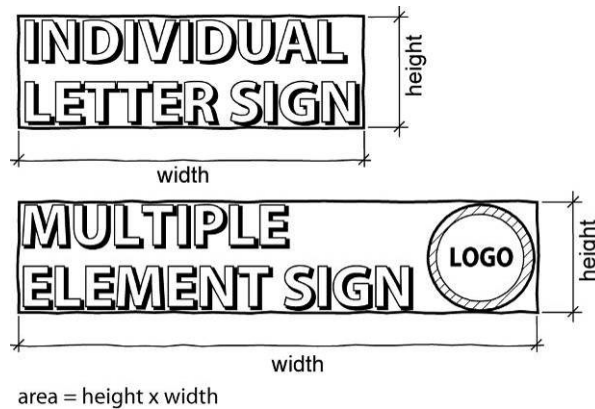
Figure 17-12-0601-B



#### 17-12-0601-C Individual Letters or Elements

The area of a *sign* comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest square or rectangle that can be drawn around the letters and/or elements. *Signs* consisting of individual letters and/or elements will be measured as one *sign* when the distance between the letters and/or elements is less than 2 times the dimension of each letter and/or element.

Figure 17-12-0601-C



**17-12-0601-D Painted Wall Signs**

The area of a *painted wall sign* is determined by calculating the area of the smallest square or rectangle that can be drawn around all of the *sign* elements, including any painted background. *Sign* elements will be measured as one unit when the distance between the elements is less than 2 times the length of each element.

**17-12-0601-E Awnings and Marquees**

The area of a *sign* that is incorporated into an *awning* or *marquee* is determined by calculating the area of the smallest square or rectangle that can be drawn around all of the *sign* elements.

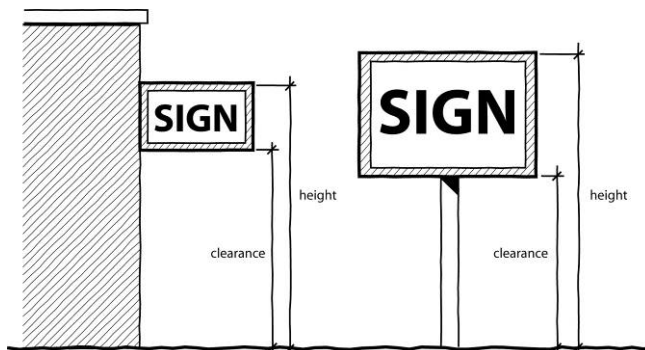
**17-12-0601-F Changing-image Signs**

The area of a *changing-image sign* feature is determined by calculating the area of the smallest square or rectangle that can be drawn around the edge of each of the changing-image elements.

**17-12-0602 Sign Height**

The height of a *sign* or *sign structure* is measured from the lowest point of the ground directly below the *sign* to the highest point on the *sign* or *sign structure*.

Figure 17-12-0602



**17-12-0603 Sign Clearance**

Clearance is measured from the highest point of the ground directly below the *sign* to the lowest point on the *sign structure* enclosing the *sign* face.

## 17-12-0700 Prohibited Signs

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The following are prohibited in all zoning districts:

**17-12-0701** strobe lights;

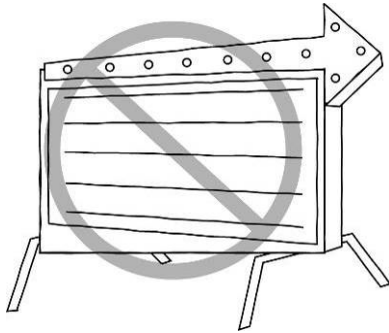
**17-12-0702** *roof signs*, except those allowed as *high-rise building signs* pursuant to the definition of *high-rise building signs* and the standards of Sec. 17-12-1005-D;

**17-12-0703** *abandoned sign structure*;

**17-12-0704** *dangerous signs*;

**17-12-0705** portable *electric signs*;

Figure 17-12-0705



**17-12-0706** signs attached to or painted on a parked *motor vehicle* or parked trailer if visible from the public right-of-way, unless the vehicle or trailer is used in the normal day-to-day operations of the business;

**17-12-0707** signs that imitate or resemble official traffic lights, *signs* or signals or *signs* that interfere with the effectiveness of any official traffic light, *sign* or signal;

**17-12-0708** signs that focus or flash a beam of light into the eyes of a driver of a *motor vehicle* upon a right-of-way within 200 feet from such *sign*; and

**17-12-0709** signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed or altered without a permit.

## 17-12-0800 General Standards

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### 17-12-0801 Applicability

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The regulations in this section apply to all *signs* regulated by this chapter.

### 17-12-0802 Sign Placement

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All *signs* and *sign structures* must be located on private property, within the boundaries of the *zoning lot*, except when expressly allowed to extend into the right-of-way.

### 17-12-0803 Incidental Signs

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**17-12-0803-A** *Incidental signs* that meet the standards of this subsection are allowed in all districts and are not counted in determining the total area of all *signs* on the *lot*.

**17-12-0803-B** Freestanding *incidental signs* may be up to 6 square feet in area and 42 inches in height. Wall-mounted *incidental signs* may be up to 6 square feet in area and 12 feet in height.

**17-12-0803-C** Direct or *indirect lighting* is allowed. *Changing-image sign* features and projections into the right-of-way are prohibited.

**17-12-0803-D** *Incidental signs* that do not meet the standards of this subsection must meet the district-specific standards for *permanent signs* and the area of such *signs* will be counted against a *lot's* total maximum *sign* area limit.

### 17-12-0804 Temporary Signs

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#### **17-12-0804-A Sign Features and Characteristics**

*Temporary signs* may not be illuminated. *Changing-image sign* features and electronic elements are prohibited.

#### **17-12-0804-B Temporary Wall Signs**

##### **1. Residential Districts**

In addition to any other *signs* allowed, one temporary *wall sign* is allowed per *street frontage* in R and DR districts. Such a temporary *wall sign*:

- (a) may not exceed 18 inches × 18 inches in area in RS1, RS2, or RS3 districts;
- (b) may not exceed 1 square foot × linear street frontage in area in RT 3.5, RT4, RM4.5, RM5, RM5.5 RM6, RM6.5 or DR districts; and
- (c) may not be mounted at a height above one *story* or 20 feet, whichever is less, in any R or DR district.

##### **2. Business, Commercial, Downtown and Manufacturing Districts**

In addition to any other *signs* allowed, one temporary *wall sign* is allowed per *street frontage* in B, C, M, DC, DX and DS districts. Such a temporary *wall sign*:

- (a) may not exceed 2 square feet × linear street frontage in area;
- (b) may not be mounted at a height above 2 stories or 30 feet, whichever is less; and
- (c) may not remain in place for more than one year.

#### **17-12-0804-C Temporary Freestanding Signs**

##### **1. Residential Districts**

In addition to any other *signs* allowed, one temporary *freestanding sign* is allowed per *street frontage* in R and DR districts. Such a temporary *freestanding sign*:

- (a) may not exceed 18 inches × 18 inches in area or 4 feet in height in RS1, RS2, or RS3 districts;
- (b) may not exceed 2 square feet × linear street frontage in area or 10 feet in height in RT3.5, RT4, RM4.5, RM5, RM5.5, RM6, RM6.5 or DR districts; and
- (c) may not project into the *public way*.

**2. Business, Commercial, Downtown and Manufacturing Districts**

In addition to any other *signs* allowed, one temporary *freestanding sign* is allowed per *street frontage* in B, C, M, DC, DX and DS districts. Such a temporary *freestanding sign*:

- (a) may not exceed 2 square feet × linear street frontage in area;
- (b) may not exceed 24 feet in height;
- (c) may not project into the *public way*; and
- (d) may not remain in place for more than one year.

**17-12-0804-D Temporary Banners**

Temporary *banners* are subject to the regulations of this paragraph.

**1. Residential Districts**

Temporary *banners* in R and DR districts are exempt from the standards for *permanent signs* and are not counted in determining the total area of all *signs* on the *lot*. The following standards apply to temporary *banners* in R and DR districts:

- (a) Temporary *banners* are not allowed on *lots* with *detached houses, two-flats or townhouses*.
- (b) Temporary *banners* are allowed on *lots* with *multi-unit residential buildings*, provided that no more one temporary *banner* is allowed for each 50 *dwelling units* in the building, up to a maximum of 3 *banners*. Temporary *banners* may not exceed 32 square feet in area and no more than one may be attached to each building wall. The mounted height of the temporary *banner* may not exceed 24 feet. Temporary *banners* on multi-unit buildings may be in place for no more than 180 days in any calendar year.
- (c) One temporary *banner* is allowed on *lots* with allowed nonresidential uses. Such *banners* may not exceed 32 square feet in area and may remain in place for no more than 180 days per calendar year.

**2. Business, Commercial, Downtown and Manufacturing Districts**

Temporary *banners* in B, C, M, DC, DX and DS are subject to the standards applicable to *permanent signs* and are counted in the total square footage of signage allowed on the site.

**17-12-0804-E Special Events Signs**

The Zoning Administrator is authorized to issue *temporary sign* permits for special event *signs* and to impose time limits and other restrictions on the use, location,

dimensions and characteristics of such *signs* to ensure that they are consistent with the purposes of this chapter.

## 17-12-0900 Signs in Residential Districts

### 17-12-0901 Applicability

The standards of this section apply in all R and DR districts.

### 17-12-0902 Permanent, On-premise Signs

The following standards apply to permanent, *on-premise signs* in R and DR districts.

USE GROUP				
Use Category   Use Type	Maximum Number	Maximum Sign Face Area (sq. ft.)	Allowed Sign Types	Maximum Height of Freestanding Sign (feet)
<b>RESIDENTIAL</b>				
<b>Household Living</b>				
Detached House, Two-flat, Townhouse	1 per street frontage	1	Wall	NA
Multi-Unit (3+ units) Residential, Single-Room Occupancy	1 per street frontage	9	Wall, Awning, Freestanding	6
<b>Group Living</b>				
Convents and Monasteries, Family Community Home, Temporary Overnight Shelters, Transitional Residences, Transitional Shelters	1 per street frontage	1	Wall, Awning	NA
Assist. Living (Elderly Custodial Care), Group Community Homes, Nursing Homes, Group Living Not Otherwise Classified	1 per street frontage	9	Wall, Awning, Freestanding	6
<b>PUBLIC AND CIVIC</b>				
<b>Colleges and Universities</b>	1 per building + 1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>Cultural Exhibits and Libraries</b>	1 per street frontage	Wall: 10% of wall	Wall, Awning	NA
<b>Day Care</b>	1 per street frontage	16	Wall	NA
<b>Hospital</b>	1 per building + 1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>Lodge or Private Club</b>	1 per street frontage	16	Wall, Awning	NA
<b>Parks and Recreation</b> (except as more specifically regulated)	1 per building + 1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>Public Safety Services</b>	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>Religious Assembly</b>	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>School</b>	1 per building + 1 freestanding	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>Utilities and Services</b>	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>COMMERCIAL</b>				
<b>Funeral and Interment Service</b>	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
<b>Lodging</b>				
Bed and Breakfast	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6

USE GROUP		Maximum Number	Maximum Sign Face Area (sq. ft.)	Allowed Sign Types	Maximum Height of Freestanding Sign (feet)
Use Category	Use Type				
Medical Service					
Government-operated Health Center		1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
Office					
Foreign Consulates, Philanthropic and Eleemosynary Institutions		1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
Residential Support Service		1 per ground-floor business establishment	16	Wall, Awning	NA

### 17-12-0903 Sign Features

#### 17-12-0903-A Lighting

Signs in R and DR zoning districts may use only *indirect lighting*. *Direct lighting* and *internal lighting* of signs is prohibited, except in the case of allowed *changing-image signs*. *Flashing signs* are prohibited.

#### 17-12-0903-B Changing-image Signs

Public and civic uses in R and DR districts may use *changing-image signs*.

### 17-12-0904 Off-premise Signs

*Off-premise signs* are prohibited in R and DR districts.

## 17-12-1000 Signs in Business, Commercial, Downtown and Manufacturing Districts

### 17-12-1001 Applicability

The standards of this section apply in all B, C, M, DC, DX and DS districts.

### 17-12-1002 Permanent Signs

Signs are allowed in B, C, M, DC, DX and DS zoning districts in accordance with the Table of Allowed *Sign Types* in Sec. 17-12-1002-F.

#### 17-12-1002-A Sign Types

Sign types are defined in Sec. 17-17-0200.

#### 17-12-1002-B Permitted Uses

Signs identified with a "P" are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

#### 17-12-1002-C Special Uses

Signs identified with an "S" may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900. Such *signs* are subject to compliance with all other applicable standards of this Zoning Ordinance.

#### 17-12-1002-D Prohibited Uses

Signs identified with a "-" are expressly prohibited. *Signs* types that are not listed in the table are also prohibited.

### 17-12-1002-E Standards

The “Standards” column of the following *sign* table identifies specific standards that apply to some *sign* types. Compliance with such standards is required regardless of whether the *sign* is a Permitted (P) or *special use* (S).

### 17-12-1002-F Table of Allowed Sign Types

Signs are allowed in B, C, M, DC, DX and DS zoning districts as follows:

Sign Type	B1, B2, M Districts	DC, DX Districts	B3, C3, DS Districts	C1, C2 Districts	Standards
<b>On-premise</b>					
Awning	P	P	P	P	
Freestanding [1]	P	–	P	P	
<b>High-Rise Building</b>					
Hotels/Hospitals	–	P	P	–	17-12-1005-D
Other Buildings	–	S	S	–	17-12-1005-D
Marquee	P	P	P	P	
Projecting	P	P/– [2]	P	P	
Wall	P	P	P	P	
<b>Off-premise [1]</b>					
Freestanding	P	–	P	P	
Wall	P	P	P	P	

[1] Freestanding signs and off-premise signs are prohibited on Pedestrian Streets (See Sec. 17-3-0500 and Sec. 17-4-0500 for Pedestrian Street lists).

[2] Projecting signs are permitted in DX; prohibited in DC.

[amended: 03/09/2005, Council Journal: p. 44447-48; 09/13/2006, Council Journal: p. 84906-07; 05/09/07, Council Journal, p. 105901]

### 17-12-1003 Number, Area and Height Standards

All *signs* in B, C, DC, DX and DS zoning districts are subject to the *Sign Area and Height* Table of Sec. 17-12-1003-E.

#### 17-12-1003-A Maximum Total Sign Area

The maximum-total-sign-area standard controls the total combined *sign* face area of all *signs* on a *zoning lot*.

#### 17-12-1003-B Maximum Freestanding Sign Area

The maximum-freestanding-sign-area standard represents an additional control on the total *sign* face area of all *freestanding signs* on a *zoning lot*. It limits the total area of all *freestanding signs* to no more than 50% of the total maximum area allowed. A *lot* with 50 feet of *street frontage* in the B1 district, for example, would be allowed a total of 150 square feet of total *sign* area, with no more than 75 square feet of *freestanding signs*.

#### 17-12-1003-C Maximum Freestanding Sign Height

The maximum-freestanding-sign-height standard limits the overall height of any *freestanding sign*. The standard varies according to *street frontage* and right-of-way width. The maximum height of a *freestanding sign* on any *zoning lot* with 75 feet of *street frontage* or less is 24 feet. On *lots* with more than 75 feet of *street frontage*, taller *signs* are allowed if the abutting *street* right-of-way is wider than 80 feet.

### 17-12-1003-D Minimum Guaranteed Sign Area for Ground-floor Tenants

This standard is intended to ensure that each ground-floor tenant in a building or shopping center has the opportunity to identify their respective businesses.

### 17-12-1003-E Sign Area and Height Table

The following standards apply to all *permanent signs* in B, C, M, DC, DX and DS districts:

Regulation	B1, B2 Districts	DC, DX Districts	B3, C1, C3, DS Districts	C2, M Districts
<b>Maximum Total Sign Area</b> (square feet)	3 × street frontage or 600 whichever is less	5 × street frontage or 800 whichever is less	4 × street frontage or 1,500 whichever is less	5 × street frontage or 1,800 whichever is less
<b>Max. Freestanding Sign Area</b>	50% of Maximum Total Sign Area Limit (above) 24; or			
<b>Maximum Freestanding Sign Height</b> (feet)	35 if located on a zoning lot with more than 75 feet of street frontage on a single street that has a right-of-way width of more than 80 feet; or 50 if located on a zoning lot with more than 150 feet of frontage on a single street with a right-of- way width or more than 80 feet			
<b>Minimum Guaranteed Wall Sign Area for Ground-floor Tenants</b>	32			
<b>Maximum Wall Sign Area</b>	33% of building wall area			

[amended: 03/09/2005, Council Journal: p. 44448]

### 17-12-1004 Sign Features and Characteristics

Signs that are allowed in B, C, M, DC, DX and DS districts are subject to the following standards:

	B1, B2 Districts	DC, DX Districts	B3, C1, C3, DS Districts	C2, M Districts
<b>Allowed Lighting</b>	Direct, Indirect or Internal			
<b>Changing-image Signs</b>	Allowed, subject to Sec. 17-12-1005-B			
<b>Flashing Signs</b>	Prohibited	Allowed, subject to Sec. 17-12-1005-C		
<b>Video Display Signs</b>	Prohibited	Allowed, subject to Sec. 17-12-1005-G		

[amended: 03/09/2005, Council Journal: p. 44448]

### 17-12-1005 Additional Standards for Specific Types of Signs

#### 17-12-1005-A Awning Signs

*Awning signs* must be affixed flat to the surface of the *awning* and not extend horizontally or vertically beyond the limits of the *awning*. *Awning signs* may not contain *internal lighting*.

#### 17-12-1005-B Changing-image Signs

In B1 and B2 districts, *sign* face area devoted to *changing-image signs* may not exceed 25% of the maximum total *sign* area allowed under Sec. 17-12-1003 or 100 square feet. In all districts, *sign* face area devoted to *changing-image signs* may not exceed 25% of the maximum total *sign* area allowed under Sec. 17-12-1003 or 200 square feet.

#### 17-12-1005-C Flashing Signs

##### 1. Maximum Area

The total *sign* face area of all *flashing signs* on a *lot* may not exceed 25% of overall *sign* area limit or 100 square feet, whichever is less.

**2. Maximum Height**

No part of any *flashing sign* may exceed a height of 24 feet.

**3. Prohibited Locations**

*Flashing signs* are prohibited in the following locations:

- (a) B1 districts;
- (b) B2 districts;
- (c) Within 125 feet of any R or public park with an area of 2 acres or more;
- (d) Within 100 feet of any DR district;
- (e) Within 500 feet of Lake Shore Drive;
- (f) Within 500 feet of any expressways or toll roads, as designated by the Chicago Department of Transportation; and
- (g) Within 500 feet of Michigan Avenue, between Oak Street on the north and Roosevelt Road on the south.

**17-12-1005-D High-Rise Building Signs**

- 1. No more than one *high-rise building sign* is allowed on any side of a building.
- 2. The maximum *sign* face area of a *high-rise building sign* is limited as follows:

Height of Sign (feet above grade at base of building)	Maximum Area (square feet)
150–199	5 × building wall width at mounted sign height
200–299	6 × building wall width at mounted sign height
300–449	7 × building wall width at mounted sign height
450+	8 × building wall width at mounted sign height

- 3. *High-rise building signs* must be *individual letter signs*.
- 4. *High-rise building signs* may not be attached to roof-mounted structures that exist solely for the purpose of supporting the *sign*.
- 5. No *projecting signs* are allowed as *high-rise building signs*.
- 6. *High-rise building signs* may not be mounted on walls which abut one another on a single *building*.
- 7. No more than two *high-rise building signs* are allowed per *building* and both *high-rise building signs* on a single *building* must identify the same tenant.
- 8. *High-rise building signs* shall be limited to business identification for the principal tenant, which must occupy at least 30% of the *building's* total floor area. For purposes of this section, the Commissioner of the Department of Planning and Development is authorized to allow for a reduction in the percentage of this occupancy requirement provided the applicant demonstrates that it (1) is the building's largest tenant and (2) (a)

occupies a percentage of the *building's* total floor area that is substantially similar to 30% or (b) is the corporate headquarters of a publicly held corporation.

[amended: 09/13/2006, Council Journal: p. 84907; 05/09/07, Council Journal, p. 105901]

**17-12-1005-E Marquee Signs**

*Marquee signs* must be affixed flat to the surface of the *marquee* and not extend horizontally or vertically beyond the limits of the *marquee*.

**17-12-1005-F Projecting Signs**

*Projecting signs* may project into the *public way* provided they are set back at least 18 inches from the curb line. *Signs* that project over the *public way* by more than 12 inches must have a minimum clearance of 9 feet.

**17-12-1005-G Video Display Signs**

**1. Maximum Area**

The total *sign* face area of a *video display sign* may not exceed 25% of the subject *lot's* overall *sign* area limit or 100 square feet, whichever is less.

**2. Maximum Height**

No part of any *video display sign* may exceed a height of 24 feet.

**3. Prohibited Locations**

*Video display signs* are prohibited in the following locations:

- (a) B1 districts;
- (b) B2 districts;
- (c) Within 100 feet of any R or DR district or public park with an area of 2 acres or more;
- (d) Within 500 feet of Lake Shore Drive;
- (e) Within 500 feet of any expressways or toll roads, as designated by the Chicago Department of Transportation; and
- (f) Within 500 feet of Michigan Avenue, between Oak Street on the north and Roosevelt Road on the south.

[amended: 03/09/2005, Council Journal: p. 44449]

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**17-12-1006 Additional Standards for Off-premise Signs**

**17-12-1006-A Separation from R and DR Districts**

- 1. *Off-premise signs* with a *sign* face area of more than 100 square feet are prohibited within 250 feet of any *residential district*.
- 2. *Off-premise signs* are prohibited entirely within 100 feet of any *residential district*.
- 3. These distances are to be measured as a straight-line distance from a point on the *sign* face nearest the R or DR district to nearest *residential district* boundary. (See Sec. 17-1-0803 for rules governing interpretation of zoning district boundaries)

[amended: 03/09/2005, Council Journal: p. 44449]

**17-12-1006-B Separation from Residential Buildings in D Districts**

1. *Off-premise signs* are prohibited entirely within 100 feet of a *residential building* located in a D district.
2. This distance is to be measured as a straight-line distance from a point on the *sign* face nearest the *residential building* to nearest *property line* of the *lot* on which the *residential building* is located.

[amended: 03/09/2005, Council Journal: p. 44449]

**17-12-1006-C Separation from Waterways**

1. *Off-premise signs* are prohibited within 100 feet of a waterway.
2. The waterways subject to this provision include: Chicago River Main Branch, Chicago River North Branch and North Branch Canal, Chicago River South Branch and South Fork of the South Branch, North Shore Channel, Chicago Sanitary and Ship Canal, Calumet River and Lake Calumet, Little Calumet River, Grand Calumet River, Wolf Lake, and Des Plaines River.
3. Measurement of the 100-foot distance from waterways is to be made from the high water mark boundary of the waterway along an axis generally perpendicular to the waterway.

**17-12-1006-D Separation from Public Parks**

1. *Off-premise signs* are prohibited within 400 feet of a public park with an area of 10 acres or more if the *sign* face is *legible* from the subject park.
2. *Off-premise signs* are prohibited within 100 feet of a public park with an area of 2 acres or more if the *sign* face is *legible* from the subject park.
3. These distances are to be measured as a straight-line distance from a point on the *sign* face nearest the park to the center line of any *street* bounding the park.

**17-12-1006-E Lakefront Protection District**

*Off-premise signs* are prohibited within the boundaries of the Lake Michigan and Chicago Lakefront Protection District. (See Chapter 16-4, "Lake Michigan and Chicago Lakefront Protection Ordinance")

**17-12-1006-F Separation from Designated Major Streets and Roads**

1. *Off-premise signs* are prohibited within 500 feet of the following *street* and road rights-of-way:
  - (a) Lake Shore Drive;
  - (b) any expressways or toll roads, as designated by the Chicago Department of Transportation;

- (c) Michigan Avenue, between Oak Street on the north and Roosevelt Road on the south.
- 2. *Off-premise signs* visible from those *street* and roads indicated in Sec. 17-12-1006-F-1 but located more than 500 feet of the right-of-way must be at least 500 feet from all other *off-premise signs* located on the same side of the *street* or road.
- 3. Separation distances from *streets* and roads are to be measured as a straight-line distance from a point on the *sign* face nearest the referenced *street* or road to the nearest right-of-way line of such *street* or road. Separation distances between *off-premise signs* are to be measured as a straight-line distance from points on the respective *sign* faces that are nearest the other *sign*.

**17-12-1006-G Primary Boulevards**

*Off-premise signs* are prohibited on any *lot* with *street frontage* on a *primary boulevard*.

**17-12-1006-H Separation from Other Off-premise Signs**

- 1. New *off-premise signs* proposed in B or C districts are prohibited within 300 feet of any other *off-premise sign* located on the same side of the *street*.
- 2. New *off-premise signs* proposed in D or M districts are prohibited within 150 feet of any other *off-premise sign* located on the same side of the *street*.
- 3. Separation distances between *off-premise signs* are to be measured as a straight-line distance from points on the respective *sign* faces that are nearest the other *sign*.

**17-12-1006-I Flashing and Video Display Elements**

*Off-premise signs* may not contain flashing elements or video displays.

## 17-12-1100 Special Sign Districts

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### 17-12-1101 Michigan Avenue Corridor Special Sign District

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**17-12-1101-A Boundaries**

The Michigan Avenue Corridor special *sign* district consists of all parcels adjacent to Michigan Avenue, between Oak Street on the north and Roosevelt Road on the south.

**17-12-1101-B Regulations and Standards**

The following standards apply to *signs* within the Michigan Avenue Corridor special *sign* district. These *sign* regulations are supplemental standards that apply in addition to existing zoning regulations. All existing zoning regulations apply except those that conflict with regulations imposed for the Michigan Avenue Corridor. In case of conflict between the Michigan Avenue Corridor regulations and existing, underlying zoning district regulations, the Michigan Avenue Corridor regulations will govern.

**1. Maximum Area**

The gross *sign* face area of all *signs* on a *zoning lot* may not exceed 2 square feet times the *lot's street frontage*.

## 2. Projections

- (a) On Michigan Avenue, all *signs* must be affixed on building walls parallel to the *property line*, and no *sign* may project more than 12 inches across the *property line* into the *public way*. For those *zoning lots* that have *street frontage* on side *streets* perpendicular to Michigan Avenue or Rush Street and St. Clair, however, *signs* may project no more than 36 inches across the *property line* into the *public way*, provided further that no *projecting sign* may be located within 50 feet of the Michigan Avenue right-of-way.
- (b) When City Council has authorized a portion of a building wall (other than a *canopy*, *awning*, or other minor feature) to extend over the public right-of-way, *signs* may be affixed to such buildings walls and may project from said wall up to 12 inches on Michigan Avenue and up to 36 inches on Rush Street, St. Clair, or *streets* perpendicular to Michigan Avenue. On *zoning lots* with *street frontage* on side *streets* perpendicular to Michigan Avenue, any *signs* projecting from a building wall may not be located within 50 feet of the Michigan Avenue right-of-way.

## 3. Roof Signs

*Roof signs* are prohibited.

## 4. Painted Wall Signs

The surface of any building, wall or fence may not be used for a *painted wall sign*.

## 5. Freestanding Signs

- (a) Not more than one *freestanding sign* is permitted per *street frontage*.
- (b) *Freestanding signs* may not exceed 15 feet in height.

## 6. Show Windows

Show windows may be used for regularly changed display of merchandise sold in the building. *Signs* may not be applied to more than 15% of any single window. Window lettering that is less than 2 inches in height will not be counted, provided it is limited to information such as a building's address, hours of operation, product information, and logos.

## 7. Banners

On Michigan Avenue no *banner* may be placed so that it projects across the *property line* into the *public way*. On those *zoning lots* that have *street frontage* on side *streets* that run perpendicular to Michigan Avenue, *banners* may be installed provided they do not project more than 36 inches and provided they are not placed within 50 feet of the Michigan Avenue right-of-way. *Banners* may be placed on Rush Street and St. Clair *street frontages* but in no circumstance may any individual *banner* exceed 30 square feet in area.

## 8. Neon Signs

Neon *signs* and other forms of *direct lighting* using tubes similar in appearance to neon are prohibited when visible from Michigan Avenue.

Neon lighting may be used as a source of light when completely shielded and not visible from public streets, sidewalks, or *alleys*.

**9. Flashing and Changing-image Signs**

No flashing or *changing-images sign* are permitted on the exterior of any building or structure on the Michigan Avenue frontage.

**10. Awning Signs**

Signs on *awnings* counts toward the maximum allowable *sign* area and must be affixed flat to the surface thereof, must be non-illuminated, and may indicate only the name and or address of the establishment. Further, no such *sign* may extend vertically or horizontally beyond the limits of said *awning*. The maximum letter size (height and width) placed on any *awning* may not exceed 9 inches. All *awnings* must be retractable (fabric or canvas) and may project no more than 6 feet over the sidewalk.

**11. Temporary Signs**

*Temporary signs*, such grand opening *signs*, but specifically excluding *signs* advertising merchandise or special sales, may be permitted for a period not to exceed 6 weeks. In addition, *temporary signs* may be installed on construction barricades during a building's construction, for a period not to exceed 24 months. *Signs* placed on construction barricades may not be placed more than 20 feet above *grade* and may not exceed 8 feet in vertical dimension. Time extensions for *temporary signs* may be granted by the Zoning Administrator upon written request. *Temporary signs* do not count toward the maximum allowable *sign* area.

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**17-12-1102 Oak Street Corridor Special Sign District**

**17-12-1102-A Boundaries**

The Oak Street Corridor special *sign* district consists of all parcels adjacent to Oak Street, between Michigan Avenue on the east side and State Street on the west.

**17-12-1102-B Regulations and Standards**

The following standards apply to *signs* within the Oak Street Corridor special *sign* district. These *sign* regulations are supplemental standards that apply in addition to existing zoning regulations. All existing zoning regulations apply except those that conflict with regulations imposed for the Oak Street Corridor. In case of conflict between the Oak Street Corridor special *sign* district regulations and other zoning regulations, the Oak Street Corridor regulations will govern.

**1. Maximum Area**

The gross *sign* face area of all *signs* on a *zoning lot* may not exceed 2 square feet times the *lot's street frontage*, except in the case of buildings that have multiple retail tenants where the gross area of all *signs* may not exceed 1.5 times the *lot's street frontage*.

**2. Letter Size**

The size of the individual letters on any *sign* may not exceed 18 inches in height or width.

**3. Projections**

All *signs* must be affixed on building walls parallel to the *property line*, and no *sign* may project more than 12 inches from the building's *façade*.

**4. Roof Signs**

*Roof signs* are prohibited.

**5. Painted Wall Signs**

*Painted wall signs* are prohibited.

**6. Prohibited Signs**

The following types of *signs* are prohibited within the Oak Street Corridor special *sign* district:

- (a) free-standing ground *signs*;
- (b) *banners*;
- (c) neon *signs* (neon tubing may be used as a source of light when completely shielded and not visible from public streets, sidewalks or *alleys*);
- (d) flashing,
- (e) *changing-image signs*; and
- (f) *off-premise signs*.

**7. Show Windows**

Show windows may be used for regularly changed display of merchandise sold in the building. *Signs* may not be applied to more than 15% of any single window. Window lettering that is less than 2 inches in height will not be counted, provided it is limited to information such as a building's address, hours of operation, product information, and logos.

**8. Awning Signs**

*Signs* on *awnings* counts toward the maximum allowable *sign* area and must be affixed flat to the surface thereof, must be non-illuminated, and may indicate only the name and or address of the establishment. Further, no such *sign* may extend vertically or horizontally beyond the limits of said *awning*. The maximum letter size (height and width) placed on any *awning* may not exceed 9 inches. All *awnings* must be retractable (fabric or canvas) and may project no more than 6 feet over the sidewalk. No *awning* may be installed with vertical supports and back-lit or *internal lighting* of *awning signs* is prohibited.

**9. Temporary Signs**

*Temporary signs*, such grand opening *signs*, but specifically excluding *signs* advertising merchandise or special sales, may be permitted for a period not to exceed 6 weeks. In addition, *temporary signs* may be installed on construction barricades during a building's construction, for a period not to exceed 24 months. *Signs* placed on construction barricades may not be placed more than 20 feet above *grade* and may not exceed 8 feet in vertical dimension. Time extensions for *temporary signs* may be granted by the

Zoning Administrator upon written request. *Temporary signs* do not count toward the maximum allowable *sign* area.

### 17-12-1103 State Street/Wabash Avenue Corridor Special Sign District

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#### 17-12-1103-A Boundaries

The State Street/Wabash Avenue Corridor consists of all parcels adjacent to State Street and Wabash Avenue between Wacker Drive on the north and Harrison Street on the south. The State Street/Wabash Corridor extends west of State Street to the east right-of-way line of North and South Dearborn Street and extends east of Wabash Avenue to the west boundary line of the Michigan Avenue Corridor.

#### 17-12-1103-B Regulations and Standards

The following standards apply to *signs* within the State Street/Wabash Avenue Corridor special *sign* district. These *sign* regulations are supplemental standards that apply in addition to existing zoning regulations. All existing zoning regulations apply except those that conflict with regulations imposed for the State Street/Wabash Avenue Corridor special *sign* district. In case of conflict between the State Street/Wabash Avenue Corridor regulations and existing, underlying zoning district regulations, the State Street/Wabash Avenue Corridor regulations will govern.

##### 1. Area

- (a) On State Street the gross *sign* face area of all *signs* on a *zoning lot* may not exceed 4 square feet times the *lot's street frontage*. The gross *sign* face area of any single *sign* may not exceed 2 square feet times the *lot's street frontage*.
- (b) On Wabash Avenue the gross *sign* face area of all *signs* on a *zoning lot* may not exceed 6 square feet times the *lot's street frontage*.
- (c) On all other *streets* in the State Street/Wabash Avenue Corridor, the gross *sign* face area of all *signs* on a *zoning lot* may not exceed 4 square feet times the *lot's street frontage*.

##### 2. Projections

- (a) On State Street, all *signs* must be affixed on building walls parallel to the *property line*, and no *sign* may project more than 12 inches across the *property line* into the *public way*, except for theaters and hotels. Hotel *signs* and theater *signs* may project across the *property line* into the *public way* up 6 feet.
- (b) On Wabash Avenue, *signs* may project up to 4 feet across the *property line* into the *public way*, so as to increase the visibility of businesses located under the CTA elevated tracks. Hotel *signs* and theater *signs* may project across the *property line* into the *public way* up 6 feet.
- (c) On all other *streets* in the State Street/Wabash Avenue Corridor, *signs* may project up to 4 feet across the *property line* into the *public way*, except for hotel *signs* and theater *signs*, which may project up to 6 feet into the *public way*.

**3. Roof Signs**

*Roof signs* are prohibited.

**4. Show Windows**

Show windows may be used for regularly changed displays. No paper or vinyl *signs* may be attached to show windows, and *signs* placed in windows must be set back at least 3 feet from the glass.

**5. Banners**

*Banners* are permitted in the State Street/Wabash Avenue Corridor. No *banner* may project more than 4 feet from the *building line*.

**6. Flashing and Changing-image Signs**

Except for theater *signs* and *marquees*, no flashing or *changing-image signs* are permitted on the exterior of any building or structure in the State Street/Wabash Avenue Corridor.

**7. Box and Cabinet Signs**

Any box or cabinet *sign* must have an opaque and non-illuminated face with illuminated lettering or logos only. *Individual letter signs* are encouraged.

**8. Off-premise Signs**

*Off-premise signs* are prohibited in the State Street/Wabash Corridor special *sign* district.

**9. Awning Signs**

*Signs* on *awnings* are permitted on the valance only, and must be affixed flat to the surface thereof, must be non-illuminated, and indicate only the name and/or address of the establishment. No *sign* may extend either vertically or horizontally beyond the limits of any *awning*. *Awning* lettering placed on the valance may not exceed 12 inches in height. All *awnings* must be metal, fabric or canvas. Retractable *awnings* are encouraged.

**10. Nonconforming Signs**

Notwithstanding any other provision of this Zoning Ordinance, a *nonconforming sign* that has been in lawful existence for 50 or more years may be reconditioned and/or replaced with a *sign* that substantially conforms to the size and placement of the pre-existing *sign*.

**11. Freestanding Signs**

Notwithstanding any other provision of this Zoning Ordinance, including without limitation Section 17-12-1002-F hereof, the Commissioner of the Department of Planning and Development is authorized to approve one or more *Freestanding Signs* for a *zoning lot* within the State Street/Wabash Avenue Corridor so long as: (i) the Zoning Administrator has determined that the *Freestanding Sign* otherwise compiles with the provisions of 17-12-1003-B; (ii) the *Freestanding Sign* identifies a significant corporate headquarters employing in excess of 1,000 full-time persons or the offices of a governmental agency; and (iii) the *Freestanding Sign* does not project across the *property line* into the public way.

[amended: 09/13/2006, Council Journal: p. 84920-22]

[End of Chapter]

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### 17-13-0100 General

#### 17-13-0101 Applicability

The general provisions of this section and the specific approval procedures of this chapter apply to all applications under this Zoning Ordinance unless otherwise expressly stated.

#### 17-13-0102 Submittal Requirements

**17-13-0102-A** All applications required under this Zoning Ordinance must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Application forms are available in the office of the official responsible for accepting the application.

**17-13-0102-B** Officials responsible for accepting applications must maintain a list specifying the materials and information to be submitted with each application filed. The list must be made available to all applicants and to any other person who requests a copy.

**17-13-0102-C** All applications must be accompanied by the materials and information required on the date the application is filed.

#### 17-13-0103 Filing Fees

**17-13-0103-A** Applications must be accompanied by the following fees:

Application Type	Fee
Applications filed by Mayor, Council members, City Departments, Public Bodies/Agencies	None
Plats	
New Construction	
Structures 10,000 square feet in area or less	\$75
Structures between 10,000-100,000 square feet in area	\$25 per 2,500 square feet
Structures exceeding 100,000 square feet in area	\$25 per 5,000 square feet
Repairs/Alterations to Existing Construction	
Residential construction, 5 units or less	\$50
Residential construction, exceeding 5 units	\$75

Application Type	Fee
Nonresidential construction	\$75
Public Notice	\$25
Application Requirements	\$25
Zoning Map Amendments (Rezoning)	\$1,000
Special Use	\$500
Planned Development	\$1,000 + \$250 per net developable acre or \$500, whichever is greater
Air Rights Planned Development	\$1,000 + \$200/net developable acre as measured at the established air rights plane
Variation	\$250
Administrative Adjustment	\$250
Advisory Opinion	\$25
Reinspection	\$100
Inspection of Motor Vehicle Repair Shop	\$75 annually
Sign Permit	\$75

[amended: 07/27/2005, Council Journal: p. 54243]

**17-13-0103-B** Application fees are nonrefundable.

#### 17-13-0104 Application Completeness

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**17-13-0104-A** An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee. The official responsible for accepting the application has authority to determine whether the application is complete.

**17-13-0104-B** If an application is deemed incomplete, written notice must be provided to the applicant and the applicant's *agent*. The notice must include an explanation of the application's deficiencies.

**17-13-0104-C** No further processing of incomplete applications will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 90 days, the application will be considered withdrawn.

#### 17-13-0105 Hearings

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Hearings must be conducted and hearing records preserved in accordance with the rules of the review body or decision-making body responsible for conducting public hearings on the application.

#### 17-13-0106 Burden of Proof

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Unless otherwise expressly stated, the burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the city or other parties to show that the criteria have not been met.

#### 17-13-0107 Public Notices

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**17-13-0107-A Written Notice**

Whenever the provisions of this Zoning Ordinance require that "Written Notice" be provided, such notice must be given as specified in this section.

**1. Timing**

- (a) One written notice of *administrative adjustment* applications must be provided by the applicant at least 10 days before the Zoning Administrator takes action on the application. The Zoning Administrator may not take final action on an *administrative adjustment* application until at least 10 days after the date that notices were mailed to abutting *property owners*.
- (b) One written notice for all other applications requiring written notice must be provided by the applicant no more than 30 days before filing the application.

**2. Radius**

Unless otherwise expressly stated, the notification radius for applications requiring written notice is as follows:

- (a) In the case of special use applications and zoning map amendments, including *planned developments*, written notice must be provided to *property owners* of the subject property and to all *property owners* within 250 feet of the *property lines* of the subject property.
  - (b) In the case of *special use* applications for *sanitary landfills, hazardous waste treatment or storage facilities, liquid waste handling facilities, resource recovery facilities, reprocessible construction/ demolition material facilities, incinerators or transfer stations*, the applicant must provide written notice to all *property owners* within 500 feet of the *property lines* of the subject property.
  - (c) In the case of *administrative adjustment* applications, the applicant must provide written notice to *property owners* of abutting lots on both sides of the subject property.
  - (d) In the case of *variation* applications, written notice must be provided to *property owners* of the subject property and to all *property owners* within 100 feet of the *property lines* of the subject property.
  - (e) Land occupied by public roads, *streets, alleys* and other *public ways* is to be excluded in computing the required notification radius.
- 3.** All required written notices must be sent USPS first class mail unless otherwise expressly stated.
- 4.** Ownership information must be obtained from the most recent authentic tax records of Cook County.
- 5.** Written notices must contain:
- (a) the common street address of the subject property,
  - (b) a description of the nature, scope and purpose of the application or proposal;
  - (c) the name and address of the applicant;

- (d) the date that the applicant intends to file the application; and
  - (e) a source for additional information on the application or proposal.
6. If after a bona fide effort to provide written notice, the *property owner* of the property on which notice is served cannot be found at their last known address, or the mailed notice is returned because the *property owner* cannot be found at their last known address, the written notice requirements of this section will be deemed satisfied.
7. At the time of filing an application, the applicant must furnish a complete list containing the names and last known addresses of the persons provided with notice. The applicant must also furnish a written affidavit certifying compliance with all applicable written notice requirements.
- (a) Lists and affidavits must be furnished to the Chairman of the City Council Committee on Zoning for matters requiring final approval by the City Council or to the Chairman of Zoning Board of Appeals for matters requiring final approval by the Zoning Board of Appeals.
  - (b) No hearing will be scheduled or conducted until the applicant complies with all applicable notice requirements.
8. Whenever the applicant for a matter requiring final approval by the City Council is the Mayor, a member of the City Council or the Commissioner of Planning and Development, the written notice requirements are as follows:
- (a) Written notice must be given as set forth in paragraph 17-13-0107-A2, except that notice may be served by first-class mail and must be served at least 15 days before an advertised public hearing.
  - (b) Written notice of any public hearing required before the Plan Commission must be given by the Department of Planning and Development.
  - (c) Notice of any required public hearing before the City Council Committee on Zoning must be given by the City Council Committee on Zoning.
  - (d) When any property in the area requiring notice has been converted to condominiums pursuant to the "Illinois Condominium Act" and contains more than 25 condominium units, notice must be given only to the Condominium Association governing the property.
9. In the case of *special use* and *variation* applications, the Zoning Board of Appeals must send written notice to those persons required to be notified under paragraph 17-13-0107-A2, above.
- (a) This notice must be sent first class mail no more than 30 days and not less than 15 days before the public hearing.
10. When any property in the area requiring notice has been converted to condominiums pursuant to the "Illinois Condominium Act" and contains

more than 25 condominium units, the Zoning Board of Appeals is only be required to serve notice on the Condominium Association governing the property.

11. In the case of *special use* applications for *sanitary landfills, hazardous waste treatment or storage facilities, liquid solid waste handling facilities, resource recovery facilities, reprocessible construction/ demolition material facilities, incinerators or transfer stations*, the Zoning Board of Appeals must, at least 15 days before the hearing, send written notice of the hearing to the Alderman of the ward in which the facility is proposed to be located and to the Solid Waste Advisory Commission.

[amended: 03/09/2005, Council Journal: p. 44449-51]

#### **17-13-0107-B Published Notice**

When the provisions of this Zoning Ordinance require that “Published Notice” be provided, such notice must be given as follows:

1. The City Clerk is responsible for submitting published notices for all matters requiring final approval by the City Council.
2. The Secretary of the Zoning Board of Appeals is responsible for submitting published notices for all matters requiring final approval by the Zoning Board of Appeals.
3. Required notices must be published at least once in a newspaper of general circulation within the city.
4. The notice must appear in the newspaper no more than 30 days and no fewer than 15 days before the hearing.
5. Published notice must include a description of the nature of the application and the address and legal description of the subject property.

#### **17-13-0107-C Posted Notice**

When the provisions of this Zoning Ordinance require that “Posted Notice” be provided, the applicant must post a notice *sign* on the subject property in accordance with the following requirements:

1. The notice *sign* must be installed within 5 days of application filing and remain in place until the date of the hearing.
2. Posted notice must be in the form of an official *sign* provided by the Office of the Zoning Administrator.
3. The *sign* must be posted in such a way as to be plainly visible from each roadway or right-of-way abutting the property.
4. The notice must include:
  - (a) the common street address of the subject property,
  - (b) a description of the nature, scope and purpose of the application or proposal;

- (c) the name and address of the applicant;
  - (d) the date that the application was filed; and
  - (e) a source for additional information on the application or proposal.
5. A non-refundable fee of \$25.00 must be submitted with the application to ensure placement, maintenance, and removal of the *sign* by the applicant, except when the applicant is the Mayor or a member of the City Council.
6. The applicant must furnish a written affidavit certifying compliance with all applicable posted notice requirements, along with a photograph depicting the sign, as posted.
- (a) Affidavits must be furnished to the Chairman of the City Council Committee on Zoning for matters requiring final approval by the City Council or to the Chairman of Zoning Board of Appeals for matters requiring final approval by the Zoning Board of Appeals.
  - (b) No hearing will be scheduled or conducted until the applicant complies with all applicable notice requirements.
7. Whenever the applicant is either the Mayor or a member of the City Council, the Office of the Zoning Administrator will be responsible for posting notice.
8. All *signs* must be removed within 3 days after the public hearing date.

#### **17-13-0108 Continuation of Public Hearings**

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**17-13-0108-A** If the review or decision-making body responsible for conducting a public hearing under this Zoning Ordinance fails to take final action on an application under consideration at the hearing, the body may postpone, defer or otherwise continue the hearing on the application for a later date without providing additional notice pursuant to Sections 17-13-0107-A, 17-13-0107-B and 17-13-0107-C if the continued hearing is rescheduled and final action is taken on the application within 12 months from the date of the originally scheduled hearing on the application.

*[amended: 05/11/2005, Council Journal: p. 48501]*

**17-13-0108-B** If final action on an application under consideration at a public hearing under this Zoning Ordinance is postponed, deferred or otherwise continued for more than 12 months from the date of the originally scheduled public hearing on the application, new notice of the hearing on the application shall be given, pursuant to the notice requirements of Sections 17-13-0107-A, 17-13-0107-B and 17-13-0107-C

*[amended: 05/11/2005, Council Journal: p. 48501]*

**17-13-0108-C** The review and decision-making body responsible for conducting any public hearing continued under this section shall set the date of the hearing at a time deemed appropriate by the body to comply with the requirements of this code.

*[amended: 05/11/2005, Council Journal: p. 48501]*

### 17-13-0109 Summary of Procedures

The following table provides a summary of the review and approval procedures of this chapter. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this chapter, the detailed procedures govern.

Procedure	Review and Decision-Making Authority						Notice
	Commissioner of Planning and Development	Zoning Administrator	Plan Commission	Zoning Board of Appeals	City Council Committee on Zoning	City Council	(N)ewspaper (M)ailed (P)osted
Text Amendments	R	R	–	–	<R>	DM	N,M,P
Zoning Map Amendments	R	R	–	–	<R>	DM	N,M,P
Industrial Corridor Zoning Map Amendments	R	R	<R>	–	<R>	DM	N,M,P
Planned Developments	R	R	<R>	–	<R>	DM	N,M,P
Planned Manufacturing Districts	R	–	<R>	–	<R>	DM	N,M,P
Site Plan Review	DM	R	–	–	*	*	None
Special Uses	R	–	–	<DM>	–	–	N,M,P
Administrative Adjustments	–	DM	–	–	–	–	M
Variations	–	–	–	<DM>	–	–	N,M,P
Appeals	–	–	–	<DM>	–	–	M

Notes:

R = Review Body (Responsible for Review and Recommendation)

DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)

< > = Public Hearing Required

- = Disapproved site plans may be appealed to the City Council (See Sec. 17-13-0805)

### 17-13-0200 Zoning Ordinance Text Amendments

#### 17-13-0201 Applications

##### 17-13-0201-A Authority to File

Text Amendments may be proposed by the Mayor, City Council, Zoning Administrator or Commissioner of Planning and Development.

##### 17-13-0201-B Filing

1. Applications for amendments to the text of this Zoning Ordinance must be filed with the Zoning Administrator.
2. Upon determining that an application is complete, the Zoning Administrator must forward applications to the City Clerk.
3. The City Clerk must file all text amendment applications with the City Council at its next regular meeting.

#### Text Amendments



### 17-13-0202 Recommendations—Zoning Administrator and Commissioner of Planning and Development

The Zoning Administrator and the Commissioner of Planning and Development must review each proposed text amendment application and forward a recommendation on the proposal to the City Council Committee on Zoning before the Committee's public hearing. The recommendation of the Zoning Administrator and the Commissioner of Planning and Development must also be forwarded to the City Council when the report of the City Council Committee on Zoning is initially submitted to the City Council.

### 17-13-0203 Hearing—City Council Committee on Zoning

The City Council Committee on Zoning must hold a hearing on all Zoning Ordinance text amendments. Published Notice of the City Council Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-B.

### 17-13-0204 Final Action—City Council

The City Council is the final decision-making body on Zoning Ordinance text amendments. The City Council may act by simple majority vote.

[amended: 03/09/2005, Council Journal: p. 44451]

## 17-13-0300 Zoning Map Amendments (Rezoning)

### 17-13-0301 Applicability

The Zoning Map Amendment procedures of this section apply to all proposed rezonings except *planned developments*. *Planned developments* are subject to the review and approval procedures of Sec. 17-13-0600.

### 17-13-0302 Type 1 and Type 2 Zoning Map Amendments

#### 17-13-0302-A Type 1

1. A Type 1 application is required for proposals to rezone property:
  - (a) to a zoning district that allows a *floor area ratio* that is 2 or more times higher than the subject property's existing zoning classification must submit a Type 1 application (for example, rezoning from RT4 to a B or C dash 3 classification would require a Type 1 application, since the FAR allowed under dash 3 [3.0] is more than double that of the RT4 district [1.2]);
  - (b) from a zoning district that does not impose maximum height limits to a zoning district that does impose maximum height limits; or



- (c) from a zoning district that does not allow *household living* uses to a zoning district that does allow *household living* uses (for example, rezoning from an M district to an R district).

**2.** Any other applicant may elect to submit a Type 1 application.

[amended: 03/09/2005, Council Journal: p. 44451]

**17-13-0302-B Type 2**

Any Zoning Map Amendment application that is not a Type 1 application is a Type 2 application.

**17-13-0302-C Effect**

The designation of a Zoning Map Amendment application as “Type 1” or “Type 2” determines the extent of information required to be submitted with the application, as described in Sec. 17-13-0303-C. Type 1 applications are also subject to Sec. 17-13-0310. All other rezoning procedures of this section (Sec. 17-13-0300) apply uniformly to Type 1 and Type 2 Zoning Map Amendment applications.

**17-13-0302-D Affordable Housing Requirement**

Property that is rezoned to a zoning classification that allows a higher base *floor area ratio* and is subsequently developed with a residential housing project, as that term is defined in section 2-44-090, shall comply with the affordable housing requirements of section 2-44-090, if applicable; provided that the developer of every residential housing project subject to the provisions of section 2-44-090 and subsection 17-4-1004-D may elect to comply with the affordable housing requirement provisions of section 17-4-1004.

[amended: 05/23/2007, Council Journal: forthcoming]

## 17-13-0303 Applications

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**17-13-0303-A Authority to File**

Zoning Map Amendments may be proposed by the Mayor, City Council, Commissioner of Planning and Development, the *property owner* of the subject property or the subject *property owner's* authorized *agent*.

**17-13-0303-B Filing**

Zoning Map Amendment applications must be filed with the Zoning Administrator. Upon determining that an application is complete, the Zoning Administrator must transmit the application to the City Clerk. The City Clerk must file all such applications with the City Council at its next regular meeting.

**17-13-0303-C Contents of Type 1 Rezoning Application**

In addition to the information required by the Zoning Administrator to be submitted with any other Zoning Map Amendment application, the following additional information must be submitted with all Type 1 applications:

1. A (narrative) zoning and development analysis describing the proposed development's:
  - (a) *floor area ratio*;
  - (b) *density (lot area per dwelling unit)*;

- (c) off-street parking;
  - (d) setbacks; and
  - (e) *building height*.
2. Drawings, photographs and/or plans illustrating:
- (a) building orientation and setbacks;
  - (b) building *bulk* and scale in relation to nearby buildings;
  - (c) curb cuts;
  - (d) sidewalks;
  - (e) parking and loading areas;
  - (f) landscaping;
  - (g) useable on-site open space;
  - (h) garbage storage facilities; and
  - (i) such additional information as is necessary to demonstrate compliance with applicable standards of this Zoning Ordinance.

#### 17-13-0304 Disclosures

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The following disclosures are required to be submitted with all Zoning Map Amendment applications.

**17-13-0304-A** Whenever the subject property is in a land trust, the applicant must disclose the identity of each beneficiary of such trust, including the name, address, and percentage of interest of each beneficiary of each trust. Such disclosure must be a statement under oath and must be filed at the time of filing the application.

**17-13-0304-B** Whenever the applicant is a partnership or association of two or more persons holding a joint or common interest, the names and addresses of each partner or associate must be listed and such disclosure must be a statement under oath and must be filed at the time of filing the application.

**17-13-0304-C** Whenever the applicant is an *agent* or *agents* or nominee, the principals for whom such *agent*, *agents*, or nominee holding such interest must be disclosed. Such disclosure must be a statement under oath and must be filed at the time of filing the application.

**17-13-0304-D** Whenever the applicant is a corporation, the names and addresses of all shareholders owning shares equal to or in excess of 3% of the proportionate interest, the names, addresses and percentage of each therein must be disclosed. Such disclosure must be a statement under oath and must be filed at the time of filing the application.

**17-13-0304-E** Whenever the applicant is either the Mayor or a member of the City Council, the applicant must disclose if he is the *property owner* of the property or has any direct or indirect interest in the property subject to the proposed amendment. In addition, any member of the City Council, and the Mayor if the applicant is a member

of the City Council, who is the *property owner* of the property or has any direct or indirect interest in the property subject to the proposed amendment must disclose the nature of the interest.

**17-13-0304-F** In the event the amendment is adopted by the City Council, the Mayor or any member of the City Council who acquires any direct or indirect interest in the property which is the subject of the amendment within 3 years of its passage must file a sworn statement disclosing the nature of the interest acquired and the date of acquisition.

**17-13-0304-G** Pursuant to Chapter 2-154 of the Municipal Code of Chicago, an Economic Disclosure Statement and Affidavit are required to be filed. If the applicant is not the owner of the property, a disclosure statement must be filed for both the applicant and the owner.

#### **17-13-0305 Recommendations—Zoning Administrator and Commissioner of Planning and Development**

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The Zoning Administrator and the Commissioner of Planning and Development must review each proposed zoning map amendment application and forward a recommendation on the proposal to the City Council Committee on Zoning before the Committee's public hearing. The recommendation of the Zoning Administrator and the Commissioner of Planning and Development must also be forwarded to the City Council when the report of the City Council Committee on Zoning is initially submitted to the City Council.

#### **17-13-0306 Hearing—City Council Committee on Zoning**

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The City Council Committee on Zoning must hold a hearing on all zoning map amendments. Written, Published and Posted Notice of the City Council Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

#### **17-13-0307 Final Action—City Council**

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The City Council is the final decision-making body on zoning map amendments. The City Council may act by simple majority vote unless a valid written protest against the proposed amendment is filed with the City Clerk at least 3 days before the date that the City Council votes on the proposed amendment.

**17-13-0307-A** A valid written protest is one that is signed and acknowledged by:

1. the *property owners* of 20% of the land proposed to be rezoned; or
2. the *property owners* of land immediately touching, or immediately across a street, *alley*, or *public way* from at least 20% of the perimeter of the land to be rezoned.

**17-13-0307-B** In the case of a valid written protest, approval of a zoning map amendment requires a favorable vote of two-thirds of all Aldermen.

**17-13-0307-C** A copy of the written protest must be served by the protester on the applicant and the applicant's *agent* by certified mail at the address shown on the application.

### **17-13-0308 Review and Decision-Making Criteria**

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The act of amending the zoning map is a legislative action that must be made in the best interests of the public health, safety and general welfare, while also recognizing the rights of individual *property owners*. In reviewing and making decisions on proposed zoning map amendments, review bodies and decision-making bodies should consider at least the following factors:

**17-13-0308-A** whether the proposed rezoning is consistent with any plans for the area that have been adopted by the Plan Commission or approved by the City Council;

**17-13-0308-B** whether the proposed rezoning is appropriate because of significant changes in the character of the area due to public facility capacity, other rezonings, or growth and development trends;

**17-13-0308-C** whether the proposed development is compatible with the character of the surrounding area in terms of uses, *density* and building scale;

**17-13-0308-D** whether the proposed zoning classification is compatible with surrounding zoning; and

**17-13-0308-E** whether public infrastructure facilities and city services will be adequate to serve the proposed development at the time of occupancy.

### **17-13-0309 Inaction by City Council**

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If the City Council does not take action on a proposed zoning map amendment within 6 months of the day the application is filed by the City Clerk with the City Council, the application will be considered to have been denied.

### **17-13-0310 Effect of Approval of Type 1 Zoning Map Amendment**

---

Once a Type 1 application is approved, no permits may be issued except those that the Zoning Administrator determines to be in strict compliance with the *density* shown on the development plan approved by the City Council and in substantial compliance with the setbacks, *floor area ratio*, parking and *building height* shown on the development plan that was approved by the City Council. Proposals to make substantial modifications to City Council-approved development plans must be processed in accordance with the Zoning Map Amendment procedures of this section (Sec. 17-13-0300).

### **17-13-0311 Lapse of Approval of Type 1 Zoning Map Amendment**

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Except within a D district, a building permit must be obtained within 2 years of the effective date of an ordinance approving a Type 1 Zoning Map Amendment. If a building permit is not obtained within that period, the Commissioner of Planning and Development must initiate a Zoning Ordinance Map Amendment to rezone the subject property to the zoning classification that applied to the subject property before approval of the Type 1 Zoning Map Amendment, in accordance with the procedures of Sec. 17-13-0300.

## 17-13-0400 Zoning Map Amendments within Industrial Corridors

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### 17-13-0401 Procedure

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Except as expressly modified by this section (Sec. 17-13-0400), requests to rezone land within an *industrial corridor* from an M district classification to another M, or a PMD, POS or T zoning district classification must be processed in accordance with the Zoning Map Amendment procedures of Sec. 17-13-0300.

[amended: 07/26/2006, Council Journal: p. 82614; 09/13/2006, Council Journal: p. 84907]

### 17-13-0402 Hearing—Plan Commission

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In addition to the hearings required under Sec. 17-13-0300, the Plan Commission must hold a public hearing on requests to rezone land within an *industrial corridor* from an M, PMD, POS or T zoning district classification to any other zoning district classification, and make a recommendation to the City Council before the City Council Committee on Zoning's public hearing. Notice of the Plan Commission's public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

[amended: 09/13/2006, Council Journal: p. 84907]

### 17-13-0403 Review and Decision-Making Criteria

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In reviewing and making decisions on proposed zoning map amendments within *industrial corridors*, review bodies and decision-making bodies must consider the criteria established in Sec. 17-13-0308 as well as whether the proposed rezoning would adversely affect the continued industrial viability of the *industrial corridor*. With respect to industrial viability, review bodies and decision-making bodies must consider the following factors:

- 17-13-0403-A** the size of the district;
- 17-13-0403-B** the number of existing firms and employees that would be affected;
- 17-13-0403-C** recent and planned public and private investments within the district;
- 17-13-0403-D** the potential of the district to support additional industrial uses and increased manufacturing employment;
- 17-13-0403-E** the proportion of land in the district currently devoted to industrial uses;
- 17-13-0403-F** the proportion of land in the district currently devoted to non-manufacturing uses; and
- 17-13-0403-G** the area's importance to the city as an industrial district.

## 17-13-0500 Establishment of Special Character Overlay District

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### 17-13-0501 Initiation of Special Character Overlay District Amendment

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An amendment to create a *special character overlay district* must be processed in accordance with the provisions of Sec. 17-13-0300, except to the extent that this section imposes additional requirements.

### 17-13-0502 Application and Public Notice

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**17-13-0502-A** Applications to establish a *special character overlay district* must include an in-depth written description of the physical characteristics of the neighborhood that necessitate the establishment of an *overlay district*.

**17-13-0502-B** Public notice of an application for an amendment to create a *special character overlay district* must be given in the same manner as for other Zoning Map Amendments under Sec. 17-13-0300 except as expressly provided in this section.

**17-13-0502-C** Whenever the applicant is a member of the City Council or the Commissioner of Planning and Development, notice may be served by first class mail.

**17-13-0502-D** Upon receipt of any such application, the Zoning Administrator must transmit an original copy without delay to the Chairman of the City Council Committee on Zoning and to the Commissioner of the Department of Planning and Development.

**17-13-0502-E** In addition to the persons to whom written notice must be provided under Sec. 17-13-0300, written notice of the filing of the application and of the community meeting required by Sec. 17-13-0503 must also be sent to the *property owners* of property within the proposed *special character overlay district*, as determined from the authentic tax records of Cook County.

**17-13-0502-F** The application must address the factors to be considered by the City Council in determining whether the particular area qualifies as a *special character overlay district*.

### 17-13-0503 Community Meeting

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Before a public hearing is held by the City Council Committee on Zoning, as provided for in Sec. 17-13-0300, to consider recommending the designation of any area as a *special character overlay district*, the Department of Planning and Development must hold at least one public meeting in the ward in which the proposed district is located for the purpose of explaining the proposal, soliciting comments on it, and making findings regarding the factors listed in Sec. 17-13-0505. The Department of Planning and Development must notify the Alderman of the ward in writing of the time, place and purpose of the meeting and must also publish notice of the public meeting in a newspaper of general circulation within the ward.

### 17-13-0504 Report and Recommendation

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The Department of Planning and Development must submit a written report and recommendation on the proposed *special character overlay district* Amendment to the City Council Committee on Zoning before the date scheduled for a formal public hearing before that Committee.

### 17-13-0505 Factors to be Considered

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In reviewing an application for a *special character overlay district* amendment, the City Council Committee on Zoning must give consideration to all of the following factors:

**17-13-0505-A** whether the property within the proposed *special character overlay district* meets the minimum requirements of Sec. 17-7-0602;

- 17-13-0505-B** whether the proposed *overlay district* is consistent with Sec. 17-7-0601;
- 17-13-0505-C** whether the existing zoning of the property would allow new development that is inconsistent with the unique characteristics within the proposed district;
- 17-13-0505-D** the area's importance to the city's heritage or identity, whether comprehensive plans exist for the area and the nature of recent and planned public and private investment within the area;
- 17-13-0505-E** whether supplemental *special character overlay district* regulations are needed to maintain the stability and unique character of the area or to promote development that is consistent with any adopted comprehensive plans or design guidelines for the area; and
- 17-13-0505-F** the proportion of land within the district that would become nonconforming if the *special character overlay district* Amendment were approved.

## 17-13-0600 Planned Developments

### 17-13-0601 Purpose

The section sets forth the procedures for review and approval of *planned developments*. (See Chapter 17-8 for *planned development* guidelines and standards)

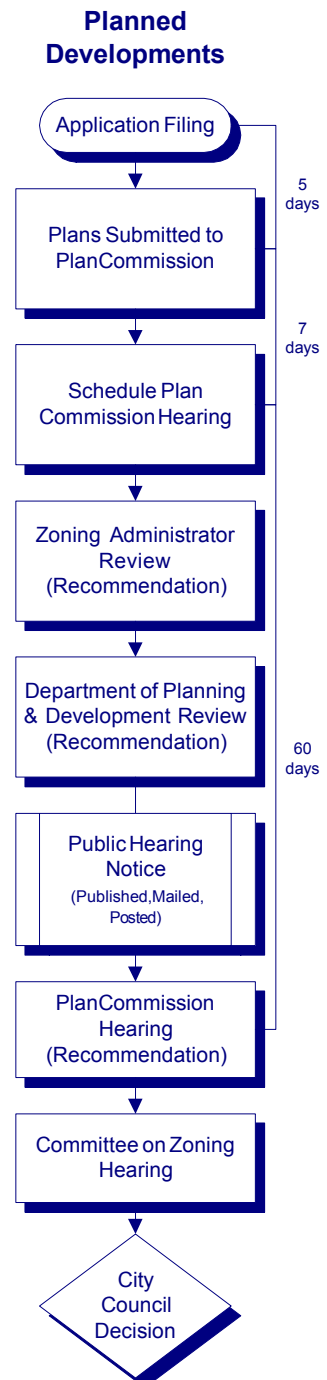
### 17-13-0602 Applications

#### 17-13-0602-A Authority to File

*Planned development applications* may be submitted by the Mayor, City Council, Commissioner of Planning and Development or by the *property owner* of the subject property.

#### 17-13-0602-B Filing

1. *Planned development applications* must be filed with the Zoning Administrator.
2. The Zoning Administrator must transmit an original copy of the application without delay to the City Clerk, who must record it in the proceedings of the City Council at its next regular meeting.
3. The Zoning Administrator must also, within 5 days of application filing, transmit copies of the



application to the Commissioner of Planning and Development and the Plan Commission.

#### **17-13-0603 Recommendations—Zoning Administrator and Commissioner of Planning and Development**

---

The Zoning Administrator and Commissioner of Planning and Development must review each *planned development* and forward a recommendation on the proposal to the Plan Commission before the Plan Commission's public hearing. The recommendation of the Zoning Administrator and the Commissioner of Planning and Development must also be forwarded to the City Council Committee on Zoning.

#### **17-13-0604 Hearing—Plan Commission**

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**17-13-0604-A** Within 7 days of the receipt of a complete application, the Plan Commission must schedule a public hearing to review the *planned development application*.

*[amended: 03/09/2005, Council Journal: p. 44451]*

**17-13-0604-B** Written, Published and Posted Notice of the Plan Commission public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

**17-13-0604-C** The Plan Commission must provide a reasonable opportunity for all interested parties to express their opinions under such rules and regulations as the Plan Commission may adopt.

**17-13-0604-D** The Plan Commission's public hearing must be concluded within 30 days of commencement, provided that the Plan Commission may grant such extensions of time as the applicant may request. If the applicant requests or agrees to an extension of time, such action will be deemed a waiver of the 30-day public hearing period.

**17-13-0604-E** Whenever practicable, any public hearings required to be held by the Plan Commission affecting the same property will be held concurrently.

#### **17-13-0605 Plan Commission Recommendation**

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Within 7 days of the close of the Plan Commission public hearing, the Plan Commission must forward its findings, determination and recommendation to the City Council Committee on Zoning.

#### **17-13-0606 Hearing—City Council Committee on Zoning**

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The City Council Committee on Zoning must hold a public hearing on all *planned development* proposals for the purpose of reviewing the proposed project and taking testimony. Written, Published and Posted Notice of the Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

*[amended: 03/09/2005, Council Journal: p. 44452]*

#### **17-13-0607 Final Action—City Council**

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The City Council is the final decision-making body on *planned developments*. The City Council may act by simple majority vote.

#### **17-13-0608 Inaction by City Council**

---

If the City Council does not take action on a proposed *planned development* amendment within 6 months of the day the Plan Commission recommendation is filed with the City Council Committee on Zoning, the application will be considered to have been denied.

#### **17-13-0609 Review and Decision-Making Criteria**

---

In reviewing and making decisions on proposed *planned developments*, review bodies and decision-making bodies must consider at least the following factors:

**17-13-0609-A** whether the proposed development complies with the standards and guidelines of Sec. 17-8-0900;

**17-13-0609-B** whether the proposed development is compatible with the character of the surrounding area in terms of uses, *density* and building scale; and

**17-13-0609-C** whether public infrastructure facilities and city services will be adequate to serve the proposed development at the time of occupancy.

#### **17-13-0610 Effect of Planned Development Approval**

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After the adoption of a *planned development* ordinance, every application for a permit or license within the *planned development* boundaries must be reviewed by the Commissioner of Planning and Development for a determination that the proposed use, building or structure complies with all provisions of the *planned development* ordinance. Zoning and occupancy certificates may be issued by the Zoning Administrator for uses, buildings or structures within the *planned development* only upon receipt of written approval by the Commissioner of Planning and Development. Any permit, license or certificate issued in conflict with the *planned development* ordinance is null and void.

#### **17-13-0611 Minor Changes and Amendments**

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**17-13-0611-A** Minor changes to approved *planned developments* may be permitted by the Commissioner of Planning and Development provided such minor changes will not result in one or more of the following:

1. a change in the character of development;
2. an increase in the maximum permitted *floor area ratio* for the total *net site area*, provided that phases of the development may temporarily exceed the maximum floor ratio for a sub-area;
3. an increase in the number of *dwelling units* in excess of the lesser of 3 units or 5% of the maximum number of *dwelling units* allowed in the approved *planned development*. Increases in the maximum number of units may not be made if such increase conflicts with the approved parking ratio, decreases approved setbacks, adversely affects the character of the development or exceeds the approved floor area ratio. Increases in the

maximum number of units may be made only once per *planned development* or, if applicable, once per sub-area; or

4. a reduction in the minimum required distance between structures or in periphery setbacks, provided that setback requirements may be adjusted when necessary to permit consistency with the typical pattern or architectural arrangement of surrounding structures.

[amended: 03/09/2005, Council Journal: p. 44452]

**17-13-0611-B** Proposed changes that do not meet the criteria for Minor Changes, as provided in Sec. 17-13-0611-A, may be approved only in accordance with the review and approval procedures for *planned developments*, as provided in Sec. 17-13-0602 through Sec. 17-13-0610.

#### 17-13-0612 Lapse of Approval

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**17-13-0612-A** Every *planned development* ordinance will lapse and be null and void unless construction, as authorized by a building permit, has commenced within 6 years of the date of City Council approval of the *planned development* ordinance and is thereafter diligently pursued to completion.

**17-13-0612-B** The 6-year period may be extended by up to one additional year if, before expiration, the Commissioner of the Department of Planning and Development receives a written request from the applicant stating the reasons for the proposed extension, and the Commissioner of the Department of Planning and Development determines that good cause for an extension is shown.

**17-13-0612-C** If a *planned development* ordinance requires construction to begin at an earlier date, then that time period will control.

**17-13-0612-D** If construction does not begin within the time set forth, or the construction does not proceed with reasonable diligence, or if construction in a multi-phase development does not proceed according to the specific schedule set forth in the *planned development* ordinance, then the *planned development* ordinance will lapse and be null and void.

**17-13-0612-E** Should a *planned development* ordinance lapse, as provided in this section, The Commissioner of Planning and Development must initiate a Zoning Ordinance Map Amendment to rezone the subject property to the zoning classification that applied to the subject property before approval of the *planned development*, in accordance with the procedures of Sec. 17-13-0300.

#### 17-13-0613 Affordable Housing Requirement

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Every *planned development* in which a residential housing project will be developed, as those terms are defined in section 2-44-090, shall comply with the affordable housing provisions of section 2-44-090, if applicable; provided that the developer of every *planned development* subject to the provisions of section 2-44-090 in which a residential housing project will be developed may elect to comply with the affordable housing requirement provisions of section 17-4-1004 instead.

[amended: 05/23/2007, Council Journal: forthcoming]

## 17-13-0700 Planned Manufacturing Districts

### 17-13-0701 Purpose

The section sets forth the review and approval procedures for establishment of *planned manufacturing districts*. (See Sec. 17-6-0400 for PMD standards)

### 17-13-0702 Applications

#### 17-13-0702-A Authority to File

Applications to designate an area as a PMD may be filed by the Mayor, the *property owners* of all land within the boundaries of the proposed PMD, or the Alderman of the ward in which the proposed PMD is located.

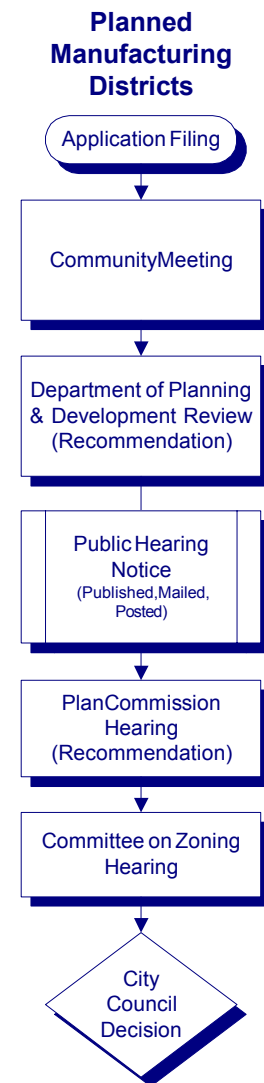
#### 17-13-0702-B Filing

1. An application for designation of an area as a PMD must be filed with the Zoning Administrator.
2. The Zoning Administrator must transmit an original copy of the application without delay to the City Clerk, who must record it in the proceedings of the City Council at its next regular meeting.
3. The Zoning Administrator must also transmit copies of the application without delay to the Commissioner of Planning and Development and the Plan Commission.

### 17-13-0703 Community Meeting

**17-13-0703-A** Before the formal public hearing provided for in Sec. 17-13-0705, the Commissioner of Planning and Development must convene at least one public meeting in the ward in which the proposed PMD is located, for the purpose of explaining and soliciting comments on the proposal.

**17-13-0703-B** The Commissioner of Planning and Development must give written notice to the respective Alderman of the time, place and purpose of the meeting and publish notice of the meeting in a newspaper of general circulation.



#### **17-13-0704 Recommendations—Zoning Administrator and Commissioner of Planning and Development**

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The Zoning Administrator and Commissioner of Planning and Development must review each PMD proposal and forward a recommendation on the proposal to the Plan Commission before the Plan Commission's public hearing (See Sec. 17-13-0705). The recommendation of the Zoning Administrator and the Commissioner of Planning and Development must also be forwarded to the City Council when the recommendation of the Plan Commission is sent to City Council.

#### **17-13-0705 Hearing—Plan Commission**

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The Plan Commission must hold a public hearing on all PMD proposals for the purpose of taking testimony and determining the industrial viability of the district and the need for PMD status. Written, Published and Posted Notice of the Plan Commission public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

#### **17-13-0706 Plan Commission Recommendation**

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Within 7 days of the close of the Plan Commission public hearing, the Plan Commission must forward its findings, determination and recommendation to the City Council Committee on Zoning.

#### **17-13-0707 Hearing—City Council Committee on Zoning**

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The City Council Committee on Zoning must hold a public hearing on all PMD proposals for the purpose of taking testimony and determining the industrial viability of the district and the need for PMD status. Written, Published and Posted Notice of the Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

*[amended: 03/09/2005, Council Journal: p. 44452]*

#### **17-13-0708 Final Action—City Council**

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The City Council is the final decision-making body on PMD amendments. The City Council may act by simple majority vote.

#### **17-13-0709 Inaction by City Council**

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If the City Council does not take action on a proposed PMD amendment within 6 months of the day the Plan Commission recommendation is filed with the City Council, the applicant may consider the application to have been denied.

#### **17-13-0710 Review and Decision-Making Criteria**

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**17-13-0710-A** With respect to industrial viability, review and decision-making bodies must consider the following factors:

1. the size of the district;
2. the number of existing firms and employees that would be affected;
3. recent and planned public and private investments within the district;

4. the potential of the district to support additional industrial uses and increased manufacturing employment;
5. the proportion of land in the district currently devoted to industrial uses;
6. the proportion of land in the district currently devoted to non-manufacturing uses; and
7. the area's importance to the city as an industrial district.

**17-13-0710-B** With respect to the need for *planned manufacturing district* status, review and decision-making bodies must consider the following factors:

1. evidence of conflict with or encroachment on industrial uses by nonindustrial uses;
2. demand for zoning changes or use conversions which may be incompatible with the character of the manufacturing district; and
3. continuing industrial viability of the area in accordance with Sec. 17-13-0710-A.

#### 17-13-0711 On-going Review by Plan Commission

The Plan Commission is responsible for monitoring the effectiveness of *planned manufacturing districts* in achieving the purposes set forth in Sec. 17-6-0401-A. The Plan Commission must recommend to the City Council changes in or repeal of a designated district if, after the hearings processes for district designation set forth in Sec. 17-13-0705 and 17-13-0705, it finds the purposes are not being met.

### 17-13-0800 Site Plan Review

#### 17-13-0801 Purpose

Site plans and elevation drawings are required in some (specified) cases to ensure that proposed development complies with all applicable standards of this Zoning Ordinance and is compatible with the physical character and existing pattern of development in the neighborhood in which it is to be located. Site plan review is also required for projects that propose alternative compliance with applicable on-site open space standards.

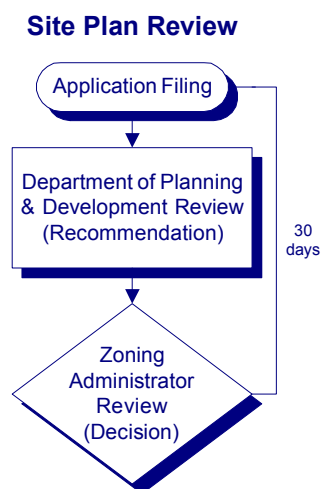
#### 17-13-0802 Applications

##### 17-13-0802-A Filing

Applications for Site Plan Review must be filed with the Zoning Administrator, who must forward 2 copies to the Commissioner of Planning and Development.

##### 17-13-0802-B Contents

1. Site plans must illustrate:



- (a) building location;
  - (b) curb cuts;
  - (c) sidewalks;
  - (d) parking and loading areas;
  - (e) landscaping, lighting and *signs*;
  - (f) fencing and outdoor storage areas; and
  - (g) waste storage and compacting facilities.
  - (h) lighting and *signs*.
2. A map of surrounding land uses and buildings for a distance of one *block* in all directions also must be provided.
  3. Elevations must be provided for all of the proposed building *façades*.
  4. Building materials for the proposed building must be specified.

#### **17-13-0803 Review and Action—Commissioner of Planning and Development and Zoning Administrator**

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The Commissioner of Planning and Development must review the Site Plan application and notify the Zoning Administrator of whether the Site Plan may be approved within 30 days of receipt of a complete Site Plan Review application. This time period may be extended upon request or agreement of the applicant.

#### **17-13-0804 Review and Decision-Making Criteria**

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In reviewing and making decisions on Site Plans, decision-making bodies must consider whether the proposed development complies with all applicable standards of this Zoning Ordinance.

#### **17-13-0805 Appeals of Disapproved Site Plans**

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**17-13-0805-A** A Site Plan Review application that is denied by the Zoning Administrator may be appealed by the applicant to the City Council by filing a written appeal with the Zoning Administrator within 7 days of the date of the disapproval.

**17-13-0805-B** In the event a written appeal is received within the time required, the Zoning Administrator must transmit to the City Clerk the appeal request and the resolution disapproving the Site Plan application. The City Clerk must file the appeal with the City Council at its next regular meeting.

**17-13-0805-C** The City Council Committee on Zoning must hold a hearing on the appeal at such time and place as it determines. The hearing must be conducted and a record of the proceedings must be made in such manner and according to such procedures as the Committee on Zoning prescribes by rule.

**17-13-0805-D** The City Council is the final decision-making body on appeals of disapproved site plans. The City Council may act by simple majority vote.

## 17-13-0900 Special Uses

### 17-13-0901 Purpose

*Special uses* are uses that, because of their widely varying land use and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns. Case-by-case review is intended to ensure consideration of the *special use's* anticipated land use, site design and operational impacts.

### 17-13-0902 Applications

#### 17-13-0902-A Filing

An application for a *special use* must be filed with the Zoning Board of Appeals.

#### 17-13-0902-B Contents

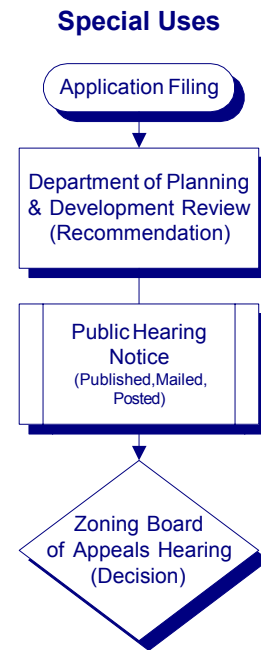
##### 1. General

2. Applications for *special use* approval must include such information required by the Zoning Board of Appeals.

##### 3. Waste-Related Uses

In addition to any other general information required to be submitted with a *special use* application, the following specific information must accompany any *special use* application for an *incinerator, hazardous waste treatment or storage facility, resource recovery facility, reprocessible construction/demolition material facility, transfer station, or liquid waste handling facility, or sanitary landfill*:

- (a) Surrounding land use report, including a description of the nature and intensity of surrounding land uses and the anticipated impact of the proposed *special use* upon surrounding land uses and property values. The report must also assess the number of existing and closed waste-related uses within a 3-mile radius of the proposed site and the proximity of the proposed facility to residential uses and schools.
- (b) Environmental assessment of facility siting, including a description of the physical, geographical, geological, and soil conditions of the site and surrounding area to assess the suitability of the site for the proposed *special use*. An analysis of the impact of the proposed *special use* upon the surrounding area and the dynamic physical environment, including but not limited to critical wildlife habitats, fluvial systems, natural wetlands, air quality, water quality, flora and fauna, and public health must be submitted. The assessment must also evaluate potential risk and effects of accidental releases, fires or explosions on surrounding communities, and must analyze



alternatives to the proposed facility and address their costs and impact on the environment.

- (c) An end-use plan describing the proposed use of the site after terminating use of the facility.

[amended: 03/09/2005, Council Journal: p. 44453]

#### **17-13-0903 Recommendation—Commissioner of Planning and Development**

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The Commissioner of Planning and Development must review each proposed *special use* application and forward a recommendation on the proposal to the Zoning Board of Appeals before the Board's public hearing.

#### **17-13-0904 Hearing**

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The Zoning Board of Appeals must hold a hearing to consider the *special use* application. Written, Published and Posted Notice of the Zoning Board of Appeals' public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

[amended: 03/09/2005, Council Journal: p. 44453]

#### **17-13-0905 Approval Criteria**

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##### **17-13-0905-A General Criteria**

Except as otherwise expressly provided in this Zoning Ordinance, no *special use* application may be approved unless the Zoning Board of Appeals finds that the proposed use in its proposed location meets all of the following criteria:

1. complies with all applicable standards of this Zoning Ordinance;
2. is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;
3. is compatible with the character of the surrounding area in terms of site planning and building scale and project design;
4. is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and
5. is designed to promote pedestrian safety and comfort.

##### **17-13-0905-B Waste-Related Uses Approval Criteria**

###### **1. Specific Criteria**

No *special use* application for a waste-related use may be approved unless the Zoning Board of Appeals finds that the *special use* meets the General Criteria of Sec. 17-13-0905 and all of the following specific criteria:

- (a) is necessary to accommodate the waste removal needs of the area it is intended to serve;
- (b) is located outside the boundary of the 100-year flood plain as determined by the Illinois Department of Transportation, or the site is flood-proofed to meet the standards and requirements of the

Department of Transportation and is approved as flood-proofed by said Department;

- (c) is designed to minimize the danger to the surrounding area from fires, spills or other operational accidents;
- (d) is so designed and located as to minimize the impact on existing traffic flow in the surrounding area;
- (e) is designed and proposed to be operated so as to minimize adverse impacts on air, land and water quality by using the best commercially available pollution control technology;
- (f) is located and operated so as to minimize adverse affects on the economic development potential of the area, and on the value of surrounding property; and
- (g) is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

**2. Review Factors**

In reviewing an application for a *special use* for any *sanitary landfill, liquid waste handling facility, resource recovery facility or incinerator*, the Zoning Board of Appeals must consider the following factors:

- (a) the impact of the proposed facility on air, land and water pollution levels in the area;
- (b) the physical characteristics of the land on which the facility is to be located;
- (c) the number of existing and closed waste treatment facilities and disposal sites within a 3-mile radius of the proposed site; and
- (d) the proximity of the facility to residential uses and *schools*.

**3.** In reviewing an application for a *special use* for a *sanitary landfill*, the Zoning Board of Appeals must evaluate whether the facility would meet the following criteria:

- (a) The operation of the proposed facility would not increase noise beyond levels permitted in Chapter 11-4 of the Municipal Code.
- (b) The site must be designed to provide a *buffer zone* of at least 500 feet from the interior of the liner to the *property line*. Natural barriers, such as highways, rail lines or manufacturing uses may be included in the measurement.
- (c) The site must be located in areas with fine grain soil or with soil of relatively low permeability.

**4.** In reviewing an application for a *special use* for an *incinerator or resource recovery facility*, the Zoning Board of Appeals must evaluate whether the facility would meet the following criteria:

- (a) The operation of the proposed facility would not increase noise beyond levels permitted in Chapter 11-4 of the Municipal Code.
- (b) The operation of the proposed facility provides adequate monitoring and control of emissions of hazardous substances.
- (c) The site must be designed to provide a *buffer zone* of at least 100 feet.

[amended: 03/09/2005, Council Journal: p. 44453-54]

**17-13-0905-C Special Uses in PMDs**

In acting on any *special use* application within a *planned manufacturing district*, the Zoning Board of Appeals must apply the General (approval) Criteria of Sec. 17-13-0905 and make specific findings on the probable effects of the proposed use on:

- 1. existing manufacturing activities, including the potential for land use conflicts and nuisance complaints; and
- 2. efforts to market other property within the *planned manufacturing district* for industrial use.

**17-13-0905-D Adult Uses**

**1. Approval Criteria**

No *special use* application for an *adult use* may be approved unless the Zoning Board of Appeals finds that the *special use* complies with all of the following criteria:

- (a) the use will not increase crime in the neighborhood in which it is located;
- (b) the use will not adversely affect other commercial or industrial enterprises in the surrounding area;
- (c) the use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
- (d) the use will not have an adverse effect on traffic-flow or parking within the surrounding area;
- (e) the use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas;
- (f) the use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use;
- (g) the use will not be inconsistent with the exterior appearance of other commercial establishments;
- (h) the use will conform to the applicable regulations of the district in which it is to be located; and
- (i) the use complies with all other applicable city standards, including those of Sec. 17-9-0101.

## 2. Basis for Decision-Making

- (a) The decision of the Zoning Board of Appeals to approve or deny a *special use* application for an *adult use* must be based solely on the approval criteria set forth in this section, and all such considerations must be applied consistently with the applicant's constitutional rights, as contained in the First, Fifth and Fourteenth Amendments of the United States Constitution, and Sections 2 and 4 of Article I of the Illinois Constitution. The Zoning Board of Appeals must approve any such application unless substantial evidence is presented that demonstrates that the application fails to meet at least one of the criteria set forth in Sec. 17-13-0905-D1.
- (b) For purposes of this section, the phrase "substantial evidence" means more than a de minimis quantum of evidence. If substantial evidence is adduced, this section may not be construed to impose a burden of proof on any party objecting to an application other than proof by a preponderance of the evidence.

## 3. Time-Frame for Decision-Making

If the Zoning Board of Appeals does not render a final decision on a *special use* application for an *adult use* within 120 days after the application is filed, the application will be considered to be approved, provided that this limitation does not apply during any period of time during which consideration of the application has been delayed at the request of the applicant.

[amended: 03/09/2005, Council Journal: p. 44454-55]

### 17-13-0906 Conditions of Approval

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When the anticipated impacts of a *special use* are determined to have the potential for adverse impacts on surrounding property, the *special use* must be denied or conditions must be placed on the approval to ensure that any adverse impacts will be mitigated. The Commissioner of Planning and Development may recommend and the Zoning Board of Appeals may impose such conditions upon the site planning, design, location and operation of a *special use*.

### 17-13-0907 Action by Zoning Board of Appeals

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The Zoning Board of Appeals is the final decision-making body on *special use* applications. A concurring vote of 3 members of the Zoning Board of Appeals is necessary to approve a *special use* application.

### 17-13-0908 Inaction by Zoning Board of Appeals

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If the Zoning Board of Appeals does not render a final decision on a *special use* application for an *adult use* or *religious assembly* use within 120 days after a complete application is filed, the application will be considered approved, provided that this limitation does not apply to periods of time during which consideration of the application has been delayed at the request or cause of the applicant.

### 17-13-0909 Lapse of Approval; Discontinuance

**17-13-0909-A** An order of the Zoning Board of Appeals granting approval of a *special use* application is valid for 12 months from the date of such order unless a complete application for a building permit is submitted and diligently pursued or the use is commenced. If a complete building permit application is not submitted or the use is not commenced within such time, the approval will lapse and become null and void.

[amended: 03/09/2005, Council Journal: p. 44455]

**17-13-0909-B** The Zoning Board of Appeals may, at its discretion and upon adequate showing of good cause, extend the period of validity of *special use* approval for a period not to exceed 12 months. To grant such extension the Zoning Board of Appeals must receive a written request from the applicant stating the reasons for the proposed extension. Such extension request must be made before expiration of the *special use* approval.

**17-13-0909-C** If a *special use* is discontinued for a period of 6 months or longer, such *special use* will be considered abandoned and become null and void. Any subsequent reinstatement of the *special use* will require *special use* approval pursuant to the procedures of this section.

### 17-13-0910 Amendments to Special Uses

A change or increase in the area, *bulk* or function of any existing *special use*, or from those conditions specified by the Zoning Board of Appeals at the time of approval, will constitute and be deemed the same as a new *special use* and will require *special use* approval pursuant to all procedures of this section.

## 17-13-1000 Administrative Adjustments

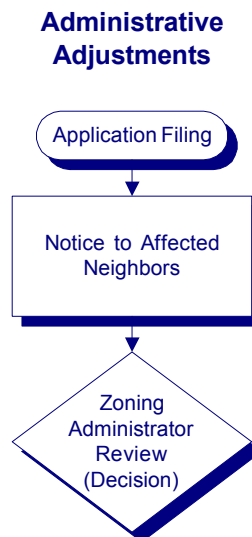
### 17-13-1001 Purpose

The *administrative adjustment* procedures of this section are intended to provide a streamlined approval procedure for minor modifications of selected zoning standards. *Administrative adjustments* are intended to:

**17-13-1001-A** allow development that is more in keeping with the established character of the neighborhood, as opposed to development that is in strict compliance with zoning standards;

**17-13-1001-B** provide flexibility that will help promote rehabilitation and reuse of existing buildings when such flexibility will not adversely affect nearby properties or neighborhood character; and

**17-13-1001-C** provide limited flexibility for new construction when necessary to address unusual development conditions when such flexibility will not adversely affect nearby properties or neighborhood character.



### 17-13-1002 Applicability

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The *administrative adjustment* procedures of this section may be used as expressly authorized in Sec. 17-13-1003, provided that, in the case of new development, any request for more than 2 *administrative adjustments* must be reviewed as *variations*, in accordance with Sec. 17-13-1100.

### 17-13-1003 Authorized Administrative Adjustments

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The Zoning Administrator has the authority to review and approve the following *administrative adjustments*:

#### 17-13-1003-A Lot Area

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit development on a *lot* that would otherwise be prohibited solely because the *lot* does not comply with the minimum *lot area* standards of Sec. 17-2-0301-A, but in no event may the area of the *lot* be less than 90% of the required minimum *lot area*.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

#### 17-13-1003-B Floor Area Ratio in RS1 and RS2

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to increase the maximum *floor area ratio* for an existing *detached house* in an RS1 or RS2 district, provided that the increase does not result in a *floor area ratio* of more 0.60 in the RS1 district or more than 0.75 in the RS2 district.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

[amended: 03/09/2005, Council Journal: p. 44455-56]

#### 17-13-1003-C Floor Area Ratio of Public and Civic Uses

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow any permitted Public and Civic use in an R district to exceed the applicable *floor area ratio* by up to 10% over the otherwise applicable maximum. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow any permitted Public or Civic use in a B or C district to exceed the applicable *floor area ratio* by up to 20% over the otherwise applicable maximum. (See Sec. 17-17-0103 for a description of uses classified in the *public and civic use group*)
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the *general* approval criteria of Sec. 17-13-1007-B.

**17-13-1003-D Reserved**

[amended: 03/09/2005, Council Journal: p. 44456]

**17-13-1003-E Porch and Stairwell Enclosures**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow the enclosure of any existing rear open porch or side stairwells for *residential buildings* that were legally established but that would otherwise be prohibited solely because of applicable *floor area ratio* limits.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-F Below-Grade Terraces**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* for below-grade terraces in required *front setbacks*.
2. Such an *administrative adjustment* may be approved only when:
  - (a) the Zoning Administrator receives written certification from the Mayor's Office for People with Disabilities that such an adjustment is necessary to accommodate *accessible dwelling units*; or
  - (b) the Zoning Administrator determines that proposed adjustment will allow development that matches the predominate context of existing development on the *block* and that it meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-G Setbacks in Landmark Districts**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to reduce the depth of a *front setback*, *rear setback* or *side setback* for buildings in official Chicago Landmark Districts.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that such a reduction would match the predominate *yard* depth of buildings contributing to the district's character when *such* setback reduction is approved by the Commission on Chicago Landmarks.

**17-13-1003-H Side Setbacks for Detached Houses on 24+-foot lots**

The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a reduction of up to 50% in the depth of a required *side setback* when such reduction is necessary to accommodate construction of a 20-foot wide *detached house* on a *lot* that is 24 feet or more in width.

**17-13-1003-I Other Setbacks**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a reduction of up to 50% in the depth of any setback

required by the applicable zoning district regulations when such reduction would match the predominate *yard* depth of existing buildings on the block. *Townhouse developments* are not eligible for this *administrative adjustment*.

2. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit an upper-story *building* addition that follows the existing *setback* of the exterior *building* wall directly beneath the proposed addition.
3. Such *administrative adjustments* may be approved only when the Zoning Administrator determines that the proposed setback reduction meets the general approval criteria of Sec. 17-13-1007-B.

[amended: 03/09/2005, Council Journal: p. 44456]

#### **17-13-1003-J Height of Decks and Patios in Required Open Space**

1. The Zoning Administrator is authorized to allow required open space to be located on a deck or patio located more than 4 feet above ground.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that:
  - (a) such adjustment will provide open space that is more functional and usable than would strict compliance with the standards of this section;
  - (b) the minimum applicable open space area standard will be met; and
  - (c) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

#### **17-13-1003-K Rear Yard Open Space**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to minimum *rear yard* open space standards.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that:
  - (a) the proposed adjustment is necessary to accommodate the construction of customary accessory structures or building additions;
  - (b) the proposed adjustment will be in keeping with the established character of *rear yard* areas on the block; and
  - (c) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

[amended: 03/09/2005, Council Journal: p. 44456-57]

**17-13-1003-L Building Height—General**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow an increase of up to 10% in the height of a building that does not comply with applicable zoning district height limits.
2. Such an *administrative adjustment* may be approved for an existing building only when the Zoning Administrator determines that:
  - (a) such an increase would be consistent with the general character of development on the *block* and
  - (b) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.
3. Such an *administrative adjustment* may be approved for a new building only when the Zoning Administrator determines that:
  - (a) such an increase would not result in a building that was taller than buildings on abutting *lots*;
  - (b) such an increase would be consistent with the general character of development on the *block*; and
  - (c) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-M Reserved**

[amended: 03/09/2005, Council Journal: p. 44457]

**17-13-1003-N Building Height Increases for Additional Rear Setback**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to increase allowed *building height* in RS1, RS2, or RS3 districts by up to 10% in exchange for increased *rear setback* depth.
2. Up to one foot of additional height may be allowed for each 2 feet of *rear setback* provided in excess of the required minimum setback.
3. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-O Building Height— Near North Historic Overlay District No. 1 and Near North Historic Overlay District No. 2**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow an increase in the height limits of Sec. 17-7-0203-A or Sec. 17-7-0303-A by up to 10%.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed *administrative adjustment* meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-P Pedestrian Streets—Building Location Standards**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to the Building Location standards of Sec. 17-3-0504-B and Sec. 17-4-0504-B.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that:
  - (a) useable public spaces or pedestrian amenities (e.g., extra-wide sidewalk, plaza with seating or outdoor dining area) are provided between the building and the *pedestrian street property line* and
  - (b) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-Q Pedestrian Streets—Transparent Window Standards**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to the transparent window area standards of Sec. 17-3-0504-C and Sec. 17-4-0504-C to allow up to a 25% reduction in the amount of transparent window area required.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that (1) such a reduction will be offset by the provision of other pedestrian amenities or building or site design features that are not otherwise required and (2) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-R Pedestrian Streets—Door and Entrance Standards**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to the Door and Entrance standards of Sec. 17-3-0504-D and Sec. 17-4-0504-D to allow a side building entrance.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that:
  - (a) a safe pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the sidewalk abutting the *pedestrian street* and
  - (b) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-S Driveway and Vehicle Access Standards**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to the Driveway and Vehicle Access standards of Sec. 17-2-0402-B, Sec. 17-3-0504-G and Sec. 17-4-0700.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines, in consultation with the Chicago Department of Transportation that:

- (a) access to the subject *lot* cannot be safely accommodated by *alley* or side (non-Pedestrian) *street* access and
- (b) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

[amended: 09/13/2006, Council Journal: p. 84907]

#### **17-13-1003-T Special Districts**

**1. Lot Frontage and Setbacks in SD-1, SD-2 and SD-8 districts**

The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a reduction of up to 10% of the minimum *lot frontage* required within the SD-1 or SD-2 Overlay District.

**2. Building Height, Building Orientation and Access in SD 10 Districts**

The Zoning Administrator is authorized to approve the following *administrative adjustments* in the SD-10 Overlay District:

- (a) to permit a *building height* increase of up to 10%; and
- (b) to waive or modify the building orientation and parking access requirements for parcels lacking *alley* access or for other circumstances that present hardship conditions.

**3. Reserved**

**4. Approval Criteria**

*Administrative adjustments* in Special Districts may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

[amended: 03/09/2005, Council Journal: p. 44457-58]

#### **17-13-1003-U Townhouses—Spacing Between Rows of Townhouses**

- 1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a reduction of up to 2 feet in the depth of *required* spacing between rows of *townhouses* as required under Sec. 17-2-0501-E5 or Sec. 17-2-0501-F6.
- 2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

[amended: 03/09/2005, Council Journal: p. 44458]

#### **17-13-1003-V Townhouses—Depth of Private Yards**

- 1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a reduction of up to 2 feet in the depth of any required 10- or 12-foot *yard* required by Sec. 17-2-0500.
- 2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that (1) any such reduction does not violate the private *yard* requirements of Sec. 17-2-0501-H; (2) such reduction is

required because the *lot* has *substandard lot depth*; and (3) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-W Building (Wall) Separation and On-Site Open Space**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* allowing alternative compliance with the building wall separation and on-site open space standards of Sec. 17-2-0310, Sec. 17-3-0407, Sec. 17-2-0308 and Sec. 17-4-0410.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that:
  - (a) The *administrative adjustment* is necessary to address unique *lot* or building conditions and
  - (b) that the proposed alternative will provide open space, common recreation area or environmental amenities that will off-set the absence of separations provided in strict compliance with this section.
3. Before approving an *administrative adjustment* of applicable building separation standards, the applicant must prepare and submit a site plan for review and approval in accordance with the procedures of Sec. 17-13-0800.

**17-13-1003-X Ground-floor Commercial Space**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to reduce the ground-floor commercial floor area requirement of Sec. 17-3-0305 by up to 20%.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-Y Nonconforming Use Substitutions and Expansions**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow those *nonconforming use* substitutions and *nonconforming use* expansions expressly authorized as *administrative adjustments* in Sec. 17-15-0302 and Sec. 17-15-0303.
2. Such *administrative adjustments* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the applicable approval criteria of Sec. 17-15-0302 and Sec. 17-15-0303. No written notice is required for such *administrative adjustments*.

[amended: 03/09/2005, Council Journal: p. 44458]

**17-13-1003-Z Nonconforming Licensed Taverns**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit the issuance of a new license in substitution for an

existing nonconforming licensed *tavern* in an R district, subject to all other applicable provisions of 17-14-0401-D

2. Such an *administrative adjustment* will not become effective without a hearing before the City Council Committee on Zoning and without being approved by the City Council.
  - (a) The Zoning Administrator must transmit the resolution granting the *administrative adjustment* to the City Clerk who must file the resolution with the City Council at its next regular meeting.
  - (b) The Committee on Zoning must hold a hearing on the resolution at such time and place as determined by the Committee on Zoning. The hearing must be conducted and a record of the proceedings must be preserved in such manner and according to the rules of the Committee on Zoning.
  - (c) If the *administrative adjustment* is denied by the Zoning Administrator, the applicant may appeal the decision to the Committee on Zoning and the City Council by filing a written request with the Zoning Administrator within 7 days of the Zoning Administrator's decision. In the event a written request is submitted within the time required, the Zoning Administrator must transmit the resolution denying the *administrative adjustment* without delay to the City Clerk. The City Clerk must file all such resolutions with the City Council at its next regular meeting. The Committee on Zoning must hold a hearing on the resolution at such time and place as determined by the Committee on Zoning. The hearing must be conducted and a record of the proceedings must be preserved in such manner and according to the rules of the Committee on Zoning.

**17-13-1003-AA Frontage on Private Street**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a *front property line* along a private street in an RS3, RT3.5, RT4, RM4.5 or RM5 district.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that:
  - (a) all *property owners* fronting on the private street have been granted a perpetual easement for pedestrian and vehicular ingress and egress;
  - (b) lighting, continued maintenance, snow removal and regular street cleaning are provided;
  - (c) design and construction thereof will not result in any adverse affect upon any adjacent private or public property; and
  - (d) the design accommodates emergency vehicle access which access must be provided and maintained at all times.

3. The *Alderman* of the ward in which such *administrative adjustment* is sought must be notified in writing by the Zoning Administrator at least 10 working days before the Zoning Administrator's decision.

**17-13-1003-BB Additional Dwelling Unit**

In the case of building permit applications for the repair, remodeling, and/or alteration of buildings that have been in lawful existence for 50 or more years, containing not more than 6 *dwelling units*, sought to correct Notices of Violation cited by the Department of Buildings, or for the voluntary rehabilitation of such structures, in which there is evidence that the building has been converted, altered or used for a greater number of *dwelling units* than existed at the time of its construction, the Zoning Administrator is authorized to approve an *administrative adjustment* to make zoning certification of the increased *density*, not to exceed more than 1 unit above its original construction, upon review of documented evidence supporting such increase in *density*.

[amended: 09/13/2006, Council Journal: p. 84908]

**17-13-1003-CC Parking Reduction for Detached Houses and Two-Flats**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* allowing a minimum of 1 parking space per *dwelling unit* in RS1, RS2 and RS3 districts.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment will result in more useable open space on the *lot*.

**17-13-1003-DD Parking Reduction for Older Buildings**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* reducing off-street parking requirements by not more than 1 space in an RT4, RM4.5 or RM5 district or by not more than 2 spaces in an RM5.5, RM6 or RM6.5 district.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the building for which the adjustment is *requested* has been in lawful existence for 50 or more years and the adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-EE Off-Site Parking**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit off-site parking as expressly authorized in Sec. 17-10-0600.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the off-site parking arrangement complies with the standards of Sec. 17-10-0600.

**17-13-1003-FF Bicycle Parking**

1. The Zoning Administrator is authorized to approve an *administrative* adjustment reducing the number of bicycle spaces required under Chapter 17-10.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that use will not generate any bicycle traffic or that it would be impossible to provide bicycle parking at the subject location.

**17-13-1003-GG Shared Parking and Cooperative Parking Arrangements**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit shared and cooperative parking arrangements as expressly authorized in Sec. 17-10-0700 and Sec. 17-10-0800.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the shared or cooperative parking arrangement complies with the applicable standards of Sec. 17-10-0600 or Sec. 17-10-0800.

**17-13-1003-HH Landscaping**

The Zoning Administrator is authorized to approve *administrative adjustments* to otherwise applicable landscape standard as expressly authorized in Sec. 17-11-0600.

**17-13-1003-II Wireless Communications Facilities**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit a wireless communications facility utilizing a monopole tower structure in excess of 50 feet in height that does not meet the applicable setback from an RS1, RS2 or RT3 district and to allow a wireless communications facility not utilizing a ground-mounted tower structure that does not satisfy the requirements of Sec. 17-9-0118.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

**17-13-1003-JJ Enclosed Walkways in Rear Setback**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to permit an enclosed or partially enclosed walkway, connecting garage space to the principal building, to encroach into the required *rear setback*.
2. Such *administrative adjustments* may be approved only when the Zoning Administrator determines that the proposed setback reduction meets the general approval criteria of 17-13-1007-B.

[amended: 03/09/2005, Council Journal: p. 44458]

#### 17-13-1004 Applications

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An application for an *administrative adjustment* must be filed with the Zoning Administrator.

#### 17-13-1005 Public Notice

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Written notice of the filing of an *administrative adjustment* request must be provided in accordance with Sec. 17-13-0107-A.

#### 17-13-1006 Review and Decision—Zoning Administrator

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The Zoning Administrator must review each application for an *administrative adjustment* and act to approve, approve with conditions, or deny the application based on the General Approval Criteria of Sec. 17-13-1007-B and any other specific approval criteria expressly established in this Zoning Ordinance. The Zoning Administrator may not take final action on an *administrative adjustment* application until at least 10 days after the date that notices were mailed to abutting *property owners*.

#### 17-13-1007 Approval Criteria

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**17-13-1007-A** *Administrative adjustments* may be approved by the Zoning Administrator only when the Zoning Administrator determines that the specific approval criteria associated with the authorized *administrative adjustment* have been met.

[amended: 03/09/2005, Council Journal: p. 44458]

**17-13-1007-B General Criteria**

When the approval criteria associated with authorized *administrative adjustments* require compliance with the General Criteria of this paragraph, the Zoning Administrator may approve such adjustment only upon determining that all of the following criteria have been met:

1. the *requested administrative adjustment* is consistent with the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500);
2. the requested *administrative adjustment* eliminates an unnecessary *inconvenience* to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of surrounding *property owners* or the general public; and
3. any *adverse* impacts resulting from the *administrative adjustment* will be mitigated to the maximum extent feasible.

[amended: 03/09/2005, Council Journal: p. 44458]

#### 17-13-1008 Conditions of Approval

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In granting an *administrative adjustment*, the Zoning Administrator may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood, and to carry out the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500).

## 17-13-1100 Variations

### 17-13-1101 Applicability; Authorized Variations

**17-13-1101-A** The Zoning Board of Appeals is authorized to grant a *variation* for any matter expressly authorized as an *administrative adjustment* in Sec. 17-13-1001.

**17-13-1101-B** Reserved

**17-13-1101-C** The Zoning Board of Appeals is authorized to grant a *variation* reducing off-street parking requirements by not more than 2 spaces in an RT4, RM4.5 or RM5 district or by not more than 5 spaces or 20%, whichever is greater, in an RM5.5, RM6 or RM6.5 district when the building for which the *variation* is requested has been in lawful existence for 50 or more years.

**17-13-1101-D** Except as otherwise expressly stated, the Zoning Board of Appeals is authorized to grant a *variation* reducing applicable off-street parking or loading requirements by not more than one parking space or loading space or 20% of the applicable regulations, whichever number is greater.

**17-13-1101-E** The Zoning Board of Appeals is also authorized to grant a *variation* reducing the length of any required 50-foot off-street loading space, but in no event to a length of less than 25 feet.

**17-13-1101-F** The Zoning Board of Appeals is authorized to grant a *variation* increasing, by not more than 25%, the maximum distance that required parking spaces are permitted to be located from the use served.

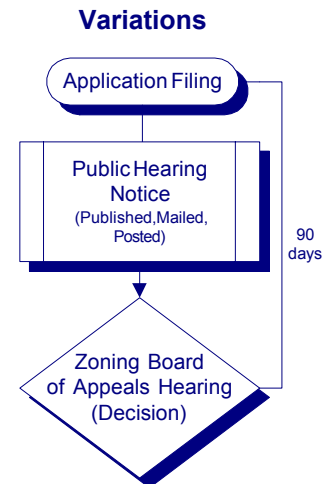
**17-13-1101-G** The Zoning Board of Appeals is authorized to grant a *variation* allowing any permitted nonresidential use in a residential district to exceed the *floor area ratio* imposed by the applicable regulations, or to allow the expansion or enlargement of any permitted residential use in an RS3, RT3.5, RT4, RM4.5, or RM5 district by an amount not to exceed 15% of the floor area in existence 50 years before the date the variance application is filed.

[amended: 03/09/2005, Council Journal: p. 44459]

**17-13-1101-H** The Zoning Board of Appeals is authorized to grant a *variation* allowing up to a 10% increase in the maximum gross floor area of any *commercial establishment* or *industrial establishment*.

[amended: 03/09/2005, Council Journal: p. 44459]

**17-13-1101-I** The Zoning Board of Appeals is authorized to grant a *variation* allowing parking lots in R districts to be open or illuminated or both between the hours of 10 p.m. and 7 a.m.



**17-13-1101-J** The Zoning Board of Appeals is authorized to grant a *variation* increasing the area occupied by any *accessory building* in a required *rear setback* by not more than 10%.

[amended: 09/13/2006, Council Journal: p. 84908]

**17-13-1101-K** The Zoning Board of Appeals is authorized to grant a *variation* allowing a Residential Support Service use to exceed 5,000 square feet in area, provided all other standards of Sec. 17-9-0114 are met.

**17-13-1101-L** The Zoning Board of Appeals is authorized to grant a *variation* allowing a wireless communications facility that does not satisfy the spacing, height or setback standards of Sec. 17-9-0118.

**17-13-1101-M** The Zoning Board of Appeals is authorized to grant a *variation* allowing an establishment requiring a public place of amusement license to locate within 125 feet of any RS1, RS2 or RS3 district.

[amended: 03/09/2005, Council Journal: p. 44459]

**17-13-1101-N** The Zoning Board of Appeals is authorized to grant *variations* allowing new curb cuts and driveway access along Class 1 Streets. (See Sec. 17-4-0700)

**17-13-1101-O** The Zoning Board of Appeals is authorized to grant *variations* from the minimum *lot frontage* standards of the SD-1 and SD-2 districts.

**17-13-1101-P** The Zoning Board of Appeals is authorized to grant *variations* from the minimum *lot frontage* and setback requirements of the SD-8 district.

**17-13-1101-Q** The Zoning Board of Appeals is authorized to grant *variations* for properties in the SD-10 district allowing:

1. a building *height* increase of up to 10%; and
2. waiver or modification of the building orientation and parking access requirements for parcels lacking *alley* access or when other circumstances impose hardship conditions.

[amended: 03/09/2005, Council Journal: p. 44459]

**17-13-1101-R** The Zoning Board of Appeals is authorized to grant *variations* permitting the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event may the area of the lot be less than 90% of the required minimum lot area.

[amended: 03/09/2005, Council Journal: p. 44459]

**17-13-1101-S** The Zoning Board of Appeals is authorized to grant *variations* increasing by not more than 20% the gross area of any sign.

[amended: 03/09/2005, Council Journal: p. 44459]

**17-13-1101-T** The Zoning Board of Appeals is authorized to grant a *variation* from the minimum lot area requirements for gas stations provided that they have at least 10,000 square feet of lot area.

[amended: 04/06/2005, Council Journal: p. 46180]

### 17-13-1102 Applications

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An application for a *variation* must be filed with the Zoning Board of Appeals.

### 17-13-1103 Hearing

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The Zoning Board of Appeals must hold a hearing to consider the application. Written, Published and Posted Notice of the Zoning Board of Appeals' public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

[amended: 03/09/2005, Council Journal: p. 44459]

### 17-13-1104 Action by Zoning Board of Appeals

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The Zoning Board of Appeals is the final decision-making body on *variation* applications. A concurring vote of 3 members of the Zoning Board of Appeals is necessary to grant a *variation*.

### 17-13-1105 Conditions of Approval

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In granting a *variation*, the Zoning Board of Appeals may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood, and to carry out the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500).

### 17-13-1106 Lapse of Approval; Discontinuance

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An order of the Zoning Board of Appeals granting approval of a *variation* is valid for 12 months from the date of such order unless a complete application for a building permit is submitted and diligently pursued or the use is commenced. If a complete building permit application is not submitted or the use is not commenced within such time, the approval will lapse and become null and void.

[amended: 03/09/2005, Council Journal: p. 44460]

### 17-13-1107 Approval Criteria and Review Factors

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#### 17-13-1107-A Approval Criteria

The Zoning Board of Appeals may not approve a *variation* unless it makes findings, based upon the evidence presented to it in each specific case, that:

1. strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; and
2. the requested *variation* is consistent with the stated purpose and intent of this Zoning Ordinance (See Sec. 17-1-0500).

#### 17-13-1107-B Evidence of Practical Difficulties or Particular Hardship

In order to determine that practical difficulties or particular hardships exist, the Zoning Board of Appeals must find evidence of each of the following:

1. the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance;

2. the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and
3. The *variation*, if granted, will not alter the essential character of the neighborhood.

**17-13-1107-C Other Review Factors**

In making its determination of whether practical difficulties or particular hardships exist, the Zoning Board of Appeals must take into consideration the extent to which evidence has been submitted substantiating the following facts:

1. the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular *hardship* upon the *property owner* as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
2. the *conditions* upon which the petition for a *variation* is based would not be applicable, generally, to other property within the same zoning classification;
3. the *purpose* of the *variation* is not based exclusively upon a desire to make more money out of the property;
4. the *alleged* practical difficulty or particular hardship has not been created by any person presently having an interest in the property;
5. the *granting* of the *variation* will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

## 17-13-1200 Appeals

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### 17-13-1201 Authority

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The Zoning Board of Appeals is authorized to hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of this Zoning Ordinance.

### 17-13-1202 Right to Appeal

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An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Zoning Administrator.

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#### **17-13-1203 Application**

The application for appeal must be filed with the Zoning Board of Appeals and must be taken within such time as prescribed by the Zoning Board of Appeals by general rule. A notice of Appeal specifying the grounds thereof must be filed with the Office of the Zoning Administrator.

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#### **17-13-1204 Effect of Filing**

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such cases, proceedings may not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record.

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#### **17-13-1205 Record of Decision**

Upon receipt of a notice of appeal, the Zoning Administrator must transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed is taken.

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#### **17-13-1206 Hearing**

The Zoning Board of Appeals must hold a hearing to consider appeals. Written notice of the Zoning Board of Appeals' public hearing must be provided to the applicant and to any *property owners* who were required to receive notice of the action being appealed.

*[amended: 03/09/2005, Council Journal: p. 44460]*

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#### **17-13-1207 Action by Zoning Board of Appeals**

The Zoning Board of Appeals is the final decision-making body on Appeals. The Zoning Board of Appeals may affirm or may, upon the concurring vote of 3 members, reverse, wholly or in part, or modify the order, requirement, decision or determination, as in its opinion ought to be done, and to that end will have all the powers of the officer from whom the appeal is taken. The Zoning Board of Appeals must grant to the Zoning Administrator's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

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#### **17-13-1208 Approval Criteria; Findings of Fact**

An appeal may be sustained only if the Zoning Board of Appeals finds that the Zoning Administrator erred. Every decision of the Zoning Board of Appeals must be accompanied by written findings of fact specifying the reasons for the decision.

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### **17-13-1300 Zoning Certificates**

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#### **17-13-1301 When Required**

Except as hereinafter provided, no permit pertaining to the use of land or buildings may be issued by any officer, department, or employee of this City unless the application for such permit has been examined by the Office of the Zoning Administrator and has affixed to it a certificate of the Office of the Zoning Administrator that the proposed building or structure complies with all the provisions of this Zoning Ordinance. Any permit or certificate of

occupancy issued in conflict with the provisions of this Zoning Ordinance will be null and void.

### 17-13-1302 Applications

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#### 17-13-1302-A Filing

Applications must be filed with the Zoning Administrator.

#### 17-13-1302-B Contents

Every application for a building permit will be deemed to be an application for a zoning certificate and must be accompanied by:

1. A plat, in duplicate, of the piece or parcel of land, *lot, lots, block or blocks*, or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a Land Surveyor or Civil Engineer licensed by the State of Illinois, as a true copy of the piece, or parcel, *lot, lots, block or blocks* or portions thereof, according to the registered or recorded plat of such land; and
2. A plat, in duplicate, drawn to scale in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the ground area, height, and *bulk* of the building or structure, the *building lines* in relation to *property lines*, the use to be made of the building or structure or land and such other information as may be required by the Zoning Administrator for the proper enforcement of this Zoning Ordinance. When a building permit application for the repair, remodeling and/or alteration of *residential buildings* or buildings of mixed residential occupancy that have been in existence for 50 or more years and that contain no more than 6 *dwelling units* is filed with the Department of Zoning, and zoning certification is sought for the present number of *dwelling units* existing at the time of submittal of such application, such zoning certification must be limited to certify not more than one unit over the number of units originally authorized. The permit application must be accompanied by such documents and be in such form as prescribed by the Zoning Administrator to substantiate the lawful existence of dwelling units in the building. Such documents may include, but not be limited to, affidavits, leases, utility records, or any other instruments deemed necessary by the Zoning Administrator to make a determination of authorized *nonconformity*.
3. One copy of each of the two plats must be attached to the application for a building permit when it is submitted to the Office of the Zoning Administrator for a zoning certificate and must be retained by the Zoning Administrator as a public record.

### 17-13-1303 Performance Bonds

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At the time the Zoning Administrator issues a zoning certificate for a land use, building or parking lot that requires the submission of a landscape plan or the planting of street trees, the Zoning Administrator must require the posting of a performance bond or other form of financial security approved by the Zoning Administrator. The bond or other form of

financial security must be in a form and amount as deemed adequate by the Zoning Administrator to ensure that the required landscape materials will be installed within 6 months or the next planting season.

## 17-13-1400 Occupancy Certificates

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### 17-13-1401 Applicability

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**17-13-1401-A** No building, or addition thereto, and no addition to a previously existing building may be occupied, and no land vacant may be used for any purpose, and no land may be used for the purpose of a surface parking lot until a certificate of occupancy has been issued by the Zoning Administrator.

**17-13-1401-B** No change in a use other than that of a *permitted use* in a district may be made until a certificate of occupancy has been issued by the Zoning Administrator.

**17-13-1401-C** Every certificate of occupancy must state that the use of occupancy complies with all the provisions of this Zoning Ordinance.

### 17-13-1402 Applications

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**17-13-1402-A** Every application for a building permit will be deemed to be an application for an occupancy certificate.

**17-13-1402-B** Every application for an occupancy certificate for a new use of land where no building permit is required must be made directly to the Zoning Administrator.

### 17-13-1403 Issuance of Occupancy Certificate

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**17-13-1403-A** No occupancy certificate for a building or addition thereto may be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based.

**17-13-1403-B** No occupancy certificate for a building or addition thereto may be issued and no addition to a previously existing building may be occupied and no land may be used for the purpose of a surface parking lot until the premises have been inspected and certified by the Zoning Administrator to be in compliance with all applicable standards of the zoning district in which it is located.

**17-13-1403-C** Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed 6 months from its date during the completion of any addition or during partial occupancy of the premises.

**17-13-1403-D** An occupancy certificate must be issued, or written notice must be given to the applicant stating the reasons why a certificate cannot be issued, no later than 14 days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

**17-13-1403-E** Failure to install required landscape materials in connection with parking and loading areas, parking lots, or other *vehicular use areas* may not be relied upon as the basis for denial or withholding a certificate of occupancy; provided that:

1. a zoning certificate for the installation of said landscape materials has been issued in accordance with this Zoning Ordinance or, in the case of uses not requiring a zoning certificate, the Zoning Administrator has determined that the plans and specifications for the installation or required landscape materials comply with the provisions of this chapter; and
2. a performance bond or other security has been posted with the City, at the time of zoning certification. Such bond or security must be:
  - (a) in such form and amount as the Zoning Administrator deems adequate to assure that required landscape material will be installed within six months or the next planting season; and
  - (b) released when the premises have been inspected and the Zoning Administrator has certified that the landscape materials have been installed in accordance with the approved plans and specifications.

#### **17-13-1404 Community Homes**

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**17-13-1404-A** No building may be occupied as a *family community home* or *group community home* until a Certificate of Occupancy has been issued by the Office of the Zoning Administrator. No Certificate of Occupancy may be issued for a *family community home* or *group community home* unless the Zoning Administrator determines that the proposed Community Home complies with all applicable zoning regulations and that the operator of the proposed Community Home has been authorized and licensed by the appropriate state agency to operate the Community Home.

**17-13-1404-B** The Zoning Administrator may revoke a Certificate of Occupancy for a Community Home if the operator's license is revoked by the appropriate state agency. A Certificate of Occupancy is not transferable to another operator or to another location.

#### **17-13-1405 Inter-Track Wagering Facility**

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**17-13-1405-A** Upon receipt of an application for the establishment of an *inter-track wagering facility*, the Zoning Administrator must:

1. make a determination of the capacity in persons of such a facility; said capacity may not exceed that established by the Bureau of Fire Prevention of the Chicago Fire Department;
2. require that the applicant provide documentation that parking facilities having the capacity to provide spaces equal to 20% of that capacity (or an appropriate number as adjusted by other provisions of this Zoning Ordinance) exist within 1,000 feet of the site and are accessible to patrons of the facility (not leased or committed to other specific uses);

3. require that the applicant provide written notice, return receipt requested, to all registered voters residing within 500 feet of the proposed use; and
4. upon determination that the use applied for is permitted only as a *special use* in the applicable district must provide findings regarding compliance with these provisions in writing to the applicant and directly to the Chairman of the Zoning Board of Appeals.

**17-13-1405-B** The above-stated conditions are the minimum conditions for establishment of an *inter-track wagering facility* as a *special use* under the provisions of this Zoning Ordinance. Meeting these conditions is not a waiver of the standards of Sec. 17-13-0900.

[End of Chapter]

## Chapter 17-14 Administration

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### 17-14-0100 General

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**17-14-0101** The administration of this Zoning Ordinance is primarily vested in three offices of the City, as follows:

- 17-14-0101-A** the Department of Zoning;
- 17-14-0101-B** the Zoning Board of Appeals; and
- 17-14-0101-C** the Department of Planning and Development

**17-14-0102** This chapter addresses the powers and duties of each of these offices in administering this Zoning Ordinance.

### 17-14-0200 Department of Zoning

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#### 17-14-0201 Creation

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The Department of Zoning is under the direction of the Zoning Administrator who is appointed by the Mayor with the consent of the City Council. The Zoning Administrator may be removed by the Mayor for cause. Other employees of the Department of Zoning may be appointed as may be authorized by the City Council in its annual appropriation ordinance.

#### 17-14-0202 Duties of the Office of Zoning Administrator

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The Zoning Administrator is responsible for administering and enforcing the provisions of this Zoning Ordinance. In accordance with such authority, the Zoning Administrator has the following powers and duties:

- 17-14-0202-A** issuing Zoning Certificates;
- 17-14-0202-B** issuing Certificates of Occupancy;
- 17-14-0202-C** conducting inspections of buildings, structures, and uses of land to determine compliance with the terms of this Zoning Ordinance;
- 17-14-0202-D** maintaining permanent and current records related to administration of this Zoning Ordinance, including all maps, amendments, *special uses, variations*, and appeals;
- 17-14-0202-E** providing and maintaining a public information bureau relative to all matters arising out of this Zoning Ordinance;

**17-14-0202-F** receiving, filing and forwarding to the City Clerk all applications for amendments to this Zoning Ordinance;

**17-14-0202-G** transmitting to the City Council Committee on Zoning recommendations together with those of the Commissioner of Planning and Development on all amendments;

**17-14-0202-H** receiving from the Zoning Board of Appeals copies of all final determinations of the Zoning Board of Appeals on *variations*, *special uses*, appeals, and other matters upon which the Zoning Board of Appeals has been required to act;

**17-14-0202-I** receiving, considering and deciding all requests for *administrative adjustments*, as specified in Sec. 17-13-1000;

**17-14-0202-J** issuing stop work orders to prohibit any activity in violation of this Zoning Ordinance;

**17-14-0202-K** issuing from time to time such reasonable rules and regulations and amendments thereto pertaining to the landscaping and screening regulations contained in Chapter 17-11 as are necessary or appropriate to carry out the purposes of those regulations; (Such rules may not be inconsistent with this Zoning Ordinance and may govern, without limitation, the form and content of permit application documentation, the manner of landscape material and soil installation, the required type and quality of landscape materials, the manner of maintenance and the location and configuration of parking areas and plant material)

**17-14-0202-L** allowing waivers in *bulk* and *density* standards within any zoning district under the following conditions:

1. the parcel of land is presently improved with a nonconforming structure that has been in existence for at least 50 years;
2. the waiver does not permit more than a cumulative 10% increase in the *bulk* and *density* that has been in existence for 50 or more years; and
3. that, in the opinion of the Zoning Administrator, the application complies with all applicable approval criteria for *variations*, as described in Sec. 17-13-1107.

**17-14-0202-M** Notwithstanding any other ordinance or provision of this Municipal Code, the Zoning Administrator is authorized to issue zoning certification for a liquor license for a private club licensed pursuant to Chapter 4-388, and located in the Wrigley Field Adjacent Area as defined in Section 4-388-010(b). Additionally, the Zoning Administrator may waive any applicable setback requirement for a building in the Wrigley Field Adjacent Area that existed as of January 1, 1999, if such a waiver is necessary to effectuate the special club license provisions of Chapter 4-388. The Zoning Administrator may waive any *bulk* and *density* standards so long as the waiver does not permit more than a cumulative 15% variation from the *bulk* and *density* of the parcel that lawfully existed in the Wrigley Field Adjacent Area as of January 1, 1999, if such a waiver is necessary to effectuate the Special Club License Provisions of Chapter 4-388.

**17-14-0202-N** Notwithstanding any other ordinance or provision of the Municipal Code, the Zoning Administrator is authorized to approve a liquor license for consumption on the premises, in connection with the operation of an established food-serving facility in any building located on land owned by the Chicago Park District if approved by the Chicago Park District Commissioners.

**17-14-0202-O** Examining all plans submitted to the department of construction and permits for conformity with the Zoning Ordinance, and granting all zoning approvals in connection with the issuance of permits for the construction of buildings or structures, including, without limitation, landscaping approvals and determination of the amount of any open space impact fees payable under Chapter 16-18 of the Municipal Code.

[amended: 03/01/2006, Council Journal: p. 71984]

## 17-14-0300 Zoning Board of Appeals

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### 17-14-0301 Creation and Membership

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**17-14-0301-A** The Zoning Board of Appeals consists of 5 members appointed by the Mayor, with the consent of the City Council.

**17-14-0301-B** Zoning Board of Appeals members serve 5-year terms.

**17-14-0301-C** One of the members of the Zoning Board of Appeals must be designated by the Mayor, with the consent of the City Council, to serve as chairman. The chairman will hold the office of chairman until a successor is appointed.

**17-14-0301-D** The Mayor is authorized to remove any member of the Zoning Board of Appeals for cause, after a public hearing.

**17-14-0301-E** Vacancies on the Zoning Board of Appeals must be filled for the unexpired term of the member whose place has become vacant. The salaries of members of the Zoning Board of Appeals will be determined and fixed by the City Council in the annual appropriation ordinance.

### 17-14-0302 Jurisdiction

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The Zoning Board of Appeals has the following powers and duties:

**17-14-0302-A** to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Zoning Ordinance;

**17-14-0302-B** to hear and pass upon applications for *special uses* and *variations* from the terms provided in this Zoning Ordinance in the manner and subject to the standards set out in this Zoning Ordinance; and

**17-14-0302-C** to hear and decide all matters referred to it or upon which it is required to pass under this Zoning Ordinance.

### 17-14-0303 Meetings and Rules

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**17-14-0303-A** All meetings of the Zoning Board of Appeals will be held at the call of the chairman and at such times as the chairman may determine.

**17-14-0303-B** All hearings conducted by Zoning Board of Appeals must be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized *agent* or attorney. The chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

**17-14-0303-C** The Zoning Board of Appeals must keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and must also keep records of its hearings and other official actions. The record of hearings will not be transcribed by the court reporter unless requested by the Zoning Board of Appeals or any party interested in the hearing. The cost of the transcription must be borne by the person requesting it and in cases filed pursuant to the Administrative Review Act, the plaintiff must pay for the cost of preparing and certifying the record of proceedings, including the cost of the transcript.

**17-14-0303-D** A copy of every rule or regulation, every *variation* and every order, requirement, decision, or determination of the Zoning Board of Appeals must be filed immediately in the Office of the Zoning Administrator and must be a public record.

**17-14-0303-E** The Zoning Board of Appeals must adopt its own rules of procedure not in conflict with this Zoning Ordinance and may select or appoint such officers as it deems necessary.

### 17-14-0304 Finality of Decisions of the Zoning Board of Appeals

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All decisions and findings of the Zoning Board of Appeals, on appeal or upon application for a *variation* after a hearing, will, in all instances, be the final administrative determination and will be subject to review by a court as by law, may be provided.

## 17-14-0400 Department of Planning and Development

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### 17-14-0401 Zoning-Related Jurisdiction

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The Commissioner of Planning and Development has the following powers and duties under this Zoning Ordinance:

**17-14-0401-A** to receive from the office of Zoning Administrator copies of all applications for amendment, to make an investigation relative thereto and to make recommendations thereon and to forward through the Zoning Administrator such recommendations to the City Council Committee on Zoning.

**17-14-0401-B** to receive from the City Council Committee on Zoning all applications for an amendment for a *planned development*, to make an investigation relative thereto and to make recommendations thereon to the City Council Committee on Zoning;

**17-14-0401-C** to receive from the Zoning Board of Appeals all applications for *special uses*, to make an investigation relative thereto and to make recommendations thereon and forward such recommendations to the Zoning Board of Appeals through the Zoning Administrator;

**17-14-0401-D** to promulgate rules, regulations and procedures from time to time, relating to proposed *planned development* amendments and other rules, regulations and procedures to proposed text amendments to the Chicago Zoning Ordinance from time to time.

*[End of Chapter]*

## Chapter 17-15 Nonconformities

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### 17-15-0100 General

#### 17-15-0101 Scope

The regulations of this chapter govern nonconformities, which are *lots*, uses, developments or *signs* that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more requirements of this Zoning Ordinance.

#### 17-15-0102 Intent

In older cities, such as Chicago, many buildings and uses that were established in compliance with all regulations in effect at the time of their establishment have been made nonconforming by zoning map changes (rezonings) or amendments to the Zoning Ordinance text. The regulations of this chapter are intended to clarify the effect of such nonconforming status and avoid confusion with illegal buildings and uses (those established in violation of zoning rules). The regulations are also intended to:

- 17-15-0102-A** recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
- 17-15-0102-B** promote maintenance, reuse and rehabilitation of existing buildings; and
- 17-15-0102-C** place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

#### 17-15-0103 Authority to Continue

Any *nonconformity* that existed on the effective dates specified in Sec. 17-1-0200 or any situation that becomes a *nonconformity* upon adoption of any amendment to this Zoning Ordinance, may be continued in accordance with the regulations of this chapter.

*[amended: 03/09/2005, Council Journal: p. 44460]*

#### 17-15-0104 Determination of Nonconformity Status

The burden of proving that a *nonconformity* exists (as opposed to a violation of this Zoning Ordinance) rests with the subject landowner.

#### 17-15-0105 Repairs and Maintenance

- 17-15-0105-A** Nonconformities must be maintained to be safe and in good repair.
- 17-15-0105-B** Incidental repairs and normal maintenance necessary to keep a *nonconformity* in sound condition are permitted unless otherwise expressly prohibited by this Zoning Ordinance.

**17-15-0105-C** Nothing in this chapter will be construed to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from the Commissioner of Buildings.

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#### **17-15-0106 Change of Tenancy or Ownership**

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

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### **17-15-0200 Nonconforming Lots**

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#### **17-15-0201 Definition**

A *nonconforming lot* is a tract of land lawfully established as a *lot* on a plat of subdivision recorded or registered, pursuant to statute, with the Recorder of Deeds of Cook County and the Ex-officio Examiner of Subdivisions of the City of Chicago that does not comply with the minimum *lot area* or *lot width* standards of the zoning district in which it is now located.

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#### **17-15-0202 Use of Nonconforming Lots**

**17-15-0202-A** In residential zoning districts, a *nonconforming lot* may be developed with a *detached house*. Moreover, if a *nonconforming lot* is voluntarily increased in size and still does not comply with applicable *lot area* or *lot width* standards, such *lot* may be developed with a *detached house*.

**17-15-0202-B** In nonresidential zoning districts, a *nonconforming lot* may be developed with a use allowed within the subject zoning classification. If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable *lot area* and *lot width* standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.

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#### **17-15-0203 Dimensional Standards**

Development on *nonconforming lots* must comply with the *bulk* and *density* standards of the subject zoning classification unless otherwise expressly stated.

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### **17-15-0300 Nonconforming Uses**

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#### **17-15-0301 Definition**

A *nonconforming use* is a land use that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

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#### **17-15-0302 Change of Use**

**17-15-0302-A** A *nonconforming use* may be changed to any other use allowed by the subject zoning classification.

**17-15-0302-B** The Zoning Administrator is authorized to approve an *administrative adjustment* allowing a *nonconforming use* to be changed to another use that is classified in the same use category (See description of “Use Groups and Categories,” Sec. 17-17-

0100) or to another functionally similar use, provided that that Zoning Administrator determines that the substituted use will create no greater adverse impacts on the surrounding area than the previous use. In making such a determination, the Zoning Administrator must consider all of the following factors:

1. hours of operation,
2. vehicular traffic;
3. the number of employees and other people expected to be attracted to the use; and
4. other factors likely to affect the neighborhood in which it is located.

**17-15-0302-C** The Alderman of the ward in which such *nonconforming use* is located must be notified at the time of filing of a use substitution application with the Zoning Administrator.

**17-15-0302-D** A *nonconforming use of open land* may not be changed to any other *nonconforming use of open land*.

#### **17-15-0303 Expansion**

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**17-15-0303-A** Except as otherwise expressly stated, the Zoning Administrator is authorized to approve an *administrative adjustment* allowing a *nonconforming use* to be expanded into another part of the same building, provided that the Zoning Administrator determines that such expansion:

1. will not result in a violation of off-street parking or loading requirements;
2. will not violate any applicable *bulk* or *density* standards;
3. will not result in greater adverse impacts on the surrounding area; and
4. is not expressly prohibited by Sec. 17-15-0303-B.

**17-15-0303-B** The following *nonconforming uses* may not be expanded:

1. a *nonconforming use of open land*;
2. a use *that* is allowed under this Zoning Ordinance only as a *special use* (Note: allowed *special uses* may be expanded only in accordance with Sec. 17-13-0910);
3. a *nonconforming business, commercial or manufacturing use* in an R district unless expressly approved as a *variation* in accordance with Sec. 17-13-1100;
4. a *nonconforming business or commercial use* in a B or C district if such expansion triggers a requirement for additional off-street parking or loading spaces;

5. a nonconforming residential, business or commercial use in an M district if such expansion:
  - (a) increases the number of *dwelling units* or residential occupancy;
  - (b) increases the area of the *zoning lot*; or
  - (c) increases the floor area by more than 20%.

**17-15-0303-C** *Detached houses* that are a *nonconforming use* in a B, C or M district may be expanded by up to 30% of the *structure's* existing floor area, provided that such expansion may not exceed the maximum allowable *floor area ratio* of the district in which the *structure* is located.

[amended: 03/09/2005, Council Journal: p. 44460]

**17-15-0303-D** Nonconforming *coach houses* on properties designated as official Chicago Landmarks or located within the boundaries of a Chicago Landmark District may be used as a *dwelling unit* for a single *household* if the Zoning Administrator determines that competent evidence exists that the *coach house* was previously used as a legal *dwelling unit*. Incidental repairs and normal maintenance necessary to keep *nonconforming coach house* in sound condition are permitted, but no expansions are allowed.

**17-15-0303-E** Nonconforming *coach houses* on properties outside the boundaries of a Chicago Landmark District may continue to be occupied as *dwelling units* provided that they have not been continuously vacant for more than one year. Incidental repairs and normal maintenance necessary to keep *nonconforming coach house* in sound condition are permitted, but no expansions are allowed.

#### 17-15-0304 Loss of Nonconforming Use Status

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##### 17-15-0304-A Discontinuance

1. If a *nonconforming use* is discontinued for 18 continuous months or more, all *nonconforming use* rights are lost and re-establishment of the *nonconforming use* is prohibited.
2. If a nonconforming *adult use* or open use of land is discontinued for 6 continuous months or more, all *nonconforming use* rights are lost and re-establishment of the *nonconforming use* is prohibited.
3. If a *nonconforming use* ceases operations (even if the structure or equipment related to the use remain) or fails to maintain a valid business license the use will be considered to have been discontinued.

##### 17-15-0304-B Intentional Destruction

When a structure containing a *nonconforming use* is intentionally damaged by causes within the control of the owner, re-establishment of the *nonconforming use* is prohibited.

### 17-15-0305 Discontinuance of Nonconforming Open Uses of Land

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**17-15-0305-A** On or before December 31, 2006, the Zoning Administrator must complete a survey of all existing *nonconforming uses* of open land.

**17-15-0305-B** Within 90 days of the completion of the survey, the Zoning Administrator must provide written notice, return receipt requested, to the *property owners* of such properties. The notice must inform the *property owners* of the requirements of this section (Sec. 17-15-0305).

**17-15-0305-C** On or before June 1, 2010, existing nonconforming open uses of land within R districts must cease and all above-ground improvements and structures accessory to the use must be removed.

**17-15-0305-D** Any open use of land in an R district that becomes nonconforming because of subsequent amendments to this Zoning Ordinance must also be rezoned or discontinued within 5 years of the effective date of the amendment that renders the use nonconforming.

### 17-15-0306 Accessory Uses and Structures

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A use that is accessory to a principal *nonconforming use* may not be continued after the *principal use* has been abandoned, unless the use is also an *accessory use* to the *principal uses* allowed in the subject zoning district.

## 17-15-0400 Nonconforming Developments

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### 17-15-0401 Definition

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A *nonconforming development* is any aspect of a development—other than a *nonconforming lot*, *nonconforming use* or *nonconforming sign*—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Zoning Ordinance. Common examples of *nonconforming developments* are buildings that do not comply with current setback or height standards, off-street parking or loading areas that contain fewer spaces than required by current standards or sites that do not comply with current landscaping standards.

### 17-15-0402 Continuation

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*Nonconforming developments* may remain, subject to the regulations of this section.

### 17-15-0403 Alterations and Enlargements

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**17-15-0403-A** Unless otherwise expressly stated in this Zoning Ordinance, *nonconforming developments* may be altered or enlarged as long as the alteration or enlargement does not increase the extent of *nonconformity*. A building addition to an existing *nonconforming development* that projects further into a required setback or further above the permitted maximum height is an example of increasing the extent of *nonconformity*. Upper-story building additions that vertically extend existing building walls that are nonconforming with regard to front or side setback requirements will also be considered to increase the extent of nonconformity. Upper-story building additions that vertically or horizontally extend an existing building wall that is

nonconforming with regard to rear yard open space or rear *setback* requirements will not be considered to increase the degree of nonconformity, provided that the original building was constructed before the effective dates specified in Sec. 17-1-0200 and provided such upper-story addition is set back at least 30 feet from the rear *property line*.

[amended: 03/09/2005, Council Journal: p. 44460-61; 09/13/2006, Council Journal: p. 84924]

**17-15-0403-B** Existing, nonconforming rear porches may be restored or reconstructed provided that the construction does not increase the extent of the nonconforming as per Section 17-15-0403-A: adequate documentation (e.g. photographs, survey) that illustrates the size, form and location of the existing porch is submitted for review; and the construction is required by the Municipal Code or court finding, or is determined necessary by the property owner for the safety of a building's occupants and users.

[amended: 09/13/2006, Council Journal: p. 84924]

#### **17-15-0404 Damage or Destruction**

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**17-15-0404-A** When a structure with nonconforming elements is removed or intentionally destroyed, re-establishment of the nonconforming elements is prohibited.

**17-15-0404-B** When a structure with nonconforming elements is partially damaged or totally destroyed by fire or other causes beyond the control of the *property owner*, the structure may be rebuilt, provided that such rebuilding does not result in a building that is more out of compliance than the building being replaced and provided that a building permit to replace the structure is obtained within 18 months of the date of damage or destruction.

### **17-15-0500 Nonconforming Signs**

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#### **17-15-0501 Policy**

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It is the policy of the City of Chicago to encourage that all *signs* within the city be brought into compliance with the requirements of Chapter 17-15. Moreover, it is the policy of the City of Chicago to require that all nonconforming *flashing signs* within the city be brought into compliance with the requirements of Chapter 17-15.

#### **17-15-0502 Definition**

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A *nonconforming sign* is a *sign* that was lawfully established pursuant to a lawfully issued permit but that is no longer allowed by the regulations of this Zoning Ordinance.

[amended: 03/09/2005, Council Journal: p. 44461]

#### **17-15-0503 Continuation of Nonconforming Signs**

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*Nonconforming signs* may remain in use, subject to the regulations of this section (Sec. 17-15-0500) and all other applicable requirements of the Municipal Code. *Nonconforming signs* must be maintained in good repair, and must comply with all other requirements of this Zoning Ordinance.

[amended: 03/09/2005, Council Journal: p. 44461]

### 17-15-0504 Alterations

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Change of copy or the substitution of panels or faces on *nonconforming signs* is permitted without affecting the legal status of a *sign* as a *nonconforming sign* (subject to requirements for building and electrical permits). No other alterations are allowed, except for routine maintenance and repair.

### 17-15-0505 Nonconforming Flashing Signs

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#### 17-15-0505-A Amortization or Altered to Comply

1. Nonconforming *flashing signs* that existed on the effective dates specified in Sec. 17-1-0200 must be removed or altered to comply with the standards of 17-12-1004 and 17-12-1005-C no later than November 1, 2009.
2. *Flashing signs* that become nonconforming because of subsequent amendments to this Zoning Ordinance must also be removed or altered to comply with the amended standards no later than 5 years of the effective date of the amendment that renders the *flashing sign* nonconforming.
3. Nonconforming *flashing signs* in existence after the date that they are required to be removed or altered relinquish their nonconforming status and thereafter constitute a violation of this Zoning Ordinance. Such violations are subject to enforcement and penalties under Chapter 17-16.
4. No zoning permits or approvals may be issued for any building to which a nonconforming *flashing sign* is appurtenant after the date that such *nonconforming sign* is required to be removed or altered.
5. No business license may be issued for business to which a nonconforming *flashing sign* is appurtenant after the date that such *nonconforming sign* is required to be removed or altered.

[amended: 03/09/2005, Council Journal: p. 44461; 09/13/2006, Council Journal: p. 84908]

#### 17-15-0505-B Extension of Amortization Time Period

1. Any person who owns or maintains a *flashing sign* that is required to be amortized may file an application for an extension of the required amortization period.
2. The application for an extension must be in a form prescribed by the Zoning Administrator and include information that the Zoning Administrator deems appropriate to act upon the application.
3. If the Zoning Administrator determines that the applicant has not yet recovered the applicant's investment in the *sign* plus a reasonable rate of return, the Zoning Administrator must issue a permit authorizing the *sign* to remain in place during a period of time sufficient to enable the applicant to recover the applicant's investment in the *sign* plus a reasonable rate of return. For purposes of this provision, a "reasonable rate of return" will be a rate of return on an applicant's investment equal to the weekly average 1-year constant maturity Treasury yield, as

published by the Board of Governors of the Federal Reserve System, for the calendar week during which the application is received by the Zoning Administrator.

**17-15-0505-C** Signs may remain in place while the application for a time extension is pending and, if it is denied, for no more than 30 days thereafter unless the Zoning Administrator's ruling on the application is stayed by a court of competent jurisdiction.

#### **17-15-0506 Abandoned Nonconforming Signs**

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**17-15-0506-A** Any nonconforming *on-premise sign* that is located on property that has failed to maintain a valid business license or that becomes vacant and unoccupied for a period of 12 months or more, or any nonconforming *on-premise sign* that pertains to a time, event or purpose that is no longer imminent or pending will be deemed to have been abandoned.

**17-15-0506-B** Any nonconforming *off-premise sign* that is not used or for which a valid permit or license does not exist for a continuous period of 12 months or more will be deemed to have been abandoned.

**17-15-0506-C** Abandoned *nonconforming signs* are prohibited and must be removed by the owner of the *sign* or the *property owner* of the premises.

**17-15-0506-D** No zoning permits or approvals may be issued for buildings occupied by nonconforming abandoned *signs* until such *signs* are removed.

**17-15-0506-E** No business license may be issued for businesses with nonconforming abandoned *signs* after the date that such *nonconforming signs* are required to be removed or altered.

[End of Chapter]

## Chapter 17-16 Enforcement and Penalties

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### 17-16-0100 Responsibility for Enforcement

It is the duty of the Zoning Administrator to enforce this Zoning Ordinance.

### 17-16-0200 Violations

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this Zoning Ordinance. Failure to comply with applicable provisions constitutes a violation of this Zoning Ordinance. Express violations include, but are not limited to the following:

**17-16-0201** using land or buildings in any way not consistent with the requirements of this Zoning Ordinance;

**17-16-0202** erecting a building or other structure in any way not consistent with the requirements of this Zoning Ordinance;

**17-16-0203** engaging in the development of land in any way not consistent with the requirements of this Zoning Ordinance.

**17-16-0204** installation or use of a *sign* in any way not consistent with the requirements of this Zoning Ordinance.

**17-16-0205** engaging in the use of a building or land, the use or installation of a *sign*, or any other activity requiring one or more permits or approvals under this Zoning Ordinance without obtaining all such permits or approvals;

**17-16-0206** failure to comply with any permit or approval granted under this Zoning Ordinance;

**17-16-0207** failure to comply with any condition imposed on a permit or approval, specifically including conditions of approval of a *planned development*, *special use*, Site Plan, Development Plan, *administrative adjustment* or *variation*;

**17-16-0208** obscuring, obstructing, removing or destroying any notice required to be posted or otherwise given under this Zoning Ordinance;

**17-16-0209** failure to comply with any lawful order issued by the Zoning Administrator;

**17-16-0210** disobeying, omitting, neglecting, or refusing to comply with or resist the enforcement of any of the provisions of this Zoning Ordinance; or

**17-16-0211** failure to comply with landscaping standards of this Zoning Ordinance.

## **17-16-0300 Liability**

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**17-16-0301** The *property owner*, tenant or occupant of any land or structure, or part thereof, or any design professional, builder, contractor, vendor, authorized *agent* or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Zoning Ordinance is jointly and severally liable for the violation and subject to all available penalties and remedies.

*[amended: 03/09/2005, Council Journal: p. 44461]*

## **17-16-0302 Reserved**

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*[amended: 03/09/2005, Council Journal: p. 44461]*

## **17-16-0400 Reserved**

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*[amended: 03/09/2005, Council Journal: p. 44462]*

## **17-16-0500 Remedies and Enforcement Powers**

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### **17-16-0501 Applicability**

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The city may use any lawful remedy or enforcement powers, expressly including those described in this section.

### **17-16-0502 Remedies Cumulative**

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The remedies and enforcement powers established in this Zoning Ordinance are cumulative, and the city may exercise them in any order.

### **17-16-0503 Withhold Permit**

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**17-16-0503-A** City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This provision applies regardless of whether the current *property owner* or applicant is responsible for the violation in question.

**17-16-0503-B** City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, develops or otherwise causes an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation. For purposes of this section, a “person” is defined as any individual or business entity with more than a 20 percent interest in the subject property.

#### **17-16-0504 Permits with Conditions**

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Instead of withholding or denying a permit or other authorization, city officials may grant such authorization subject to the condition that the violation be corrected by a specified time. City officials are also authorized to require adequate financial assurances that such correction will be made.

#### **17-16-0505 Revoke Permit**

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**17-16-0505-A** Any permit or other form of authorization required and issued under this Zoning Ordinance may be revoked when the Zoning Administrator determines that:

1. there is departure from the plans, specifications, or conditions required under terms of the permit;
2. the development permit was procured by false representation or was issued by mistake; or
3. any of the provisions of this Zoning Ordinance are being violated.

**17-16-0505-B** Written notice of revocation must be served upon the *property owner*, the *property owner's agent* or contractor, or upon any person employed on the building or structure for which such permit was issued, or posted in a prominent location. Once notice of revocation is provided, all construction must stop.

#### **17-16-0506 Stop Work**

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Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired, or other development is occurring, in violation of this Zoning Ordinance, the Zoning Administrator may order the work to be immediately stopped.

**17-16-0506-A** The stop-work order must be in writing and directed to the person doing the work.

**17-16-0506-B** The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

#### **17-16-0507 Forfeiture and Confiscation of Signs**

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Any *sign* installed or placed on public property, except in compliance with the regulations of 17-14-0401-D, will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the city has the right to recover from the *sign* owner, or person who placed the *sign*, the full costs of *sign* removal and disposal.

#### **17-16-0508 Injunctive Relief**

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The city may seek an injunction or other equitable relief in court to stop any violation of this Zoning Ordinance.

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#### **17-16-0509 Abatement**

The city may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed before the violation.

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#### **17-16-0510 Remedial Action**

Any person who violates this Zoning Ordinance by alteration or modification of a structure to increase the number of *dwelling units* or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used, is required to remove all fixtures, electrical and plumbing connections, furnishings, partitions and non-load bearing walls used in the violation. Failure to remove any of the foregoing constitutes a separate violation.

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#### **17-16-0511 Penalties**

Any violation of this Zoning Ordinance is punishable by a civil penalty of not less than \$500.00 and not more than \$1,000.00. Each day such a violation or failure to comply exists after notice constitutes a separate and distinct offense.

*[amended: 03/09/2005, Council Journal: p. 44462]*

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#### **17-16-0512 Other Remedies and Enforcement Powers**

The city may seek such other remedies and use other enforcement powers, as allowed by law.

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### **17-16-0600 Continuation of Previous Enforcement Actions**

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Nothing in this Zoning Ordinance will be interpreted to prohibit the continuation of previous enforcement actions, undertaken by the city under previous, valid ordinances and laws.

*[amended: 03/09/2005, Council Journal: p. 44462]*

*[End of Chapter]*

## Chapter 17-17 Terminology and Measurements

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### 17-17-0100 Use Group and Category Descriptions

#### 17-17-0101 General

##### 17-17-0101-A Use Groups

This Zoning Ordinance classifies land uses into 5 major groupings: Residential, Public and Civic, Commercial, Industrial, and Other. These are referred to as “Use Groups.”

##### 17-17-0101-B Use Categories

Each Use Group is further divided into more specific “Use Categories.” Use Categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

##### 17-17-0101-C Typical Uses

Typical uses cited in the description of Use Categories are not intended to be exclusive or restrictive.

##### 17-17-0101-D Determination of Appropriate Land Use Categories

When a specific use type cannot be classified into a Use Category or appears to fit into two or more Use Categories, the Zoning Administrator is authorized to determine the most appropriate Use Category.

#### 17-17-0102 Residential Use Group

The Residential Use Group includes uses that provide living accommodations to one or more persons. The Residential Use Group includes two Use Categories: *group living* and *household living*.

##### 17-17-0102-A Group Living

Residential occupancy of a dwelling by other than a “household,” typically providing communal kitchen/dining facilities. Examples of *group living* uses include but are not limited to fraternities, sororities, convents, monasteries, *nursing homes* and the following specific use types:

###### 1. Assisted Living

A facility that meets the definition of “assisted living” established in the Illinois Administrative Code (Title 77, Chapter I, Part 295).

###### 2. Convents and Monasteries

A residential building housing persons (such as nuns or monks) under religious vows.

**3. Community Home**

A single dwelling occupied on a permanent basis by a group of unrelated persons with disabilities in a family-like environment, and which may be occupied by paid professional support staff provided by a sponsoring agency.

**(a) Community Home, Family**

A single *dwelling unit* that complies with the regulations of the zoning district in which it is located, and which is occupied on a permanent basis by a group of not more than 8 unrelated persons with disabilities in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

**(b) Community Home, Group**

A single *dwelling unit* that complies with the regulations of the zoning district in which it is located, and which is occupied on a permanent basis by a group of not less than 9 and not more than 15 unrelated persons with disabilities in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

**4. Domestic Violence Residence**

A building or portion thereof, in which temporary housing is provided exclusively for persons who are victims of domestic violence or abuse and for their children, and which may also be occupied by professional support staff provided by a sponsoring agent. Any children or support staff using sleeping accommodations at a Domestic Violence Residence will be included in determining maximum occupancy, as provided in subsections (a), (b) and (c) below.

**(a) Domestic Violence Residence, Family**

A *domestic violence residence* in which sleeping accommodations are provided for a maximum of 8 persons.

**(b) Domestic Violence Residence, Group**

A *domestic violence residence* in which sleeping accommodations are provided for a maximum of 15 persons.

**(c) Domestic Violence Shelter**

A *domestic violence residence* in which sleeping accommodations are provided for more than 15 persons.

**5. Nursing Home**

A facility that meets the definition of a “nursing home” established in the Illinois Nursing Home Care Act (210 ILCS 45/).

**6. Temporary Overnight Shelter**

A building, or portion thereof, in which sleeping accommodations are provided for no more than 12 hours per day, for 3 or more persons who are not related to the *property owner*, operator, manager or other occupants thereof by blood or by marriage, as described in Chapter 13-208 of the Municipal Code.

**7. Transitional Residence**

A temporary residential living arrangement for persons who are receiving therapy or counseling for purposes such as, but not limited to, the following: (a) to help recuperate from the effects of drugs or alcohol addiction; (b) to help re-enter society while housed under supervision and the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release and probationary programs; or (c) to help with family or *school* adjustment problems that require specialized attention and care in order to achieve personal independence.

**8. Transitional Shelter**

A “*transitional shelter*” is a building, or portion thereof, in which temporary residential accommodations are provided for 3 or more persons who are not related to the *property owner*, operator, manager or other occupants thereof by blood or by marriage.

[amended: 09/01/2004, Council Journal: p. 30490; 03/09/2005, Council Journal: p. 44463]

**17-17-0102-B Household Living Category**

Residential occupancy of a *dwelling unit* by a household with tenancy arranged on a monthly or longer basis. (Note: see building type definitions [e.g., *detached house*, *two-flat*, *townhouse*, *artist live/work space* in Sec. 17-17-0200])

**17-17-0103 Public and Civic Use Group**

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The *public and civic use group* includes uses that provide public or quasi-public services. The *public and civic use group* includes the following Use Categories:

**17-17-0103-A Colleges and Universities**

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple *blocks*. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a *hospital*, conservatories and seminaries.

**17-17-0103-B Cultural Exhibits and Libraries**

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

**17-17-0103-C Day Care**

A place in which are received 3 or more adults or children, not of common parentage, apart from their parents or guardian, for part or all of a day. The term “*day care center*” or “*child care center*” includes but is not limited to the following: nursery schools, adult and/or child care centers, day nurseries, kindergartens and play groups, but does not include bona fide kindergartens and nursery schools operated by public or private elementary or secondary *school* systems.

**17-17-0103-C[a] Detention and Correctional Facilities**

Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an

approved leave. Examples include prisons, jails, probation centers, and juvenile detention homes.

[amended: 03/09/2005, Council Journal: p. 44463]

**17-17-0103-D Hospital**

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

**17-17-0103-E Lodge or Private Club**

A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

**17-17-0103-F Parks and Recreation**

Recreational, social, or multi-purpose uses typically associated with public parks, *public open spaces*, public play fields, public or private golf courses, or public recreation areas or buildings.

**17-17-0103-G Postal Service**

Mailing services and *processing* as traditionally operated or leased by postal and parcel service companies.

**17-17-0103-H Public Safety Services**

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

**17-17-0103-I Religious Assembly**

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques and churches.

**17-17-0103-J School**

Public and private *schools* at the primary, elementary, junior high, or high *school* level that provide state-mandated basic education.

**17-17-0103-K Utilities and Services, Major**

Infrastructure services that have substantial land use impacts on surrounding areas. Such uses may be allowed when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and communitywide interest. Typical uses include but are not limited to: water and waste water treatment facilities, major water storage facilities, transit stations, bus turnarounds, and transit maintenance and storage garages. *Major utilities and services* do not include *waste-related uses*.

[amended: 03/09/2005, Council Journal: p. 44463]

**17-17-0103-L Utilities and Services, Minor**

Infrastructure services that need to be located in area where the service is provided. Minor Utilities and Services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; electrical substations; stormwater facilities and conveyance systems; and telephone exchanges.

**17-17-0103-M Wind Energy Meteorological Tower**

A temporary facility, operating no more than two years from the date of installation, consisting of wind-measuring devices and data acquisition peripherals which are used solely to measure winds in order to assess the viability of constructing a wind energy facility, mounted on a tower secured with either an approved base or guy wires secured with an approved anchoring system.

[amended: 03/09/2005, Council Journal: p. 44464; 09/13/2006, Council Journal: p. 84916]

**17-17-0104 Commercial Use Group**

The *commercial use group* includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The *commercial use group* includes the following Use Categories:

**17-17-0104-A Adult Use**

The term “*adult use*” means adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult *entertainment cabarets*, or similar establishments.

1. An adult book store is an establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities,” or “specified anatomical areas” or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.
2. An adult motion picture theater is an enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” for observations by patrons therein.
3. An adult mini motion picture theater is an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
4. An adult *entertainment cabaret* is a public or private establishment which (i) features topless dancers, strippers; (ii) not infrequently features entertainers who display “specified anatomical areas”; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of

the patron or entertainers who engage in, or engage in explicit simulation of, “specified sexual activities.”

[amended: 12/13/2006, Council Journal: p. 95364]

5. The phrase “specified sexual activities” in connection with *adult uses* means:
  - (a) Human genitals in the state of sexual stimulation or arousal;
  - (b) Acts of human masturbation, sexual intercourse or sodomy;
  - (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
6. The phrase “specified anatomical areas” in connection with *adult uses* means:
  - (a) Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock and (c) female breast below a point, immediately above the top of the areola; and
  - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### **17-17-0104-B Animal Services**

The following are *animal services* use types:

1. **Shelter and Boarding Kennels**  
Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, dog training centers and animal rescue shelters.
2. **Sales and Grooming**  
*Sales and grooming* of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.
3. **Veterinary**  
Typical uses include pet clinics, dog and cat hospitals, and animal hospitals.
4. **Stables**  
Stables and boarding facilities for horses and similar large animals.

[amended: 03/09/2005, Council Journal: p. 44464]

#### **17-17-0104-C Artist Work or Sales Space**

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the “Cultural Exhibits and Libraries” use category.

#### **17-17-0104-D Body Art Services**

Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Illinois Medical Board, which may not be performed in a *body art services* establishment.

**17-17-0104-E Building Maintenance Services**

Provision of maintenance and custodial services to commercial and *industrial establishments*. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

**17-17-0104-F Business Equipment Sales and Services**

Sale, rental, or repair of *office*, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

**17-17-0104-G Business Support Services**

Provision of clerical, employment, protective, or minor *processing* services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involving any outdoor storage or manufacturing processes. Business or trades schools that do involve outdoor storage or manufacturing processes are classified as “Manufacturing and Production, General”

**17-17-0104-H Communications Service Establishments**

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as “*major utilities and services*” and “*Minor Utilities.*” Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

**17-17-0104-I Construction Sales and Services**

Construction activities and incidental storage on *lots* other than construction sites. Also includes the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as “Automotive” and/or “Heavy Equipment” use types. Typical uses include building materials stores, tool and equipment rental or sales and building contracting/construction offices.

**17-17-0104-J Eating and Drinking Establishments**

Provision of prepared food or beverages for on- or off-premises consumption. The following are examples of eating and drinking establishments:

**1. Restaurant**

An establishment primarily engaged in serving prepared food to the public pursuant to required licenses, including those with outdoor seating areas.

**(a) Limited Restaurant**

A restaurant in which there is no service of alcoholic liquor or in which the service of alcoholic liquor is clearly incidental and subordinate to the primary activity (prepared food service) and in which live entertainment or dancing, if any, is clearly incidental and subordinate to the primary activity (prepared food service).

(b) **General Restaurant**

A restaurant in which alcoholic liquor may be served in conjunction with the primary activity (prepared food service) and in which live entertainment and dancing are permitted in completely enclosed areas.

**2. Tavern**

An establishment that is primarily engaged in serving alcoholic liquor for consumption on the premises and in which the serving of prepared food, live entertainment and dancing are permitted.

[amended: 03/09/2005, Council Journal: p. 44464]

**17-17-0104-K Entertainment and Spectator Sports**

Provision of cultural, entertainment, athletic, and other events to spectators. The following are spectator sports and entertainment use types:

**1. Inter-Track Wagering Facility**

A facility other than a race track at which pari-mutuel wagering is conducted with respect to the outcome of a simultaneously televised horse race taking place at an Illinois race track or horse races of national or international interest held at race tracks in other states or countries.

**2. Small Venue**

*Entertainment and spectator sports* establishments, other than Inter-track Wagering Facilities, conducted within an enclosed building with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

**3. Medium Venue**

*Entertainment and spectator sports* establishments, other than Inter-track Wagering Facilities, conducted within an enclosed building with a capacity of more than 149 and fewer than 1,000 persons. Typical uses include theaters and meeting or banquet halls.

**4. Large Venue**

*Entertainment and spectator sports* establishments, other than Inter-track Wagering Facilities, with a capacity of 1,000 persons or more. Typical uses include large theaters, cinemas and meeting or banquet halls.

[amended: 03/09/2005, Council Journal: p. 44465]

**17-17-0104-L Flea Market**

A site either indoors or outdoors where individual stalls or spaces are provided on a short term basis for vendors to display, buy, sell, exchange, or deal in new or used goods.

**17-17-0104-M Financial Services**

Financial or securities brokerage services. Typical uses include banks, savings and loans, consumer investment businesses and the following specific use types:

**1. Payday Loan Store**

An establishment that engages in the business of offering payday loans. A “payday loan” is a loan transaction where a post-dated check or other

check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.

**2. Pawn Shop**

An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.

**3. Consumer Loan Establishment**

Any business that makes loans in a principal amount not exceeding \$25,000 secured other than by a mortgage or lien on the borrower's real property or on personal property acquired by the borrower with the proceeds of the loan. "*consumer loan establishment*" does not include any bank, savings bank, savings and loan association or credit union.

**17-17-0104-N Food and Beverage Retail Sales**

Retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores and wine stores.

**17-17-0104-O Fortune Telling Service**

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

**17-17-0104-P Funeral and Interment Services**

Provision of services involving the care, preparation or disposition of human dead. The following are *funeral and interment services* use types:

**1. Cemetery/Mausoleum/Columbarium**

Land or facilities used for burial of the dead.

**2. Cremating**

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

**3. Undertaking**

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

**17-17-0104-Q Gas Stations**

A building or portion thereof used for offering for sale at retail to the public, fuels, oils and accessories for *motor vehicles*, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent and where no *motor vehicles* or boats are offered for sale or rent.

**17-17-0104-R Lodging**

Provision of *lodging* services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are *lodging* use types:

**1. Bed and Breakfast**

An owner-occupied, detached house or an owner-occupied dwelling unit within a multi-unit residential building that does not exceed 4 stories in

height and contains no more than 11 sleeping rooms or an owner-occupied condominium, townhouse or cooperative in which 11 or fewer sleeping rooms are available for rent on for hire for transient occupancy by registered guests. For purposes of this definition, the term “bed and breakfast” does not include single-room occupancy buildings. If the bed and breakfast is a detached house located on a lot that includes a principal house and an accessory building that was being used for residential purposes as of January 16, 2003, the accessory building that will be considered to be part of the establishment.

**2. Hotel/Motel**

An establishment containing 12 or more guest rooms and in which short-term *lodging* is offered for compensation and which may or may not include the service of one or more meals to guests. Typical uses include hotels, motels and transient boarding houses.

**17-17-0104-S Medical Service**

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations and government-operated health centers. Excludes use types more specifically classified, such as *hospitals*.

**17-17-0104-T Office**

Professional, governmental, executive, management or administrative *offices* of private organizations or government agencies. Typical uses include government *offices*, administrative *offices*, legal *offices*, and architectural firms. Also includes electronic data storage centers and high-technology *offices*.

**1. Electronic Data Storage Center**

A work site used as a facility for the storage of and the operation of computer hardware, equipment for *processing*, storage and/or routing of electronic data, or other high technology uses.

**2. High Technology Office**

An employee work site used for computer software design and development, data *processing*, electronic data interchange, electronic commerce and/or information systems management, nanotechnology, biotechnology or other high technology uses.

**17-17-0104-U Parking, Non-Accessory**

Parking that not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both *accessory parking* and *non-accessory parking* is classified as *non-accessory parking*.

[amended: 03/09/2005, Council Journal: p. 44465]

**17-17-0104-V Personal Service**

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, yoga or dance studios, driving schools and martial arts studios.

[amended: 03/09/2005, Council Journal: p. 44465; 09/13/2006, Council Journal: p. 84908]

**17-17-0104-W Repair and Laundry Services, Consumer**

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes “Automotive and Equipment” use types. Typical uses include laundry/dry cleaning drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

[amended: 03/09/2005, Council Journal: p. 44465]

**17-17-0104-X Residential Support Services**

Commercial uses provided primarily to serve the needs of residents in large, *multi-unit residential buildings* or residents within the immediate area. The following are considered *residential support services*:

1. *Restaurants*, with or without service of alcohol;
2. *Financial services*, except pawnshops, consumer loan agencies and *payday loan stores*;
3. *Food and beverage retail sales*, alcohol sales as *accessory use* only; no package liquor stores;
4. *Medical service*;
5. *Offices*;
6. *Personal service*; and
7. *Retail Sales, General*.

**17-17-0104-Y Retail Sales, General**

Businesses involved in the sale, lease or rent of new or used products or merchandise to the general public. Typical uses include drug stores, grocery stores, department stores and apparel stores.

**17-17-0104-Z Sports and Recreation, Participant**

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

**1. Amusement Arcades**

A place of amusement that includes 4 or more automatic amusement machines or devices as defined in Chapter 4-16, “Amusements” of the Municipal Code, whether directly or remotely operated or controlled; provided, however, that when calculating the number of automatic amusement devices, jukeboxes will not be counted.

**2. Entertainment Cabaret**

Any dance hall, non-alcohol bar, dry cabaret, juice bar, teen-age cabaret, used or intended to be used primarily for participation by the public for entertainment or amusement, including but not limited to music, music videos and dancing. This use does not include any establishment that is licensed to serve alcoholic beverages.

**3. Indoor**

Participant sport and recreation uses conducted within an enclosed building, other than arcades and *entertainment cabarets*. Typical uses include bowling alleys, billiard parlors, and physical fitness centers.

**4. Outdoor**

Participant sport and recreation uses conducted outside of an enclosed building, other than *entertainment cabarets*. Typical uses include driving ranges, miniature golf courses and swimming pools.

**17-17-0104-AA Vehicle Sales and Service**

Sales of *motor vehicles* or services related to *motor vehicles*. The following are *vehicle sales and service* use types:

**1. Auto Supply/Accessory Sales**

Businesses involved in the sale, lease or rental of new or used automobile supplies or accessories to the general public. Typical uses include auto parts stores.

**2. Car Wash or Cleaning Service**

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water, and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

**3. Motor Vehicle Repair Shop**

A building, structure, premises, enclosure or other place including automobile service stations, garages and *motor vehicle* service establishments where the business of doing repair work on or for *motor vehicles*, the replenishing of parts thereto, or the diagnosis of malfunctions of a *motor vehicle* is conducted in any shop, drive-in station or garage that inspects *motor vehicles* for the purpose of appraising, evaluating or estimating the extent or value of *motor vehicle* damage or the necessity or cost of *motor vehicle* repairs. A *motor vehicle repair shop* includes any business, establishment or location where tires are changed or repaired.

**4. Heavy Equipment Sales/Rentals**

Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

**5. Light Equipment Sales/Rentals**

Sale, retail, wholesale, or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight,

motorhomes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

**6. RV or Boat Storage**

Storage of recreational vehicles or boats as a *principal use*. Typical uses include storage yards for personal recreational vehicles and boat storage yards.

**7. Vehicle Storage and Towing**

Storage of operating *motor vehicles* or vehicle towing services. Typical uses include towing services, private parking tow-aways, impound yards, and fleet storage yards.

**17-17-0105 Industrial Use Group**

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The Industrial Use Group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The Industrial Use Group includes the following Use Categories:

**17-17-0105-A Junk/Salvage Yard**

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A *junk or salvage yard* includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. A junk or salvage yard does not include *waste-related uses* or *recycling facilities*.

[amended: 03/09/2005, Council Journal: p. 44466]

**17-17-0105-B Manufacturing, Production and Industrial Services**

**1. Artisan**

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

**2. Limited**

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

### 3. General

- (a) Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- (b) Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as “consumer repair or laundry services.”

### 4. Intensive

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.

[amended: 03/09/2005, Council Journal: p. 44466]

#### 17-17-0105-C Mining/Excavation

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

#### 17-17-0105-D Recycling Facilities

Any building, portion of building or area in which *recyclable material* is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

##### 1. Recycling Facility, Class I

A *recycling facility* where *recyclable materials* are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans and glass items are considered an *accessory use* and may be allowed in any zoning district.)

##### 2. Recycling Facility, Class II

A *recycling facility* which, in addition to any activity permitted in a *Class I Recycling Facility*, engages in *processing of recyclable materials* such as cleaning, bundling, compacting or packing of *recyclable materials*.

**3. Recycling Facility, Class III**

*A recycling facility which, in addition to any activity permitted in a Class II Recycling Facility, performs composting.*

**17-17-0105-E Warehousing, Wholesaling and Freight Movement**

Storage, wholesale sales and distribution of materials and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public and the following specific use types:

**1. Residential Storage Warehouses**

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a *residential storage warehouse* may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a *residential storage warehouse* facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

**2. Container Storage**

Any building, structure, premises, enclosure or other place where 4 or more freight containers are stacked, housed, stored, kept for hire, sheltered or parked for any purpose other than repair or repainting, or where rent or compensation is paid to any owner, manager or lessee to stack, house, store keep, shelter or park freight containers on any property.

**3. Freight Terminal**

A building or area in which freight is collected and/or stored for in intrastate or interstate shipment.

*[amended: 03/09/2005, Council Journal: p. 44466]*

**17-17-0105-F Waste-Related Uses**

**1. Hazardous Waste Treatment or Storage**

As defined in Chapter 11-4 of the Municipal Code (Environmental Protection and Control)

**2. Incinerators**

As defined in Chapter 11-4 of the Municipal Code (Environmental Protection and Control)

**3. Incinerators, Municipal**

**4. As defined in Chapter 11-4 of the Municipal Code (Environmental Protection and Control) Liquid Waste Handling Facility**

A facility that treats or disposes of liquid waste, liquid special waste, or liquid hazardous waste.

**5. Reprocessable Construction/Demolition Material Facility**

A site used for purposes of receiving, storing, reprocessing and transport of *reprocessable construction/demolition material*. Such facility may not include any operation used for hot mixed asphalt *processing*.

**6. Resource Recovery Facilities**

A facility that uses non-hazardous solid waste as fuel in a process specifically designed for the purpose of waste disposal or volume reduction and which produces thermal energy or electricity as a by-product.

**7. Sanitary Landfills**

A facility originally licensed under Chapter 11-4 of the Municipal Code and operating as amended before January 1, 1985 and the Illinois Environmental Protection Act for the disposal of waste on land without creating nuisances or hazards to the public health.

**8. Transfer Stations**

A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

[amended: 03/09/2005, Council Journal: p. 44466]

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**17-17-0106 Other Uses Group**

The Other Uses Group includes the following two Use Categories:

**17-17-0106-A Off-premise signs**

A *sign* which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such *sign* is located, or to which it is affixed.

**17-17-0106-B Wireless Communication Facilities**

Facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. The wireless communication facility use category includes all associated equipment unless the written context clearly indicates that another meaning is intended. The term “associated equipment” is to be read broadly and in context. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.

**1. Co-located Facility**

A *wireless telecommunication facility* that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

**2. Freestanding Facility**

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

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**17-17-0200 General Terms**

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**17-17-0201 Abandoned Sign Structure**

A *sign structure* that has had no *sign* has in place for a continuous period of 6 months or more.

#### **17-17-0201.1 Abutting Property Line**

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A border, boundary or property line with no intervening public way or other land.

[amended: 09/13/2006, Council Journal: p. 84908]

#### **17-17-0202 Accessible Dwelling Unit**

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A dwelling unit that:

**17-17-0202-A** is approved by the Mayor's Office for People with Disabilities, Architectural Services Unit;

[amended: 03/09/2005, Council Journal: p. 44467]

**17-17-0202-B** complies with Type A dwelling unit requirements of Section 1003 of ICC/ANSI A1117.1-2003, except as modified by Chapter 18-11 of the Chicago Building Code Type A unit design criteria;

[amended: 03/09/2005, Council Journal: p. 44467]

**17-17-0202-C** provides at least one accessible bedroom on the entrance level, and at least one toilet room in compliance with Type A dwelling unit requirements of Section 1003 of ICC/ANSI A1117.1-2003; and

[amended: 03/09/2005, Council Journal: p. 44467]

**17-17-0202-D** includes a bathtub or shower, a water closet and a lavatory on the entrance level.

[amended: 03/09/2005, Council Journal: p. 44467]

#### **17-17-0203 Accessory Building**

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A building that is subordinate in area, extent and purpose to the *principal use* and building on the *zoning lot* and that is customarily used or occupied in conjunction with a permitted *accessory use*. (See Sec. 17-17-0311 for rules governing measurement of accessory building height.)

[amended: 09/13/2006, Council Journal: p. 84909]

#### **17-17-0204 Accessory Parking**

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Parking provided to comply with minimum off-street parking requirements and non-required parking that is provided exclusively to serve occupants of or visitors to a particular use, rather than the public at-large. See "*non-accessory parking*," Sec. 17-17-02101.

[amended: 03/09/2005, Council Journal: p. 44467]

#### **17-17-0205 Accessory Structure**

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A structure that is subordinate in area, extent and purpose to the *principal use* and building on the *zoning lot* and that is customarily used in conjunction with a permitted *accessory use*.

#### **17-17-0206 Accessory Use**

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A use that is subordinate in area, extent and purpose to the *principal use* on the *zoning lot* and that is customarily found in conjunction with a permitted *principal use*.

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**17-17-0207 Administrative Adjustment**

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Modification of an otherwise applicable standard, approved in accordance with Sec. 17-13-1000.

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**17-17-0208 Agent**

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A person duly authorized to act on behalf of a *property owner*.

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**17-17-0209 Air Rights**

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The ownership or control of all land property, and that area of space at and above a horizontal plane over the ground surface of land utilized for railroad or expressway purposes. The horizontal plane must be at a height above the city datum that is reasonably necessary or legally required for the full and free use of the ground surface.

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**17-17-0210 Alley**

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A public right-of-way that affords a secondary means of access to abutting property.

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**17-17-0211 Allowed Use**

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A *permitted use* or *special use* in the subject zoning district.

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**17-17-0212 Artist Live/Work Space**

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A *dwelling unit* in which up to 50% of the floor area is used for the production, showing, and sale of art.

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**17-17-0213 Attic**

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Unfinished floor space located immediately below a gabled roof or other form of sloped roof.

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**17-17-0214 Automated Teller Machine**

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An electronically powered machine activated by means of a coded celluloid card or other similar device that permits banking transactions.

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**17-17-0214.3 Automated Teller Machine Facility**

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A facility or store whose principal use is for the location and operation of one or more remote service units. A “remote service unit” means an automated teller machine, automated loan machine, and an automated device for receiving deposits, or an other such similar device.

*[amended: 06/28/2006, Council Journal: p. 79817]*

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**17-17-0214.5 Automotive Lift**

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Equipment designed to deposit motor vehicles in a parking space by moving motor vehicles vertically above floor level on pallets or platforms equipped with tracks, channels or similar devices to hold the vehicle’s wheels, not the vehicle’s frame or designated support points in place while the vehicle is being moved vertically.

*[amended: 06/29/2005, Council Journal: p. 52358]*

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**17-17-0215 Awning**

A roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.

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**17-17-0216 Awning Sign**

A *sign* incorporated into or attached to an *awning*.

---

**17-17-0217 Banner**

A *sign* made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. *Banners* also include non-rigid *signs* anchored along one edge, or two corners, with weights installed that reduce the reaction of the *sign* to wind. See also “*flag*.”

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**17-17-0218 Base District**

Any zoning district that is not an *overlay district*.

---

**17-17-0219 Base Floor Area Ratio**

The maximum *floor area ratio* allowed under the subject zoning classification before any applicable bonus or premium floor area allowance is applied.

---

**17-17-0220 Block**

A tract of land bounded by *streets*, or by a combination of *streets* and public parks, cemeteries, *railroad right-of-way*, bulkhead lines or shore lines of waterways, or corporate boundary lines of the City of Chicago.

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**17-17-0221 Block Face**

All *lots* abutting one side of a *street* between the two nearest intersecting *streets*.

[amended: 03/09/2005, Council Journal: p. 44467]

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**17-17-0222 Buffer Zone**

Any natural or undeveloped area or existing open space that separates *transfer stations*, *resource recovery facilities*, *incinerators*, *sanitary landfills* and Class III *recycling facilities* from surrounding uses.

---

**17-17-0223 Building**

Any structure that is permanently affixed to the land and built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

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**17-17-0224 Building, Completely Enclosed**

See “*completely enclosed building*.”

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**17-17-0225 Building Coverage**

The amount of a *lot* covered by buildings.

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**17-17-0226 Building, Detached**

See “*detached building*.”

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**17-17-0227 Building Height**

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The vertical distance from *grade* to a fixed point on the building. (See Sec. 17-17-0311 for rules governing measurement of *building height*)

---

**17-17-0228 Building Line**

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An imaginary line representing the actual location of an exterior building wall.

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**17-17-0229 Building, Principal**

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See "*principal building*."

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**17-17-0230 Building, Residential**

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See "*residential building*."

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**17-17-0231 Bulk**

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The general term used to refer to the size of a building or the building features allowed on a *lot*. It includes the following:

- 17-17-0231-A** *lot area*;
- 17-17-0231-B** *setbacks*;
- 17-17-0231-C** *open space*;
- 17-17-0231-D** *floor area*;
- 17-17-0231-E** *floor area ratio*;
- 17-17-0231-F** *building coverage*; and
- 17-17-0231-G** *building height*.

---

**17-17-0232 Business Park**

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A planned, unified, campus-like development consisting primarily of *office*, research and limited manufacturing uses.

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**17-17-0233 Canopy**

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A roof like structure of a permanent nature that projects from the wall of a building and overhangs the *public way*.

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**17-17-0234 Changing-image Sign**

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Any *sign* that, through the use of moving structural elements, sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of *sign* image or message. *Changing-image signs* do not include otherwise static *signs* where illumination is turned off and back on not more than once every 24 hours.

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**17-17-0235 Commercial Establishment**

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A business classified in the *commercial use group*, the ownership, management and physical location of which are separate and distinct from those of any other place of business located on the same *zoning lot*, as partly evidenced by maintaining separate and distinct doors and access points.

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**17-17-0236 Commercial Message**

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Any *sign*, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

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**17-17-0237 Common Open Space**

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An outdoor area designated and intended for the common use and enjoyment of residents or other members of the controlling association.

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**17-17-0238 Common Parking Area**

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An off-street parking area containing parking spaces that serve two or more *dwelling units* or uses.

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**17-17-0239 Completely Enclosed Building**

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A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

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**17-17-0240 Composting**

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A controlled process that transforms landscape waste into products useful as soil amendments.

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**17-17-0240.5 Conversion, Illegal or Unlawful**

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Any change to a building that results in the creation of one or more dwelling units that are illegal under the Zoning Ordinance either because they exceed the number of dwelling units permitted in the zoning district where the building is located, do not comply with the bulk and density standards of the zoning district where the building is located, or were created without a required special use.

*[amended: 04/11/2007, Council Journal: p.103486]*

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**17-17-0241 Corner Lot**

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A *lot* situated at the intersection of two *streets*, the interior angle of such intersection not exceeding 135 degrees.

---

**17-17-0242 Curb Level**

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The level of the established curb that is adjacent to the *front property line* of the subject *lot*, measured at the center of such *front property line*. When no curb elevation has been established, the mean elevation of the finished *lot grade* immediately adjacent to a building is considered the "*curb level*."

---

**17-17-0243 Dangerous Sign**

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A *sign* constituting a hazard to public safety because it no longer meets the lateral and/or vertical loads as specified in the Building Code, or no longer meets the wiring and installation standards of the Electrical Code.

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**17-17-0244 Density**

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The general term used to refer to the number of *dwelling units* allowed per unit of land area. It is expressed in this Zoning Ordinance in terms of a minimum amount of *lot area* required per *dwelling unit* (minimum *lot area* per *dwelling unit*).

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**17-17-0245 Detached Building**

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A building surrounded by open space on the same *lot*.

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**17-17-0246 Detached House**

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A *dwelling unit* that is located on its own *lot* and that is not attached to any other *dwelling unit*.

[amended: 03/09/2005, Council Journal: p. 44467]

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**17-17-0247 Development Application**

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Any application or petition for approval in accordance with the procedures of Chapter 17-13.

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**17-17-0247.5 Drive-through Facility**

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Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle.

[amended: 03/09/2005, Council Journal: p. 44467]

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**17-17-0248 Dwelling Unit**

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One or more rooms arranged, designed or used as independent living quarters for a single *household*. Buildings with more than one kitchen or more than one set of cooking facilities are deemed to contain multiple *dwelling units* unless the additional cooking facilities are clearly accessory and not intended to serve additional *households*.

[amended: 03/09/2005, Council Journal: p. 44467]

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**17-17-0249 Efficiency**

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A *dwelling unit*, other than a *single-room occupancy unit*, that contains no more than 700 square feet of floor area, consisting of one room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, provided that such dining alcove does not exceed 125 square feet in area.

[amended: 03/09/2005, Council Journal: p. 44468]

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**17-17-0250 Elderly Housing**

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*Dwelling units* specially designed and marketed for persons who are 62 years of age or older, but not including buildings containing equipment for surgical care or for the treatment of disease or injury, other than emergency first-aid-care.

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**17-17-0251 Electric Sign**

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Any *sign* containing electrical wiring, lighting or other electrical components, but not including *signs* illuminated by a detached exterior light source.

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**17-17-0252 End Wall**

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An exterior wall that is generally perpendicular to *front walls* and *rear walls*.

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**17-17-0253 Façade**

The exterior plane or “face” of a building.

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**17-17-0254 FAR**

An abbreviation for “*floor area ratio*.” See “*floor area ratio*” definition.

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**17-17-0255 Flag**

A *sign* made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of a *flag* is more than 3 times as long as any other dimension, it is classified and regulated as a *banner* regardless of how it is anchored or supported. See also “*banner*.”

---

**17-17-0256 Flashing Sign**

Any *sign* or portion of a *sign* that contains an intermittent or flashing light source or that changes light intensity in sudden transitory bursts. Example of *flashing signs* include *signs* that contain or use strobe lights, or rotating lights; *signs* with blinking or flashing features that are designed to merely to attract attention rather than convey a message; and *changing-image signs* that do not comply with applicable standards.

---

**17-17-0257 Floor Area Ratio (FAR)**

The ratio of the floor area of all *principal buildings* to the total area of the *lot* upon which such buildings are located. (See Sec. 17-17-0305 for rules governing measurement of *floor area ratio*)

---

**17-17-0258 Freight Container**

A non-wheeled, enclosed storage container designed to be integrated into the frame of a train car or truck bed.

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**17-17-0259 Freestanding Sign**

A *sign* on a frame, pole, or other support structure that is not attached to any building.

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**17-17-0260 Front Property Line**

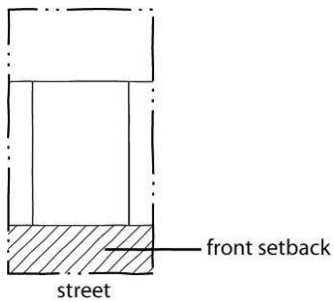
That *property line* that abuts or is along an existing or dedicated public street, or when no public street exists, is along a *public way*. On *lots* with multiple *street frontages*, the *property owner* may select either *street property line* as the *front property line*.

---

**17-17-0261 Front Setback**

The setback required between a building and the *front property line* of the *lot* on which the building is located, extending along the full length of the *front property line* between the *side property lines*.

Figure 17-17-0261



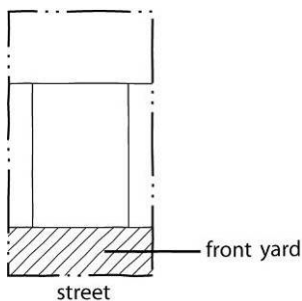
#### 17-17-0262 Front Wall

In buildings that contain more than one *dwelling unit* on a single floor, *front walls* and *rear walls* are those walls that are generally perpendicular to the party walls between *dwelling units*. In buildings that do not contain more than one *dwelling unit* on a single floor, the *front wall* is the wall that is generally parallel and closest to the *front property line* and the *rear wall* is the exterior building wall opposite the *front wall*.

#### 17-17-0263 Front Yard

The actual area that exists between a building and the *front property line* of the *lot* on which the building is located, extending along the full length of the *front property line* between the *side property lines*. See also "Setback, Front."

Figure 17-17-0263



#### 17-17-0264 Government-Subsidized (Dwelling Unit)

A *dwelling unit* that is financed in whole or in part with federal, state or local (Chicago Department of Housing) financial assistance.

#### 17-17-0265 Grade

The *curb level* adjacent to the *front property line* or the mean elevation of the finished *lot*, as measured along exterior building walls of the *principal building*, whichever is higher.

#### 17-17-0266 Gross Lot Area

The entire land area within the boundaries of a site.

#### 17-17-0267 Height, Building

See "*building height*."

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**17-17-0268 High-Rise Building Sign**

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An *individual letter sign* mounted at a height of 150 feet or more that is attached to the exterior wall of a building or to a roof-top mechanical equipment penthouse or other roof-top feature that is integral to the building upon which it is located.

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**17-17-0269 Home Occupation**

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An *accessory use* of a *dwelling unit* for business or commercial purposes. *Home occupations* are subject to the standards of Sec. 17-9-0202.

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**17-17-0270 Household**

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One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 3 additional persons, all of whom live together as single housekeeping unit; or one or more handicapped persons, as defined in the Fair Housing Amendments Act of 1988, plus not more than 3 additional persons, all of whom live together as a single housekeeping unit.

[amended: 03/09/2005, Council Journal: p. 44468]

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**17-17-0271 Incidental Sign**

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A *sign* that contains no *commercial message* and that is exclusively used to convey directions or other information for the convenience of the public. Included are *signs* designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are *signs* on private property designed to guide or direct pedestrians or vehicular traffic, such as “entrance” and “exit” *signs*.

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**17-17-0272 Indirect Lighting**

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Illumination from a light source that is not contained within a *sign* or *awning*.

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**17-17-0273 Individual Letter Sign**

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A *wall sign* or *high-rise building sign* consisting of raised individual letters, script or symbols. The background of an *individual letter sign* is either the exterior building wall surface or another opaque, non-illuminated surface.

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**17-17-0274 Industrial Corridor**

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Any area that has been designated as a priority area for industrial development and/or retention in a plan approved by the Plan Commission or City Council.

---

**17-17-0275 Industrial Establishment**

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A business classified in the industrial use group, the ownership, management and physical location of which are separate and distinct from those of any other place of business located on the same *zoning lot*, as partly evidenced by maintaining separate and distinct doors and access points.

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**17-17-0276 Industrial Park**

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A planned, unified, campus-like development consisting primarily of manufacturing, industrial and warehousing uses.

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**17-17-0277 Interior Side Property Line**

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A *side property line* that does not abut a *street* or *alley*.

---

**17-17-0278 Internal Lighting**

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Illumination from a light source that is contained within a *sign* or *awning*.

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**17-17-0279 Landscaped**

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Substantially covered with grass, ground cover, shrubs, trees or other living plant material.

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**17-17-0280 Legible**

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Capable of being read or deciphered by a 5-foot to 6-foot tall person whose eyesight meets the minimum requirements necessary for receipt of an Illinois driver's license (wearing any corrective lenses required by such license).

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**17-17-0281 Lighting, Direct**

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Exposed lighting or neon tubes on a *sign* face. *Direct lighting* of *signs* also includes *signs* whose message or image is created by light projected onto a surface.

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**17-17-0282 Lighting, Indirect**

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A light source that is separate from the *sign* face and that is directed to shine onto the *sign*.

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**17-17-0283 Lighting, Internal**

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A light source that is concealed within a *sign*.

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**17-17-0284 Lot**

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A "*zoning lot*" unless the context clearly indicates a "*lot of record*". The term "*lot*" will be construed to include the terms "*site*," "*parcel*" and any other similar undefined term.

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**17-17-0285 Lot Area**

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The total horizontal land area contained within the *property lines* of a *lot*.

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**17-17-0286 Lot Coverage**

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The area of a *lot* covered by *principal buildings*, as measured along the exterior building wall at ground level, and including all building projections other than those expressly allowed encroaching into required setback areas.

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**17-17-0287 Lot Depth**

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The mean horizontal distance between the *front property line* and the *rear property line* of a *lot* measured within the *lot's* boundaries.

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**17-17-0288 Lot Frontage**

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The horizontal distance between *side property lines* on a *lot*, as measured along the *front property line*.

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**17-17-0289 Lot of Record**

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An area of land designated as a *lot* on a plat of subdivision recorded or registered, pursuant to statute, with the Recorder of Deeds of Cook County and the Ex-officio Examiner of Subdivisions of the City of Chicago.

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**17-17-0290 Lot Width**

The mean horizontal distance between the *side property lines* of a *lot* measured within the *lot's* boundaries.

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**17-17-0291 Lot, Corner**

See "*corner lot*."

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**17-17-0292 Lot, Reversed Corner**

See "*reversed corner lot*."

---

**17-17-0293 Lot, Through**

See "*through lot*."

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**17-17-0294 Lot, Zoning**

See "*zoning lot*."

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**17-17-0295 Marquee**

A roof-like structure of a permanent nature that projects from the wall of a building and overhangs the *public way*.

---

**17-17-0296 Marquee Sign**

A *sign* incorporated into or attached to a *marquee* or permanent *canopy*.

---

**17-17-0297 Mobility Street**

Any *street* officially designated as a *mobility street* in accordance with Sec. 17-4-0600.

---

**17-17-0298 Motor Vehicle**

Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

---

**17-17-0299 Multi-Unit Residential**

A *residential building* that contains 3 or more *dwelling units* that share common walls or common floors/ceilings with one or more *dwelling units*. The land upon which the building sits is not divided into separate *lots*.

---

**17-17-02100 Net Site Area**

The entire land area within the boundaries of a site, less the area of all land required or proposed for public use.

---

**17-17-02101 Non-Accessory Parking**

Parking spaces provided in excess of the maximum *accessory parking* limits established in Sec. 17-10-0208, and parking spaces (and the drive aisles and circulation area associated with such parking spaces) that are provided to serve the general public rather than being reserved exclusively by occupants of and visitors to a particular use (e.g., public parking garages).

---

**17-17-02102 Nonconforming Building**

---

A building that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with the *bulk* standards of the zoning district in which it is now located.

---

**17-17-02103 Nonconforming Development**

---

Any aspect of a development—other than a *nonconforming lot*, *nonconforming use* or *nonconforming sign*—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Zoning Ordinance. Common examples of *nonconforming developments* are buildings that do not comply with current setback or height standards, off-street parking or loading areas that contain fewer spaces than required by current standards or sites that do not comply with current landscaping standards.

---

**17-17-02104 Nonconforming Lot**

---

A tract of land lawfully established as a *lot* on a plat of subdivision recorded or registered, pursuant to statute, with the Recorder of Deeds of Cook County and the Ex-officio Examiner of Subdivisions of the City of Chicago that does not comply with the minimum *lot area* or *lot width* standards of the zoning district in which it is now located.

---

**17-17-02105 Nonconforming Sign**

---

A sign that was lawfully established, in accordance with zoning and other *sign* regulations in effect at the time of its establishment but that is no longer allowed by the regulations of this Zoning Ordinance.

---

**17-17-02106 Nonconforming Use**

---

A use that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

---

**17-17-02107 Nonconformity**

---

Any *nonconforming building*, *nonconforming development*, *nonconforming lot*, *nonconforming sign* or *nonconforming use*.

---

**17-17-02108 Off-premise sign**

---

A *sign* that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the *lot* upon which it is located or to which it is affixed.

---

**17-17-02109 On-premise Sign**

---

A *sign* that directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where the *sign* is located.

---

**17-17-02110 Open Space, Public**

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See “*public open space*.”

---

#### **17-17-02110.5 Ornamental Fencing**

A decorative metal fence, including wrought-iron or fencing that gives the appearance of wrought-iron fencing, but expressly excluding chain-link, barbed wire and similar non-decorative fences.

[amended: 03/09/2005, Council Journal: p. 44468]

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#### **17-17-02111 Overlay District**

A zoning district that overlays one or more base zoning districts and imposes requirements in addition to those of the *base district* or modifies the standards otherwise applicable in the *base district*.

---

#### **17-17-02112 Owner**

See “*property owner*.”

---

#### **17-17-02113 Painted Wall Sign**

A *sign* applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no *sign structure*.

---

#### **17-17-02114 Parapet**

A low wall or railing to protect the edge of a roof.

---

#### **17-17-02115 Parkway, Public**

See “*public parkway*.”

---

#### **17-17-02116 Parkway Tree**

Trees planted or required to be planted within the *public parkway*.

---

#### **17-17-02117 Pedestrian Street**

Any *street* officially designated as a *pedestrian street* in accordance with Sec. 17-3-0500 or Sec. 17-4-0500.

---

#### **17-17-02118 Permanent Sign**

Any *sign* not classified as a *temporary sign*.

---

#### **17-17-02119 Permitted Use**

A use permitted by-right in the subject zoning district in accordance with the applicable use regulations of this Zoning Ordinance.

---

#### **17-17-02120 Planned Development**

A development that meets mandatory *planned development* thresholds of Sec. 17-8-0500 or the elective *planned development* thresholds of Sec. 17-8-0600.

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#### **17-17-02121 Planned Manufacturing District (PMD)**

A district of 5 acres or more that is contiguous or would be contiguous except for separation by a *public way* or a *railroad right-of-way* and that is designated as a PMD in accordance with the procedures of Sec. 0.

#### 17-17-02122 Portable Sign

Any *sign* not permanently attached to the ground or other permanent structure or a *sign* designed to be transported, including, but not limited to, *signs* designed to be transported by means of wheels and *signs* made as A-frames or T-frames.

#### 17-17-02123 Pre-construction Grade

The unfinished mean *grade* of a *lot* before commencement of any building or construction activity.

#### 17-17-02124 Primary Boulevard

The following *streets* and segments of *streets*:

Street	From	To
31st Boulevard	Western	California
67 <sup>th</sup> Street	Yates	Stony Island
California Boulevard	24 <sup>th</sup> Boulevard	31 <sup>st</sup> Boulevard
Central Park Boulevard	Garfield Park	Franklin Boulevard
Diversey Parkway	Logan	Lake Shore Drive
Douglas Boulevard	Independence	Douglas Park
Drexel Boulevard	Oakwood	Drexel Square (51 <sup>st</sup> )
Franklin Boulevard	Central Park	Sacramento Square
Garfield Boulevard	Western Boulevard	Martin Luther King Drive
Hamlin Boulevard	Eisenhower Expressway	Lake Street
Humboldt Boulevard	North Avenue	Palmer Square
Independence Boulevard	Douglas Boulevard	Garfield Park
Kedzie Boulevard	Palmer	Logan
Logan Boulevard	Kedzie Boulevard	Diversey Parkway
Marshall Boulevard	24 <sup>th</sup> Boulevard	California Boulevard
Martin Luther King Drive	25 <sup>th</sup> Street	60 <sup>th</sup> Street
Midway Plaisance		
59 <sup>th</sup> Street	Washington Park	Jackson Park
60 <sup>th</sup> Street		
Oakwood Boulevard	Drexel	Martin Luther King Drive
Sacramento Boulevard	Sacramento Square	Augusta
Stony Island	56 <sup>th</sup> Street	67 <sup>th</sup> Street
Western Boulevard	55 <sup>th</sup> Street	31 <sup>st</sup> Street
Yates Boulevard	67 <sup>th</sup> Street	71 <sup>st</sup> Street

#### 17-17-02125 Principal Building

A building or combination of buildings of chief importance or function on a *lot*. In general, the *principal use* is carried out in a *principal building*. The difference between a *principal building* and an *accessory building* or structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on the *lot*.

#### 17-17-02126 Principal Use

An activity or combination of activities of chief importance on the *lot*. One of the main purposes for which the land, buildings or structures are intended, designed, or ordinarily used.

#### 17-17-02127 Processing

A series of operations performed in the making or treatment of a product or to perform operations on data.

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**17-17-02128 Product Display Window**

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An illuminated window display area in which products and goods are displayed to pedestrians but that do not generally allow visibility into the interior of the *building*.

---

**17-17-02129 Projecting Sign**

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A *sign* attached to and projecting out from a building face or wall, generally at right angles to the building. *Projecting signs* include *signs* that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

---

**17-17-02130 Property Line**

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The boundary of a *lot*, as shown on a plat of subdivision recorded or registered pursuant to statute or as designated by the *lot's* owner or developer as the boundary of a parcel of land to be used, developed, or built upon as a unit, under single ownership or control.

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**17-17-02130.1 Property Line, Abutting**

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See "abutting property line."

*[amended: 09/13/2006, Council Journal: p. 84909]*

---

**17-17-02131 Property Line, Front**

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See "*front property line*."

---

**17-17-02132 Property Line, Rear**

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See "*rear property line*."

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**17-17-02133 Property Line, Side**

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See "*side property line*."

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**17-17-02134 Property Owner**

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The legal or beneficial owner of an improved or unimproved parcel of real estate.

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**17-17-02135 Public Open Space**

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Any publicly-owned open area, including, but not limited to parks, playgrounds, beaches, waterways, parkways and *streets*.

---

**17-17-02136 Public Parkway**

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That portion of the *public way* between a *street* and the nearest parallel *property line*, including sidewalk areas.

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**17-17-02137 Public Way**

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Any sidewalk, *street*, *alley*, highway, or other public thoroughfare.

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**17-17-02138 Railroad Right-of-Way**

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A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

---

**17-17-02139 Rear Property Line**

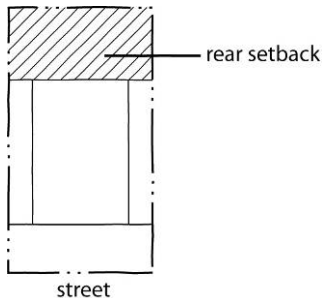
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That *property line* that is most distant from and is most parallel to the *front property line*.

#### 17-17-02140 Rear Setback

The setback required between a building and the *rear property line* of the lot on which the building is located, extending along the full length of the *rear property line* between the *side property lines*.

Figure 17-17-02140



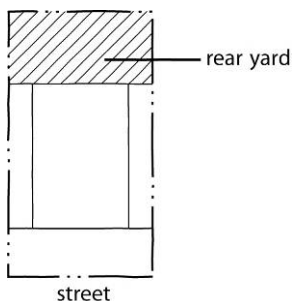
#### 17-17-02141 Rear Wall

In buildings that contain more than one *dwelling unit* on a single floor, *front walls* and *rear walls* are those walls that are generally perpendicular to the party walls between *dwelling units*. In buildings that do not contain more than one *dwelling unit* on a single floor, the *front wall* is the wall that is generally parallel and closest to the *front property line* and the *rear wall* is the exterior building wall opposite the *front wall*.

#### 17-17-02142 Rear Yard

The actual area that exists between a building and the *rear property line* of the lot on which the building is located, extending along the full length of the *rear property line* between the *side property lines*. See also "Setback, Rear."

Figure 17-17-02142



#### 17-17-02143 Recyclable Material

Any aluminum or scrap, bi-metal or tin cans, glass and paper products, rubber, textiles, landscape waste or plastic products such as polyethylene terephthalate, high-density polyethylene, low-density polyethylene, polystyrene and polypropylene, and any other material designated by the commissioner by rule or by regulation.

#### 17-17-02144 Recycling

The collection, temporary storage, and minimal *processing* of *recyclable materials* for the purpose of marketing that material for use as a raw material in a manufacturing process or reuse as consumer products. For the purpose of interpreting this definition only, the term "processing" means manual, mechanical or automated separation of *recyclable material* from

other materials; separation of *recyclable materials* from each other; cleaning, bundling, compacting or packing of *recyclable material*. “Processing” in this context does not include melting, rendering, smelting, vulcanizing or purification by application of heat or chemical process.

#### 17-17-02145 Reprocessable Construction/Demolition Material

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Broken concrete, bricks, rock, stone or paving asphalt generated from construction or demolition activities.

#### 17-17-02146 Residential Building

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A building that is arranged, designed, used or intended to be used:

**17-17-02146-A** exclusively for residential occupancy by one or more families; or

**17-17-02146-B** for a mixture of nonresidential and residential occupancy and in which the floor area devoted to residential *dwelling units* makes up 50% or more of the building’s total gross floor area.

[amended: 03/09/2005, Council Journal: p. 44468]

#### 17-17-02147 Residential District

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Any R or DR zoning district or residential planned development.

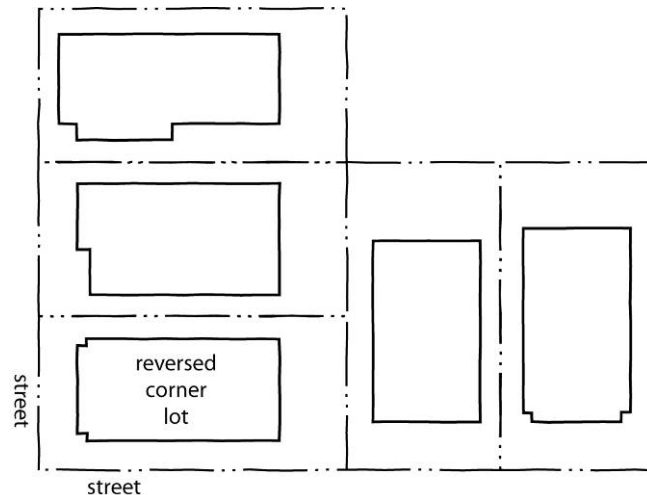
[amended: 03/09/2005, Council Journal: p. 44468]

#### 17-17-02148 Reversed Corner Lot

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A corner lot, the *street side property line* of which is substantially a continuation of the *front property line* of the first lot to its rear.

Figure 17-17-02148



#### 17-17-02149 Roof Line

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The top edge of a roof or *parapet*, whichever is higher.

#### 17-17-02150 Roof Sign

A *sign* or any portion of a *sign* that is erected upon or projects more than 24 inches above the roofline of any building whether the principal support for the *sign* is on the roof, wall or any other structural element of the building.

#### 17-17-02151 Satellite Dish Antenna

A device designed or used for the reception or the transmission of television or other electric communication signal broadcast or, relayed from a satellite. It may be a solid, open mesh, or bar configured structure, in the shape of a shallow dish or parabola.

#### 17-17-02152 Setback

An open, unobstructed area that is required by this Zoning Ordinance to be provided from the furthestmost projection of a structure to the *property line* of the *lot* on which the building is located.

#### 17-17-02153 Setback, Front

See “*front setback*.”

#### 17-17-02154 Setback, Rear

See “*rear setback*.”

#### 17-17-02155 Setback, Side

See “*side setback*.”

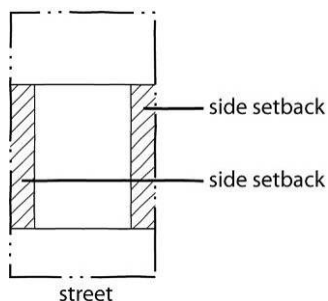
#### 17-17-02156 Side Property Line

Any *property line* that is not a *front property line* or a *rear property line*.

#### 17-17-02157 Side Setback

The setback required between a building and the *side property line* of the *lot* on which the building is located, extending along a *side property line* from the point of the minimum *front setback* to the point of the minimum *rear setback*.

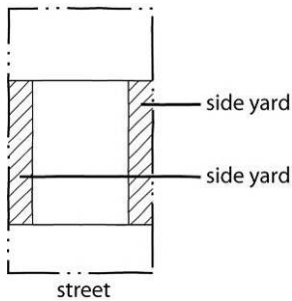
Figure 17-17-02157



#### 17-17-02158 Side Yard

The actual area that exists between a building and the *side property line* of the *lot* on which the building is located, extending along a *side property line* from the point of the minimum *front setback* to the point of the minimum *rear setback*. See also “*Setback, Side*.”

Figure 17-17-02158



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#### 17-17-02159 Sign

Materials placed or constructed, or light projected, that: (1) conveys a message or image and (2) is used to inform or attract the attention of the public. Some examples of “signs” are materials or lights meeting the definition of the preceding sentence and that are commonly referred to as *signs*, placards, A-boards, posters, billboards, murals, diagrams, *banners*, *flags*, or projected slides, images or holograms. When not qualified with the terms “on-premise” or “off-premise,” the term “sign” refers to all *signs*, whether on- or off-premise in nature.

---

#### 17-17-02160 Sign Maintenance

Normal care needed to keep a *sign* functional, such as cleaning, painting, oiling, and changing of light bulbs.

---

#### 17-17-02161 Sign Repair

Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the *sign* in position or with the *sign* removed.

---

#### 17-17-02162 Sign Structure

A structure specifically intended for supporting or containing a *sign*.

---

#### 17-17-02163 Single-Room Occupancy

A *residential building* containing 5 or more *single-room occupancy units* in which at least 90% of the units are *single room occupancy units* occupied by the same tenants for a continuous period of at least 32 days.

[amended: 03/09/2005, Council Journal: p. 44468]

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#### 17-17-02164 Single-Room Occupancy Unit

A *dwelling unit* within a *single-room occupancy* (building) that is used or intended to be used as sleeping quarters or living quarters with or without cooking facilities, and that contains not more than one habitable room consisting of not more than 250 square feet of floor area, excluding from the calculation of floor area any kitchen having less than 70 square feet of floor area.

[amended: 03/09/2005, Council Journal: p. 44468]

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#### 17-17-02165 Special Character Overlay District

A zoning district that has been established in accordance with the provisions of Sec. 17-7-0600 and that imposes special, supplemental and zoning regulations for the use and development of land within such district.

---

**17-17-02166 Special Events Signs**

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A *temporary sign* announcing an event at stadium, auditorium or public or civic facility.

---

**17-17-02167 Special Use**

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A use allowed in the subject zoning district only if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900.

---

**17-17-02168 SRO**

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See “single-room occupancy.”

---

**17-17-02169 Story**

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That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement or below-*grade* floor will be counted as a *story* when more than one-half of the floor-to-ceiling height is above *grade*.

---

**17-17-02170 Street**

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A public right-of-way that affords a primary means of access to abutting property.

---

**17-17-02171 Street Frontage**

---

Any portion of a lot that abuts a *street*. (See also “lot frontage”)

---

**17-17-02172 Strip Center**

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A building used for 2 or more *commercial establishments* (including stores, shops, businesses services and *offices*), that is typically one *story* in height and typically separated from the *street frontage* by parking, and that contains less than 65,000 square feet of floor area. This definition does not include single-use buildings when such buildings include accessory business such as coffee shops, dry cleaners, banks or *automated teller machines* and when such *accessory uses* are not separated from the *principal use* by demising walls.

---

**17-17-02173 Structural Alteration (to a sign)**

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Modification of a *sign*, *sign structure* or *awning* that affects size, shape, height, or *sign* location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electric *sign* are all examples of *structural alterations*. *Structural alteration* does not include ordinary maintenance or repair, repainting an existing *sign* surface, including changes of message or image, exchanging painted and pasted or glued materials on *painted wall signs*, or exchanging display panels of a *sign* through release and closing of clips or other brackets.

---

**17-17-02174 Substandard Lot Depth**

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*Lot depth* of less than 125 feet.

---

**17-17-02175 Temporary Overnight Shelter**

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A building, or portion thereof, in which sleeping accommodations are provided for no more than twelve hours per day, for three or more persons who are not related to the *property*

*owner*, operator, manager or other occupants thereof by blood or by marriage, as described in Chapter 13-208 of this Code.

---

**17-17-02176 Temporary Sign**

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A *sign* that is designed to be used only temporarily and not permanently mounted to a structure or permanently installed in the ground. These include “for sale,” leasing and grand opening *signs*.

---

**17-17-02177 Through Lot**

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A *lot* having a pair of opposite *property lines* along two more or less parallel public streets, and that is not a *corner lot*.

---

**17-17-02178 Top of the Bank**

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The slope adjacent to the water’s edge and that point at the top of the slope at which the contour of the slope ceases to be 10% or greater.

---

**17-17-02179 Townhouse**

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A *dwelling unit* that shares a common wall with another *dwelling unit* or that has an exterior wall that abuts the exterior wall of another *dwelling unit* and that shares a common roof. Such common or exterior walls extend from the ground to the roof or from the roof of the garage to the roof of the *dwelling unit*.

[amended: 03/09/2005, Council Journal: p. 44468]

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**17-17-02180 Townhouse Development**

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Two more *townhouse* units.

---

**17-17-02181 Transitional Residence**

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A temporary residential living arrangement for persons who are receiving therapy or counseling for purposes such as, but not limited to, the following: (a) to help persons recuperate from the effects of drugs or alcohol addiction; (b) to help persons re-enter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release and probationary programs; (c) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or (d) to provide temporary shelter for persons who are victims of domestic abuse.

---

**17-17-02182 Transitional Shelter**

---

A building, or portion thereof, in which temporary residential accommodations are provided for three or more persons who are not related to the *property owner*, operator, manager or other occupants thereof by blood or by marriage, as described in Chapter 13-212 of the Municipal Code.

---

**17-17-02183 Transitional Shelter Room**

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A room used as sleeping and living quarters, but without cooking facilities or without individual bathrooms, as part of a *transitional shelter*. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations will be counted as one *transitional shelter* unit.

---

**17-17-02184 Two-flat**

A residential building that contains 2 dwelling units located on a single lot. The dwelling units must share a common wall or common floor/ceiling.

---

**17-17-02185 Use**

The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained. Unless the otherwise expressly indicated, the term “use” means *principal use*.

---

**17-17-02186 Use of Open Land**

Storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses when the only buildings on the lot are incidental and accessory to the open-air use of the lot.

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**17-17-02187 Use, Principal**

See “*principal use*.”

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**17-17-02188 Variation**

Modification of an otherwise applicable standard, approved in accordance with Sec. 17-13-1100

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**17-17-02189 Vehicular Use Area**

Any area of the lot not located within any enclosed or partially enclosed structure and that is devoted to a use by or for *motor vehicles* including parking (accessory or non-accessory); storage of automobiles, trucks or other vehicles; gasoline stations; car washes; *motor vehicle repair shops*; loading areas; service areas and drives; and access drives and driveways.

---

**17-17-02190 Video Display Sign**

A sign capable of displaying full-motion imagery of television quality or higher.

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**17-17-02191 Wall Sign**

A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Wall signs do not include signs that are attached to sign structures.

---

**17-17-02192 Yard**

The actual (as opposed to “required”) open space on a zoning lot that is unoccupied and unobstructed from its lowest level to the sky. See also “Setback.”

---

**17-17-02193 Yard, Front**

See “*front yard*.”

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**17-17-02194 Yard, Rear**

See “*rear yard*.”

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**17-17-02195 Yard, Side**

See “*side yard*.”

---

### 17-17-02196 Zoning Inspector

A municipal employee supervised to issue citations for code violations and conduct inspections of public or private real property in Chicago to determine if code violations exist.

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### 17-17-02197 Zoning Lot

A single tract of land located within a single *block*, that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

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## 17-17-0300 Measurements

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### 17-17-0301 Division of Improved Zoning Lots

No improved *zoning lot* may be divided into 2 or more *zoning lots* and no portion of any improved *zoning lot* may be sold unless all improved *zoning lots* resulting from the division or sale comply with all the applicable *bulk regulations* of the zoning district in which the property is located.

---

### 17-17-0302 Lot Area

*Lot area* includes the total land area contained within the *property lines* of a *lot*.

---

### 17-17-0303 Lot Frontage

*Lot frontage* is measured between *side property lines* along the *front property line* abutting a public street.

---

### 17-17-0304 Lot Area per Unit

*Lot area* per unit refers to the amount of *lot area* required for each *dwelling unit* on the property. For example, if a minimum lot-area-per-unit standard of 1,000 square feet is applied to 3,125 square foot *lot*, a maximum of 3 *dwelling units* would be allowed on the property.

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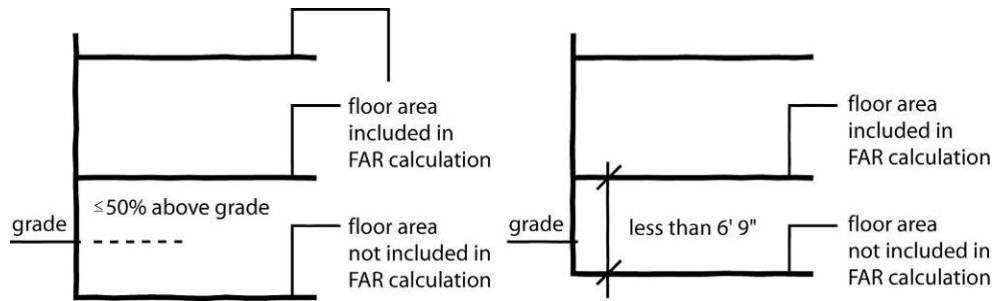
### 17-17-0305 Floor Area Ratio

The *floor area ratio* of a building is the floor area of the building divided by the total gross area of the *zoning lot* upon which the building is located. In the case of *planned developments* and *townhouse developments*, the *floor area ratio* of a building site is the floor area of all buildings on the site divided by the *net site area* of the building site.

**17-17-0305-A** For the purpose of calculating *floor area ratios*, the “floor area” of a building is the sum of the gross horizontal area of all floors in the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building expressly includes all of the following:

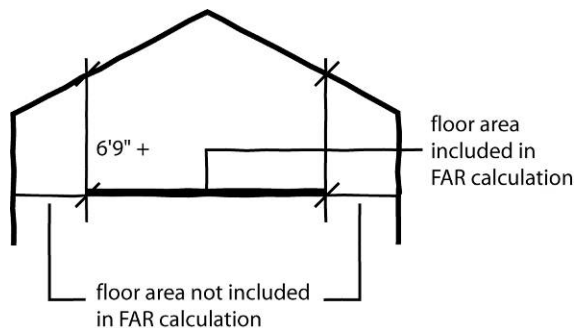
1. floor area of any floor located below *grade* or partially below *grade* when more than one-half the floor-to-ceiling height of the below-*grade* (or partially-below-*grade*) floor is above *grade* level, provided that below-*grade* or partially below-*grade* floors with a clear height of less than 6 feet 9 inches are not counted as floor area;

Figure 17-17-0305-A1



2. elevator shafts and stairwells on each floor;
3. floor area used for mechanical equipment, except equipment located on the roof and mechanical equipment within the building that occupies a commonly owned contiguous area of 5,000 square feet or more;
4. those portions of an *attic* having clear height (head-room) of 6 feet 9 inches or more;

Figure 17-17-0305-A4



5. mezzanines;
6. enclosed porches;
7. floor area devoted to *non-accessory parking*;
8. parking provided in excess of the maximum *accessory parking* limits established in Sec. 17-10-0208, provided that each such parking space will be counted as 350 square feet of floor area; and
9. floor area within a *principal building* that is occupied by *accessory uses*.

**17-17-0305-B** For the purpose of calculating *floor area ratios*, floor area devoted to required loading, *accessory parking* and the drive aisles and circulation area associated with such loading and parking are not to be counted as “floor area.”

[amended: 09/13/2006, Council Journal: p. 84909]

### 17-17-0306 Front Setbacks

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#### 17-17-0306-A Measurement

Required *front setbacks* and existing average *front yards* are to be measured from the *front property line* of the *lot* on which such building is located to the exterior wall of the building.

[amended: 03/09/2005, Council Journal: p. 44469]

#### 17-17-0306-B Permitted Obstructions/Encroachments

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 17-17-0309. All portions of required *front setbacks* that are not occupied by permitted obstructions (See Sec. 17-17-0309) must be *landscaped* and preserved as open space.

#### 17-17-0306-C Patio Pits

No terrace or patio more than 2 feet below *grade* is permitted within 15 feet of the *front property line* in any RS1, RS2 or RS3 district or within 12 feet of the *front property line* in any other R district. This provision is not intended to prohibit the installation of a terrace or patio on a *lot* that has a *pre-construction grade* more than 2 feet below the top of the curb of the *street* upon which the *lot* fronts. Patios or terraces more than 2 feet below *grade* may be constructed in the *front yard* outside of the required setback distance established in this section only if such terrace or patio is visually screened from view with landscaping and decorative fencing.

#### 17-17-0306-D Negative Grade Elevation Lots and Allowed Uses

When the existing street *grade* (curb level) has a positive (+) elevation above the established lot *grade* and there is no requested negative (-) elevation change or lowering of the established lot *grade* within the *front setback*; then, a terrace or patio may be allowed provided that the area within the terrace or patio is landscaped and preserved as open space. A decorative fence must be installed at the front property enclosing the *front setback*.

[amended: 03/09/2005, Council Journal: p. 44469; 09/13/2006, Council Journal: p. 84909]

### 17-17-0307 Rear Setbacks

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#### 17-17-0307-A Measurement

Required *rear setbacks* are to be measured from the *rear property line* of the *lot* on which such structure is located to the furthestmost projection of the structure, not including those projections and features allowed within such setback pursuant to Sec. 17-17-0309.

#### 17-17-0307-B Permitted Obstructions/Encroachments

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 17-2-0306-D, Sec. 17-2-0306-E or Sec. 17-17-0309.

[amended: 09/13/2006, Council Journal: p. 84911]

### 17-17-0308 Side Setbacks

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#### 17-17-0308-A Measurement

Required *side setbacks* and existing *side yards* are to be measured from the *side property line* of the *lot* on which such structure is located to the furthestmost projection of the

structure, not including those projections and features allowed within such setback pursuant to Sec. 17-17-0309.

#### 17-17-0308-B Permitted Obstructions/Encroachments

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 17-17-0309.

#### 17-17-0308-C Division of Improved Zoning Lots

When zoning lots in RS3, RT3.5, RT4, R4.5, RM5, and lots in B and C districts are divided and such lots contain existing attached buildings, side setbacks do not apply between the attached buildings.

[amended: 09/13/2006, Council Journal: p. 84910]

#### 17-17-0309 Features Allowed to Encroach in Required Setbacks

Required setbacks in R districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Projection into Required Setback	Front	Side	Rear
Accessory buildings used for domestic storage (e.g., sheds and tool rooms)	No	No	Yes
Air conditioning units, provided the unit is not more than 4 feet in height	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings and canopies	Yes	Yes	Yes
Bay windows that project no more than 3 feet into the setback and are located at least 4 feet above grade at their lowest point	Yes	No	Yes
Chimneys that project no more than 18 inches into the setback	Yes	Yes	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes
Eaves and gutters projecting 18 inches or less into setback	Yes	Yes	Yes
Eaves and gutters projecting 3 feet or less into setback	Yes	No	Yes
Fences and walls (no more than 20% opaque) up to 6 feet in height	Yes	Yes	Yes
Fences and walls (more than 20% opaque or solid) up to 4.5 feet in height	Yes	Yes	Yes
Fences and walls (more than 20% opaque or solid) up to 6 feet in height	No	Yes	Yes
Flagpoles	Yes	Yes	Yes
Parking spaces, enclosed, provided that (attached or detached) garages that are accessed from alleys must be set back at least one foot from the rear property line (this one-foot setback is not required if the garage is located at least 8 feet from the centerline of the alley, as evidenced by a survey or other similar evidence provided by the applicant and deemed acceptable by the Zoning Administrator)	No	No	Yes
Parking spaces, unenclosed in RS districts	No	Yes <sup>[1]</sup>	Yes
Parking spaces, unenclosed in RT and RM districts	No	No	Yes
Patios that are not over 4 feet above the average level of the adjoining ground (See Sec. 17-17-0306-C)	No	No	Yes
Porches and balconies and that are open on at least 3 sides	No	No	Yes
Recreational equipment (e.g., swing sets and basketball hoops)	No	No	Yes
Roof projecting from garage over open patio not to exceed 8 feet	No	No	Yes
Stairs (unenclosed) providing secondary access required by the Building Code	No	Yes <sup>[2]</sup>	Yes
Sills, belt courses, cornices, buttresses and other architectural features projecting no more than 3 feet into the setback	Yes	Yes	Yes
Steps no more than 6 feet above Grade that are necessary for access to a permitted building or for access to zoning lot from a street or alley	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

[1] Permitted only when the parking is accessed from a public street where no alley exists.

[2] Permitted only for townhouse developments.

[amended: 03/09/2005, Council Journal: p. 44469-70; 09/13/2006, Council Journal: p. 84910]

### 17-17-0310 Building Wall Separation

#### 17-17-0310-A Measurement

Required building separations are to be measured between the furthestmost projection of the structures, not including those projections and features allowed within such setback pursuant to Sec. 17-17-0309.

#### 17-17-0310-B Permitted Obstructions/Encroachments

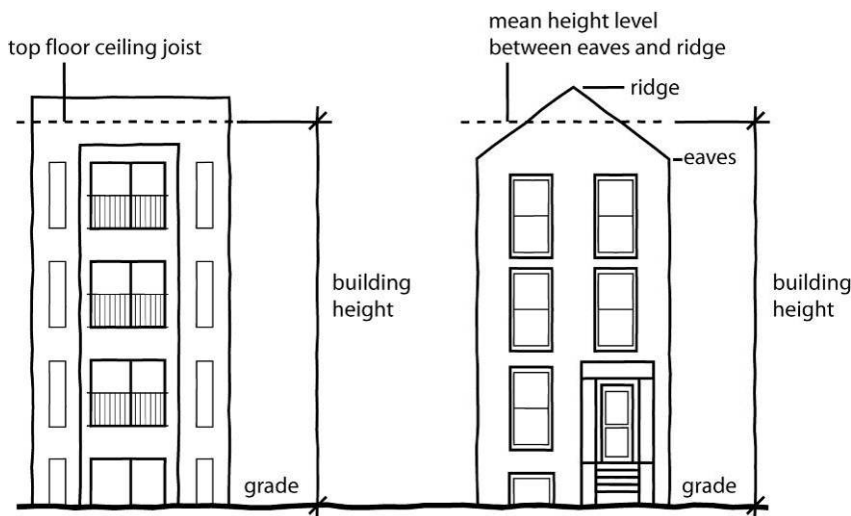
Required separations must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 17-17-0309.

### 17-17-0311 Building Height

#### 17-17-0311-A Measurement

The *building height* of any principal or accessory building is measured as the vertical distance from *grade* to the highest point of the underside of the top floor's ceiling joist on a building with a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof. For purposes of this provision, "floor" means any enclosed area with a floor-to-ceiling height of 6 feet 9 inches or more.

Figure 17-17-0311-A



[amended: 03/09/2005, Council Journal: p. 44470; 09/13/2006, Council Journal: p. 84911]

#### 17-17-0311-B Limitations on Rooftop Features in R Districts

1. Stairway enclosures and elevator penthouses in R districts are allowed to exceed the maximum *building height*, provided:
  - (a) they are set back at least 20 feet from the front *building line*, and
  - (b) do not exceed 9 feet in overall height or extend more than 5 feet above the building *parapet*, whichever results in a lesser height.
2. Stairway enclosures in R districts may not contain habitable space and may not exceed 170 square feet in area.
3. Elevator penthouses in R districts may not contain habitable space and may not exceed 465 square feet in area.

- 4.** Rooftop wind energy systems shall be considered permitted accessory structures within all districts provided they comply with the height limits and setbacks established in this Section. A rooftop energy conversion system shall consist of a wind turbine(s) and associated equipment for converting wind energy to power. Wind energy conversions systems shall be permitted as rooftop accessory structures provided such structures:
- (a) are set back at least 20 feet from the front building line, or in the case of corner lots, at least 15 feet from the front and side building line.
  - (b) are limited to a height of no more than 15 feet above the roof or top of the parapet, whichever is greater.
  - (c) comply with all noise limitations of the Chicago Municipal Code.
  - (d) are safely and securely attached to the rooftop in compliance with the Chicago Building Code.

*[amended: 03/09/2005, Council Journal: p. 44470; 03/29/2006, Council Journal: p. 73936]*

*[End of Chapter]*

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