

## CHAPTER 5-12

### RESIDENTIAL LANDLORDS AND TENANTS

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- 5-12-010 Title, purpose and scope.
- 5-12-020 Exclusions.
- 5-12-030 Definitions.
- 5-12-040 Tenant responsibilities.
- 5-12-050 Landlord's right of access.
- 5-12-060 Remedies for improper denial of access.
- 5-12-070 Landlord's responsibility to maintain.
- 5-12-080 Security deposits.
- 5-12-081 Interest rate on security deposits.
- 5-12-082 Interest rate notification.
- 5-12-090 Identification of owner and agents.
- 5-12-095 Tenants' notification of foreclosure action.
- 5-12-100 Notice of conditions affecting habitability.
- 5-12-101 Bed bugs – Education.
- 5-12-110 Tenant remedies.
- 5-12-120 Subleases.
- 5-12-130 Landlord remedies.
- 5-12-140 Rental agreement.
- 5-12-150 Prohibition on retaliatory conduct by landlord.
- 5-12-160 Prohibition on interruption of tenant occupancy by landlord.
- 5-12-170 Summary of ordinance attached to rental agreement.
- 5-12-180 Attorney's fees.
- 5-12-190 Rights and remedies under other laws.
- 5-12-200 Severability.

#### 5-12-010 Title, purpose and scope.

This chapter shall be known and may be cited as the "Residential Landlord and Tenant Ordinance", and shall be liberally construed and applied to promote its purposes and policies.

It is the purpose of this chapter and the policy of the city, in order to protect and promote the public health, safety and welfare of its citizens, to establish the rights and obligations of the landlord and the tenant in the rental of dwelling units, and to encourage the landlord and the tenant to maintain and improve the quality of housing.

This chapter applies to, regulates and determines rights, obligations and remedies under every rental agreement for a dwelling unit located within the City of Chicago, regardless of where the agreement is made, subject only to the limitations contained in Section 5-12-020. This chapter applies specifically to rental agreements for dwelling units operated under subsidy programs of agencies of the United States and/or the State of Illinois, including specifically programs operated or subsidized by the Chicago Housing Authority and/or the Illinois Housing Development Authority to the extent that this chapter is not in direct conflict with statutory or regulatory provisions governing such programs.

(Prior code § 193.1-1; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 3-31-04, p. 20916, § 3.22)

#### 5-12-020 Exclusions.

Rental of the following dwelling units shall not be governed by this chapter, unless the rental agreement thereof is created to avoid the application of this chapter:

(a) Dwelling units in owner-occupied premises containing six units or fewer; provided, however, that Sections 5-12-130(j) and 5-12-160 shall apply to every rented dwelling unit in such premises within the City of Chicago;

(b) Dwelling units in hotels, motels, inns, bed- and-breakfast establishments, roominghouses and boardinghouses, but only until such time as the dwelling unit has been occupied by a tenant for 32 or more continuous days and tenant pays a monthly rent, exclusive of any period of wrongful occupancy contrary to agreement with an owner. Notwithstanding the above, the prohibition against interruption of tenant occupancy set forth in Section 5-12-160 shall apply to every rented dwelling unit in such buildings within the City of Chicago. No landlord shall bring an

action to recover possession of such unit, or avoid renting monthly in order to avoid the application of this chapter. Any willful attempt to avoid application of this chapter by an owner may be punishable by criminal or civil actions;

(c) Housing accommodations in any hospital, convent, monastery, extended care facility, asylum or not-for-profit home for the aged, temporary overnight shelter, transitional shelter, or in a dormitory owned and operated by an elementary school, high school or institution of higher learning; student housing accommodations wherein a housing agreement or housing contract is entered into between the student and an institution of higher learning or student housing wherein the institution exercises control or supervision of the students; or student housing owned and operated by a tax exempt organization affiliated with an institution of higher learning;

(d) A dwelling unit that is occupied by a purchaser pursuant to a real estate purchase contract prior to the transfer of title to such property to such purchaser, or by a seller of property pursuant to a real estate purchase contract subsequent to the transfer of title from such seller;

(e) A dwelling unit occupied by an employee of a landlord whose right to occupancy is conditional upon employment in or about the premises; and

(f) A dwelling unit in a cooperative occupied by a holder of a proprietary lease.

(Prior code § 193.1-2; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 9-4-03, p. 7118, § 8; Amend Coun. J. 6-11-08, p. 29114, § 1; Amend Coun. J. 7-22-20, p. 18933, § 1)

#### **5-12-030 Definitions.**

Whenever used in this chapter, the following words and phrases shall have the following meanings:

(a) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one or more persons who maintain a household, together with the common areas, land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

(b) "Landlord" means the owner, agent, lessor or sublessor, or the successor in interest of any of them, of a dwelling unit or the building of which it is part.

(c) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(d) "Periodic tenancy" means a tenancy that continues for successive periods, whether month-to-month or otherwise, unless the landlord or tenant takes affirmative action to terminate the tenancy pursuant to this section.

(e) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal or commercial entity.

(f) "Premises" means the dwelling unit and the structure of which it is a part, and facilities and appurtenances therein, and grounds, areas and facilities held out for the use of tenants.

(g) "Rent" means any consideration, including any payment, bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a dwelling unit.

(h) "Rental agreement" means all written or oral agreements embodying the terms and conditions concerning the use and occupancy of a dwelling unit by a tenant.

(i) "Successor landlord" means any person who follows a landlord in ownership or control of a dwelling unit or the building of which it is part, and shall include a lienholder who takes ownership or control either by contract, operation of law or a court order. However, a "successor landlord" shall not include a receiver appointed pursuant to a court order.

(j) "Tenant" means a person entitled by written or oral agreement, subtenancy approved by the landlord or by sufferance, to occupy a dwelling unit to the exclusion of others.

(Prior code § 193.1-3; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 5-12-10, p. 91084, § 1; Amend Coun. J. 7-22-20, p. 18933, § 2)

#### **5-12-040 Tenant responsibilities.**

Every tenant must:

(a) Comply with all obligations imposed specifically upon tenants by provisions of the municipal code applicable to dwelling units, including Section 7-28-850;\*

\* **Editor's note** – Per Coun. J. 6-5-13, p. 55787, § 6, the text of paragraph (a) reading "...including Section 7-28-850" becomes effective on 12-2-13.

(b) Keep that part of the premises that he occupies and uses as safe as the condition of the premises permits;

(c) Dispose of all ashes, rubbish, garbage and other waste from his dwelling unit in a clean and safe manner;

(d) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

(e) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in the premises;

(f) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person on the premises with his consent to do so; and

(g) Conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbors' peaceful enjoyment of the premises.

#### **5-12-050 Landlord's right of access.**

A tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit:

- (a) To make necessary or agreed repairs, decorations, alterations or improvements;
- (b) To supply necessary or agreed services;
- (c) To conduct inspections authorized or required by any government agency;
- (d) To exhibit the dwelling unit to prospective or actual purchasers, mortgagees, workmen or contractors;
- (e) To exhibit the dwelling unit to prospective tenants 60 days or less prior to the expiration of the existing rental agreement;
- (f) For practical necessity where repairs or maintenance elsewhere in the building unexpectedly require such access;
- (g) To determine a tenant's compliance with provisions in the rental agreement; and
- (h) In case of emergency.

The landlord shall not abuse the right of access or use it to harass the tenant. Except in cases where access is authorized by subsection (f) or (h) of this section, the landlord shall give the tenant notice of the landlord's intent to enter of no less than two days. Such notice shall be provided directly to each dwelling unit by mail, telephone, written notice to the dwelling unit, or by other reasonable means designed in good faith to provide notice to the tenant. If access is required because of repair work for common facilities or other apartments, a general notice may be given by the landlord to all potentially affected tenants that entry may be required. In cases where access is authorized by subsection (f) or (h) of this section, the landlord may enter the dwelling unit without notice or consent of the tenant. The landlord shall give the tenant notice of such entry within two days after such entry.

The landlord may enter only at reasonable times except in case of an emergency. An entry between 8:00 a.m. and 8:00 p.m. or at any other time expressly requested by the tenant shall be presumed reasonable.

(Prior code § 193.1-5; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196)

#### **5-12-060 Remedies for improper denial of access.**

If the tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access or terminate the rental agreement pursuant to Section 5-12-130(b) of this chapter. In either case, the landlord may recover damages.

If the landlord makes an unlawful entry or a lawful entry in an unreasonable manner or makes repeated unreasonable demands for entry otherwise lawful, but which have the effect of harassing the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct, or terminate the rental agreement pursuant to the notice provisions of Section 5-12-110(a). In each case, the tenant may recover an amount equal to not more than one month's rent or twice the damage sustained by him, whichever is greater.

(Prior code § 193.1-6; Added Coun. J. 9-8-86, p. 33771; Amend 11-6-91, p. 7196)

#### **5-12-070 Landlord's responsibility to maintain.**

The landlord shall maintain the premises in compliance with all applicable provisions of the municipal code and shall promptly make any and all repairs necessary to fulfill this obligation.

(Prior code § 193.1-7; Added Coun. J. 9-8-86, p. 33771; Amend 11-6-91, p. 7196)

#### **5-12-080 Security deposits.**

(a) (1) A landlord shall hold all security deposits received by him in a federally insured interest-bearing account in a bank, savings and loan association or other financial institution located in the State of Illinois. A security deposit and interest due thereon shall continue to be the property of the tenant making such deposit, shall not be commingled with the assets of the landlord, and shall not be subject to the claims of any creditor of the landlord or of the landlord's successors in interest, including a foreclosing mortgagee or trustee in bankruptcy.

(2) Notwithstanding subsection (a)(1), a landlord may accept the payment of the first month's rent and security deposit in one check or one electronic funds transfer, and deposit the check or electronic funds transfer into one account, if within 5 business days of the acceptance of the check or electronic transfer, the landlord transfers the amount of the security deposit into a separate account that complies with subsection (a) (1).

(3) The name and address of the financial institution where the security deposit will be deposited shall be clearly and conspicuously disclosed in the written rental agreement signed by the tenant. If no written rental agreement is provided, the landlord shall, within 14 days of receipt of the security deposit, notify the tenant in writing of the name and address of the financial institution where the security deposit was deposited.

If, during the pendency of the rental agreement, a security deposit is transferred from one financial institution to another, the landlord shall, within 14 days of such transfer, notify the tenant in writing of the name and address of the new financial institution.

(4) Notwithstanding subsection (a)(1), a landlord shall not be considered to be commingling the security deposits with the landlord's assets if there is excess interest in the account in which the security deposits are deposited. "Excess interest" means the amount of money in excess of the total amount of security deposits deposited into the account plus any interest due thereon.

(b) (1) Except as provided for in subsection (b)(2), any landlord who receives a security deposit from a tenant or prospective tenant shall give said tenant or prospective tenant at the time of receiving such security deposit a receipt indicating the amount of such security deposit, the name of the person receiving it and, in the case of the agent, the name of the landlord for whom such security deposit is received, the date on

which it is received, and a description of the dwelling unit. The receipt shall be signed by the person receiving the security deposit. Failure to comply with this subsection shall entitle the tenant to immediate return of security deposit.

(2) Upon payment of the security deposit by means of an electronic funds transfer, the landlord shall give the tenant a receipt that complies with subsection (b)(1), or an electronic receipt that acknowledges the receipt of the security deposit. The electronic receipt shall set forth the date of the receipt of the security deposit, the amount of the deposit, a description of the dwelling unit and an electronic or digital signature, as those terms are defined in 5 ILCS 175/5-105, of the person receiving the deposit.

(c) A landlord who holds a security deposit or prepaid rent pursuant to this section for more than six months shall pay interest to the tenant accruing from the beginning date of the rental term specified in the rental agreement at the rate determined in accordance with Section 5-12-081 for the year in which the rental agreement was entered into. The landlord shall, within 30 days after the end of each 12-month rental period, pay to the tenant any interest, by cash or credit to be applied to the rent due.

(d) The landlord shall, within 45 days after the date that the tenant vacates the dwelling unit or within seven days after the date that the tenant provides notice of termination of the rental agreement pursuant to Section 5-12-110(g), return to the tenant the security deposit or any balance thereof and the required interest thereon; provided, however, that the landlord, or successor landlord, may deduct from such security deposit or interest due thereon for the following:

(1) Any unpaid rent which has not been validly withheld or deducted pursuant to state or federal law or local ordinance; and

(2) A reasonable amount necessary to repair any damage caused to the premises by the tenant or any person under the tenant's control or on the premises with the tenant's consent, reasonable wear and tear excluded. In case of such damage, the landlord shall deliver or mail to the last known address of the tenant within 30 days an itemized statement of the damages allegedly caused to the premises and the estimated or actual cost for repairing or replacing each item on that statement, attaching copies of the paid receipts for the repair or replacement. If estimated cost is given, the landlord shall furnish the tenant with copies of paid receipts or a certification of actual costs of repairs of damage if the work was performed by the landlord's employees within 30 days from the date the statement showing estimated cost was furnished to the tenant.

(e) In the event of a sale, lease, transfer of ownership or control or other direct or indirect disposition of residential real property by a landlord who has received a security deposit or prepaid rent from a tenant, the successor landlord of such property shall be liable to that tenant for any security deposit, including statutory interest, or prepaid rent which the tenant has paid to the transferor.

The successor landlord shall, within 14 days from the date of such transfer, notify the tenant who made such security deposit by delivering or mailing to the tenant's last known address that such security deposit was transferred to the successor landlord and that the successor landlord is holding said security deposit. Such notice shall also contain the successor landlord's name, business address, and business telephone number of the successor landlord's agent, if any. The notice shall be in writing.

The transferor shall remain jointly and severally liable with the successor landlord to the tenant for such security deposit or prepaid rent, unless and until such transferor transfers said security deposit or prepaid rent to the successor landlord and provides notice, in writing, to the tenant of such transfer of said security deposit or prepaid rent, specifying the name, business address and business telephone number of the successor landlord or his agent within ten days of said transfer.

(f) (1) Subject to subsection (f)(2), if the landlord fails to comply with any provision of Section 5-12-080(a) – (e), the tenant shall be awarded damages in an amount equal to two times the security deposit plus interest at a rate determined in accordance with Section 5-12-081. This subsection does not preclude the tenant from recovering other damages to which he may be entitled under this chapter.

(2) If a landlord pays the interest on a security deposit or prepaid rent within the 30-day period provided for in subsection (c), or within the 45-day period provided for in subsection (d), whichever is applicable, but the amount of interest is deficient, the landlord shall not be liable for damages under subsection (f)(2) unless:

(A) the tenant gives written notice to the landlord that the amount of the interest returned was deficient; and

(B) within fourteen days of the receipt of the notice, the landlord fails to either:

(i) pay to the tenant the correct amount of interest due plus \$50.00; or

(ii) provide to the tenant a written response which sets forth an explanation of how the interest paid was calculated.

If the tenant disagrees with the calculation of the interest, as set forth in the written response, the tenant may bring a cause of action in a court of competent jurisdiction challenging the correctness of the written response. If the court determines that the interest calculation was not accurate, the tenant shall be awarded damages in an amount equal to two times the security deposit plus interest at a rate determined in accordance with Section 5-12-081.

(Prior code § 193.1-8; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 5-14-97, p. 45166; Amend Coun. J. 3-31-04, p. 20916, § 3.23; Amend Coun. J. 5-12-10, p. 91084, § 1; Amend Coun. J. 7-28-10, p. 97304, § 1)

### **5-12-081 Interest rate on security deposits.**

During December of each year, the city comptroller shall review the status of banks within the city and interest rates on savings accounts, insured money market accounts and six (6) month certificates of deposit at commercial banks located within the city. On the first business day of each year, the city comptroller shall announce the rates of interest, as of the last business day of the prior month, on savings accounts, insured money market accounts and six (6) month certificates of deposit at the commercial bank having the most number of branches located within the city. The rates for money market accounts and for certificates of deposit shall be based on the minimum deposits for such investments. The comptroller shall calculate and announce the average of the three rates. The average of these rates so announced by the comptroller shall be the rate of interest on security deposits under rental agreements governed by this chapter and made or renewed after the most recent announcement.

(Added Coun. J. 5-14-97, p. 45166; Amend Coun. J. 5-14-08, p. 26210, § 25)

#### **5-12-082 Interest rate notification.**

The city comptroller, after computing the rate of interest on security deposit governed by this chapter, shall cause the new rate of security deposit interest to be published for five consecutive business days in two or more newspapers of general circulation in the city. The mayor shall direct the appropriate city department to prepare and publish for free public distribution at government offices, libraries, schools and community organizations, a pamphlet or brochure describing the respective rights, obligations and remedies of landlords and tenants with respect to security deposits, including the new interest rate as well as the interest rate for each of the prior two years. The commissioner shall also distribute the new rate of security deposit interest, as well as the interest rate for each of the prior two years, through public service announcements to all radio and television outlets broadcasting in the city.

(Added Coun. J. 5-14-97, p. 45166)

#### **5-12-090 Identification of owner and agents.**

A landlord or any person authorized to enter into an oral or written rental agreement on the landlord's behalf shall disclose to the tenant in writing at or before the commencement of the tenancy the name, address, and telephone number of:

- (a) The owner or person authorized to manage the premises; and
- (b) A person authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving and receipting for notices and demands.

A person who enters into a rental agreement and fails to comply with the requirements of this section becomes an agent of the landlord for the purpose of (i) service of process and receiving and receipting for notices and demands and (ii) performing the obligations of the landlord under this chapter and under the rental agreement.

The information required to be furnished by this section shall be kept current and this section extends to and is enforceable against any successor landlord, owner, or manager.

If the landlord fails to comply with this section, the tenant may terminate the rental agreement pursuant to the notice provisions of Section 5-12-110(a). If the landlord fails to comply with the requirements of this section after receipt of written notice pursuant to Section 5-12-110(a), the tenant shall recover one month's rent or actual damages, whichever is greater.

(Prior code § 193.1-9; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196)

#### **5-12-095 Tenants' notification of foreclosure action.**

(a) Within seven (7) days of being served a foreclosure complaint, as defined in 735 ILCS 5/15-1504, an owner or landlord of a premises that is the subject of the foreclosure complaint shall disclose, in writing, to all tenants of the premises that a foreclosure action has been filed against the owner or landlord. An owner or landlord shall also disclose, in writing, the notice of foreclosure to any other third party who has a consistent pattern and practice of paying rent to the owner or landlord on behalf of a tenant.

Before a tenant initially enters into a rental agreement for a dwelling unit, the owner or landlord shall also disclose, in writing, that he is named in a foreclosure complaint.

The written disclosure shall include the court in which the foreclosure action is pending, the case name, and case number and shall include the following language:

"This is not a notice to vacate the premise. This notice does not mean ownership of the building has changed. All tenants are still responsible for payment of rent and other obligations under the rental agreement. The owner or landlord is still responsible for their obligations under the rental agreement. You shall receive additional notice if there is a change in owner."

(b) If the owner or landlord fails to comply with this section, the tenant may terminate the rental agreement by written notice. The written notice shall specify the date of termination no later than thirty (30) days from the date of the written notice. In addition, if a tenant in a civil legal proceeding against an owner or landlord establishes that a violation of this section has occurred, he shall be entitled to recover Two Hundred and no/100 Dollars (\$200.00) in damages, in addition to any other damages or remedies that the tenant may also be entitled.

(Added Coun. J. 10-8-08, p. 39857, § 2)

#### **5-12-100 Notice of conditions affecting habitability.**

Before a tenant initially enters into or renews a rental agreement for a dwelling unit, the landlord or any person authorized to enter into a rental agreement on his behalf shall disclose to the tenant in writing:

(a) Any code violations which have been cited by the City of Chicago during the previous 12 months for the dwelling unit and common areas and provide notice of the pendency of any code enforcement litigation or administrative hearing proceeding pursuant to Section 14A-3-301.2.2 of this Code affecting the dwelling unit or common area. The notice shall provide the case number of the litigation and/or the identification number of the administrative hearing proceeding and a listing of any code violations cited.

(b) Any notice of intent by the City of Chicago or any utility provider to terminate water, gas, electrical or other utility service to the dwelling unit or common areas. The disclosure shall state the type of service to be terminated, the intended date of termination; and whether the termination will affect the dwelling unit, the common areas or both. A landlord shall be under a continuing obligation to provide disclosure of the information described in this subsection (b) throughout a tenancy. If a landlord violates this section, the tenant or prospective tenant shall be entitled to remedies described in Section 5-12-090.

(Prior code § 193.1-10; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 4-10-19, p. 100029, Art. II, § 82)

#### **5-12-101 Bed bugs – Education.**



For any rental agreement for a dwelling unit entered into or renewed after the effective date of this 2013 amendatory ordinance, prior to entering into or renewing such agreement, the landlord or any person authorized to enter into such agreement on his behalf shall provide to such tenant the informational brochure on bed bug prevention and treatment prepared by the department of health pursuant to Section 7-28-860.

(Added Coun. J. 6-5-13, p. 55787, § 3)

**Editor's note** – Per Coun. J. 6-5-13, p. 55787, § 6, § 5-12-101 becomes effective on 12-2-13.

### **5-12-110 Tenant remedies.**

In addition to any remedies provided under federal law, a tenant shall have the remedies specified in this section under the circumstances herein set forth.

For purposes of this section, material noncompliance with Section 5-12-070 shall include, but is not limited to, any of the following circumstances:

- Failure to maintain the structural integrity of the building or structure or parts thereof;
- Failure to maintain floors in compliance with the safe load-bearing requirements of the municipal code;
- Failure to comply with applicable requirements of the municipal code for the number, width, construction, location or accessibility of exits;
- Failure to maintain exit, stairway, fire escape or directional signs where required by the municipal code;
- Failure to provide smoke alarms, smoke detectors, sprinkler systems, standpipe systems, fire alarm systems, automatic fire detectors or fire extinguishers where required by the municipal code;
- Failure to maintain elevators in compliance with applicable provisions of the municipal code;
- Failure to provide or maintain in good working order a flush water closet, lavatory basin, bathtub or shower, or kitchen sink;
- Failure to maintain heating facilities or gas-fired appliances in compliance with the requirements of the municipal code;
- Failure to provide heat or hot water in such amounts and at such levels and times as required by the municipal code;
- Failure to provide hot and cold running water as required by the municipal code;
- Failure to provide adequate hall or stairway lighting as required by the municipal code;
- Failure to maintain the foundation, exterior walls or exterior roof in sound condition and repair, substantially watertight and protected against rodents;
- Failure to maintain floors, interior walls or ceilings in sound condition and good repair;
- Failure to maintain windows, exterior doors or basement hatchways in sound condition and repair and substantially tight and to provide locks or security devices as required by the municipal code, including deadlatch locks, deadbolt locks, sash or ventilation locks, and front door windows or peepholes;
- Failure to supply screens where required by the municipal code;
- Failure to maintain stairways or porches in safe condition and sound repair;
- Failure to maintain the basement or cellar in a safe and sanitary condition;
- Failure to maintain facilities, equipment or chimneys in safe and sound working condition;
- Failure to prevent the accumulation of stagnant water;
- Failure to exterminate insects, rodents or other pests;
- Failure to supply or maintain facilities for refuse disposal;
- Failure to prevent the accumulation of garbage, trash, refuse or debris as required by the municipal code;
- Failure to provide adequate light or ventilation as required by the municipal code;
- Failure to maintain plumbing facilities, piping, fixtures, appurtenances and appliances in good operating condition and repair;
- Failure to provide or maintain electrical systems, circuits, receptacles and devices as required by the municipal code;
- Failure to maintain and repair any equipment which the landlord supplies or is required to supply; or
- Failure to maintain the dwelling unit and common areas in a fit and habitable condition.

(a) *Noncompliance by Landlord.* If there is material noncompliance by the landlord with a rental agreement or with Section 5-12-070 either of which renders the premises not reasonably fit and habitable, the tenant under the rental agreement may deliver a written notice to the landlord specifying the acts and/or omissions constituting the material noncompliance and specifying that the rental agreement will terminate on a date not less than 14 days after receipt of the notice by the landlord, unless the material noncompliance is remedied by the landlord within the time period specified in the notice. If the material noncompliance is not remedied within the time period so specified in the notice, the rental agreement shall terminate, and the tenant shall deliver possession of the dwelling unit to the landlord within 30 days after the expiration of the time period specified in the notice. If possession shall not be so delivered, then the tenant's notice shall be deemed withdrawn and the lease shall remain in full force and effect. If the rental agreement is terminated, the landlord shall return all prepaid rent, security and interest recoverable by the tenant under Section 5-12-080.

(b) *Failure to Deliver Possession.* If the landlord fails to deliver possession of the dwelling unit to the tenant in compliance with the residential rental agreement or Section 5-12-070, rent for the dwelling unit shall abate until possession is delivered, and the tenant may:

(1) Upon written notice to the landlord, terminate the rental agreement and upon termination the landlord shall return all prepaid rent and security; or

(2) Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the damages sustained by him.

If a person's failure to deliver possession is wilful, an aggrieved person may recover from the person withholding possession an amount not more than two months' rent or twice the actual damages sustained by him, whichever is greater.

(c) *Minor Defects.* If there is material noncompliance by the landlord with the rental agreement or with Section 5-12-070, and the reasonable cost of compliance does not exceed the greater of \$500.00 or one-half of the monthly rent, the tenant may recover damages for the material noncompliance or may notify the landlord in writing of his intention to correct the condition at the landlord's expense; provided, however, that this subsection shall not be applicable if the reasonable cost of compliance exceeds one month's rent. If the landlord fails to correct the defect within 14 days after being notified by the tenant in writing or as promptly as conditions require in case of emergency, the tenant may have the work done in a workmanlike manner and in compliance with existing law and building regulations and, after submitting to the landlord a paid bill from an appropriate tradesman or supplier, deduct from his or her rent the amount thereof, not to exceed the limits specified by this subsection and not to exceed the reasonable price then customarily charged for such work. A tenant shall not repair at the landlord's expense if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of the tenant's family, or other person on the premises with the tenant's consent.

Before correcting a condition affecting facilities shared by more than one dwelling unit, the tenant shall notify all other affected tenants and shall cause the work to be done so as to create the least practical inconvenience to the other tenants. Nothing herein shall be deemed to grant any tenant any right to repair any common element or dwelling unit in a building subject to a condominium regime other than in accordance with the declaration and bylaws of such condominium building; provided, that the declaration and bylaws have not been created to avoid the application of this chapter.

For purposes of mechanics' lien laws, repairs performed or materials furnished pursuant to this subsection shall not be construed as having been performed or furnished pursuant to authority of or with permission of the landlord.

(d) *Failure to Maintain.* If there is material noncompliance by the landlord with the rental agreement or with Section 5-12-070, the tenant may notify the landlord in writing of the tenant's intention to withhold from the monthly rent an amount which reasonably reflects the reduced value of the premises due to the material noncompliance. If the landlord fails to correct the condition within 14 days after being notified by the tenant in writing, the tenant may, during the time such failure continues, deduct from the rent the stated amount. A tenant shall not withhold rent under this subsection if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of the tenant's family, or other person on the premises with the tenant's consent.

(e) *Damages and Injunctive Relief.* If there is material noncompliance by the landlord with the rental agreement or with Section 5-12-070, the tenant may obtain injunctive relief, and/or recover damages by claim or defense. This subsection does not preclude the tenant from obtaining other relief to which he may be entitled under this chapter.

(f) *Failure to Provide Essential Services.* If there is material noncompliance by the landlord with the rental agreement or with Section 5-12-070, either of which constitutes an immediate danger to the health and safety of the tenant or if, contrary to the rental agreement or Section 5-12-070, the landlord fails to supply heat, running water, hot water, electricity, gas or plumbing, the tenant may give written notice to the landlord specifying the material noncompliance or failure. If the landlord has, pursuant to this ordinance or in the rental agreement, informed the tenant of an address at which notices to the landlord are to be received, the tenant shall mail or deliver the written notice required in this section to such address. If the landlord has not informed the tenant of an address at which notices to the landlord are to be received, the written notice required in this section shall be delivered by mail to the last known address of the landlord or by other reasonable means designed in good faith to provide written notice to the landlord. After such notice, the tenant may during the period of the landlord's noncompliance or failure:

(1) Procure reasonable amounts of heat, running water, hot water, electricity, gas or plumbing service, as the case may be and upon presentation to the landlord of paid receipts deduct their cost from the rent; or

(2) Recover damages based on the reduction in the fair rental value of the dwelling unit; or

(3) Procure substitute housing, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance. The tenant may recover the cost of the reasonable value of the substitute housing up to an amount equal to the monthly rent for the each month or portion thereof of noncompliance as prorated.

In addition to the remedies set forth in Section 5-12-110(f)(1) – (3), the tenant may:

(4) Withhold from the monthly rent an amount that reasonably reflects the reduced value of the premises due to the material noncompliance or failure if the landlord fails to correct the condition within 24 hours after being notified by the tenant; provided, however, that no rent shall be withheld if the failure is due to the inability of the utility provider to provide service; or

(5) Terminate the rental agreement by written notice to the landlord if the material noncompliance or failure persists for more than 72 hours after the tenant has notified the landlord of the material noncompliance or failure; provided, however, that no termination shall be allowed if the failure is due to the inability of the utility provider to provide service. If the rental agreement is terminated, the landlord shall return all prepaid rent, security deposits and interest thereon in accordance with Section 5-12-080 and tenant shall deliver possession of the dwelling unit to the landlord within 30 days after the expiration of the 72-hour time period specified in the notice. If possession shall not be so delivered, then the tenant's notice shall be deemed withdrawn and the lease shall remain in full force and effect.

If the tenant proceeds under this subsection (f), he may not proceed under subsections (c) or (d). The tenant may not exercise his rights under this subsection if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of his family, or other person

on the premises with his consent. Before correcting a condition, the repair of which will affect more than his own dwelling unit, the tenant shall notify all other tenants affected and shall cause the work to be done so as to result in the least practical inconvenience to other tenants.

(g) **Fire or Casualty Damage.** If the dwelling unit or common area are damaged or destroyed by fire or casualty to an extent that the dwelling unit is in material noncompliance with the rental agreement or with Section 5-12-070, the tenant may:

(1) Immediately vacate the premises and notify the landlord in writing within 14 days thereafter of the tenant's intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of the fire or casualty; or

(2) If continued occupancy is lawful, vacate any part of the dwelling unit rendered unusable by the fire or casualty, in which case the tenant's liability for rent is reduced in proportion to the reduction in the fair rental value of the dwelling unit; or

(3) If the tenant desires to continue the tenancy, and if the landlord has promised or begun work to repair the damage or destruction but fails to carry out the work to restore the dwelling unit or common area diligently and within a reasonable time, notify the landlord in writing within 14 days after the tenant becomes aware that the work is not being carried out diligently or within a reasonable time of the tenant's intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of the fire or casualty.

If the rental agreement is terminated under this subsection (g), the landlord shall return all security and all prepaid rent in accordance with Section 5-12-080(d). Accounting for rent in the event of termination or apportionment shall be made as of the date of the fire or casualty. A tenant may not exercise remedies in this subsection if the fire or casualty damage was caused by the deliberate or negligent act or omission of the tenant, a member of his family or a person on the premises with his consent.

(Prior code § 193.1-11; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 9-6-17, p. 55278, Art. VI, § 5)

### **5-12-120 Subleases.**

If the tenant terminates the rental agreement prior to its expiration date, except for cause authorized by this chapter, the landlord shall make a good faith effort to re-rent the tenant's dwelling unit at a fair rental, which shall be the rent charged for comparable dwelling units in the premises or in the same neighborhood. The landlord shall accept a reasonable sublease proposed by the tenant without an assessment of additional fees or charges.

If the landlord succeeds in re-renting the dwelling unit at a fair rental, the tenant shall be liable for the amount by which the rent due from the date of premature termination to the termination of the initial rental agreement exceeds the fair rental subsequently received by the landlord from the date of premature termination to the termination of the initial rental agreement.

If the landlord makes a good-faith effort to re-rent the dwelling unit at a fair rental and is unsuccessful, the tenant shall be liable for the rent due for the period of the rental agreement. The tenant shall also be liable for the reasonable advertising costs incurred by the landlord in seeking to re-rent the dwelling unit.

(Prior code § 193.1-12; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196)

### **5-12-130 Landlord remedies.**

Every landlord shall have the remedies specified in this section for the following circumstances:

(a) **Failure to Pay Rent.** If all or any portion of rent is unpaid when due and the tenant fails to pay the unpaid rent within five days after written notice by the landlord of the landlord's intention to terminate the rental agreement if rent is not so paid, the landlord may terminate the rental agreement. Provided, however, that at any time prior to the issuance of any order of possession or an eviction order made pursuant to Article IX of the Illinois Code of Civil Procedure, 735 ILCS 5/9-101, et seq., the tenant has a one-time right to cure the non-payment of rent by paying the landlord unpaid rent, duly owed from the date of the notice of termination to the date of payment, together with all filing fees and costs paid by the landlord and all fees and costs expended by the landlord for service of process, but not including attorney's fees. If the tenant so cures, then the case shall be dismissed upon motion by either the landlord or the tenant. If a landlord does not provide a total amount due, the tenant shall be obligated to provide only the amount of rent due from the notice to the date of judgment. Nothing in this subsection shall affect a landlord's obligation to provide notice of termination of tenancy in subsidized housing as required under federal law or regulations. A landlord may also maintain an action for rent and/or damages without terminating the rental agreement.

(b) **Noncompliance by Tenant.** If there is material noncompliance by a tenant with a rental agreement or with Section 5-12-040, the landlord of such tenant's dwelling unit may deliver written notice to the tenant specifying the acts and/or omissions constituting the breach and that the rental agreement will terminate upon a date not less than ten days after receipt of the notice, unless the breach is remedied by the tenant within that period of time. If the breach is not remedied within the 10-day period, the residential rental agreement shall terminate as provided in the notice. The landlord may recover damages and obtain injunctive relief for any material noncompliance by the tenant with the rental agreement or with Section 5-12-040. If the tenant's noncompliance is wilful, the landlord may also recover reasonable attorney's fees.

(c) **Failure to Maintain.** If there is material noncompliance by the tenant with Section 5-12-040 (other than subsection (g) thereof), and the tenant fails to comply as promptly as conditions permit in case of emergency or in cases other than emergencies within 14 days of receipt of written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and have the necessary work done in the manner required by law. The landlord shall be entitled to reimbursement from the tenant of the costs of repairs under this section.

(d) **Disturbance of Others.** If the tenant violates Section 5-12-040(g) within 60 days after receipt of a written notice as provided in subsection (b), the landlord may obtain injunctive relief against the conduct constituting the violation, or may terminate the rental agreement on ten days' written notice to the tenant.

(e) **Abandonment.** Abandonment of the dwelling unit shall be deemed to have occurred when:

(1) Actual notice has been provided to the landlord by the tenant indicating the tenant's intention not to return to the dwelling unit; or

(2) All persons entitled under a rental agreement to occupy the dwelling unit have been absent from the unit for a period of 21 days or for



one rental period when the rental agreement is for less than a month, and such persons have removed their personal property from the premises, and rent for that period is unpaid; or

(3) All persons entitled under a rental agreement to occupy the dwelling unit have been absent from the unit for a period of 32 days, and rent for that period is unpaid.

Notwithstanding the above, abandonment of the dwelling unit shall not be deemed to have occurred if any person entitled to occupancy has provided the landlord a written notice indicating that he still intends to occupy the unit and makes full payment of all amounts due to the landlord.

If the tenant abandons the dwelling unit, the landlord shall make a good faith effort to re-rent it at a fair rental, which shall be the rent charged for comparable dwelling units in the premises or in the same neighborhood. If the landlord succeeds in re-renting the dwelling unit at a fair rental, the tenant shall be liable for the amount by which the rent due from the date of abandonment to the termination of the initial rental agreement exceeds the fair rental subsequently received by the landlord from the date of abandonment to the termination of the initial rental agreement. If the landlord makes a good faith effort to re-rent the dwelling unit at a fair rental and is unsuccessful, the tenant shall be liable for the rent due for the period of the rental agreement. The tenant shall also be liable for the reasonable advertising expenses and reasonable redecoration costs incurred by the landlord pursuant to this subsection.

(f) *Disposition of Abandoned Property.* If the tenant abandons the dwelling unit as described in subsection (e) hereof, or fails to remove his personal property from the premises after termination of a rental agreement, the landlord shall leave the property in the dwelling unit or remove and store all abandoned property from the dwelling unit and may dispose of the property after seven days. Notwithstanding the foregoing, if the landlord reasonably believes such abandoned property to be valueless or of such little value that the cost of storage would exceed the amount that would be realized from sale, or if such property is subject to spoilage, the landlord may immediately dispose of such property.

(g) *Waiver of Landlord's Right to Terminate.* Provided that the tenant is not in the process of exercising the one-time right to cure non-payment of rent under Section 5-12-130(a) and if the landlord otherwise accepts the rent due knowing that there is a default in payment of rent by the tenant, the landlord thereby waives the right to terminate the rental agreement for that breach.

(h) *Remedy After Termination.* If the rental agreement is terminated, the landlord shall have a claim for possession and/or for rent.

(i) *Notice or Renewal of Rental Agreement.* No tenant shall be required to renew a rental agreement more than 90 days prior to the termination date of the rental agreement. If the landlord violates this subsection, the tenant shall recover one month's rent or actual damages, whichever is greater.

(j) *Notice or Refusal to Renew Rental Agreement.* Provided that the landlord has not terminated the rental agreement under Section 5-12-130(a), (b), or (d), or that the dwelling unit has not been deemed abandoned under Section 5-12-130(e) hereof, the following notice requirements shall apply:

(1) For any residential tenancy of less than six months, the landlord shall notify the tenant in writing at least 30 days prior to the stated termination date of the rental agreement of the landlord's intent to terminate a periodic tenancy, not renew a fixed-term rental agreement or increase the rental rate. If the landlord fails to give the required written notice, the tenant may remain in the dwelling unit for up to 60 days after the date on which written notice is given to the tenant, regardless of the termination date specified in the notice or in an existing rental agreement. During such occupancy, the terms and conditions of the tenancy shall be the same as the terms and conditions during the month of tenancy immediately preceding the notice; provided, however, that if rent was waived or abated in the preceding month or months as part of the original rental agreement, the rental amount during such 60-day period shall be at the rate established on the last date that a full rent payment was made.

(2) For any residential tenancy of six months to three years, the landlord shall notify the tenant in writing at least 60 days prior to the stated termination date of the rental agreement of the landlord's intent to terminate a periodic tenancy, not renew a fixed-term rental agreement or increase the rental rate. If the landlord fails to give the required written notice, the tenant may remain in the dwelling unit for up to 60 days after the date on which written notice is given to the tenant, regardless of the termination date specified in the notice or in an existing rental agreement. During such occupancy, the terms and conditions of the tenancy shall be the same as the terms and conditions during the month of tenancy immediately preceding the notice; provided, however, that if rent was waived or abated in the preceding month or months as part of the original rental agreement, the rental amount during such 60-day period shall be at the rate established on the last date that a full rent payment was made.

(3) For any residential tenancy greater than three years, the landlord shall notify the tenant in writing at least 120 days prior to the stated termination date of the rental agreement of the landlord's intent to terminate a periodic tenancy, not renew a fixed-term rental agreement or increase the rental rate. If the landlord fails to give the required written notice, the tenant may remain in the dwelling unit for up to 120 days after the date on which written notice is given to the tenant, regardless of the termination date specified in the notice or in an existing rental agreement. During such occupancy, the terms and conditions of the tenancy shall be the same as the terms and conditions during the month of tenancy immediately preceding the notice; provided, however, that if rent was waived or abated in the preceding month or months as part of the original rental agreement, the rental amount during such 120-day period shall be at the rate established on the last date that a full rent payment was made.

(Prior code § 193.1-13; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 7-22-20, p. 18933, § 3; Amend Coun. J. 11-24-20, p. 23985, § 3)

## **5-12-140 Rental agreement.**

Except as otherwise specifically provided by this chapter, no rental agreement may provide that the landlord or tenant:

- (a) Agrees to waive or forego rights, remedies or obligations provided under this chapter;
- (b) Authorizes any person to confess judgment on a claim arising out of the rental agreement;
- (c) Agrees to the limitation of any liability of the landlord or tenant arising under law;

- (d) Agrees to waive any written termination of tenancy notice or manner of service thereof provided under state law or this chapter;
- (e) Agrees to waive the right of any party to a trial by jury;
- (f) Agrees that in the event of a lawsuit arising out of the tenancy the tenant will pay the landlord's attorney's fees except as provided for by court rules, statute, or ordinance;
- (g) Agrees that either party may cancel or terminate a rental agreement at a different time or within a shorter time period than the other party, unless such provision is disclosed in a separate written notice;
- (h) Agrees that a tenant shall pay a charge, fee or penalty in excess of \$10.00 per month for the first \$500.00 in monthly rent plus five percent per month for any amount in excess of \$500.00 in monthly rent for the late payment of rent;
- (i) Agrees that, if a tenant pays rent before a specified date or within a specified time period in the month, the tenant shall receive a discount or reduction in the rental amount in excess of \$10.00 per month for the first \$500.00 in monthly rent plus five percent per month for any amount in excess of \$500.00 in monthly rent.

A provision prohibited by this section included in a rental agreement is unenforceable. The tenant may recover actual damages sustained by the tenant because of the enforcement of a prohibited provision. If the landlord attempts to enforce a provision in a rental agreement prohibited by this section the tenant may recover two months' rent.

(Prior code § 193.1-14; Added Coun. J. 9-8-86, p. 33771; Corrected. 9-12-86, p. 33919; Amend Coun. J. 11-6-91, p. 7196)

#### **5-12-150 Prohibition on retaliatory conduct by landlord.**

It is declared to be against public policy of the City of Chicago for a landlord to take retaliatory action against a tenant, except for violation of a rental agreement or violation of a law or ordinance. A landlord may not knowingly terminate a tenancy, increase rent, decrease services, bring or threaten to bring a lawsuit against a tenant for possession or refuse to renew a lease or tenancy because the tenant has in good faith:

- (a) Complained of code violations applicable to the premises to a competent governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code; or
- (b) Complained of a building, housing, health or similar code violation or an illegal landlord practice to a community organization or the news media; or
- (c) Sought the assistance of a community organization or the news media to remedy a code violation or illegal landlord practice; or
- (d) Requested the landlord to make repairs to the premises as required by a building code, health ordinance, other regulation, or the residential rental agreement; or
- (e) Becomes a member of a tenant's union or similar organization; or
- (f) Testified in any court or administrative proceeding concerning the condition of the premises; or
- (g) Exercised any right or remedy provided by law.

If the landlord acts in violation of this section, the tenant has a defense in any retaliatory action against him for possession and is entitled to the following remedies: he shall recover possession or terminate the rental agreement and, in either case, recover an amount equal to and not more than two months' rent or twice the damages sustained by him, whichever is greater, and reasonable attorneys' fees. If the rental agreement is terminated, the landlord shall return all security and interest recoverable under Section 5-12-080 and all prepaid rent. In an action by or against the tenant, if there is evidence of tenant conduct protected herein within one year prior to the alleged act of retaliation, that evidence shall create a rebuttable presumption that the landlord's conduct was retaliatory. The presumption shall not arise if the protected tenant activity was initiated after the alleged act of retaliation.

(Prior code § 193.1-15; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196)

#### **5-12-160 Prohibition on interruption of tenant occupancy by landlord.**

It is unlawful for any landlord or any person acting at his direction knowingly to oust or dispossess or threaten or attempt to oust or dispossess any tenant from a dwelling unit without authority of law, by plugging, changing, adding or removing any lock or latching device; or by blocking any entrance into said unit; or by removing any door or window from said unit; or by interfering with the services to said unit; including but not limited to electricity, gas, hot or cold water, plumbing, heat or telephone service; or by removing a tenant's personal property from said unit; or by the removal or incapacitating of appliances or fixtures, except for the purpose of making necessary repairs; or by the use or threat of force, violence or injury to a tenant's person or property; or by any act rendering a dwelling unit or any part thereof or any personal property located therein inaccessible or uninhabitable. The foregoing shall not apply where:

- (a) A landlord acts in compliance with the laws of Illinois pertaining to forcible entry and detainer and engages the sheriff of Cook County to forcibly evict a tenant or his personal property; or
- (b) A landlord acts in compliance with the laws of Illinois pertaining to distress for rent; or
- (c) A landlord interferes temporarily with possession only as necessary to make needed repairs or inspection and only as provided by law; or
- (d) The tenant has abandoned the dwelling unit, as defined in Section 5-12-130(e).

Whenever a complaint of violation of this provision is received by the Chicago Police Department, the department shall investigate and determine whether a violation has occurred. Any person found guilty of violating this section shall be fined not less than \$200.00 nor more than \$500.00, and each day that such violation shall occur or continue shall constitute a separate and distinct offense for which a fine as herein provided shall be imposed. If a tenant in a civil legal proceeding against his landlord establishes that a violation of this section has occurred he shall be entitled to recover possession of his dwelling unit or personal property and shall recover an amount equal to not more than two months' rent or twice the actual damages sustained by him, whichever is greater. A tenant may pursue any civil remedy for violation of this section

regardless of whether a fine has been entered against the landlord pursuant to this section.

(Prior code § 193.1-16; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196)

#### **5-12-170 Summary of ordinance attached to rental agreement.**

The Commissioner of Housing shall prepare a summary of this chapter, describing the respective rights, obligations and remedies of landlords and tenants hereunder, and shall make such summary available for public inspection and copying. The commissioner shall also, after the city comptroller has announced the rate of interest on security deposits on the first business day of the year, prepare a separate summary describing the respective rights, obligations and remedies of landlords and tenants with respect to security deposits, including the new interest rate as well as the rate for each of the prior two years. The commissioner shall also distribute the new rate of security deposit interest, as well as the rate for each of the prior two years, through public service announcements to all radio and television outlets broadcasting in the city. A copy of such summary shall be attached to each written rental agreement when any such agreement is initially offered to any tenant or prospective tenant by or on behalf of a landlord and whether such agreement is for a new rental or a renewal thereof. Where there is an oral agreement, the landlord shall give to the tenant a copy of the summary.

The summary shall include the following language:

"The porch or deck of this building should be designed for a live load of up to 100 pounds, per square foot and is safe only for its intended use. Protect your safety. Do not overload the porch or deck. If you have questions about porch or deck safety, call the City of Chicago non-emergency number, 3-1-1."

If the landlord acts in violation of this section, the tenant may terminate the rental agreement by written notice. The written notice shall specify the date of termination no later than 30 days from the date of the written notice. If a tenant in a civil legal proceeding against his landlord establishes that a violation of this section has occurred, he shall be entitled to recover \$100.00 in damages.

(Prior code § 193.1-17; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196; Amend Coun. J. 5-14-97, p. 45166; Amend Coun. J. 10-1-03, p. 9163, § 4.13; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 5; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 16; Amend Coun. J. 11-14-18, p. 90308, Art. I, § 30)

#### **5-12-180 Attorney's fees.**

Except in cases of forcible entry and detainer actions, the prevailing plaintiff in any action arising out of a landlord's or tenant's application of the rights or remedies made available in this ordinance shall be entitled to all court costs and reasonable attorney's fees; provided, however, that nothing herein shall be deemed or interpreted as precluding the awarding of attorney's fees in forcible entry and detainer actions in accordance with applicable law or as expressly provided in this ordinance.

(Added Coun. J. 11-6-91, p. 7196)

#### **5-12-190 Rights and remedies under other laws.**

To the extent that this chapter provides no right or remedy in a circumstance, the rights and remedies available to landlords and tenants under the laws of the State of Illinois or other local ordinance shall remain applicable.

(Prior code § 193.1-18; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196)

#### **5-12-200 Severability.**

If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person and circumstances affected thereby.

(Prior code § 193.1-19; Added Coun. J. 9-8-86, p. 33771; Amend Coun. J. 11-6-91, p. 7196)

## **CHICAGO ZONING ORDINANCE AND LAND USE ORDINANCE**

*Comprising Titles 16 & 17 of the Municipal Code of Chicago, and Zoning & Land Use-Related Tables*

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## TITLE 16

## LAND USE

**Ch. 16-4 Lake Michigan and Chicago Lakefront Protection**

**Ch. 16-6 Flood Control**

**Ch. 16-8 Industrial Corridor System Fund Ordinance**

**Ch. 16-12 Enterprise Zones**

**Ch. 16-14 Neighborhood Opportunity Fund Ordinance**

**Ch. 16-16 Adult Uses**

**Ch. 16-18 Open Space Impact Fee Ordinance**

**Ch. 16-19 Reserved**

### CHAPTER 16-4

#### LAKE MICHIGAN AND CHICAGO LAKEFRONT PROTECTION

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- 16-4-010 Title.**
- 16-4-020 Intent.**
- 16-4-030 Purposes.**
- 16-4-040 Rules of construction.**
- 16-4-050 Definitions.**
- 16-4-060 District boundaries.**
- 16-4-070 District zones.**
- 16-4-080 District maps.**
- 16-4-090 Interpretation of boundaries.**
- 16-4-100 Chicago plan commission – Responsibilities, powers and duties.**
- 16-4-105 Expiration.**
- 16-4-110 Commissioner of the department of planning and development – Duties and responsibilities.**
- 16-4-120 Building commissioner – Duties and responsibilities.**
- 16-4-130 Investigation.**
- 16-4-140 Forwarding of proposal.**
- 16-4-150 Approval required – Exemptions.**
- 16-4-160 Violation – Penalty.**
- 16-4-170 Penalties not exclusive.**
- 16-4-180 Severability.**

#### **16-4-010 Title.**

This Chapter 16-4, Sections 16-4-010 through 16-4-180, shall be entitled and referred to as “The Lake Michigan and Chicago Lakefront Protection Ordinance”.

(Prior code § 194B-2)

#### **16-4-020 Intent.**

Lake Michigan and the lakefront of the City of Chicago are hereby designated a district having special environmental, recreational, cultural, historical, community and aesthetic interests and values. It is the express legislative intention of this chapter to insure the preservation and protection of that district and of every aspect of its interest and value.

(Prior code § 194B-1)

#### **16-4-030 Purposes.**

This chapter is adopted for the following purpose:

- (a) To promote and protect the health, safety, comfort, convenience and the general welfare of the people, and to conserve our natural resources;
- (b) To identify and establish the Lake Michigan and Chicago Lakefront Protection District and divide that district into several zones wherein any and all development or construction, as specified in Sections 16-4-060, 16-4-070 and 16-4-150 hereinafter, shall be specifically restricted and regulated;
- (c) To maintain and improve the purity and quality of the waters of Lake Michigan;
- (d) To insure that construction in the lake or modification of the existing shoreline shall not be permitted if such construction or modification would cause environmental or ecological damage to the lake or would diminish water quality; and to insure that the life patterns of fish, migratory birds and other fauna are recognized and supported;
- (e) To insure that the lakefront parks and the lake itself are devoted only to public purposes and to insure the integrity of and expand the quantity and quality of the lakefront parks;
- (f) To promote and provide for continuous pedestrian movement along the shoreline;
- (g) To promote and provide for pedestrian access to the lake and lakefront parks from and through areas adjacent thereto at regular intervals of one-fourth mile and additional places wherever possible, and to protect and enhance visits at these locations and wherever else possible;
- (h) To promote and provide for improved public transportation access to the lakefront;
- (i) To insure that no roadway or expressway standards, as hereinafter defined, shall be permitted in the lakefront parks;
- (j) To insure that development of properties adjacent to the lake or the lakefront parks is so designed as to implement the above-stated purposes; provided, however, that with respect to property located within the private use zone as established by Sections 16-4-060 through 16-4-150 of this chapter, the permitted use, special use, lot area per dwelling unit, and floor area ratio provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, shall govern except where such provisions are in substantial conflict with the purposes of this chapter or the Fourteen Basic Policies of the Lakefront Plan of Chicago;
- (k) To achieve the above-stated purposes, the appropriate public agency should acquire such properties or rights as may be necessary and desirable;
- (l) To define and limit the powers and duties of the administrative body and officers as provided herein;
- (m) Nothing continued in the Lake Michigan and Chicago Lakefront Protection Ordinance shall be deemed to be a waiver or 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 which may be otherwise required by law.

(Prior code § 194B-3)

#### **16-4-040 Rules of construction.**

In construing this chapter, the rules and definitions contained in Sections 16-4-040 and 16-4-050 shall be observed and applied, except when the context clearly indicates otherwise.

- (a) Words used in the present tense shall include the future; the words used in the singular number shall include the plural number, and the plural the singular.
- (b) The word “shall” is mandatory and not discretionary.
- (c) The word “may” is permissive.
- (d) Where the regulations imposed by any provision of this chapter are either more restrictive or less restrictive than comparable regulations imposed by any other provisions of this chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- (e) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- (f) This chapter is not intended to abrogate any easement, covenant or any other private agreement; provided that, where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this chapter shall govern.
- (g) “Him”, “he” or “his” means and includes both the male and female gender.

(Prior code § 194B-4.1)

#### **16-4-050 Definitions.**

- (a) Accessory Building. “Accessory building” means one which is subordinate to and serves in principal building; and which is subordinate in area, extent or purpose to the principal building; and which contributes to the comfort, convenience or necessity of occupants of the principal building and which is located on the same zoning lot as the principal building.
- (b) Applicant. “Applicant” means the owner of the subject property or a duly authorized representative.



(c) Expressway. “Expressway” means any primary highway constructed as a freeway which has complete control of access and is designed for speeds in excess of 45 miles per hour.

(d) Public Agency. “Public agency” means any agency of the United States Government, State of Illinois, any county, township, district, school, authority, municipality, or any official, board, commission or other body politic or corporate or subdivision of the State of Illinois, now or hereafter created, whether herein specifically mentioned or not.

(e) Public Open Space. “Public open space” means any publicly owned open area including, but not limited to, parks, playgrounds, beaches, waterways, parkways and streets.

(f) Public Way. “Public way” means any sidewalk, street, alley, highway or other public thoroughfare.

(g) Use. The use of property is the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner or performance of any activity which is regulated by any other provision of the Municipal Code of Chicago.

(h) Zoning Lot. “Zoning lot” means a single tract of land located within a single block, which (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. Therefore, a zoning lot may or may not coincide with a lot of record.

(Prior code § 194B-4.2)

#### **16-4-060 District boundaries.**

The Lake Michigan and Chicago Lakefront Protection District shall be comprised of all of that part of Lake Michigan that lies within the State of Illinois south of the northern limits of the City of Chicago including all harbors, piers, breakwaters and the locks of the Chicago River; all the system of public open space and public ways which comprises the lakefront parks; and all lands contained within the private use zone set forth in the district maps illustrated in Coun. J. 10-24-73, p. 6488, referred to in Section 16-4-080 and on file in the office of the city clerk and made a part hereof.

(Prior code § 194B-5.2)

#### **16-4-070 District zones.**

The Lake Michigan and Chicago Lakefront Protection District shall be divided into three zones:

(a) The off-shore zone shall include all surface, subsurface and air rights areas of Lake Michigan to a distance eastward to the east line of the State of Illinois lying in Lake Michigan.

(b) The public use zone shall include all public open space and public ways irrespective of configuration which are adjacent to the shoreline of Lake Michigan as set forth in the district maps illustrated in Coun. J. 10-24-73, p. 6488, referred to in Section 16-4-080 and on file in the office of the city clerk.

(c) The private use zone shall include all zoning lots contained within the private use zone set forth in the district maps illustrated in Coun. J. 10-24-73, p. 6488, referred to in Section 16-4-080 and on file in the office of the city clerk and made a part hereof.

(Prior code § 194B-5.3)

#### **16-4-080 District maps.**

The location and boundaries of the district and its three zones established by this Lake Michigan and Chicago Lakefront Protection Ordinance are shown upon the following district maps\* which are hereby incorporated into this Lake Michigan and Chicago Lakefront Protection Ordinance. The said district maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this Lake Michigan and Chicago Lakefront Protection Ordinance as if fully set forth and described herein.

(Prior code § 194B-9.1)

**Editor's note** – The district maps referred to in § 16-4-080 are illustrated in Coun. J. 10-24-73, p. 6488, on file for public use in the office of the city clerk.

#### **16-4-090 Interpretation of boundaries.**

(1) Where district boundary lines are indicated as following streets or alleys or extensions thereof, such boundary lines shall be construed to be the centerlines of said streets or alleys or extensions thereof.

(2) Where district boundary lines are indicated as adjoining railroads, such boundary lines shall be construed to be the boundary lines of the railroad rights-of-way, unless otherwise dimensioned.

(3) Where district boundary lines are indicated as adjoining expressways, such boundary lines shall be construed to be the boundary lines of the expressway rights-of-way, unless otherwise dimensioned.

(4) Dimensioned district boundary lines shown on the maps are intended usually to coincide with lot lines. Where a dimensioned boundary line coincides approximately but not exactly with a lot line which existed on the effective date of incorporation of such boundary line into the map(s), the said boundary line shall be construed to include the said lot affected.

(Prior code § 194B-9.2)

#### **16-4-100 Chicago plan commission – Responsibilities, powers and duties.**

The Chicago plan commission shall be the agency responsible for the administration of the Lake Michigan and Chicago Lakefront Protection Ordinance and shall have the following powers and duties in addition to those powers and duties presently contained within the Municipal Code of Chicago:

(a) To receive from any applicant or public agency an application, on such forms as the commission may provide, to undertake any landfill, excavation, impoundment, mining, drilling, roadway building or construction regulated by this chapter and receive for any public agency an application, on such forms as the commission may provide, to acquire or dispose of property regulated by this chapter; to review, approve or disapprove of application; provided, that (1) a public hearing is noticed and held in accordance with the provisions of subparagraphs (b), (c), (d) and (e) hereof, and (2) a written report is prepared and filed with the commission by the commissioner of the department of planning and development in accordance with the provisions of Section 16-4-110 hereof. The forms provided by the commission shall not require detailed working drawings or plans.

(b) Within seven days from the date of receipt of said application, the commission shall schedule a public hearing on the question of same setting forth a date within 60 days thereof, time and place and causing written notice to be given the transmitting public agency and the applicant. The commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Chicago setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing. Said public hearing shall be scheduled on a date not less than 15 days nor more than 30 days from the date of publication of notice.

(c) In addition to the notice requirements hereinabove provided, each applicant subject to the provisions hereof shall, not more than 30 days before filing said application, serve written notice, either in person or by regular mail (provided the applicant prepares a written affidavit attaching a list of all owners to whom any such regular mail written notice was sent), on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of Cook County; provided, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250-foot requirement; provided further, that in no event shall this requirement exceed 400 feet. Said notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and the statement that the applicant intends to file said application on an approximate date. If, after a bona fide effort to determine such address by the applicant, the owner of the property on which the notice is served cannot be found at his or its last known address or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of this provision shall be deemed satisfied. In addition to serving the notice herein required, at the time of filing application, the applicant shall furnish to the commission a complete list containing the names and last known addresses of the owners of the property required to be served, the method of service employed and the names and addresses of the persons so served and said applicant shall also furnish a written statement to the commission certifying that the requirements hereof have been complied with. The commission shall hear no application unless the applicant furnishes the list and certificate herein required.

(d) The commission shall conduct the public hearing as provided by subparagraph (b) hereof and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules and regulations as the commission shall adopt for the purpose of governing the applications and proceedings of the commission. Each speaker at any hearing shall be fully identified as to name, address and interests which he represents. Said public hearings shall be concluded within 30 days after commencement thereof; provided, however, that the commission may grant such extensions of time as the applicant may request, said extensions of time to be deemed waiver of the 30-day period herein provided to the extent of the continuance granted.

(e) The commission shall make a determination with respect to the proposed application, plan, design or proposal in writing within 30 days after the hearings are concluded and shall notify the forwarding public agency and the applicant of the commission's approval or disapproval thereof, setting forth findings of fact constituting the basis for its decision. The decision of the Chicago plan commission shall be made in conformity with the purposes for which this chapter is adopted as set forth in Section 16-4-030 hereof, as well as the Fourteen Basic Policies contained in the Lakefront Plan of Chicago adopted by the city council on October 24, 1973. The decision of the Chicago plan commission shall be deemed a final order and binding upon all parties. Failure of the commission to make a determination within the time hereinabove prescribed shall be deemed a disapproval.

(f) Whenever possible and practicable any hearings required by law to be held by the commission affecting the same property shall be held concurrently.

(Prior code § 194B-6.1; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 10-4-06, p. 88405, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

#### **16-4-105 Expiration.**

Every resolution of the Chicago plan commission approving an application under this ordinance, will terminate unless construction as authorized by a building permit, has commenced within four years of the date of approval. Approvals granted in conjunction with a planned development, will be governed by the expiration date set forth in the planned development.

(Added Coun. J. 3-11-98, p. 63754, § 3)

#### **16-4-110 Commissioner of the department of planning and development – Duties and responsibilities.**

The commissioner of the department of planning and development shall have the following duties and responsibilities:

(a) To forward every proposal or application submitted to the Chicago plan commission under the provisions of this chapter to any public agency he shall deem appropriate;

(b) To receive from any public agency, a report of comments and recommendations;

(c) To make such investigation relative to each application or proposal as he deems necessary;

(d) To prepare and forward to the Chicago plan commission a written report which shall include his findings and recommendations on each application or proposal no less than five days prior to the scheduled hearing;

(e) To forward within five days to the Chicago plan commission certain applications for a permit, as specified in Section 16-4-150 of this chapter, in any planned development located within the Lake Michigan and Chicago Lakefront Protection District;

(f) To forward within five days to the Chicago plan commission such applications for permit not exempted in Section 16-4-150 of this chapter and not in any planned development located within the Lake Michigan and Chicago Lakefront Protection District, and to return to the building commissioner such applications as are exempted by Section 16-4-150 of this chapter;

- (g) To receive the decision of the Chicago plan commission prior to the issuance of any permit and to consider that decision binding;
- (h) To approve all applications for permits as specified in Section 16-4-150 of this chapter when said permits conform to the decision of the Chicago plan commission.

(Prior code § 194B-6.2; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 3-5-03, p. 104990, § 45; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-8-12, p. 38872, § 238; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

#### **16-4-120 Building commissioner – Duties and responsibilities.**

The building commissioner shall have the following duties and responsibilities:

- (a) To forward within five days to the Chicago plan commission and the commissioner of planning and development any application for a permit in the Lake Michigan and Chicago Lakefront Protection District, at any location within the Lake Michigan and Chicago Lakefront Protection District;
- (b) To receive the decision of the Chicago plan commission, and the approval of the commissioner of planning and development, prior to the issuance of any permit and to consider that decision binding.

(Prior code § 194B-6.3; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 3-5-03, p. 104990, § 45; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

#### **16-4-130 Investigation.**

The commissioner of planning and development may, upon receipt of any proposal or application as hereinabove provided, conduct an investigation of the ecological and environmental impact of said proposal. The findings of the commissioner of planning and development shall be forwarded to the plan commission and shall constitute a part of the record upon which the plan commission shall premise its decision regarding the proposal or application.

(Prior code § 194B-6.4; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-8-12, p. 38872, § 239; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

#### **16-4-140 Forwarding of proposal.**

Any public agency that proposes to acquire or dispose of any real property whether by sale or lease, or other means, or proposes a physical change including but not limited to landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind, whether permanent or temporary, within the Lake Michigan and Chicago Lakefront Protection District, shall forward that proposal to the Chicago plan commission not less than 90 days, nor more than 365 days prior to the initiation of the action proposed.

(Prior code § 194B-6.5)

#### **16-4-150 Approval required – Exemptions.**

It shall be unlawful for any physical change, whether temporary or permanent, public or private, to be undertaken, including, but not limited to, landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind, within the Lake Michigan and Chicago Lakefront Protection District, as set forth in Sections 16-4-060 and 16-4-070, or for any acquisition or disposition of real property by a public agency, whether by sale or lease, or other means, to be consummated within the Lake Michigan and Chicago Lakefront Protection District, as set forth in Sections 16-4-060 and 16-4-070, without first having secured the approval therefor from the Chicago plan commission as provided in Sections 16-4-100 through 16-4-140 of this chapter; provided, however, that the following shall be exempt from the prohibition aforesaid: accessory buildings; repairs and rehabilitation which do not exceed 50 percent of the total cost of replacement of the existing structure; additions which do not increase the site coverage or the height of the structure; and residential structures containing not more than three dwelling units; the sale, lease or transfer of real property, or any interests therein, from one Public Agency to another Public Agency; and the lease of a below-grade parking garage system owned by a Public Agency to a private party, any such private party's assignment of their leasehold interest to one or more lenders providing financing to such private party for the acquisition of such leasehold interest, [and] any renovation or improvement of such below-grade parking garage system, and any change of or modification to the roadway or pedestrian access for such parking garage system.

(Prior code § 194B-5.1; Amend Coun. J. 10-4-06, p. 88405, § 2)

#### **16-4-160 Violation – Penalty.**

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$300.00 for the first offense and not less than \$200.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (Illinois Revised Statutes 1971, Chapter 110, paragraphs 1, et seq.). Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code (Illinois Revised Statutes 1971, Chapter 24, paragraph 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Illinois Revised Statutes 1971, Chapter 38, paragraphs 100.1, et seq.), in a separate proceeding. A separate and distinct offense shall be regarded as committed each day upon which each person shall continue any such violation or permit any such violation to exist after notification thereof.

(Prior code § 194B-7.1)

#### **16-4-170 Penalties not exclusive.**

Notwithstanding the provisions of Section 16-4-160, in the event any structure or building, landfill, excavation, impoundment, mining or

drilling has been undertaken in violation of this chapter, the City of Chicago may institute appropriate legal or equitable proceedings to prevent the completion or maintenance of said unlawful undertaking.

(Prior code § 194B-7.2)

#### **16-4-180 Severability.**

If any provision, clause, sentence, paragraph, section or part of this chapter, or application thereof to any person, firm, corporation, public agency or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency or circumstances involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.

(Prior code § 194B-8)

## **CHAPTER 16-6**

### **FLOOD CONTROL**

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**16-6-010 Definitions.**

**16-6-020 Compliance with chapter.**

**16-6-030 Review of applications.**

**16-6-040 Additional information required.**

**16-6-045 Base flood elevation.**

**16-6-050 Preventing increased flood heights and resulting damage.**

**16-6-055 Site development requirements applicable to Zone VE.**

**16-6-060 Protection of buildings.**

**16-6-070 Means of protection in Zones A, AO, AH and AE.**

**16-6-071 Means of protection in Zone VE.**

**16-6-075 Subdivision and other development requirements.**

**16-6-080 Duties of issuing departments.**

**16-6-090 Duties of the building commissioner.**

**16-6-100 Duties of the commissioner of buildings.**

**16-6-105 Reserved.**

**16-6-110 Work performed by city.**

**16-6-120 General considerations.**

**16-6-130 Variances.**

**16-6-140 Review of elevations.**

**16-6-150 Penalties.**

**16-6-160 Other restrictions on land use.**

**16-6-170 Disclaimer of liability.**

#### **16-6-010 Definitions.**

Unless defined in this section, words or phrases used in this chapter shall have the meanings they have in common usage. Whenever used in this chapter, the following words and phrases shall have the following meanings:

(a) "Base flood" or "100-year flood" means the flood having one percent probability of being equaled or exceeded in any given year.

(b) "Base flood elevation" shall be as provided in Section 16-6-045.

(c) "Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

(c-1) "Breakaway wall" means a wall that is not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

(d) "Building" means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind;

a gas or liquid storage tank; a manufactured home or a prefabricated building. "Building" also includes recreational vehicles to be installed on a site for more than 180 days.

(d-1) "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic sources. A coastal high hazard area is identified on the F.I.R.M. by the designation of Zone VE.

(e) "Development" means any man-made change to improved or unimproved real estate, including but not limited to:

- (i) Constructing, reconstructing or placing a building or any addition to a building, if the work is valued at more than \$1,000.00;
- (ii) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
- (iii) Installing utilities, construction of roads, or similar projects;
- (iv) Drilling, mining, filling, dredging, grading, excavating or other nonagricultural alterations of the ground surface;
- (v) Storing materials;
- (vi) Any other activity that might change the direction, height, or velocity of flood or surface waters, including filling of waters below the base flood elevation.

"Development" does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing and similar practices that do not involve filling, grading, or construction of levees.

(f) "Elevation" means the actual elevation of a site, in the same reference datum as provided on the F.I.R.M.

(g) "F.E.M.A." means the Federal Emergency Management Agency or its successor agencies.

(h) "Flood" or "flooding" means those surface waters causing a general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of such surface waters from any source.

(h-1) "Flood fringe" means that portion of a Zone A or Zone AE floodplain that is outside of the floodway.

(i) "Flood Insurance Rate Map" or "F.I.R.M." means the most recently published map on which F.E.M.A. has delineated both the areas of special flood hazards and the risk premium zones applicable to portions of the City of Chicago. The F.I.R.M. shall be kept on file by the Commissioner of Buildings. Before adopting the most recent published version of the F.I.R.M., said Commissioner shall give a minimum of fifteen days' notice of the proposed adoption in accordance with Section 14A-1-104.4. Said notice shall state the City's intent to adopt the F.I.R.M., shall solicit public comment and provide an address to where any such comment may be sent, and shall state how a person may obtain a copy of the proposed F.I.R.M. to be adopted.

(j) "Flood Insurance Study" or "F.I.S." means a study published by F.E.M.A. containing flood profiles and other information regarding the flood risk to the city. The date of the most recent F.I.S. shall be set forth by regulation.

(k) "Floodway" means that portion of the special flood hazard area ("S.F.H.A.") required to store and convey the base flood. All floodways shall be as shown on the F.I.R.M.

(l) "Flood protection elevation" or "F.P.E." means the base flood elevation plus one foot at any given location in the S.F.H.A.

(m) "I.D.N.R./O.W.R." means the Illinois Department of Natural Resources, Office of Water Resources and its successor agencies.

(n) "Issuing department" means any department or agency of the city government responsible for reviewing an application for permits for any development, or for reviewing the adequacy of any development under the municipal code.

(n-1) "Limit of moderate wave action" or "LiMWA" means a line shown on a F.I.R.M. to indicate the inland limit of the 1.5-foot breaking wave height during the base flood.

(o) "Manufactured home" means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(o-1) "Moderate wave action area" or "MoWA" is a special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, or tsunamis. A MoWA is an area within Zone AE on a F.I.R.M. that is between the inland limit of Zone VE and a LiMWA, where identified.

(p) "National Flood Insurance Program" or "N.F.I.P." means the federal program that allows property owners in certain communities to purchase federally backed flood insurance.

(q) "Permit" means any permit or license issued by the City of Chicago and required for any development.

(r) "Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(s) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream or brook.

(t) "Riverine S.F.H.A." means any S.F.H.A. subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

(u) "Site" means a zoning lot or tract of land identified in a permit application by its owner or developer as a single tract to be used,



developed or built upon as a unit, under single ownership or control.

(v) "Special flood hazard area" or "S.F.H.A." means land subject to inundation by the base flood as delineated on the F.I.R.M.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 7-21-21, p. 33505, § 1)

#### Notes

**14A-1-104.4** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

### **16-6-020 Compliance with chapter.**

No development in the S.F.H.A. shall be commenced, continued or altered except in compliance with the terms of this chapter and all other applicable law. The requirements of this chapter shall be in addition to all other provisions of this Code applicable to the issuance of a permit.

(Added Coun. J. 6-28-91, p. 2766)

### **16-6-030 Review of applications.**

On receipt of a permit application, an issuing department shall either ensure that the application has been reviewed by the zoning administrator or determine whether the development is in the S.F.H.A. If the zoning administrator or the commissioner of the issuing department determines that the proposed site of the development may be within the S.F.H.A., he shall inscribe "Flood Hazard Area" in permanent ink on the face of the application and deliver it to the commissioner of buildings for S.F.H.A. site confirmation and establishment of the F.P.E. No permit shall be issued for the proposed development until the requirements of this chapter have been met, and no development in the S.F.H.A. shall commence until the required permits are obtained.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6)

### **16-6-040 Additional information required.**

(a) On being advised that a permit application is subject to flood control requirements, the issuing department shall require the applicant to submit the following information, which the issuing department shall transmit to the commissioner of buildings, to the extent not included in the original application, as an additional condition to issuance of the requested permit:

- (i) Design drawings of the site, drawn to scale showing the property line dimensions;
- (ii) Existing grade elevations and all changes in grade resulting from excavation or filling in connection with the proposed development;
- (iii) The location and dimensions of all buildings, additions to buildings and other structures to be added to the site in connection with the development;
- (iv) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 16-6-060 of this chapter; and
- (v) Upon request, certification by a registered professional engineer that the proposed development complies with the requirements of this chapter.

(b) Applicants filing applications for manufactured home parks, annexation agreements, planned developments, subdivisions, and additions to manufactured home parks and subdivisions, which are greater than five acres or five zoning lots, whichever is lesser, shall furnish to the commissioner of planning and development:

- (i) A signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Illinois Plat Act, as amended. A copy of the statement shall be provided to the commissioner of water management for review and approval;
- (ii) *Base Flood Elevation Data*. Where base flood elevation is not available from an existing study filed with the I.D.N.R./O.W.R., the applicant shall be responsible for calculating the base flood elevation and submitting it to the I.D.N.R./O.W.R. and to F.E.M.A. for review and approval.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 11-8-12, p. 38872, § 240; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 26)

### **16-6-045 Base flood elevation.**

For purposes of this chapter, the base flood elevation shall be determined as follows:

- (a) The base flood elevation for riverine floodplains shall be as delineated on the base flood profiles in the F.I.S.
- (b) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be the elevation (or depth) specified on the F.I.R.M.
- (c) The base flood elevation for each of the remaining floodplains delineated as "A Zones" on the F.I.R.M. shall be as specified on the F.I.R.M. or, if no flood elevation is specified on the F.I.R.M., the applicant shall finance an engineering study and submit the resulting study to

F.E.M.A. and I.D.N.R./O.W.R. for review and approval.

(d) The base flood elevation for any floodplain delineated as a "VE Zone" shall be the highest elevation specified on the F.I.R.M. among all zones affecting the development.

(e) Where the permit applicant disagrees with the base flood elevation established pursuant to subsections (a) through (d), the permit applicant may obtain, at the permit applicant's sole expense, an engineering study and submit the resulting study to F.E.M.A. and I.D.N.R./O.W.R. for review and approval.

(Added Coun. J. 7-21-21, p. 33505, § 2)

#### **16-6-050 Preventing increased flood heights and resulting damage.**

Within the floodway, and within all other S.F.H.A.s where a floodway has not been delineated, the following standards shall apply:

(a) Except as provided in subsection (b) of this section, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities. The following specific development activities shall be considered as meeting this requirement:

- (i) Barge fleeting facilities meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 3;
  - (ii) Aerial utility crossings meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 4;
  - (iii) Minor boat docks meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 5;
  - (iv) Minor, non-obstructive activities meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 6;
  - (v) Outfall structures and drainage ditch outlets meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 7;
  - (vi) Underground pipeline and utility crossings meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 8;
  - (vii) Bank stabilization projects meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 9;
  - (viii) Accessory structures and additions to existing residential buildings meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 10;
  - (ix) Minor maintenance dredging activities meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 11;
  - (x) Bridge and culvert replacement structures and bridge widening meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 12;
  - (xi) Temporary construction activities meeting the conditions of I.D.N.R./O.W.R. Statewide Permit Number 13; and
  - (xii) Any development determined by I.D.N.R./O.W.R. to be located entirely in a flood fringe area.
- (b) Other development activities not listed in subsection (a) of this section may be permitted only if:
- (i) A permit has been issued for the work by I.D.N.R./O.W.R. (or written documentation is provided that an I.D.N.R./O.W.R. permit is not required); and

(ii) Sufficient data has been provided to F.E.M.A. under the map revision process and a CLOMR/LOMR has been obtained from F.E.M.A. when necessary.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 7-21-21, p. 33505, § 3)

#### **16-6-055 Site development requirements applicable to Zone VE.**

In Zone VE, all development must meet the following requirements:

- (a) The use of fill for structural support of buildings is prohibited.
- (b) Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runoff, ramping, or deflection of floodwaters that cause damage to buildings.
- (c) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- (d) Bulkheads, seawalls, revetments, and other erosion control structures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.

(Added Coun. J. 7-21-21, p. 33505, § 4)

#### **16-6-060 Protection of buildings.**

In addition to the requirements of Section 16-6-050, a building located in the S.F.H.A. shall be protected from flood damage below the F.P.E. in accordance with Section 16-6-070 or Section 16-6-071, as applicable, if any of the following applies:

- (a) Construction or placement of a new building is valued at more than \$1,000.00;
- (b) Structural alterations made to an existing building increase the floor area by more than 20 percent, or the market value of the building by more than 50 percent;
- (c) Reconstruction or repairs made to a damaged building are valued at or more than 50 percent of the market value (or depreciated

replacement value, if no applicable market value) of the building before the damage occurred;

(d) A manufactured home is installed on a new site or a new manufactured home is installed on an existing site; this requirement does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(e) The building is a recreational vehicle installed on a site for more than 180 days.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 7-21-21, p. 33505, § 5)

#### **16-6-070 Means of protection.**

Buildings located in Zones A, AO, AH or AE that are subject to Section 16-6-060 must meet the protection requirements described in this section.

(a) If a building is constructed on a permanent landfill:

(i) The fill shall be placed in layers no more than six inches deep before compaction and shall extend at least ten feet beyond the outside of the wall of the existing or proposed building;

(ii) The fill shall be protected against erosion and scour by vegetative cover, riprap or other structural measure;

(iii) The fill shall be homogeneous and isotropic;

(iv) The fill shall not adversely affect the flow of surface drainage from or onto the property;

(v) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris;

(vi) All areas below the F.P.E. shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the F.P.E. water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the F.P.E.

(b) If a building is elevated:

(i) The building improvements shall be elevated on posts, piers, piles, walls, or other foundation that is permanently open to flood waters.

(ii) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris;

(iii) All areas below the F.P.E. shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the F.P.E. water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the F.P.E.

(iv) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening on at least two different walls no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.

(v) Any area below the F.P.E. shall be used solely for parking, building access or storage and shall not later be converted to habitable space or other uses.

(c) A nonresidential building not built on permanent landfill and not elevated shall be floodproofed in accordance with the following:

(i) A registered professional engineer shall certify that the building has been designed so that below the F.P.E., the structure and attendant utility facilities are watertight and capable of resisting the effect of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris and ice;

(ii) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(d) A recreational vehicle is to be installed on a site for more than 180 days, or a manufactured home, shall be elevated at or above the F.P.E. and anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the rules and regulations issued pursuant to the Illinois Home Tie-Down Act, as amended.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 7-21-21, p. 33505, § 6)

#### **16-6-071 Means of protection in Zone VE.**

Buildings located in Zone VE that are subject to Section 16-6-060 must meet the protection requirements described in this section.

(a) All new construction and substantial improvements shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the F.P.E., and the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

(i) Water loading values used shall be those associated with the base flood.

(ii) Wind loading values shall determined in accordance with [Title 14B](#) .

(b) A licensed structural engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 16-6-071(a).

(c) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(i) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.

(ii) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot shall be allowed only if a licensed structural engineer or architect certifies that the designs proposed meet all of the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading shall be as specified in [Title 14B](#).

(iii) All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.

(d) Placement or substantial improvement of manufactured homes must comply with Section 16-6-071(a) through (c).

(e) Recreational vehicles must either:

(i) Be on site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use; or

(iii) Comply with Section 16-6-071(a) through (c).

(Added Coun. J. 7-21-21, p. 33505, § 7)

#### Notes

**Title 14B** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

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### **16-6-075 Subdivision and other development requirements.**

(a) All new subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to existing manufactured home parks and subdivisions within the S.F.H.A. shall meet the standards of Sections 16-6-050 and 16-6-060.

(b) No development within the S.F.H.A. shall include locating or storing of chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or are within a floodproofed non-residential building constructed in accordance with the requirements of Section 16-6-060.

(c) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(d) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

(e) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding conditions.

(f) Sanitary sewer manholes or other above-ground openings located below the F.P.E. shall be watertight.

(g) All other development within the S.F.H.A. shall be designed so as to not alter or block flood flows or increase the potential for flood damages.

(h) In Zone AO and AH, drainage paths shall be provided around buildings on sloped ground to guide water around and away from the buildings.

(Added Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 7-21-21, p. 33505, § 8)

### **16-6-080 Duties of issuing departments.**

The head of each issuing department shall have the following duties and responsibilities:

(a) Ensure that all developments within the S.F.H.A. meet the requirements of this chapter, and attach to permit(s) evidence that the plans for such projects have been reviewed and approved as to compliance with this chapter;

(b) Identify any floodplain development application within the S.F.H.A. which has not previously been reviewed by the zoning

administrator and notify the commissioner of the buildings;

(c) Determine, after receipt of comments by the commissioner of buildings, any request for a variance from the requirements of this chapter, pursuant to the authority of the issuing department;

(d) Assure that construction authorization has been granted by I.D.N.R./O.W.R. for all development projects subject to this chapter, requiring such authorization and maintain a record thereof;

(e) Provide the commissioner of buildings copies of all development permits issued by their department for all development or sites within the S.F.H.A., necessary I.D.N.R./O.W.R. permits, and evidence that the plans for such projects have been reviewed and approved as to compliance with this chapter;

(f) Provide information and assistance to residents upon request about permit procedures and floodplain construction techniques.

(g) Require that all necessary state and federal agency permits are obtained.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 1-27-21, p. 26741, Art. II, § 16)

#### **16-6-090 Duties of the building commissioner.**

The building commissioner shall have the following additional duties and responsibilities:

(a) Maintain records of all certified registered engineers' certificates and the "as built" floodproofed elevation of all buildings subject to this chapter;

(b) Maintain records of all "as built" elevations of the lowest floor (including basement) of all buildings subject to this chapter.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 3-5-03, p. 104990, § 46; Amend Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1)

#### **16-6-100 Duties of the commissioner of buildings.**

(a) The commissioner of buildings shall have the following duties and responsibilities: Inspect and monitor all development projects within the S.F.H.A. for which the department has issued a development permit, to assure compliance with the provisions of this chapter;

(b) Review all development applications submitted by the zoning administrator and notify other issuing departments as to those applications which fall within the S.F.H.A.;

(c) Compare the elevation of the site to the base flood elevation for all developments located within the S.F.H.A.;

(d) Maintain records of proposed developments within the S.F.H.A.;

(e) Receive from the issuing departments copies of all development permit applications, permits, and as-built certifications reviewed by the departments of developments that fall within the S.F.H.A., maintain a file of all such copies received, and submit reports of such permits to F.E.M.A.;

(f) Coordinate with state and federal agencies to improve base flood and floodway data, and to improve the administration of this chapter;

(g) Notify all issuing departments of proposed development projects within the S.F.H.A., and coordinate review by the departments of such projects;

(h) Notify all issuing departments of receipt of any revised F.E.M.A. maps or other relevant data, maintain them on file and distribute copies to the issuing departments;

(i) Maintain for public inspection base flood data, S.F.H.A. maps, copies of federal and state permit documents and "as built" elevation and floodproofing data for all buildings constructed subject to this chapter;

(j) Upon notification by the issuing department considering a variance request, respond in writing to the variance in terms of the requirements of this chapter; and

(k) Notify affected adjacent communities of watercourse alterations and relocations.

(Added Coun. J. 6-29-05, p. 51811, § 1; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6)

#### **16-6-105 Reserved.**

**Editor's note** – Coun. J. 6-6-12, p. 28356, § 46, repealed § 16-6-105, which pertained to the duties of the commissioner of the environment.

#### **16-6-110 Work performed by city.**

Development projects located within the S.F.H.A. and performed by the city shall not commence unless the commissioner of buildings has received notice and a description of the proposed project containing the information described in Section 16-6-040 and has determined that the development complies with all terms of this chapter.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6)

#### **16-6-120 General considerations.**

The City of Chicago shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(Added Coun. J. 6-28-91, p. 2766)



## **16-6-130 Variances.**

(a) Whenever the standards of this chapter place undue hardship on a specific development proposal, any person may apply for a variance from the requirements of this chapter. Application for a variance from any requirement of this chapter shall be made to the commissioner of the issuing department with jurisdiction for that requirement. The commissioner of the issuing department shall notify the applicant in writing that a variance from the requirements of this chapter will have the following consequences:

- (i) Result in increased premium rates for flood insurance up to amounts that may be as high as \$25.00 for \$100.00 of insurance coverage;
- (ii) Increase the risks to life and property; and
- (iii) Require that the applicant acknowledge in writing that the applicant has knowledge of these risks and that the applicant assumes all of the risk and liability entailed in proceeding subject to the variance.

(b) No variance shall be granted unless the applicant demonstrates that:

- (i) The development activity cannot be located outside the S.F.H.A.;
- (ii) An exceptional hardship would result if the variance were not granted;
- (iii) The relief requested is the minimum necessary;
- (iv) There will be no additional threat to public health or safety, nor the creation of a nuisance if the variance is granted;
- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

(c) The commissioner of an issuing department shall submit the request to the commissioner of planning for review and comment, and shall consider the written comments received from the commissioner of planning in granting or denying the variance.

(d) Variances to the building protection requirements of this chapter requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of subsection (b) of this section.

(Added Coun. J. 6-28-91, p. 2766)

## **16-6-140 Review of elevations.**

Upon receipt of proper documentation indicating that land is higher than the base flood elevation as of the date of the site's first F.I.R.M. identification, the Commissioner of Buildings may determine that the site is not subject to the requirements of this chapter unless the site is within a mapped floodway or Zone VE.

(Added Coun. J. 6-28-91, p. 2766; Amend Coun. J. 12-11-91, 10978; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 7-21-21, p. 33505, § 9)

## **16-6-150 Penalties.**

(a) Failure to obtain a permit for development in the S.F.H.A. or failure to comply with the requirements of a permit or conditions of a variance resolution issued pursuant to this chapter, or failure to otherwise comply with the provisions of this chapter, is hereby declared to be an abatable nuisance. Upon due investigation, the city shall notify the owner in writing of the violation, and that the violation is considered a willful act to increase flood damages and may result in suspension or revocation of the coverage afforded by a standard flood insurance policy.

(b) If the owner fails after ten days of the issuance of notification of the violation to correct the violation, the corporation counsel may file an appropriate action in the appropriate court for an injunction, requiring conformance with this chapter, and for a fine for violations of the chapter, and to obtain any other relief as the court deems necessary to secure compliance with this chapter.

(c) Any person who violates this chapter shall upon conviction be fined not less than \$200.00 nor more than \$500.00 for each violation of this chapter. A separate and distinct offense shall be deemed committed for each day a violation occurs or is allowed to remain. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected with enforcing this chapter shall accrue to the person or persons responsible.

(Added Coun. J. 6-28-91, p. 2766)

## **16-6-160 Other restrictions on land use.**

Whenever the terms of this chapter conflict with the terms of any easement, covenant or other recorded restriction on the use of land, the term more restrictive of development in the S.F.H.A. will prevail.

(Added Coun. J. 6-28-91, p. 2766)

## **16-6-170 Disclaimer of liability.**

Nothing in this chapter creates or constitutes any warranty or representation, express or implied, that any development whether located inside or outside the S.F.H.A. will not be affected by flooding or damage. Nothing in this chapter abrogates or affects in any way the application of the Local Governmental and Governmental Employees Tort Immunity Act, as amended, to decisions of the city, its officers, employees or agents in the enforcement or administration of this chapter.

(Added Coun. J. 6-28-91, p. 2766)

# **CHAPTER 16-8**

# INDUSTRIAL CORRIDOR SYSTEM FUND ORDINANCE\*

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\* **Editor's note** – Coun. J. 7-26-17, p. 53898, § 1, repealed and re-enacted Ch. 16-8. Former Ch. 16-8 pertained to planned manufacturing districts.

- 16-8-010 Title.**
- 16-8-020 Definitions.**
- 16-8-030 Conversion areas.**
- 16-8-040 Industrial corridor system fund.**
- 16-8-050 Purpose.**
- 16-8-060 Industrial corridor system.**
- 16-8-070 Applicability.**
- 16-8-080 Conversion fee formula.**
- 16-8-090 Timing of payment of fees.**
- 16-8-100 Recorded notice.**
- 16-8-110 Lien proceedings.**
- 16-8-120 Use of funds.**
- 16-8-130 Option for in-kind contribution.**
- 16-8-140 Criteria for prioritization of projects.**
- 16-8-150 Administration.**

## **16-8-010 Title.**

This chapter shall be known and may be cited as the “Industrial Corridor System Fund Ordinance.”

(Added Coun. J. 7-26-17, p. 53898, § 1)

## **16-8-020 Definitions.**

For purposes of this chapter, the following definitions shall apply:

“Commissioner” means the commissioner of planning and development.

“Conversion areas” are geographic areas within the industrial corridor system identified for potential zoning and/or other land use changes or modifications in a plan approved by the Chicago Plan Commission or city council and designated pursuant to Sec. 16-8-030.

“Conversion fee” means the fee collected by the city to mitigate impacts to the industrial corridor system caused by the rezoning of land within conversion areas.

“Department” means the department of planning and development.

“Development site” means a zoning lot, or portion thereof, within a rezoned area for which a building permit is being issued.

“Industrial corridor” is defined in Sec. 17-17-0274.

“Industrial corridor system” means, collectively, all of the city's industrial corridors, as the same may be designated or amended from time to time.

“Industrial establishment” is defined in Sec. 17-17-0275.

“Industrial use” means any use in the Industrial Use Group under Sec. 17-17-0105.

“Net site area” means the entire land area within the boundaries of a development site, less the area of all land required or proposed for public use, provided such public use area is not counted as net site area for the purpose of calculating floor area ratio or other bulk and density regulations.

“Planned development” is defined in Sec. 17-17-02120.

“PMD zoning district classification” means a district that has been designated as a planned manufacturing district, as defined in Sec. 17-17-02121. The term PMD zoning district classification shall also be deemed to include any planned development where the zoning district classification applicable to the subject property immediately before approval of the planned development (i.e., the underlying zoning district) was PMD.

“Pre-PMD zoning district classification” means the zoning district classification which was in effect for an area of land within a conversion area immediately before such land was zoned PMD or, if such prior zoning district classification no longer exists, then the equivalent zoning district classification as indicated in Sec. 17-1-1406.

“Receiving corridors” means those industrial corridors, or portions of industrial corridors, in which the primary sources of jobs are in

industrial use categories, based on U.S. census data for manufacturing, utilities, construction, wholesale trade, transportation and warehousing, and administrative and support and waste management services, or other applicable data. As of the effective date of this ordinance, eligible receiving corridors are: Armitage, Brighton Park, Burnside, Calumet, Elston/Armstrong, Greater Southwest, Harlem, Kennedy, Kinzie, Knox, Little Village, Northwest, Northwest Highway, Peterson, Pilsen, Pulaski, Pullman, Roosevelt/Cicero, Stevenson, Stockyards, West Pullman, Western/Ogden, and Wright Business Park.

“Rezoned area” means an area of land within a conversion area that (1) is initially rezoned from its PMD zoning district classification to its pre-PMD zoning district classification, and then (2) is rezoned by a property owner or other authorized applicant from its pre-PMD zoning district classification to any other zoning district classification, except POS, T or another M district. A rezoned area may consist of one or more zoning lots.

“Rezoning” means the rezoning of an area of land within a conversion area (1) initially from its PMD zoning district classification to its pre-PMD zoning district classification, and (2) then from its pre-PMD zoning district classification to any other zoning district classification, except POS, T or another M district, by the property owner or other authorized applicant.

“Zoning lot” is defined in Sec. 17-17-02197.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-030 Conversion areas.**

The following conversion areas are established:

(a) *North Branch Industrial Corridor Conversion Area.* The North Branch Industrial Corridor Conversion Area is established pursuant to the North Branch Framework adopted by the Chicago Plan Commission on May 18, 2017, and consists of all parcels with a PMD zoning district classification in Subdistrict A and Subdistrict C in the North Branch Corridor Overlay district, Sec. 17-7-0400, immediately prior to the effective date of this chapter.

(b) *Kinzie Industrial Corridor Conversion Area.* The Kinzie Industrial Corridor Conversion Area is established pursuant to the Fulton Market Innovation District plan adopted by the Chicago Plan Commission on July 17, 2014, and consists of all parcels with a PMD zoning district classification in the Kinzie Corridor Overlay district, Section 17-7-0450, immediately prior to the effective date of this amendment.

(Added Coun. J. 7-26-17, p. 53898, § 1; Amend Coun. J. 11-21-17, p. 62501, § 1)

#### **16-8-040 Industrial corridor system fund.**

A separate fund is hereby established and designated the Industrial Corridor System Fund into which 100% of the funds collected from any rezoning under this chapter will be deposited. The revenues of the Industrial Corridor System Fund shall be reserved and utilized exclusively in accordance with this chapter.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-050 Purpose.**

The purpose of this chapter is to mitigate the loss of industrial land and facilities in conversion areas by generating funds for investment in receiving corridors in order to preserve and enhance the city's industrial base, support new and expanding industrial uses, and ensure a stable future for manufacturing and industrial employment in Chicago. The legislative intent of this chapter is to promote the city's vital interests in job creation and a diversified economy.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-060 Industrial corridor system.**

The Industrial Corridor System Fund shall be used solely for projects located in receiving corridors.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-070 Applicability.**

(a) The provisions of this chapter shall apply to all rezonings in conversion areas.

(b) If a rezoning, as defined in Section 16-8-020, includes a character building, as defined in the applicable Industrial Corridor Overlay District of Chapter 17-7, and such character building will be maintained, reused or rehabilitated, such a rezoning is not subject to the conversion fee, as defined in Section 16-8-020. However, such conversion fee-exempted rezonings are subject to the following:

(i) The rezoning must be reviewed as either a Type I application, pursuant to Section 17-13-0302-A, or a *planned development*, pursuant to Section 17-13-0600.

(ii) The *building height* of any character *building* which is maintained, or other existing, non-character building, which is maintained, may not be increased by more than 10 feet, *building height* increases pursuant to Section 17-3-0408-B are not permitted.

(iii) The cumulative *building coverage* of all character *buildings* which are maintained, or other existing, non-character *buildings* which are maintained, may not be increased by more than 10 percent.

(iv) The *floor area ratio* may be no greater than that which is necessary to maintain, reuse or rehabilitate character *buildings*, and other existing, non-character *buildings*, or that which is necessary to provide improvements to character *buildings*, and other existing, non-character *buildings*, as contemplated in Sections 16-8-070(b)(ii) and 16-8-070(b)(iii).

(v) The rezoning is not eligible for the bonus floor area described in Sections 17-7-0406 or 17-7-0455. However, *floor area ratio* increases achieved pursuant to Sections 17-3-0403-B, 17-3-0403-C, 17-4-0405-C or 17-4-0405-D are allowed.

(vi) The character *building* must be declared, and remain, an official Chicago Landmark and the zoning lot or lots subject to the rezoning must adhere to the requirements of this Section 16-8-070(b) for the lesser or 40 years from the date of the final action by the City Council on the rezoning application or the elimination of the applicable conversion area as further described in Section 16-8-030.

(vii) Italicized terms used in this section indicate terms defined in Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance.

(Added Coun. J. 7-26-17, p. 53898, § 1; Amend Coun. J. 12-16-20, p. 25562, § 1)

#### 16-8-080 Conversion fee formula.

(a) The conversion fee shall be calculated as follows:

$$\text{Fee} = \text{Industrial site replacement need (square feet)*} \times \text{Industrial site replacement cost (per square foot)**} \times \text{Developer's share***}$$

\* Industrial site replacement need = Net site area of development site (square feet)

\*\* Industrial site replacement cost (per square foot) = Median citywide industrial land acquisition cost (per square foot) + Average cost of building rehabilitation and site preparation of industrial property (per square foot) + Average cost of environmental remediation (per square foot) + Typical cost of industrial street rehabilitation (per square foot)

\*\*\* Developer's share = 25%

(b) The conversion fee required to be paid under this chapter shall be the fee in effect at the time of payment.

(c) The commissioner is responsible for updating the industrial site replacement cost at least once every five years.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### 16-8-090 Timing of payment of fees.

(a) The conversion fee is payable in full prior to the issuance of the first building permit for any building or buildings on a development site; provided, however, if the development site is a planned development, and the planned development is being constructed in phases, the conversion fee shall be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The amount of the conversion fee due prior to the issuance of a building permit in a planned development that is being developed in phases shall be calculated by multiplying the conversion fee due for the planned development as a whole by a fraction, the numerator of which is the amount of floor area in the building or buildings for which the permit is then being issued and the denominator of which is the total amount of floor area approved in the planned development (calculated as the total maximum floor area ratio in the planned development multiplied by the total net site area in the planned development), as follows:

$$\text{Conversion fee due at the time of issuance of a building permit for construction in a planned development*} = \text{Conversion fee for planned development as a whole**} \times \frac{\text{Floor area approved for construction in building permit for applicable building or phase} \div \text{maximum floor area approved for construction in planned development as a whole***}}$$

\* Each payment is due prior to the issuance of the first building permit for any building or buildings in the planned development.

\*\* The total conversion fee shall be determined by calculating the net site area of the planned development (square feet), times the fee rate in effect at the time of building permit issuance, times the developer's share, as calculated pursuant to Sec. 16-8-080(a), as the same may be adjusted in accordance with Sec. 16-8-080(b). Since the conversion fee is calculated at the time of building permit issuance, not at the time of rezoning, the amount of the fee may change over time.

\*\*\* Maximum floor area is calculated as the total maximum floor area ratio in the planned development multiplied by the total net site area in the planned development.

(b) The applicant shall file with the department, on such form as the department may develop, a report indicating the number of gross square feet in the development site, the net site area of the development site, and any other information the department may require to determine the applicant's obligation to pay the conversion fee.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### 16-8-100 Recorded notice.

Upon a rezoning of land within a conversion area, the department may record, or require the applicant to record, a notice against the rezoned area or any portion thereof to ensure that the requirements of this chapter are enforced. The notice shall include (a) an accurate legal description of the rezoned area or any portion thereof; (b) a statement that future development is subject to the conversion fee; (c) a statement that the amount of the conversion fee will be determined in accordance with this chapter; and (d) a statement that if the conversion fee is not paid, the department may impose a lien on the rezoned area, or the applicable portion thereof, in accordance with Sec. 16-8-110. After the conversion fee for any development site or portion thereof has been paid, the commissioner shall have the authority to release the notice against such development site, or the applicable portion thereof, upon the applicant's request and without further city council action.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-110 Lien proceedings.**

If, for any reason, a building permit for a development site is issued prior to the applicant paying the conversion fee due and owing, the department may institute lien proceedings to recover the entire unpaid balance of the conversion fee, plus interest and reasonable attorneys' fees and costs, including the reasonable value of any services rendered by the corporation counselor his assistants or any consultants, agents or employees of the city.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-120 Use of funds.**

The Industrial Corridor System Fund may be used for the following costs when they are necessary or desirable for the preservation, development and/or growth of industrial uses in receiving corridors:

- (a) costs to acquire land and buildings;
- (b) costs for environmental site assessment and remediation;
- (c) costs to demolish substandard, obsolete, or vacant buildings;
- (d) costs to rehabilitate or repurpose underutilized or out-of-date industrial buildings;
- (e) costs to provide key support infrastructure; and
- (f) administrative, reporting, and monitoring costs and expenses of the Industrial Corridor System Fund, provided such costs and expenses may not exceed 5% of the Fund.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-130 Option for in-kind contribution.**

In lieu of the required cash contribution to the Industrial Corridor System Fund, applicants may propose to undertake eligible projects themselves, including, without limitation, the acquisition, remediation or rehabilitation of industrial land or buildings for the relocation of industrial establishments from conversion areas to suitable replacement sites in receiving corridors. The department shall review proposals on a case-by-case basis. If the department approves the proposal, the applicant shall submit project documentation, including but not limited to, detailed site-specific cost estimates for the project, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements, if applicable. If the estimated budget for the project exceeds the applicant's required cash contribution, the department may distribute funds from the Industrial Corridor System Fund to the applicant to perform additional work associated with the project on behalf of the City or applicable sister agency, subject to city council approval.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-140 Criteria for prioritization of projects.**

Priority will be given to projects that:

- (a) directly facilitate or enable the construction of a facility for a specific new or expanding industrial use;
- (b) create or retain jobs for city residents;
- (c) eliminate severe, long-term barriers to reuse of vacant or underutilized industrial land and facilities, such as environmental contamination;
- (d) are located in areas targeted for investment by the department in its economic development strategy;
- (e) commit to hiring residents of qualified investment areas, as defined in Sec. 16-14-020;
- (f) show a clear path to financial closing and construction start; and
- (g) are economically viable and sustainable.

(Added Coun. J. 7-26-17, p. 53898, § 1)

#### **16-8-150 Administration.**

(a) The department shall administer the Industrial Corridor System Fund and all projects funded under this chapter. Any grant or loan of funds for a private project shall require city council approval and shall be subject to jobs covenants and other covenants, conditions and restrictions to ensure that the funds are devoted to the purpose described in this chapter.

(b) The commissioner is authorized to prescribe application forms and other forms necessary to collect relevant information concerning participants and projects utilizing the Industrial Corridor System Fund, and to adopt such rules as the commissioner may deem necessary for the proper implementation, administration, and enforcement of this chapter, including without limitation, rules setting forth criteria and guidelines for the selection of projects and disbursement of funds in a fair and equitable manner. The commissioner is further authorized, subject to the availability of duly appropriated funds, to negotiate and enter into contracts from time to time with outside providers to assist in administering this chapter. The contracts authorized by this section may contain terms that the commissioner determines to be reasonable and appropriate, including terms governing reasonable compensation.

(c) The commissioner shall post on the department's website an annual report detailing the receipt and expenditure of funds from the Industrial Corridor System Fund.



## CHAPTER 16-12

### ENTERPRISE ZONES

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- 16-12-010 Title.**
- 16-12-020 Definitions.**
- 16-12-030 Departmental powers and duties.**
- 16-12-040 Application for certification.**
- 16-12-050 Entitlement to relief – Effective period.**
- 16-12-060 Zone administrator – Powers and duties.**
- 16-12-070 Incentives, benefits and regulatory relief.**
- 16-12-080 Urban homestead and shopstead programs.**
- 16-12-090 Additional tax or regulatory relief.**
- 16-12-100 Revolving loans and industrial revenue bonds.**
- 16-12-110 Cooperation with other governmental agencies.**
- 16-12-120 Constitutionality.**

#### **16-12-010 Title.**

This chapter shall be known and cited as the “Chicago Enterprise Zone Ordinance”.

(Prior code § 201-1)

#### **16-12-020 Definitions.**

For the purpose of this chapter, when any of the following words or terms are used herein, they shall have the meaning or construction ascribed to them in this section, unless otherwise specified:

“City” means the City of Chicago, Illinois.

“City council” means the city council of the City of Chicago, Illinois.

“Department” means the department of planning and development of the city.

“Department of Commerce and Economic Development” means the Department of Commerce and Economic Development of the state.

“Depressed area” means an area within the city that meets the criteria for a depressed area set by the Illinois Enterprise Zone Act and any rules or regulations issued by the Department of Commerce and Community Affairs concerning the eligibility of an area as a depressed area under the Illinois Enterprise Zone Act.

“Designated zone organization” means an organization within an enterprise zone which meets the requirements of a designated zone organization under the Illinois Enterprise Zone Act, and has been designated such pursuant to Section 16-12-070 of this chapter.

“Enterprise zone” means a depressed area of the city which was designated a proposed enterprise zone by the city council and which has been approved and certified by the Department of Commerce and Community Affairs as an enterprise zone under the Illinois Enterprise Zone Act and/or has been approved and certified by the proper federal authority as an enterprise zone under any federal enterprise zone legislation.

“Finance committee” means the finance committee of the city council of the City of Chicago.

“Person” means any individual, partnership, association, sole proprietorship, club, society, foundation, institution, joint stock company, joint venture, public or private corporation, or a receiver, executor, trustee, conservator, a representative appointed by order of any court or any other entity which is eligible for benefits under the Illinois Enterprise Zone Act.

“Proposed enterprise zone” means a depressed area of the city designated as such by ordinance by the city council pursuant to this chapter.

“Redevelopment project area” means an area within the city that meets the criteria for a redevelopment project area set by the Tax Increment Allocation Redevelopment Act of the Illinois Municipal Code, 65 ILCS 5/11-74.4, as amended, and any rules and regulations issued by the state concerning the qualifications of an area as a redevelopment project area.

“State” means the State of Illinois.

“Zone administrator” means an officer or employee of the city, designated by the city council, by ordinance, to administer the enterprise zone or zones within the city. The zone administrator shall have the powers and duties set forth in Section 16-12-060 of this chapter.

(Prior code § 201-2; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 12-10-97, p. 58159, § 2; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 28)

#### **16-12-030 Departmental powers and duties.**

(a) The department shall promulgate, with the assistance of the zone administrator, all necessary rules and regulations to carry out the provisions of this chapter. It shall also be required to determine which areas of the city may qualify as depressed areas. It shall have the power to determine the size and location of depressed areas in the city. It shall have the power to exclude, from the depressed area those parts of a depressed area that would disqualify the depressed area from qualifying as an enterprise zone.

(b) Each area determined by the department as being a depressed area must meet the other qualifications needed to be eligible for enterprise zone certification under the Illinois Enterprise Zone Act and/or any federal enterprise zone act, before being recommended as a proposed enterprise zone to the city council.

(c) The department shall present its recommendations for proposed enterprise zones to the city council for approval. These recommendations shall include an analysis of the current status and a map of the area recommended, demonstrating that the area is qualified as an enterprise zone; the possible benefits or effects of an enterprise zone classification of the area; the likelihood of state or federal approval of the area as an enterprise zone; any organizations (especially designated zone organizations) or other groups supporting the recommendation; the estimated costs, including reduced tax revenues, to the city by designating the area as an enterprise zone; and any other information available to the department, which would be required by the Illinois Enterprise Zone Act or any federal enterprise zone act, if any, if this recommendation was made as an application for certification as an enterprise zone under such acts.

(d) The department may present recommendations of proposed enterprise zones to the city council at any time during a calendar year.

(e) The city council upon receipt of the department recommendations shall refer such recommendations to the finance committee of the city council. The finance committee shall hold a public hearing on the recommendations within the recommended proposed enterprise zone, within 30 days of its receipt of the department's recommendation from the city council. This hearing shall address, among others, the issues of whether to create the zone, what local plans, tax incentives and other programs should be established in connection with the zone, and what the boundaries of the zone should be. Notice of the hearing shall be published in at least one newspaper of general circulation within the recommended zone area, not more than 20 days nor less than five days before the hearing.

(f) The finance committee shall approve, disapprove or modify the department's recommendations of proposed enterprise zones. If the finance committee decides to modify or disapprove a department's recommendation, it shall allow the department time to comment on the modification or disapproval before presenting it to the city council for approval. The finance committee shall within 60 days after the hearing required in subsection (e) above, present to the city council its recommendations, including any department comments, for either approval or disapproval of the department's recommended proposed enterprise zone, including therein any modifications made by the finance committee. The city council shall, thereafter, either approve the zone recommended by the department, with or without the modifications made thereto by the finance committee, or disapprove such zone recommended by the department. If adopted by the city council the recommended area shall be considered a "proposed enterprise zone". This adopting ordinance designating a proposed enterprise zone shall be in the format and include the criteria required in the Illinois Enterprise Zone Act and/or any federal enterprise zone legislation.

(Prior code § 201-3)

#### **16-12-040 Application for certification.**

(a) The department shall be required to submit to the Department of Commerce and Community Affairs a written application for certification as an enterprise zone, following the requirements in the Illinois Enterprise Zone Act, for each proposed enterprise zone adopted by the city council. The department shall make all efforts to deliver any such application to the Department of Commerce and Community Affairs no later than December 31st of the calendar year in which the proposed enterprise zone was designated such by the city council.

(b) The department may also submit to the proper federal authorities a written application for certification as an enterprise zone, following the requirements set forth by such authorities and pursuant to any federal enterprise zone legislation, for any proposed enterprise zone designated by the city council.

(Prior code § 201-4)

#### **16-12-050 Entitlement to relief – Effective period.**

(a) Only enterprise zones shall be entitled to receive benefits provided for in this chapter, not proposed enterprise zones. A proposed enterprise zone shall remain a proposed enterprise zone until it is declared and certified an enterprise zone under the Illinois Enterprise Zone Act and/or any federal enterprise zone act. Any proposed enterprise zone that is rejected by the proper state and federal authorities under the above acts, or which has not been approved and certified an enterprise zone by either authority within one year after being designated by the city council as a proposed enterprise zone may, thereafter, be repealed by the city council at any time before any such approval and certification.

(b) An enterprise zone and all incentives provided for such zone shall remain effective for a period of 30 calendar years, unless otherwise stated herein, or for a lesser number of years if such is (i) specified in the ordinance designating a proposed enterprise zone, or (ii) required in any federal enterprise zone act, for proposed enterprise zones which were declared enterprise zones under such act. Except as otherwise provided, an enterprise zone shall terminate at midnight on December 31st of the final calendar year of the enterprise zone's certified term. The city council can remove or amend the designation of any zone pursuant to the criteria and limitations set forth in the Illinois Enterprise Zone Act, if the zone was certified an enterprise zone under such act, and/or any federal enterprise zone act, if the zone was certified an enterprise zone under such an act.

(Prior code § 201-5; Amend Coun. J. 5-29-02, p. 85301; Amend Coun. J. 9-4-02, p. 92162, § 2)

#### **16-12-060 Zone administrator – Powers and duties.**

(a) Once a proposed enterprise zone is declared an enterprise zone, the administration of the zone, in relation to carrying out the provisions of this chapter only, shall be vested in the zone administrator.

(b) The powers and duties of the zone administrator shall be:

- (1) To act as liaison between the city, the department of commerce and economic development, any other state agency, and federal agency, and any designated zone organizations within the zones under his jurisdiction;
- (2) To supervise the implementation of the provisions of this chapter within the zones;
- (3) To enter into contracts and other agreements on behalf of the city with designated zone organizations or any state or federal agency in carrying out the provisions of this chapter;
- (4) To have such other powers and duties as specified in this chapter or as specified by either the mayor or the city council;
- (5) To conduct an ongoing evaluation of the enterprise zone program, along with the department and to submit reports concerning the effectiveness of the zones annually to the city council;
- (6) To assist the department in preparing rules and regulations concerning this chapter and in the enforcing of such rules and regulations; and
- (7) To hire such staff as is necessary and to maintain an office within the zone, if he deems it necessary, to carry out the powers and duties of this section, subject to the limitations set forth in the city's annual appropriation ordinance.

(c) The zone administrator for all zones shall be the commissioner of planning and development of the city.

(Prior code § 201-6; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 28)

#### **16-12-070 Incentives, benefits and regulatory relief.**

(a) The following incentives, benefits and regulatory relief shall apply, to the extent stated herein, to residents, employees, employers, businesses and other persons within an enterprise zone or in their dealings with others in an enterprise zone:

1. Any and all incentives, benefits and regulatory relief granted under the Illinois Enterprise Zone Act, to the extent stated in such act, if the enterprise zone is declared and certified an enterprise zone under such act. In the event that property is located in both an enterprise zone and a redevelopment project area, such property shall not be eligible for any abatement of taxes under Section 18-170 of the Property Tax Code, 35 ILCS 200, as amended, for new improvements or the renovation or rehabilitation of existing improvements;
2. Any and all incentives, benefits and regulatory relief granted under a federal enterprise zone act, to the extent stated in such act, if the enterprise zone is declared and certified an enterprise zone under such an act;
3. The following city taxes shall not apply within an enterprise zone, to the extent stated herein:

A. Each retailer who makes a sale of building materials to be incorporated into real estate in an enterprise zone within the city, by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the Home Rule Municipal Retailers' Occupation Tax, Chapter 3-40, Section 3-40-010 of the Municipal Code of Chicago, pursuant to 5k of the Retailers' Occupation Tax Act. "Retailer" shall have the same meaning as given such in the Home Rule Municipal Retailers' Occupation Tax Act. This tax benefit shall only apply to the sale of building materials that will be incorporated into real estate as part of a building project for which a certificate of eligibility for sales tax exemption has been issued by the administrator of the city enterprise zone. To document the exemption allowed under this section, the retailer must obtain from the purchaser a copy of the certificate of eligibility for sales tax exemption (the "certificate") issued by the administrator of the enterprise zone. The certificate must contain the following information:

1. A statement that the building project identified in the certificate meets all the requirements for the building material exemption allowed by this section;
2. The location or address of the building project;
3. The signature of the administrator of the enterprise zone; and
4. Certification from the purchaser of the following:
  - a. The building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;
  - b. The location or address of the real estate into which the building materials will be incorporated;
  - c. The name of the enterprise zone in which that real estate is located;
  - d. A description of the building materials being purchased;
  - e. The purchaser's signature and date of purchase.

B. The transfer of title to, or beneficial interest in, real property used primarily for commercial or industrial purposes located within an enterprise zone shall be exempt from the Chicago Real Property Transfer Tax, Chapter 3-33 of this Code.

4. The following city ordinances and regulations shall be modified or eliminated, to the extent provided herein, in an enterprise zone.

A. All zoning and zoning districts within an enterprise zone shall be reviewed by the zone administrator with assistance from the zoning administrator for the city the zoning board of appeals. The zone administrator shall before June 1, 1983, and afterwards as he deems necessary, recommend to the city council, modifications to the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, in relation to the city's enterprise zones, to further the purposes of this chapter. Any modifications shall be subject to the restrictions on such in the Illinois Enterprise Zone Act.

In the interim and until changed, as to variances within a zoned district in an enterprise zone, the zone administrator shall have the power, concurrently with the zoning board of appeals, to grant a variance to a person whenever he feels it necessary or proper to encourage business growth in the enterprise zone, without harming other community interests. The zone administrator must hold a public hearing on the proposed

variance, and publish notice of such in a newspaper of general circulation within the enterprise zone affected at least 15 days but not more than 30 days before the hearing. The hearing shall be held within 60 days of receipt of a valid application for variance.

B. [Reserved.].

C. All city licenses shall be issued by the zone administrator or his representative. A person, therefore, shall be able to obtain all necessary city licenses from the zone administrator. Any licenses that require an investigation or other determination, other than ministerial, shall be subject to review by the city department normally issuing or reviewing such, before the license will be issued by the zone administrator or his representative. In such a situation an application for the license may still be made to the zone administrator, but only a receipt for the application will be issued. The zone administrator or his representative shall, thereafter, send the application to the proper city department for review and determination. These applications shall be given priority status by such city department.

D. The zone administrator may also review all other city ordinances and regulations that may affect an enterprise zone, and make recommendations for modifications to them if he feels it necessary to further the purposes of this chapter.

(b) The department may recommend to the city council organizations that qualify as designated zone organizations under the Illinois Enterprise Zone Act. The city council may declare one or more of these organizations as designated zone organizations under this chapter. Such designated zone organizations shall have the following powers, unless otherwise stated by the city council:

1. To provide volunteer day care centers, drug abuse programs or recreational activities for zone area youth;
2. To establish crime watch patrols within the zone neighborhoods, in conjunction with the city police department;
3. To contract with the zone administrator to provide necessary services to the zone, which had in the past been performed by the city or others, if the zone administrator determines that the designated zone organization will more properly, efficiently and economically perform the service. The services that can be contracted for are those listed in Section 8 of the Illinois Enterprise Zone Act;
4. To voluntarily provide, or to contract with the zone administrator to provide, other services that are specifically allowed by the city council;
5. To voluntarily provide other services that are stated in Section 8 of the Illinois Enterprise Zone Act and to have the authority to perform the other functions stated in such section, subject to receiving the necessary governmental authorizations;
6. To take title to any real property, in an enterprise zone, sold to such designated zone organization under the city's urban shopstead program, subject to the restrictions stated in its sales agreement with the city, those stated in the Illinois Enterprise Zone Act and those stated in this chapter. This paragraph 6 only applies if the enterprise zone was certified an enterprise zone under the Illinois Enterprise Zone Act.

(Prior code § 201-7; Amend Coun. J. 6-28-91, p. 2433; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 1-14-92, p. 11419; Amend Coun. J. 12-15-92, p. 27387; Amend Coun. J. 11-10-94, p. 59125, § 27, effective 7-1-95; Amend Coun. J. 12-10-97, p. 58159, § 3; Amend Coun. J. 3-5-03, p. 104558, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 4-10-19, p. 100029, Art. II, § 107)

#### Notes

- 3-40** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).
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#### **16-12-080 Urban homestead and shopstead programs.**

(a) An urban homestead program shall be established in each enterprise zone. In this program the city may sell to an individual a residence or portion thereof that the city owns within the enterprise zone, for a sum of \$100.00. The individual must personally live in the residence for seven years. The individual must agree to renovate or remodel the property to meet the level of maintenance stated in the sales agreement between the individual and the city. At the end of this seven-year period the city shall assign the property over to the individual, but only when satisfactory improvements to the property have been made pursuant to the agreement with the city. The zone administrator shall supervise any such sales, and work with the state and county to provide similar sales of the state and county-owned property within the enterprise zone.

(b) An urban shopstead program shall be established in each enterprise zone. In this program the city may sell to a designated zone organization a structure or portion thereof that the city owns within the enterprise zone, for a sum of \$100.00. The designated zone organization shall agree to renovate or remodel the property to meet the level of maintenance stated in the sales agreement between the organization and the city. The designated zone organization shall be allowed to sell or lease such structure to commercial or industrial businesses pursuant to the procedures set forth in the sales agreement between it and the city. The organization shall also be allowed to retain the structure in whole or in part for its own use. Any proceeds derived from the use, lease, or sale of such property shall be used for cost recovery and for activities entered into pursuant to Section 16-12-070(b) of this chapter as agreed between it and the city. The zone administrator shall supervise any sales to such organizations, and work with the state and county to provide similar sales of state and county-owned property within the enterprise zone.

(c) The programs under (a) and (b) above shall only apply to an enterprise zone if such zone is declared an enterprise zone under the Illinois Enterprise Zone Act.

(Prior code § 201-8)

#### **16-12-090 Additional tax or regulatory relief.**

(a) An ordinance designating a proposed enterprise zone may provide additional tax relief, regulatory relief or other benefits, in addition to that granted in this chapter, or may eliminate or modify any of the tax relief, regulatory relief or other benefits provided for in this chapter.

(b) After a proposed enterprise zone is declared an enterprise zone, additional tax relief, regulatory relief or other benefits may be added to such zone by amendment either to this chapter or the ordinance designating such zone as a proposed enterprise zone. The city council may also eliminate or repeal any tax relief, regulatory relief or other benefits in an enterprise zone and may alter the boundaries of the zone or alter the termination date of the zone, subject to the criteria and limitations stated in the Illinois Enterprise Zone Act, if the zone was declared an enterprise zone under that act, and/or subject to the criteria and limitations stated in any federal enterprise zone act, if the zone act was declared an enterprise zone under such an act.

(c) In determining the regulatory relief, tax relief or other incentives to be recommended to the city council for enterprise zones under Section 16-12-070, the zone administrator may recommend different regulatory relief, tax relief or other incentives for each zone depending on the needs of each zone and/or general regulatory relief, tax relief or other incentives for all proposed enterprise zones. The city council may, thereafter, provide in each proposed enterprise zone ordinance the specific regulatory relief, tax relief or other incentives that applies to that zone only and/or may provide for general regulatory relief, tax relief or other incentives either through an amendment to this chapter or an amendment to each proposed enterprise zone ordinance.

(Prior code § 201-9)

#### **16-12-100 Revolving loans and industrial revenue bonds.**

Businesses physically located in enterprise zones that qualify for revolving loans, industrial revenue bond loans and other preference programs offered by the city, shall be given preference by the city over similar qualifying businesses located outside an enterprise zone, in determining which business shall receive such loans or preference programs. Any loans or preference programs given to such qualifying business in an enterprise zone must be used for the development of that business within the zone or for the benefit of the enterprise zone.

(Prior code § 201-10)

#### **16-12-110 Cooperation with other governmental agencies.**

The zone administrator shall work together with the responsible city, state and federal agencies to promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small business, banking, financial assistance, and employment training which are carried on within the enterprise zone.

(Prior code § 201-11)

#### **16-12-120 Constitutionality.**

If any provision of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid application or provision, and to this end such invalid provision or invalid application of this chapter is severable, unless otherwise provided in this chapter.

(Prior code § 201-12)

## **CHAPTER 16-14**

### **NEIGHBORHOOD OPPORTUNITY FUND ORDINANCE\***

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\* **Editor's note** – Coun. J. 2-19-20, p. 14012, § 1, revised the title of this Chapter, which formerly read "Neighborhoods Opportunity Fund Ordinance".

**16-14-010 Title.**

**16-14-020 Definitions.**

**16-14-030 Neighborhood Opportunity Fund.**

**16-14-040 Purpose.**

**16-14-050 Qualified investment areas.**

**16-14-060 Authorized uses.**

**16-14-070 Eligible costs.**

**16-14-080 Administration.**

#### **16-14-010 Title.**

This chapter shall be known and cited as the "Neighborhood Opportunity Fund Ordinance."

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 2)



## **16-14-020 Definitions.**

For purposes of this chapter, the following definitions shall apply:

"Commissioner" means the Commissioner of Planning and Development.

"Department" means the Department of Planning and Development.

"Group I Award" means, with respect to an individual development project funded under this chapter, a grant in an aggregate amount of \$250,000.00 or less.

"Group I Program Funding Limit" has the meaning ascribed to that term in subsection (d) of Section 16-14-080.

"Group II Award" means, with respect to an individual development project funded under this chapter, a grant in an aggregate amount in excess of \$250,000.00.

"Qualified investment area" means any area in the City designated by the Commissioner as a low-moderate income area pursuant to data on areas of concentrated disadvantage published by the United States Census Bureau.

"Training costs" means the costs of business incubation, mentoring and training within the meaning of subsection (c) of Section 16-14-060.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 3)

## **16-14-030 Neighborhood Opportunity Fund.**

A separate fund is hereby established and designated the Neighborhood Opportunity Fund into which 80% of the funds collected from any downtown floor area bonus under Sec. 17-4-1000 of this Code will be deposited. The revenues of the Neighborhood Opportunity Fund, including without limitation any amounts repaid, returned or recaptured under a Group I Award or Group II Award, shall be reserved and utilized exclusively in accordance with this chapter.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 4)

## **16-14-040 Purpose.**

The purpose of the Neighborhood Opportunity Fund is:

(a) to promote growth within the downtown area through the floor area bonus provisions of Sec. 17-4-1000, and simultaneously generate new revenues for investment in business development and job growth in neighborhoods impacted by poverty, high unemployment, and other indicators of economic deprivation;

(b) to strengthen neighborhood commercial corridors in qualified investment areas;

(c) to address the decline of private investment in qualified investment areas that damages the City's overall economic competitiveness, impedes the sustainable and equitable development of the City as a whole, contributes to inequality and poverty, and has a detrimental effect on the City's quality of life.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 5)

## **16-14-050 Qualified investment areas.**

The Neighborhood Opportunity Fund shall be used for projects located in or directly benefiting qualified investment areas. The Commissioner shall publish a map of qualified investment areas and update the map at least once every five years.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 6)

## **16-14-060 Authorized uses.**

The following uses are authorized uses of the Neighborhood Opportunity Fund:

(a) commercial establishments that provide, on a permanent or short-term (pop-up) basis, goods and services which complement and revitalize the areas in which they are located, and which may include, without limitation, grocery stores, retail establishments, and restaurants that sell food primarily for consumption on premises;

(b) cultural establishments that provide, on a permanent or short-term (pop-up) basis, recreational and educational opportunities which complement and revitalize the areas in which they are located; and

(c) incubation, mentoring, and training of small businesses that otherwise qualify as authorized uses under subsections (a) or (b) of this section.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 7)

## **16-14-070 Eligible costs.**

The Neighborhood Opportunity Fund may be used for the following costs when such costs are necessary or desirable for, or in support of, one or more authorized uses:

(a) costs to acquire, rehabilitate, or demolish substandard, obsolete, or vacant buildings, including planning and design costs;

(b) costs to plan, design, and construct new buildings, not to exceed 50% of total project costs for a Group I Award or 30% of total project costs for a Group II Award;

(c) costs to plan, design, and construct public infrastructure directly related to projects under subsections (a) and (b) of this section;

(d) financing costs related to projects under subsections (a), (b), and (c) of this section;

- (e) costs of job support used to recruit, hire, and retain job seekers who reside in qualified investment areas for identified jobs created by projects funded under subsections (a), (b), or (c) of this section;
- (f) training costs, provided that such training costs shall not exceed 5% of the Neighborhood Opportunity Fund; and
- (g) administrative, reporting, and monitoring costs and expenses of the Neighborhood Opportunity Fund, provided such costs and expenses may not exceed 5% of the Fund.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 2-19-20, p. 14012, § 8)

**16-14-080 Administration.**

(a) The Department shall administer the Neighborhood Opportunity Fund and all projects funded under this chapter. Each Group II Award shall require City Council approval. The Department may disburse Group I Awards through procedures established by rule, subject to the Group I Program Funding Limit; provided, that at the request of the Department, such grants may be disbursed by the Commissioner of Business Affairs and Consumer Protection. The selection of projects will be informed by community-based planning processes, such as Chicago Neighborhoods Now. Priority will be given to commercial projects that:

- (i) have a positive, catalytic impact on a commercial corridor;
- (ii) provide goods or services where those goods or services are lacking;
- (iii) support a new or expanding small business;
- (iv) have the potential to leverage other resources (private, state, federal);
- (v) show a clear path to financial closing and construction start;
- (vi) commit to hiring from qualified investment areas; and
- (vii) are economically viable and sustainable.

(b) The Commissioner is authorized to enter into grant agreements and all other agreements and ancillary documents necessary to implement this chapter, to prescribe application forms and other forms necessary to collect relevant information concerning participants and projects utilizing the Neighborhood Opportunity Fund, and to adopt such rules as the Commissioner may deem necessary for the proper implementation, administration, and enforcement of this chapter, including without limitation, rules setting forth criteria and guidelines for the selection of projects and disbursement of funds in a fair and equitable manner.

(c) The Commissioner shall post on the Department's website an annual report detailing the receipt and expenditure of funds from the Neighborhood Opportunity Fund.

(d) Subject to the availability of duly appropriated funds, the Group I Program Funding Limit shall be \$35,500,000.00 as of the effective date of this amendatory ordinance of 2020, unless such amount is increased or decreased by appropriate action of the City Council.

(Added Coun. J. 5-18-16, p. 24993, § 2; Amend Coun. J. 9-6-17, p. 54823, § 2; Amend Coun. J. 2-19-20, p. 14012, § 9)

## **CHAPTER 16-16**

### **ADULT USES**

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- 16-16-010 Title designated.**
- 16-16-020 Intent and purpose.**
- 16-16-030 Definitions.**
- 16-16-040 Regulated uses.**
- 16-16-050 Permitted uses.**
- 16-16-060 Registration.**
- 16-16-070 Registration and certification.**
- 16-16-080 Form must be displayed.**
- 16-16-090 Exterior display.**
- 16-16-100 Severability.**
- 16-16-110 Consumption of alcoholic liquor prohibited.**
- 16-16-120 Consumer protection – Price list.**
- 16-16-130 Violation – Penalty.**

**16-16-010 Title designated.**

Pursuant to the provisions of the Constitution of the State of Illinois of 1970, the Municipal Code of the City of Chicago is hereby amended by adding a new chapter thereto to be numbered Chapter 16-16 and known as the Chicago Adult Use Ordinance, as follows.

(Prior code § 194C-1; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-020 Intent and purpose.**

To regulate uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

(Prior code § 194C-2; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-030 Definitions.**

“Adult bookstore” means 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.

“Adult motion picture theater” means 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 observation by patrons therein.

“Adult mini motion picture theater” means 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.

“Adult entertainment cabaret” means a public or private establishment which: (i) features topless dancers or 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.”

“Specified sexual activities” means and is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

“Specified anatomical areas” means and is defined as:

1. 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
2. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

(Prior code § 194C-3; Amend Coun. J. 7-29-87, p. 3030; Amend Coun. J. 2-10-93, p. 28689; Amend Coun. J. 5-6-15, p. 109069, § 1)

#### **16-16-040 Regulated uses.**

Regulated uses include all adult uses which include, but are not limited to the following:

Adult bookstore;

Adult motion picture theater;

Adult mini motion picture theater;

Adult entertainment cabaret.

(Prior code § 194C-4; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-050 Permitted uses.**

Adult uses shall be permitted subject to zoning restrictions as provided in Title 17.

(Prior code § 194C-4.1; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-060 Registration.**

The owner of a building or premises, his agent for the purpose of managing, controlling or collecting rents, or any other person managing or controlling a building or premises, any part of which contains an adult use shall register with the department of business affairs and consumer protection of the City of Chicago the following information:

- a. The address of the premises;
- b. The name of the owner of the premises and names of the beneficial owners if the property is in a land trust;
- c. The address of the owner and the beneficial owners;

- d. The name of the business or the establishment subject to the provisions of Section 16-16-040;
- e. The name(s) of the owner, beneficial owner or the major stockholders of the business or the establishment subject to the provisions of Section 16-16-040;
- f. The address of those persons named in paragraph e;
- g. The date of initiation of the adult use;
- h. The nature of the adult use;
- i. If the premises or building is leased, a copy of the said lease must be attached.

(Prior code § 194C-5; Amend Coun. J. 7-29-87, p. 3030; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **16-16-070 Registration and certification.**

It is unlawful for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an adult use without first having properly registered and received certification of approved registration.

(Prior code § 194C-5.1; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-080 Form must be displayed.**

The owner, manager or agent of a registered adult use shall display a copy of the registration form approved by the department of business affairs and consumer protection in a conspicuous place on the premises.

(Prior code § 194C-5.2; Amend Coun. J. 7-29-87, p. 3030; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **16-16-090 Exterior display.**

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

(Prior code § 194C-6; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-100 Severability.**

If any provision of this chapter or the application of any provision to any item in this chapter, is held invalid, the invalidity of that provision or application shall not affect any of the other provisions or the application of those provisions to other items in this chapter.

(Prior code § 194C-6.1; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-110 Consumption of alcoholic liquor prohibited.**

The consumption of alcoholic liquor on the premises of any adult use where nude dancing is permitted is strictly prohibited.

(Prior code § 194C-6.2; Amend Coun. J. 7-29-87, p. 3030; Amend Coun. J. 10-1-97, p. 53200)

#### **16-16-120 Consumer protection – Price list.**

All adult entertainment cabarets shall display at the bar and at each table, counter or other area or place where any food, beverages, goods, wares, merchandise or service is sold, served or provided, a complete list of all prices, fees and charges for all food, beverages, goods, wares and merchandise sold or services rendered. These lists shall be written in clearly visible letters and figures of a size not less than 14-point type.

(Prior code § 194C-7; Amend Coun. J. 7-29-87, p. 3030)

#### **16-16-130 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each violation of this chapter may be grounds for revocation of any license issued to any such establishment by the City of Chicago.

(Prior code § 194C-7.1; Amend Coun. J. 7-29-87, p. 3030; Amend Coun. J. 10-1-97, p. 53200)

## **CHAPTER 16-18**

### **OPEN SPACE IMPACT FEE ORDINANCE**

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**16-18-010 Title.**

**16-18-020 Purpose and intent.**

**16-18-030 Applicability.**

**16-18-040 Fee formula.**

**16-18-050 Fee schedule.**

**16-18-060 Timing of payment of fees.**

**16-18-070 Individualized assessment of impact.**

**16-18-080 Credit for on-site open space within planned developments.**

**16-18-090 Use of funds.**

**16-18-100 Refunds.**

**16-18-110 Administrative procedures.**

**16-18-120 Paulina Street Corridor.**

**16-18-010 Title.**

This Chapter 16-18, Sections 16-18-010 through 16-18-110, shall be entitled and referred to as “The Open Space Impact Fee Ordinance”.

(Added Coun. J. 4-1-98, p. 65269)

**16-18-020 Purpose and intent.**

The purpose and legislative intent of this chapter is to require new residential development to contribute its proportionate share of open space and recreational facilities which directly and materially benefit such development, or fees in lieu thereof, in order to ensure that adequate open space and recreational facilities are available to serve residents of such development.

(Added Coun. J. 4-1-98, p. 65269)

**16-18-030 Applicability.**

The provisions of this chapter shall apply to all new residential development and rehabilitation which results in the creation of additional dwelling units, except additional dwelling units for which a complete building permit application (with a complete set of drawings) was filed as of the date of passage of this chapter. Replacement housing which does not increase the existing number of dwelling units shall be exempt.

(Added Coun. J. 4-1-98, p. 65269)

**16-18-040 Fee formula.**

Open space impact fees shall be calculated based on the following formula:

Fee = Open Space Need × Open Space Cost × Developer's Share where:

Open Space Need = Number of Dwelling Units × Estimated Household Size × Minimum Open Space Standard (2 acres per 1,000 people); and

Household Size is estimated to increase with the size of the dwelling unit as follows:

<i>Size Of Unit</i> <i>(Square Feet)</i>	<i>Household Size (Persons)</i>
Less than 800	1
800 – 1,599	2
1,600 – 2,999	3
3,000 and up	4

Open Space Cost = \$12.00 per square foot; and

Developer's Share = 30 percent, except units which qualify as “affordable housing” which shall be charged a flat nominal fee regardless of size.

Affordable housing is defined as housing which is sold or rented at or below the maximum price or fair market rents established by the Chicago department of planning and development for the “City Lots for City Living” or “New Homes for Chicago” affordable housing programs. The above-stated maximum price or fair market rents may be modified by the department of planning and development from time to time.

(Added Coun. J. 4-1-98, p. 65269; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 29)

**16-18-050 Fee schedule.**

Based on the formula set forth in Section 16-18-040 hereof, open space impact fees shall be charged according to the following fee schedule:

<i>Size of Unit</i> <i>(square feet)*</i>	<i>Open Space Impact Fee</i> <i>(per dwelling unit)**</i>	<i>Open Space Impact Fee For</i> <i>Affordable Housing</i> <i>(per unit)</i>
0 – 799	\$313.00	\$100.00



800 – 1,599	\$313.00	\$100.00
1,600 – 2,999	\$940.00	\$100.00
3,000 and up	\$1,253.00	\$100.00

\*Square feet includes only those areas that meet the definition of “floor area ratio” as set forth in Section 17-17-0305 of the Chicago Zoning Ordinance.

\*\*Except “affordable housing” as defined in Section 16-18-040.

(Added Coun. J. 4-1-98, p. 65269; Amend Coun. J. 11-8-12, p. 38872, § 241)

#### **16-18-060 Timing of payment of fees.**

Open space impact fees shall be paid as a condition of issuance of a building permit for proposed new dwelling units.

(Added Coun. J. 4-1-98, p. 65269)

#### **16-18-070 Individualized assessment of impact.**

Any person applying for a building permit may opt to submit an individualized assessment of impact in lieu of calculation of fees pursuant to the fee schedule in Section 16-18-050 hereof. Individualized assessments shall establish why new open space is unnecessary in the area because of adequate existing open space or why the fees should be reduced because of lower open space costs in the area than those estimated in Section 16-18-040 hereof. Existing open space shall be deemed to be adequate if it meets the goals set forth in the “City Space Plan”.

(Added Coun. J. 4-1-98, p. 65269)

#### **16-18-080 Credit for on-site open space within planned developments.**

In the case of larger developments which are processed as planned developments, developers are encouraged to provide open space and recreational facilities on-site to serve new residents instead of paying open space impact fees. Credit may be given for open space or recreational facilities within a planned development that satisfy all or most of the goals of the City Space Plan and adequately serve the needs of the proposed new development.

(Added Coun. J. 4-1-98, p. 65269)

#### **16-18-090 Use of funds.**

Open space impact fees shall be earmarked for open space acquisition and capital improvements which provide a direct and material benefit to the new development from which the fees are collected. Fees may not be used to cure existing park deficiencies. Open space impact fees must be expended within the same or a contiguous community area from which they were collected after a legislative finding by the city council that the expenditure of fees will directly and materially benefit the developments from which the fees were collected. Community areas are geographic areas which are identified in the City Space Plan and designated pursuant to Chapter 1-14 of the Municipal Code of the City of Chicago.

(Added Coun. J. 4-1-98, p. 65269)

#### **Notes**

**1-14** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

#### **16-18-100 Refunds.**

Any funds not expended or encumbered for planning, engineering, acquisition or construction within seven years from the date on which the fees were collected shall be returned to the current property owner. Refunds shall be paid no later than six months after the seventh year triggering the refund.

(Added Coun. J. 4-1-98, p. 65269)

#### **16-18-110 Administrative procedures.**

The department of planning and development and any of the affected city departments are hereby directed and authorized to issue administrative regulations and procedures as necessary to implement the provisions of this chapter by the effective date of this chapter, and to periodically review and update such regulations and procedures.

(Added Coun. J. 4-1-98, p. 65269; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 29)

#### **16-18-120 Paulina Street Corridor.**

The Paulina Street Corridor shall consist of all property within the area defined by West Wellington Avenue; North Paulina Street; a line 565 feet south of West Wellington Avenue; a line from a point 565 feet south of West Wellington Avenue and 344 feet east of North Paulina Street to West Wolfram Street, at a point 224 feet west of North Ashland Avenue; West Wolfram Street to a point 130.3 feet east of North Paulina Street; from this point a line parallel to North Paulina Street to the alley next south of and parallel to West Wolfram Street; North Paulina

Street; the alley next south of and parallel to West Wolfram Street; North Paulina Street; a line 541 feet south of West Diversey Parkway; the alley next east of and parallel to North Paulina Street; the alley next north of and parallel to West Wrightwood Avenue; North Marshfield Avenue; West Wrightwood Avenue; a line 365.65 feet west of and parallel to North Paulina Street; a line 99.41 feet north of and parallel to West Wrightwood Avenue; a line 409.06 feet west of and parallel to North Paulina Street; a line 141.84 feet north of and parallel to West Wrightwood Avenue; a line 45.04 feet east of and parallel to the Chicago and Northwestern Railroad right-of-way. Notwithstanding the fee schedule set forth in Section 16-18-050 of this chapter, open space impact fees for the Paulina Street Corridor shall be charged according to the following fee schedule:

<i>Size Of Unit</i> <i>(Square Feet)</i>	<i>Open Space Impact Fee (Per Dwelling Unit)</i>
0 – 799	\$1,044
800 – 1,599	\$2,088
1,600 – 2,999	\$3,132
3,000 and up	\$4,176

The Developer's share is 100 percent, except units which qualify as “affordable housing”, which shall be charged a flat nominal fee of \$100.00 regardless of size.

All other provisions of Chapter 16-18 shall apply to the Paulina Street Corridor, except that no credit will be given for open space or recreational facilities on-site.

(Added Coun. J. 1-20-99, p. 88042)

CHAPTER 16-19

RESERVED\*

\* **Editor's note** – Coun. J. 11-1-05, p. 59722, § 2, repealed Ch. 16-19, in its entirety. Former Ch. 16-19 pertained to the new residential development impact fee ordinance.

TITLE 17

CHICAGO ZONING ORDINANCE

- Ch. 17-1   Introductory Provisions
- Ch. 17-2   Residential Districts
- Ch. 17-3   Business and Commercial Districts
- Ch. 17-4   Downtown Districts
- Ch. 17-5   Manufacturing Districts
- Ch. 17-6   Special Purpose Districts
- Ch. 17-7   Overlay Districts
- Ch. 17-8   Planned Developments
- Ch. 17-9   Use Regulations
- Ch. 17-10   Parking and Loading
- Ch. 17-11   Landscaping and Screening
- Ch. 17-12   Signs
- Ch. 17-13   Review and Approval Procedures
- Ch. 17-14   Administration
- Ch. 17-15   Nonconformities
- Ch. 17-16   Enforcement and Penalties
- Ch. 17-17   Terminology and Measurements

**Editor's note** – Italicized text in this title indicates terms that are defined in Chapter 17-17, Terminology and Measurements.

CHAPTER 17-1

## INTRODUCTORY PROVISIONS

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- 17-1-0100 Title.**
- 17-1-0200 Effective date.**
- 17-1-0300 Authority.**
- 17-1-0400 Applicability.**
- 17-1-0500 Purpose and intent.**
- 17-1-0600 General rules of interpretation.**
- 17-1-0700 Development manual.**
- 17-1-0800 Official zoning atlas and maps.**
- 17-1-0900 Minimum requirements.**
- 17-1-1000 Conflicting provisions.**
- 17-1-1100 Scope of regulations; effect.**
- 17-1-1200 Cumulative nature of provisions.**
- 17-1-1300 Number of buildings on a zoning lot.**
- 17-1-1400 Transitional provisions.**
- 17-1-1500 Downtown area.**
- 17-1-1600 Severability.**

### **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”.

(Added Coun. J. 5-26-04, p. 25275)

### **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) of this Zoning Ordinance becomes effective on November 1, 2004.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 7-21-04, p. 28848)

### **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.

(Added Coun. J. 5-26-04, p. 25275)

### **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.

(Added Coun. J. 5-26-04, p. 25275)

### **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;
- 17-1-0514 accommodating growth and development that complies with the preceding stated purposes; and
- 17-1-0515 Enabling the city to establish an integrated network of city digital signs.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-12-12, p. 44485, § 6)

#### **17-1-0600 General rules of interpretation.**

**17-1-0601 Numbering Style.** 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.** 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.**

- 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.** 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.

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

**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.** 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.** 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.** 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.

**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.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

#### **17-1-0700 Development manual.**

**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 Zoning Administrator and made available for distribution, purchase or public inspection in the Department of Planning and Development.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30)

#### **17-1-0800 Official zoning atlas and maps.**

**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.

**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.

**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.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-8-12, p. 38872, § 242; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30)

#### **17-1-0900 Minimum requirements.**

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

(Added Coun. J. 5-26-04, p. 25275)

#### **17-1-1000 Conflicting provisions.**

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

**17-1-1004 Negative Use Restrictions Prohibited as Against Public Policy.** 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.

(Added Coun. J. 9-14-05, p. 56223)

#### **17-1-1100 Scope of regulations; effect.**

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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-1-1200 Cumulative nature of provisions.**

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

(Added Coun. J. 5-26-04, p. 25275)

#### **17-1-1300 Number of buildings on a zoning lot.**

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*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-13-06, p. 84870, § 2)

#### **17-1-1400 Transitional provisions.**

**17-1-1401 Applications Submitted Before November 1, 2004.** *Development applications* or re- applications or requests for permit renewal or reinstatement 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 supercedes 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 shall be at the discretion of the applicant. The applicant's decision as to which ordinance shall apply, once submitted, shall not be subject to change. The forgoing provision regarding the applicant's choice shall not apply to development applications or re-applications or requests for permit renewal or reinstatement that are within the downtown area boundaries described in paragraph 2 of Section 17-1-1406-B of this Zoning Ordinance: such development applications or re-applications or requests for permit renewal or reinstatement shall be governed exclusively by the Previous Ordinance until November 1, 2004, and on that date and thereafter exclusively by this Zoning Ordinance. All development applications or re-applications or requests for permit renewal or reinstatement submitted on or after November 1, 2004, will be subject to and reviewed wholly under the terms of this Zoning Ordinance.

**17-1-1402 Permits Issued Before November 1, 2004.** 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.** 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.

**17-1-1404 Nonconformities.** 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.**

**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.

**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 city license for the retail sale of alcoholic liquor under Chapter 4-60, a public place of amusement license under Chapter 4-156, or a retail food establishment license under Chapter 4-8 of this Code, 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.

**17-1-1406 Zoning District Conversions.**

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

#### 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
Existing District	New “D” District

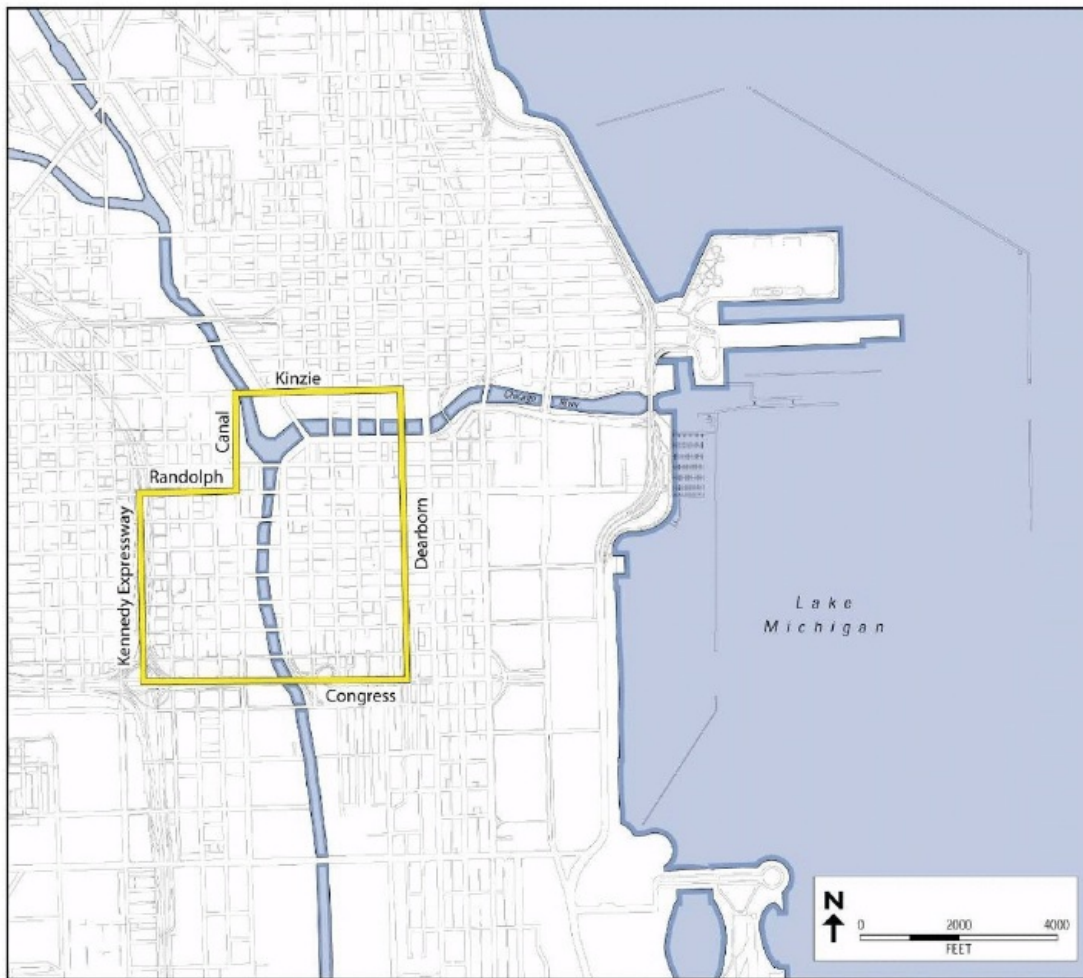
R5	DR-3
R6	DR-5
R7	DR-7
R8	DR-10
B1-3	DX-3
B2-3	DX-3
B3-3	DX-3
B4-3	DX-3
B5-3	DX-3
C1-3	DX-3
C2-3	DX-3
C3-3	DX-3
B1-4	DX-5
B2-4	DX-5
B3-4	DX-5
B4-4	DX-5
B5-4	DX-5
C1-4	DX-5
C2-4	DX-5
C3-4	DX-5
B1-5	DX-7
B2-5	DX-7
B3-5	DX-7
B4-5	DX-7
B5-5	DX-7
B7-5	DX-7
C1-5	DX-7
C2-5	DX-7
C3-5	DX-7
B6-6	DC-12 or DX-12**
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.

#### Figure 17-1-1406-B

For a printer-friendly PDF version of Figure 17-1-1406-B, please click [here](#).



DC District Map Conversion Boundary  
 (note: properties zoned B6-6, B7-6, B6-7, B7-7 and C3-7 convert to DC within boundary; DX outside boundary; Planned Developments retain PD designation.)

## DC District Map Conversion

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 7-21-04, p. 28850; Amend Coun. J. 7-21-04, p. 28848; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 5-9-12, p. 27485, § 188; Amend Coun. J. 4-19-17, p. 48180, Art. V, § 39)

## Notes

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## 17-1-1500 Downtown area.

**17-1-1500-A.** For the purpose of establishing new downtown (“D”) zoning districts, the downtown area is defined as an area bounded by: Division Street; Lake Michigan; the Stevenson Expressway; the CTA red line right-of-way; Cermak Road; Stewart Avenue; the South Branch of the Chicago River; 16th Street; the Dan Ryan Expressway; the Eisenhower Expressway; Ashland Avenue; Ogden Avenue; Hubbard Street; the Kennedy Expressway; Ogden Avenue; Chicago Avenue; North Halsted Street; and the North Branch Canal.

**17-1-1500-B.** Property within the downtown area boundaries described in Sec. 17-1-1500-A, but outside the original downtown area boundaries described in Sec. 17-1-1406-B-2, is referred to herein as the downtown expansion area. No property within the downtown



expansion area shall be rezoned except upon an application duly filed and approved by the city council. Any rezoning of property within the downtown expansion area on or after the effective date of this Sec. 17-1-1500 shall be required to be rezoned to a “D” zoning district; provided, however, the rezoning requirements and restrictions in effect immediately before the effective date of this Sec. 17-1-1500-B shall apply to all rezoning applications that were submitted to the city in complete form and are pending approval before the effective date, unless the applicant chooses to be governed by the provisions of this Sec. 17-1-1500-B.

(Added Coun. J. 5-18-16, p. 24993, § 3; Amend Coun. J. 7-26-17, p. 53898, § 2; Amend Coun. J. 11-21-17, p. 62501, § 2)

#### **17-1-1600 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 5-18-16, p. 24993, § 3)

**Editor's note** – Formerly § 17-1-1500.

## **CHAPTER 17-2**

### **RESIDENTIAL DISTRICTS**

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#### **17-2-0100 District descriptions.**

#### **17-2-0200 Allowed uses.**

#### **17-2-0300 Bulk and density standards.**

#### **17-2-0400 Character standards.**

#### **17-2-0500 Townhouse developments.**

#### **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 areas 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*.

#### **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*.

**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 3 1/2 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.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 7-20-22, p. 50878, § 3)

**17-2-0200 Allowed uses.**

**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)

**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.**

For a printer-friendly PDF version of Table 17-2-0207, please click [here](#).

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											
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											
RESIDENTIAL											
A. Household Living											
1.	Detached House	P	P	P	P/-	P/-	P/-	P/-	P/-	§ 17-2-0303-B	§ 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/-	§ 17-2-0303-B	§ 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	§ 17-2-0303-B	§ 17-10-0207-C



* <b>Editor's note</b> – Coun. J. 9-13-06, p. 84870, did not provide an entry for “N.”											
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
P. Lodging											
1.	Bed and Breakfast	-	-	-	-	P	P	P	P	§ 17-9-0103	§ 17-10-0207-S
2.	Vacation Rental	P	P	P	P	P	P	P	P		
3.	Shared Housing Unit	P	P	P	P	P	P	P	P		
Q. Medical Service											
1.	Government-operated Health Center	-	-	-	-	S	S	S	S		§ 17-10-0207-T
R. Office											
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
S. Parking, Non-Accessory		-	-	-	-	P/S	P/S	P/S	P/S	§ 17-9-0111.5	None Req'd
T. Residential Support Service		-	-	-	-	-	-	P	P	§ 17-9-0114	None Req'd
OTHER USES											
U. Wireless Communication Facilities											
1.	Co-located	P	P	P	P	P	P	P	P	§ 17-9-0118	None Req'd
2.	Freestanding (Tower)	S	S	S	S	S	S	S	S	§ 17-9-0118	None Req'd
ACCESSORY											
V. Accessory Uses		P	P	P	P	P	P	P	P	§ 17-9-0200	None Req'd
W. Coke & Coal Bulk Material		-	-	-	-	-	-	-	-	§ 17-9-0117-B	None Req'd
X. Manganese-bearing Material Operation		-	-	-	-	-	-	-	-	§ 17-9-0117-D	None Req'd

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-1-04, p. 30490; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 6-30-10, p. 96060, § 4; Amend Coun. J. 11-3-10, p. 104527; Amend Coun. J. 9-8-11, p. 7541, § 1; Amend Coun. J. 4-30-14, p. 80394, § 1; Amend Coun. J. 6-22-16, p. 27712, § 12; Amend Coun. J. 3-28-18, p. 74512, § 1; Amend Coun. J. 12-16-20, p. 26066, § 10; Amend Coun. J. 7-20-22, p. 50878, § 3)

## 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.

**17-2-0301-C Exceptions.** Any application seeking a zoning map amendment, pursuant to Section 17-13-0300, in order to establish a *residential, day care, hospital, parks and recreation, school* or outdoor assembly use that is proposed to be established within 660' of any (a) windrow composting facility, (b) intensive manufacturing, production and industrial service use, (c) *Class III, Class IVA, Class IVB and Class V recycling facility*, (d) warehousing, wholesaling, and freight movement use, (e) container storage, (f) freight terminal, (g) outdoor storage of raw material as a principal use, (h) waste-related use, or (i) manganese-bearing material operation use may be allowed only if further reviewed and approved in accordance with the *special use* procedures of Section 17-13-0900, unless it otherwise meets a *planned development* threshold of Section 17-8-0500.

#### 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*.)

**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).

**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)
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*.)

#### 17-2-0303-B Exemptions.

1. 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*.

2. Ground floor *Type A units*, except those provided in *detached houses*, are exempt from inclusion in *minimum lot area* per *dwelling unit* calculations, in RS3, RT3.5, and RT4 districts.

3. Newly established *detached houses* are a prohibited use in RT and RM districts that are within community preservation areas, as that term is defined in Section 2-44-085 (B), and are also within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B, except in RT districts where a *two-flat* is permitted but cannot be established pursuant to the applicable bulk and density standards, a *detached house* may be established.

4. Newly established *two-flats* are a prohibited use in RM districts that are within community preservation areas, as that term is defined in Section 2-44-085 (B), and are also within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B, except in RM districts where a *multi-unit residential building* cannot be established pursuant to the applicable bulk and density standards, a *two-flat* may be established. Furthermore, only in those instances when no *two-flat* can be established pursuant to the applicable bulk and density standards, a *detached house* may be established.

**17-2-0303-C Conversion Unit.** Within Additional Dwelling Unit-Allowed Areas, in the case of building permit applications for the repair, remodeling, or alteration of *residential buildings* that are located in any RS2, RS3, RT or RM zoning district and that have been in lawful existence for 20 or more years, the density of such *residential buildings* may be increased in accordance with Section 17-9-0131 by 33% of the number of lawfully established *dwelling units*, other than *conversion units*, that have been in existence in the *residential building* for 20 or more years; provided, however, that if such *residential building* contains a single *dwelling unit*, the density of such *residential building* may be increased by one *dwelling unit*. If this 33% calculation results in a fractional number, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number; and any fractional result of less than 0.5 must be rounded down to the previous consecutive whole number.

#### 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*
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)
RM4.5	1.70
RM5	2.00
RM5.5	2.50
RM6	4.40; premium may apply - See Sec. 17-2-0304-C
RM6.5	6.60; premium may apply - See Sec. 17-2-0304-C

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

#### 17-2-0304-B Reserved.

**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 Section 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 Section 17-2-0304-A.

**17-2-0304-D Exemption.** Ground floor *Type A units*, except those provided in *detached houses*, will not be counted as floor area for the purpose of calculating *floor area ratio* in RS3, RS3.5, and RT4 districts.

#### 17-2-0305 Front setbacks.

**17-2-0305-A** Buildings and structures in RS 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*, excluding the *lot* with the least *front yard* depth. In those cases when the



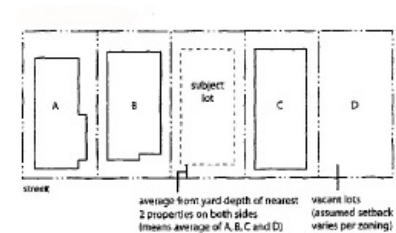
least *front yard* depth is identical for 2 or more *lots*, only a single *lot* shall be excluded from the calculation.

**17-2-0305-B** *Buildings* and structures in RT, RM and DR districts must be set back from the *front property line* a distance equal to either: the minimum *front setback* standard of 15 feet (or 12% of *lot* depth, whichever is less) or the average *front yard* depth that exists on the nearest 2 *lots* on either side of the subject *lot*. In RT, RM and DR districts the decision to comply with the fixed *front setback* standard or the average *front setback* standard 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*)

**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:

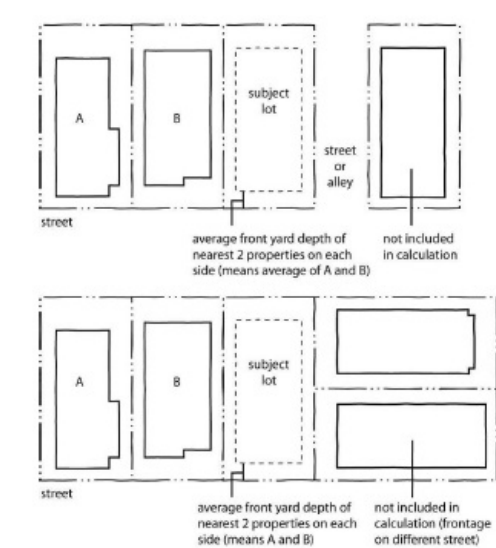
District	Assumed Setback on Vacant Lots
RS1 to RS3	20 feet or 16% of lot depth, whichever is less
RT3.5 to RM6.5 + DR	15 feet or 12% of lot depth, whichever is less

**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*.

**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.

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

#### 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*.)

**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 Section 17-2-0500.

District	Minimum Rear Yard Open Space (square feet per dwelling unit/% of lot area, whichever is greater)	Diameter (in feet) of a Circle That Must Fit Within Rear Yard Open Space
District	Minimum Rear Yard Open Space (square feet per dwelling unit/% of lot area, whichever is greater)	Diameter (in feet) of a Circle That Must Fit Within Rear Yard Open Space
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
RM4.5	50/6.5	10
RM5	36/5.25	10

#### 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.

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

**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*.

#### 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 Section 17-2-0500. *Reversed corner lots* are subject to Section 17-2-0309-B. (See Section 17-17-0308 for rules governing the measurement of *side setbacks*.)

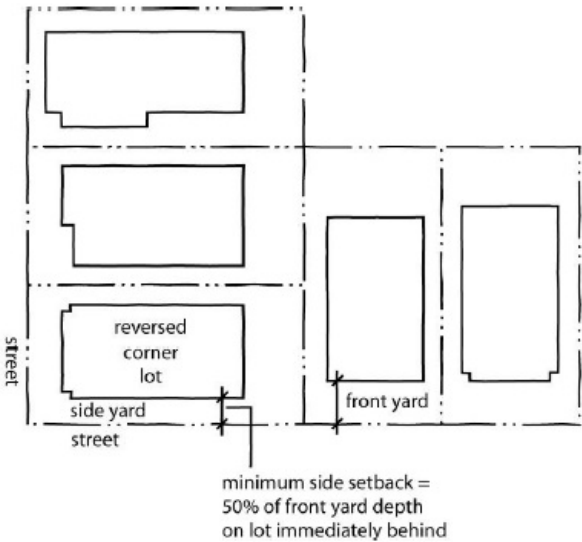
District	Minimum Side Setback
District	Minimum Side Setback
RS1	<p><b>Principal residential building:</b> Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 5 feet or 10% of lot width, whichever is greater</p> <p><b>Principal nonresidential building</b> (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater</p>
RS2	<p><b>Principal residential building:</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</p> <p><b>Principal nonresidential building</b> (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater</p>
RS3	<p><b>Principal residential building:</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</p> <p><b>Principal nonresidential buildings</b> (e.g., religious assembly and school buildings): 12 feet or 50% of building height, whichever is greater</p>
RT3.5	<p><b>Townhouse:</b> See Sec. 17-2-0500</p> <p><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</p>
RT4	<p><b>Townhouse:</b> See Section 17-2-0500</p> <p><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</p>
RM4.5	<p><b>Townhouse:</b> See Sec. 17-2-0500</p> <p><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</p>
RM5	<p><b>Townhouse:</b> See Sec. 17-2-0500</p> <p><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</p>
RM5.5	<p><b>Townhouse:</b> See Sec. 17-2-0500</p> <p><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</p>
RM6	<p><b>Townhouse:</b> See Sec. 17-2-0500</p> <p><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</p>

RM6.5	<p><b>Townhouse:</b> See Sec. 17-2-0500</p> <p><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</p>
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[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.

**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.

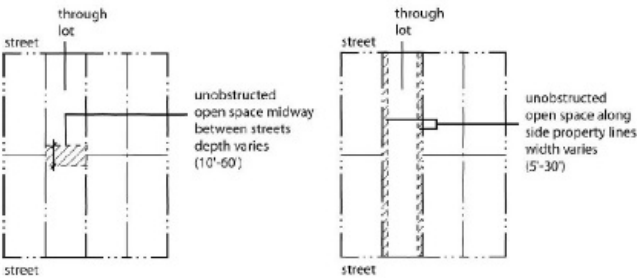
Figure 17-2-0309-B



**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 RM 6.5 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



**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.

**17-2-0310-B General.** Unless otherwise expressly stated, exterior building walls are subject to the minimum setback standards of the underlying zoning district.

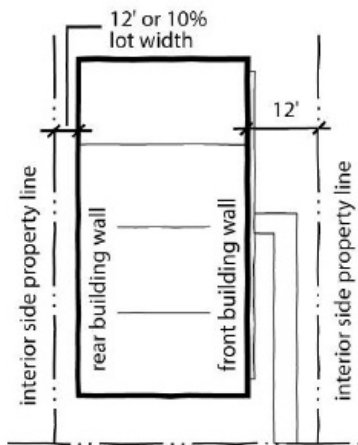
### 17-2-0310-C Front and Rear Walls.

#### 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.

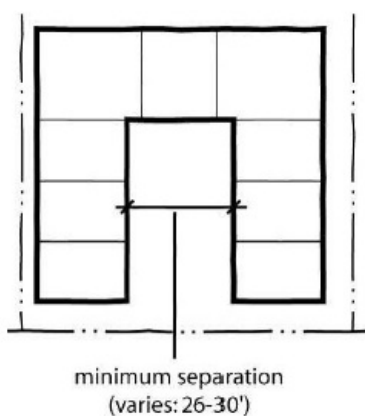
**Figure 17-2-0310-C1**



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 (excluding minor building projections allowed under Sec. 17-2-0500-H4) is as follows:

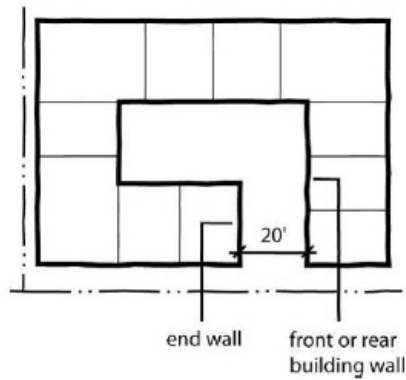
District	Minimum Separation
	(feet)
RT3.5	30
RT4	30
RM4.5	30
All other R districts	26

**Figure 17-2-0310-C2**



**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. 17-2-0500-H4 are allowed to encroach into required separation areas.

**Figure 17-2-0310-D**



#### 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 Section 17-2-0311-B:

District	Maximum Building Height (feet)
District	Maximum Building Height (feet)
RS1	Principal residential buildings: 30 Principal nonresidential buildings: None
RS2	Principal residential buildings: 30 Principal nonresidential buildings: None
RS3	Principal residential buildings: 30 Principal nonresidential buildings: None
RT3.5	Principal residential buildings: 35 Principal nonresidential buildings: None
RT4	Principal residential buildings: 38 Principal nonresidential buildings: None
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
RM6	Principal residential buildings: None (tall buildings require Planned Development approval in accordance with Section 17-13-0600) Principal nonresidential buildings: None
RM6.5	Principal residential buildings: None (note: tall buildings require Planned Development approval in accordance with Section 17-13-0600) Principal nonresidential buildings: None

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



### 17-2-0311-B Exemptions.

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

2. *Multi-unit residential buildings* in the RT4 district that contain no more than 19 *dwelling units* and in which at least 25% of the *dwelling units* are *Type A units* are subject to a maximum *building height* standard of 42 feet.

**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.

### 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 Section 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
RM6.5	40

**17-2-0313-B Exemption.** The limits on *efficiency* units do not apply to *government-subsidized* or *elderly housing* developments, provided that the Zoning Administrator determines that such developments constitute bona fide *government-subsidized* or *elderly housing* developments.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62716; Amend Coun. J. 9-13-06, p. 84870, §§ 2, 3; Amend Coun. J. 11-5-08, p. 45002, § 1; Amend Coun. J. 4-15-15, p. 106130, § 14; Amend Coun. J. 12-16-20, p. 26066, § 11; Amend Coun. J. 3-24-21, p. 29065, § 1; Amend Coun. J. 4-21-21, p. 29942, § 1; Amend Coun. J. 7-20-22, p. 50878, § 3; Amend Coun. J. 1-18-23, p. 59796, § 1)

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### Notes

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### 17-2-0400 Character standards.

#### 17-2-0401 Blank Walls.

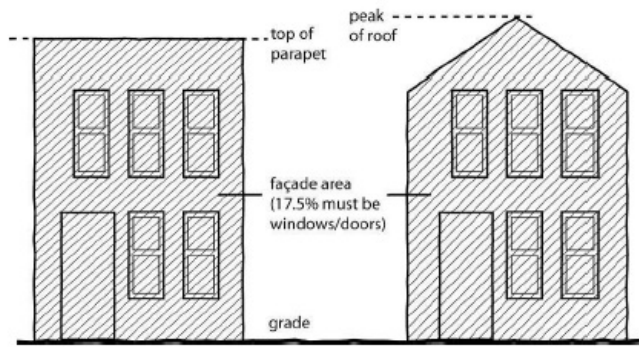
**17-2-0401-A** To avoid the appearance of blank walls and ensure “eyes on the *street*”, windows and/or main entrance doors must comprise at least 17.5% of the area of each building *façade* that faces a *street*.

**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.

**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*.
3. when the *street* access leads to a multi-level parking garage in a *multi-unit residential building*.
4. when the subject *zoning lot* is located in an RS3 District and is improved with a single-unit detached house; or
5. when the use is a permitted public or civic use.

**17-2-0402-B** In all R Districts, all parking serving *townhouses*, *detached houses*, *two-flats* and *three-flats* that is accessed directly from a public *street*, 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 12-12-07, p. 17737, § 1; Amend Coun. J. 2-15-12, p. 20910, § 1)

#### 17-2-0500 Townhouse developments.

**17-2-0500-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.

**17-2-0500-B Applicability.** The *townhouse development* standards of this section apply in all districts in which townhouses are allowed.

**17-2-0500-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.

**17-2-0500-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*.)

#### 17-2-0500-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)
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)
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. 17-2-0500-H4) is as follows:

District	Minimum Separation (feet)
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. 17-2-0500-E5(a).

**17-2-0500-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)
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

(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. 17-2-0500-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.

**17-2-0500-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.

#### **17-2-0500-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)
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. 17-2-0500-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* (See Sec. 17-2-0500-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*.

#### **17-2-0500-I Common Open Space.**

1. In addition to required private *yards* (See Sec. 17-2-0500-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. 17-2-0500-J.

**17-2-0500-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.

**17-2-0500-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.

(Amend Coun. J. 9-13-06, p. 84870, §1)

## CHAPTER 17-3

### BUSINESS AND COMMERCIAL DISTRICTS

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**17-3-0100 District descriptions.**

**17-3-0200 Allowed uses.**

**17-3-0300 General district standards.**

**17-3-0400 Bulk and density standards.**

**17-3-0500 Pedestrian streets.**

**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.**

**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.**

**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.**

**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).

#### **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).

(Added Coun. J. 5-26-04, p. 25275)

#### **17-3-0200 Allowed uses.**

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

**17-3-0201 Use Groups and Categories.** Use Groups and Use Categories are described in Sec. 17-17-0100.

**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.

**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.

**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)

**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.

For a printer-friendly PDF version of Table 17-3-0207, please click [here](#).

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 required  PD = planned development approval required  - = Not allowed									
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 required  PD = planned development approval required  - = Not allowed									
RESIDENTIAL									
A. Household Living									
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 below the second floor (as follows)								
4a.	Detached House	S	P	S	S	S	-	§ 17-3-0307.2	§ 17-10-0207-A
4b.	Elderly Housing	S	P	S	S	S	-	§ 17-3-0307.3	§ 17-10-0207-D
4c.	Multi-Unit (3+ units) Residential	S	P	S	S	S	-	§ 17-3-0307.2	§ 17-10-0207-C
4d.	Single-Room Occupancy	S	P	S	S	S	-		§ 17-10-0207-B
4e.	Townhouse	S	P	S	S	S	-	§ 17-2-0500	§ 17-10-0207-A
4f.	Two-Flat	S	P	S	S	S	-	§ 17-3-0307.2	§ 17-10-0207-A
B. Group Living (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
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		§ 17-10-0208*
* <b>Editor's note</b> – As set forth in Coun. J. 9-13-06, p. 84870, § 2; however, there is no parking standard for detention facilities.									
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
2.	Community Garden	P	P	P	P	P	P	§ 17-9-0103.5	§ 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. Urban Farm									
1.	Indoor Operation	-	-	P	P	P	P	§ 17-9-0103.3	§ 17-10-0207-U
2.	Outdoor Operation	-	-	-	P	P	P	§ 17-9-0103.3	§ 17-10-0207-U
3.	Rooftop Operation	-	-	S	P	P	P	§ 17-9-0103.3	§ 17-10-0207-U
X. Communication Service Establishments		-	-	P	P	P	P		§ 17-10-0207-L

Y. 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
4.	Outdoor patio (if located on a rooftop)	-	-	S	S	S	S		§ 17-10-0207-M
5.	Outdoor patio (if located at grade level)	P	P	P	P	P	P		§ 17-10-0207-M
BB. Entertainment and Spectator Sports									
1.	Indoor Special Event including incidental liquor sales	P	P	P	P	P	P		
2.	Wagering Facility	-	-	-	P/S	P/S	P/S	§ 17-9-0110	§ 17-10-0207-P
3.	Small venues (1 – 149 occupancy)	P	P	P	P	P	P		§ 17-10-0207-P
4.	Medium venues (150 – 999 occupancy)	-	-	P	P	P	P		§ 17-10-0207-P
5.	Large venues (1,000+ occupancy)	-	-	PD	PD	PD	PD		§ 17-10-0207-P
6.	Banquet or Meeting Halls	-	-	P	P	P	P		§ 17-10-0207-P
7.	Industrial Private Event Venue including incidental liquor sales	-	-	-	-	-	-		
CC. Financial Services (except as more specifically regulated)		P	P	P	P	P	P		§ 17-10-0207-L
1.	Bank, Savings Bank, Savings and Loan Association, Currency Exchange, and Credit Union	P/S	P/S	P/S	P	P	P	§ 17-3-0504-I	§ 17-10-0207-L
2.	Payday/Title Secured Loan Store	-	-	S	S	S	S	§ 17-9-0125	§ 17-10-0207-L
3.	Pawn Shop	-	-	S	S	S	S	§ 17-9-0127	§ 17-10-0207-L
4.	Automated Teller Machine Facility	P/S	P/S	P/S	P	P	P	§ 17-3-0504-I	
DD. Flea Market		-	-	-	S	S	S		§ 17-10-0207-R
EE. Food and Beverage Retail Sales (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)	-	-	-	S	S	S	§ 17-9-0119	§ 17-10-0207-M
FF. Fortune Telling Service		-	-	S	S	S	S		§ 17-10-0207-M
GG. Funeral and Interment Service									
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
HH. Gas Stations		-	-	S	S	S	S	§ 17-9-0109	§ 17-10-0207-R
II. Lodging									
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
3.	Vacation Rental	P	P	P	P	P	-		
4.	Shared Housing Unit	P	P	P	P	P	-		
JJ. Medical Service		P	P	P	P	P	P		§ 17-10-0207-T
KK. Office (except as more specifically regulated)		P	P	P	P	P	P		§ 17-10-0207-L
1.	Electronic Data Storage Center	-	-	P	P	P	P		§ 17-10-0207-U
LL. Parking, Non-Accessory		P	P	P	P	P	P	§ 17-3-0504-I	
MM. Personal Service (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	
2.	Massage Establishment	-	-	S	P	P	P	§ 17-9-0112	
NN. Repair or Laundry Service, Consumer (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
OO. Residential Storage Warehouse		-	-	P	P	P	P		§ 17-10-0207-Q
PP. Retail Sales, General		P	P	P	P	P	P		§ 17-10-0207-M
QQ. Sports and Recreation, Participant									
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		§ 17-10-0207-M
4.	Entertainment Cabaret	-	-	S	S	S	P		§ 17-10-0207-M
5.	Children's Play Center	P	P	P	P	P	P		§ 17-10-0207-T
6.	Hookah Bar	S	S	S	S	S	S		§ 17-10-0207-T
7.	Shooting range facility	S	S	S	S	S	S		§ 17-10-0207-T
RR. Valuable Objects Dealer		-	-	S	S	S	S		§ 17-10-0207-M
SS. Vehicle Sales and Service									
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
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
TT. Business Live/Work Unit		S	P	S	S	S	-	§ 17-9-0103.1	§ 17-10-0207-C
INDUSTRIAL									
UU. Manufacturing, Production and Industrial Services									
1.	Artisan	-	-	-	P	P	P		§ 17-10-0207-U
2.	Limited (catering & shared kitchen 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
VV. Recycling Facilities									
1.	Class I	-	-	P	S	P	P		§ 17-10-0207-U
2.	Class II	-	-	-	S	P	P		§ 17-10-0207-U
WW. Warehousing, Wholesaling and Freight Movement		-	-	-	P	P	P	§ 17-9-0117	§ 17-10-0207-U
OTHER									
XX. 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
YY. Coke & Coal Bulk Material		-	-	-	-	-	-	§ 17-9-0117-B	None required
ZZ. Firearms Dealer		-	-	-	-	S	S	§ 17-9-0128	§ 17-10-0207-M
AAA. Cannabis Business Establishments									
1.	Adult Use Cannabis Dispensary	-	-	-	S	S	S	§ 17-9-0129	§ 17-10-0207-M
2.	Medical Cannabis Dispensary	-	-	-	S	S	S	§ 17-9-0129	§ 17-10-0207-M
3.	Cannabis Craft Grower	-	-	-	S	S	S	§ 17-9-0129	§ 17-10-0207-M
4.	Cannabis Infuser	-	-	-	S	S	S	§ 17-9-0129	§ 17-10-0207-M
5.	Cannabis Processor	-	-	-	S	S	S	§ 17-9-0129	§ 17-10-0207-M
BBB. Manganese-bearing Material Operation		-	-	-	-	-	-	§ 17-9-0117-D	None required

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-1-04, p. 30490; Amend Coun. J. 2-9-05, p. 42415; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62719; Amend Coun. J. 6-28-06, p. 79813, § 1; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 10-31-07, p. 12062, § 1; Amend Coun. J. 12-12-07, p. 17740, § 1; Amend Coun. J. 5-13-09, p. 62736, § 1; Amend Coun. J. 12-2-09, p. 80791, § 1; Amend Coun. J. 5-12-10, p. 91343, § 4; Amend Coun. J. 6-9-10, p. 94410, § 1; Amend Coun. J. 6-30-10, p. 96060, § 4; Amend Coun. J. 7-28-10, p. 97810, § 1; Amend Coun. J. 11-3-10, p. 104527; Amend Coun. J. 11-3-10, p. 104833, § 2; Amend Coun. J. 5-4-11, p. 117699, § 8; Amend Coun. J. 6-8-11, p. 1725, § 1; Amend Coun. J. 7-6-11, p. 3073, § 10; Amend Coun. J. 9-8-11, p. 7541, § 2; Amend Coun. J. 11-16-11, p. 17064, § 2; Amend Coun. J. 5-9-12, p. 27485, § 189; Amend Coun. J. 6-27-12, p. 30744, § 1; Amend Coun. J. 7-25-12, p. 31627, § 1; Amend Coun. J. 10-3-12, p. 35865, § 1; Amend Coun. J. 1-17-13, p. 45622, § 1; Amend Coun. J. 4-30-14, p. 80394, § 2; Amend Coun. J. 6-25-14, p. 83727, § 11; Amend Coun. J. 7-30-14, p. 86194, §§ 2, 9; Amend Coun. J. 7-29-15, p. 4122, § 1; Amend Coun. J. 2-10-16, p. 18766, § 10; Amend Coun. J. 6-22-16, p. 27712, § 13; Amend Coun. J. 5-24-17, p. 50364, § 2; Amend Coun. J. 7-26-17, p. 53898, § 3; Amend Coun. J. 3-28-18, p. 74512, § 2; Amend Coun. J. 10-16-19, p. 7854, § 1; Amend Coun. J. 1-15-20, p. 13417, § 1; Amend Coun. J. 3-24-21, p. 29065, § 2; Amend Coun. J. 9-20-21, p. 36844, § 1; Amend Coun. J. 12-15-21, p. 42922, § 7; Amend Coun. J. 7-20-22, p. 50878, § 4; Amend Coun. J. 1-18-23, p. 59796, § 2)

### 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 under Article III of Chapter 4-156 of this Code 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 August 16, 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 4-156-710 of the municipal code.

#### 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.

**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.

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

**17-3-0304-A B1, B2, B3, and C1 Districts.** Except as otherwise provided in this Code, allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within *completely enclosed buildings*. This requirement does not apply to the following:

1. off-street parking or loading areas;
2. automated teller machines;
3. outdoor seating areas;
4. drive-through facilities that are allowed in such districts as a special use;
5. produce merchants as defined in Section 4-8-010 ;
6. walk-up service windows as defined in Section 4-4-339 operating at eating and drinking establishments;
7. mobile food vehicles operating on private property as provided in Section 7-38-115 (k); and
8. any other exception provided in this Code.

#### 17-3-0304-B C2 and C3 Districts.

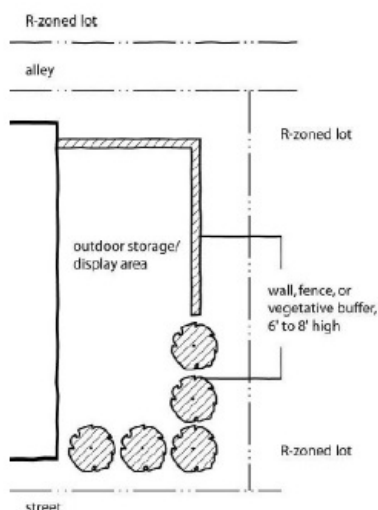
1. Outdoor display and storage. Outdoor display and storage is permitted in C2 and C3 districts, subject to the screening requirements of this section.

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



**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).

**17-3-0306 Strip Centers.** *Strip centers* are subject to the standards of Sec. 17-9-0116.

**17-3-0307 Exceptions.**

1. Any application seeking a zoning map amendment, pursuant to Section 17-13-0300, in order to establish a *residential, day care, hospital, parks and recreation, school, eating and drinking establishment* with an *outdoor patio* or outdoor assembly use that is proposed to be established within 660' of any (a) *windrow composting facility*, (b) *intensive manufacturing, production and industrial service use*, (c) *Class III, Class IVA, Class IVB and Class V recycling facility*, (d) *warehousing, wholesaling, and freight movement use*, (e) *container storage*, (f) *freight terminal*, (g) outdoor storage of raw material as a principal use, (h) *waste-related use*, or (i) *manganese-bearing material operation use* may be allowed only if farther reviewed and approved in accordance with the *special use* procedures of Section 17-13-0900, unless it otherwise meets a *planned development* threshold of Section 17-8-0500.

2. Newly established *detached houses* and *two-flats* are prohibited uses in B and C districts that are within community preservation areas, as that term is defined in Section 2-44-085 (B), and are also within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B. Where a *multi-unit residential building* cannot be established pursuant to the applicable bulk and density standards, a *two-flat* may be established. Furthermore, only in those instances when no *two-flat* can be established pursuant to the applicable bulk and density standards, a *detached house* may be established.

3. In B and C districts, *elderly housing* cannot be established in the form of a *detached house* or *two-flat*.

**17-3-0308 Specific Criteria for Transit-Served Locations.** In B and C districts, any new construction within 2,640 feet of a CTA or METRA rail station entrance or exit must satisfy all of the following specific criteria:

1. The project complies with the applicable standards of Section 17-10-0102-B;

2. The project complies with the standards and regulations of Section 17-3-0504, except paragraph H if the project is not located along a *pedestrian street* and except paragraph C if the land use is designated in a non-commercial use group, pertaining to *pedestrian streets* and pedestrian retail streets, even if the project is not located along a *pedestrian street* or a pedestrian retail street;

3. The project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission;

4. *Residential building* projects shall not have a number of parking spaces in excess of 50% of the Minimum Automobile Parking Ratio for the applicable district listed in Section 17-10-0207 with any fractional result rounded up to the next higher whole number, unless additional parking spaces are approved as an *administrative adjustment* under the provisions of Section 17-13-1003-EE; and

5. The project complies with the Travel Demand Study and Management Plan rules of the Chicago Department of Transportation. The City's Commissioner of Transportation is authorized to issue Travel Demand Study and Management Plan rules consistent with this section.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62481, § 5; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 6-6-12, p. 28654, § 4; Amend Coun. J. 7-25-12, p. 31326, § 3; Amend Coun. J. 4-10-13, p. 51227, § 1; Amend Coun. J. 4-15-15, p. 106578, § 5; Amend Coun. J. 4-19-17, p. 48180, Art. V, § 40; Amend Coun. J. 3-24-21, p. 29065, § 3; Amend Coun. J. 7-20-22, p. 50878, § 4; Amend Coun. J. 1-18-23, p. 59796, § 3; Amend Coun. J. 3-15-23, p. 61261, § 2)

Notes

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### 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-A Standards.** 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*.)

**17-3-0402-B MLA Reduction for Transit-Served Locations.** All projects in B-3 and C-3 districts located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B and which are in compliance with Section 17-3-0308 are eligible to use the reduced lot area per unit standards as established in the table below. These minimum lot area reductions are allowed only if the project is reviewed and approved in accordance with the Type I Zoning Map Amendment procedures of Section 17-13-0302, or the *planned development* procedures of Section 17-13-0600 (if the project qualifies as a mandatory or elective *planned development* under Sections 17-8-0500 or 17-8-0600):

District	Proportion of ARO requirement on-site per 2-44-085 (Must include a minimum of one affordable unit under 2-44-085 )	Minimum Lot Area per Unit		
		(square feet)		
		Per Dwelling Unit	Per Efficiency Unit	Per SRO Unit
Dash 3	50%	350	250	180
	75%	325	225	160
	100%	300	200	135

### 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*.)

**17-3-0403-B FAR Increase for Transit- Served Locations.** All projects in B-3 and C-3 districts located within 2,640 feet of a CTA or

METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B and which are in compliance with Section 17-3-0308 may increase the maximum *floor area ratio* standard as established in the table below. This *floor area ratio* increase is allowed only if the project is reviewed and approved in accordance with the Type 1 Zoning Map Amendment procedures of Section 17-13-0302, or the *planned development* procedures of Section 17-13-0600 (if the project qualifies as a mandatory or elective *planned development* under Sections 17-8-0500 or 17-8-0600).

District	Proportion of ARO requirement on-site per 2-44-085 -G	Maximum Floor Area Ratio
Dash 3	50%	3.5
	75%	3.75
	100%	4

**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*.)

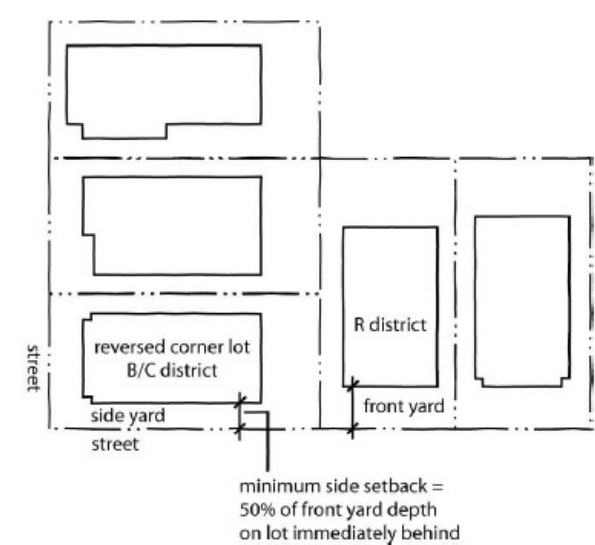
**17-3-0405-B** For floors without *dwelling units*:

- 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*.
- 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



### 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.

**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:

District	Maximum Building Height (feet)			
	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
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 Building Height Increase for Transit-Served Locations.

1. All projects in B-3 and C-3 districts located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B and which are in compliance with Section 17-3-0308 are eligible for increases in maximum *building height* as established in the table below. These *building height* increases are allowed only if the project is reviewed and approved in accordance with the Type I Zoning Map Amendment procedures of Section 17-13-0302, or the *planned development* procedures of Section 17-13-0600 (if the project qualifies as a mandatory or elective *planned development* under Sections 17-8-0500 or 17-8-0600).

2. All projects in B dash 3 and C dash 3 districts subject to Sec. 2-45-115 that (a) qualify for and are granted a building height increase under Sec. 17-3-0408-B.1 above, and (b) provide at least 50% of the required affordable units on-site, are eligible for additional increases in maximum building height as established in the table below. These building height increases are allowed only if the project is reviewed and approved in accordance with the Type I Zoning Map Amendment procedures of Sec. 17-13-0302, or the planned development procedures of Sec. 17-13-0600 (if the project qualifies as a mandatory or elective planned development under Sections 17-8-0500 or 17-8-0600).

District	Maximum Building Height (feet)			
	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
District	Maximum Building Height (feet)			
	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 Section 17-3-0305				
Dash 3	50	55	70	75 [1]
Dash 3 - with at least 50% Section 2-44-080 Units	55	60	75	80 [1]
Buildings without Ground-Floor Commercial Space that Complies with Section 17-3-0305				
Dash 3	50	50	65	70 [1]
Dash 3 - with at least 50% Section 2-44-080 Units	55	55	70	75 [1]

[1] Buildings may exceed the maximum *building height* standard applicable to 100+ foot lots in dash 3 districts only if reviewed and approved in accordance with the *planned development* procedure of Section 17-13-0600; no minimum land area standard applies to projects seeking such PD approval.

**17-3-0408-C Exemption for Wrigley Field Adjacent Area.** The *building height* limits of Sec. 17-3-0408 do not apply to residential construction in the “Wrigley Field Adjacent Area”, as defined in Chapter 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.

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

2. The limits on *efficiency* units do not apply to transit-served developments within 660 feet of a CTA or METRA rail station entrance or exit or a CTA bus line corridor roadway segment listed in Table 17-17-0400-B.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 11-8-12, p. 38872, § 243; Amend Coun. J. 9-11-13, p. 60173, §§ 1 – 3; Amend Coun. J. 3-18-15, p. 105476, §§ 3, 4; Amend Coun. J. 9-24-15, p. 7499, §§ 1 – 4; Amend Coun. J. 1-23-19, p. 94981, § 1; Amend Coun. J. 4-21-21, p. 29627, § 6; Amend Coun. J. 7-20-22, p. 50878, § 4; Amend Coun. J. 1-18-23, p. 59796, § 4)

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### 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.

**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
Street	Segment		Coordinates	
	From	To	From	To
103rd	Longwood	Wood	1800W	2000W
18th	Sangamon	Marshfield	932W	1614W
18th	Paulina	Wood	1700W	1800W
26th	St. Louis	Pulaski	3500W	4000W
53rd	Kenwood	Lake Park	1350E	1600E
Argyle	Sheridan	Broadway	1000W	1200W
Ashland	Grace	Waveland	3720N	3722N
Belmont	Ashland	Paulina	1600W	1700W
Cermak	Washtenaw	California	2700W	2800W
Cermak	Marshall	Troy	2900W	3100W



Cermak	Wentworth	Princeton	200W	300W
Chicago	Ashland	Damen	1600W	2000W
Clark	Montrose	Bryn Mawr	4400N	5600N
Clark	Albion	Touhy	6600N	7200N
Commercial	88th	92nd	8800S	9200S
Devon	Western	California	2400W	2800W
Division	Milwaukee	Ashland	1535W	1599W
Division	1619W	Leavitt	1619W	2200W
Halsted	Belmont	Grace	3200N	3800N
Halsted	Fullerton	Wrightwood	2400N	2600N
Kedzie	Montrose	Lawrence	4400N	3800
Larrabee	Chicago	Chestnut	847N	861N
Lawrence	Laramie	Long	5200W	5400W
Lawrence	Sacramento	Central Park	3000W	3600W
Milwaukee	Rockwell / Francis	Central Park	2149N / 2156N	2957N
Milwaukee	Giddings	Higgins / Ainslie	4744N	4830N / 4819N
Montrose	C.T.A. Brown Line	Seeley	1814 north side; 1821 south side	2044 north side; 2017 south side
Montrose	California	Kimball	2800W	3400W
Roscoe	Damen	Leavitt	2000W	2200W
Taylor	Carpenter	Ashland	1050W	1600W
Wells	Division	North	1200N	1600N
Wentworth	Cermak	24th Place	2200S	2400S

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

Street	Segment		Coordinates	
	From	To	From	To
Street	Segment		Coordinates	
	From	To	From	To
Armitage	Halsted	Racine	800W	1200W
Belmont	Halsted	Southport	800W	1400W
Broadway	Diversey	Cornelia	2800N	3500N
Bryn Mawr	Kenmore	Broadway	1038W	1200W
Clark	Belden	Diversey	2300N	2800N
Clark	Newport	Addison	3432N	3600N
Clark	Diversey	Wellington	2800N	3000N
Diversey	Pine Grove	Burling	500W	750W
Halsted	Willow	Webster	1800N	2200N
Lincoln	Webster	Belden	2200N	2300N
Lincoln	Fullerton	Belmont	2400N	3200N
Lincoln	Roscoe	Waveland	3400N	3659N (east side) 3700N (west side)
Lincoln	Grace	Berteau	3800N	4200N
Lincoln	Hutchinson	Montrose	4217 (east side) 4218 (west side)	4400N
Lincoln	Sunnyside	Lawrence	4500N	4800N
Lincoln	Western	Bryn Mawr	4870N	5600N
Milwaukee	Division	North	1200N	1600N
Southport	Henderson	Grace	3323N	3800N

**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	
Diagonal Street	Coordinates		East-West Street	Coordinates		North-South Street	Coordinates		Intersection Coordinates	
Blue Island	From	1637S	18th	From	1300W	Loomis	From	1600S	1800S	1400W
	To	1671S		To	1357W		To	1726S		
Blue Island	From	1810S	18th	From	1413W	Loomis	From	1809S	1800S	1400W
	To	2000S		To	1500W		To	1900S		
Broadway	From	4700N	Lawrence	From	1100W	Racine	From	4700N	4800N	1200W
	To	4900N		To	1230W		To	4800N		
Clark	From	2700N	Diversey	From	500W	Broadway	From	2800N	2800N	600W
	To	2900N		To	700W		To	2900N		
Lincoln	From	3200N	School	From	1600W	Marshfield	From	3300N	3300N	1630W
	To	3400N		To	1700W		To	3400N		
Lincoln	From	3900N	Irving Park	From	1900W	Damen	From	3900N	4000N	2000W
	To	4100N		To	2100W		To	4100N		
Milwaukee	From	1500N	North	From	1900W	Damen	From	1500N	1600N	2000W
	To	1700N		To	2100W		To	1700N		
Milwaukee	From	2700N	Diversey	From	3300W	Kimball	From	2700N	2800N	3400W
	To	2860N		To	3500W		To	2816N		
Milwaukee	From	3900N	Irving Park	From	4650W	Cicero	From	3900N	4000N	4800W
	To	4100N		To	4930W		To	4100N		

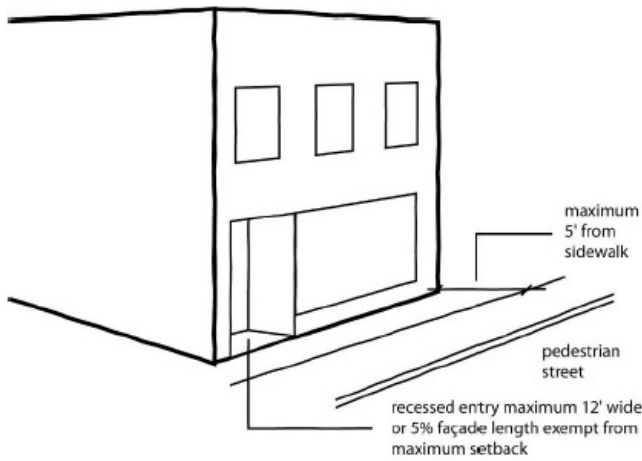
#### 17-3-0504 Standards.

**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.

#### 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.

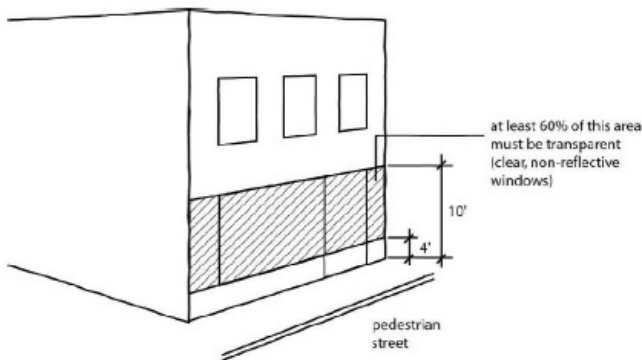
**Figure 17-3-0504-B**



#### 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.

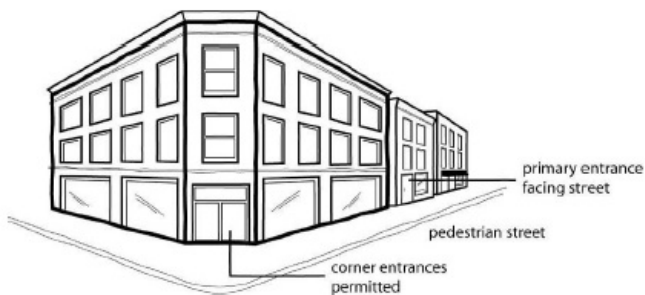
**Figure 17-3-0504-C**



#### 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*.

**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).

**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*.

**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 Section 17-13-0900.

2. A bank, savings bank, savings and loan association, credit union, currency exchange, 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, currency exchange, or *automated teller machine facility* that will be located within 600 feet of a bank, savings bank, savings and loan association, credit union, currency exchange, 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:

(i) the bank, savings bank, savings and loan association, credit union, currency exchange, or *automated teller machine facility* is located above or below curb level of a building with permitted or *special uses* on the curb level;

(ii) the bank, savings bank, savings and loans association, credit union, currency exchange, or *automated teller machine facility* is accessory to a retail or commercial use; or

(iii) the bank, savings bank, savings and loan association, credit union, or currency exchange, *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*.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 2-9-05, p. 42415; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62724; Amend Coun. J. 6-28-06, p. 79813, § 2; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 1-11-07, p. 97055, § 1; Amend Coun. J. 1-11-07, p. 97057, § 1; Amend Coun. J. 1-11-07, p. 97059, § 1; Amend Coun. J. 7-19-07, p. 5248, § 1; Amend Coun. J. 6-30-09, p. 66111, § 1; Amend Coun. J. 12-2-09, p. 80791, § 1; Amend Coun. J. 6-30-10, p. 95597, § 1; Amend Coun. J. 6-30-10, p. 95599, § 1; Amend Coun. J. 6-30-10, p. 95601, § 1; Amend Coun. J. 6-30-10, p. 95603, § 1; Amend Coun. J. 2-9-11, p. 112463, § 1; Amend Coun. J. 12-14-11, p. 18117, § 1; Amend Coun. J. 4-24-12, p. 25071, § 2; Amend Coun. J. 6-27-12, p. 30538, § 2; Amend Coun. J. 6-27-12, p. 30540, § 2; Amend Coun. J. 7-25-12, p. 31632, § 2; Amend Coun. J. 12-12-12, p. 44399, § 2; Amend Coun. J. 4-10-13, p. 51743, § 2; Amend Coun. J. 5-8-13, p. 53468, § 1; Amend Coun. J. 9-11-13, p. 60183, § 1; Amend Coun. J. 1-15-14, p. 73272, § 2; Amend Coun. J. 1-15-14, p. 73274, § 2; Amend Coun. J. 1-15-14, p. 73276, § 2; Amend Coun. J. 5-28-14, p. 82412, § 2; Amend Coun. J. 11-5, p. 96196, § 3; Amend Coun. J. 11-5-14, p. 96199, § 4; Amend Coun. J. 11-19-14, p. 98825, § 2; Amend Coun. J. 12-10-14, p. 100862, § 2; Amend Coun. J. 9-24-15, p. 7508, §§ 4, 5; Amend Coun. J. 9-24-15, p. 7511, § 1; Amend Coun. J. 5-18-16, p. 25016, § 2; Amend Coun. J. 11-16-16, p. 38285, § 1; Amend Coun. J. 3-29-17, p. 45471, § 2; Amend Coun. J. 3-29-17, p. 45473, § 2; Amend Coun. J. 5-24-17, p. 49766, § 2; Amend Coun. J. 3-28-18, p. 74521, § 2; Amend Coun. J. 4-18-18, p. 76897, § 1; Amend Coun. J. 4-18-18, p. 76900, § 2; Amend Coun. J. 4-18-18, p. 76902, § 2; Amend Coun. J. 9-20-18, p. 84905, § 2; Amend Coun. J. 9-20-18, p. 84907, § 2; Amend Coun. J. 1-23-19, p. 94979, § 2; Amend Coun. J. 2-19-20, p. 14592, § 2; Amend Coun. J. 4-24-20, p. 16146, § 2; Amend Coun. J. 10-7-20, p. 21782, § 2; Amend Coun. J. 7-21-21, p. 33513, § 2; Amend Coun. J. 9-14-21, p. 35946, § 2; Amend Coun. J. 10-14-21, p. 37719, § 2; Amend Coun. J. 2-23-22, p. 45128, § 2; Amend Coun. J. 7-20-22, p. 50878, § 4)

## CHAPTER 17-4

### DOWNTOWN DISTRICTS

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**17-4-0100 District descriptions.**

**17-4-0200 Allowed uses.**

**17-4-0300 General district standards.**

**17-4-0400 Bulk and density standards.**

**17-4-0500 Pedestrian streets.**

**17-4-0600 Mobility streets.**

**17-4-0700 Driveways and vehicle access.**

**17-4-0800 Non-accessory parking.**

**17-4-0900 Planned developments.**

**17-4-1000 Floor area bonuses.**

**17-4-1100 Roll-up overhead or sliding security gates or doors.**

#### **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 downtown area boundaries as described in Sec. 17-1-1500.

##### **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).

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

**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.**

**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).

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44381; Amend Coun. J. 5-18-16, p. 24993, § 4)

#### **17-4-0200 Allowed uses.**

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

**17-4-0201 Use Groups and Categories.** Use Groups and Use Categories are described in Sec. 17-17-0100.

**17-4-0202 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.

**17-4-0203 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.

**17-4-0203.5 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)

**17-4-0204 Prohibited Uses.** 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							
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							
RESIDENTIAL							
A. Household Living							
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. Group Living (except as more specifically regulated)		-	S	S	-		§ 17-10-0208
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
PUBLIC AND CIVIC							
C. Colleges and Universities		P	P	P	P		§ 17-10-0208
D. Cultural Exhibits and Libraries		P	P	P	P		§ 17-10-0208



E. Day Care		P	P	P	P		§ 17-10-0208
F. Detention and Correctional Facilities		-	-	-	S		§ 17-10-0208
G. Hospital		p	p	p	p		§ 17-10-0208
H. Lodge or Private Club		S	S	S	S	§ 17-9-0111	§ 17-10-0208
I. Parks and Recreation (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
2.	Community Garden	P	P	P	P	§ 17-9-0103.5	§ 17-10-0208
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
COMMERCIAL							
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. Urban Farm							
1.	Indoor Operation	-	-	-	P	§ 17-9-0103.3	§ 17-10-0208
2.	Outdoor Operation	-	-	-	P	§ 17-9-0103.3	§ 17-10-0208
3.	Rooftop Operation	P	P	P	P	§ 17-9-0103.3	§ 17-10-0208
X. Communication Service Establishments		P	P	-	P		§ 17-10-0208
Y. Construction Sales and Service		-	-	-	P		§ 17-10-0208
Z. Drive-Through Facility		-	S	-	S	§ 17-9-0106	§ 17-10-0208
AA. Eating and Drinking Establishments (all, including Taverns)		P	P	-	P		§ 17-10-0208
BB. Entertainment and Spectator Sports (except as more specifically regulated)		P	P	-	P		
1.	Indoor Special Event including incidental liquor sales	P	P	-	P		
2.	Wagering Facility	P/S	P/S	-	P/S	§ 17-9-0110	§ 17-10-0208
CC. Financial Services (except as more specifically regulated)		P	P	-	P		§ 17-10-0208
1.	Payday/Title Secured Loan Store	S	S	-	S	§ 17-9-0125	§ 17-10-0208
2.	Pawn Shop	S	S	-	S	§ 17-9-0127	§ 17-10-0208
DD. Flea Market		-	-	-	S		§ 17-10-0208
EE. 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
3.	Poultry (including slaughtering and retail sales)	-	-	-	S	§ 17-9-0119	§ 17-10-0208
FF. Fortune Telling Service		S	S	-	P		§ 17-10-0208
GG. Funeral and Interment Service							
1.	Cemetery/Mausoleum/Columbarium	-	-	-	-		§ 17-10-0208
2.	Cremating	-	-	-	S		§ 17-10-0208
3.	Undertaking	P	P	-	P		§ 17-10-0208
HH. Gas Stations		-	S	-	S	§ 17-9-0109	§ 17-10-0208
II. Lodging							
1.	Bed and Breakfast	P	P	P	P	§ 17-9-0103	§ 17-10-0208
2.	Hotel/Motel	P	P	-	P		§ 17-10-0208
3.	Vacation Rental	P	P	P	-		
4.	Shared Housing Unit	P	P	P	-		
JJ. Medical Service		P	P	-	P		§ 17-10-0208
KK. Office		P	P	-	P		§ 17-10-0208
LL. Parking, Non-Accessory							
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
MM. Personal Service		P	P	-	P		§ 17-10-0208
NN. Repair or Laundry Service, Consumer		P	P	-	P		§ 17-10-0208
OO.* Residential Storage Warehouse		-	P	-	P	§ 17-9-0113.1	§ 17-10-0208
* <b>Editor's note</b> – Coun. J. 9-8-11, p. 7562, § 1, amended row “OO” of this table but misidentified the row as “NN.” “OO” has been amended at the discretion of the editor. Future legislation will correct the provision if needed.							
PP. Residential Support Services		-	-	P	-	§ 17-9-0114	None required
QQ. Retail Sales, General		P	P	-	P		§ 17-10-0208
RR. Sports and Recreation, Participant							
1.	Entertainment Cabaret	P	P	-	P	§ 17-9-0120	§ 17-10-0208
2.	Outdoor	-	-	-	P		§ 17-10-0208
3.	Indoor	P	P	-	P		§ 17-10-0208
4.	Children's Play Center	-	P	-	P		§ 17-10-0208
5.	Shooting Range Facility	S	S	-	S		§ 17-10-0208
SS. Valuable Objects Dealer		S	S	-	-		§ 17-10-0208
TT. Vehicle Sales and Service							
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
INDUSTRIAL							
UU. Manufacturing, Production and Industrial Services							
1.	Artisan	P	P	-	P		§ 17-10-0208
2.	Limited	-	-	-	P		§ 17-10-0208
VV. Recycling Facilities							
1.	Class I	P	P	-	P		§ 17-10-0208
2.	Class II	-	-	-	P		§ 17-10-0208
WW. Warehousing, Wholesaling and Freight Movement		-	P	-	P		§ 17-10-0208
OTHER							
XX. Wireless Communication Facilities							
1.	Co-located	P	P	P	P	§ 17-9-0118	None required
2.	Freestanding (Towers)	S	S	S	S	§ 17-9-0118	None required
YY. Coke & Coal Bulk Material		-	-	-	-	§ 17-9-0117-B	None required
ZZ. Firearms dealer		-	-	-	S	§ 17-9-0128	§ 17-10-0207-M
AAA. Cannabis Business Establishment							
1.	Adult Use Cannabis Dispensary	S	S	-	S	§ 17-9-0129	§ 17-10-0208
2.	Medical Cannabis Dispensary	S	S	-	S	§ 17-9-0129	§ 17-10-0208
3.	Cannabis Craft Grower	S	S	-	S	§ 17-9-0129	§ 17-10-0208
4.	Cannabis Infuser	S	S	-	S	§ 17-9-0129	§ 17-10-0208
5.	Cannabis Processor	S	S	-	S	§ 17-9-0129	§ 17-10-0208
BBB. Manganese-bearing Material Operation		-	-	-	-	§ 17-9-0117-D	None required

**17-4-0208 Strip Centers.** *Strip centers* are prohibited in DC, DX and DR districts. *Strip centers* in the DS district are subject to the standards of Section 17-9-0116.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-1-04, p. 30490; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62719; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 5-12-10, p. 91343, § 4; Amend Coun. J. 6-30-10, p. 96060, § 4; Amend Coun. J. 11-3-10, p. 104527; Amend Coun. J. 11-3-10, p. 104833, § 2; Amend Coun. J. 6-8-11, p. 1725, § 2; Amend Coun. J. 9-8-11, p. 7541, § 3; Amend Coun. J. 9-8-11, p. 7562, § 1; Amend Coun. J. 5-9-12, p. 27485, § 190; Amend Coun. J. 7-25-12, p. 31627, § 1; Amend Coun. J. 1-17-13, p. 45291, § 1; Amend Coun. J. 1-17-13, p. 45622, § 1; Amend Coun. J. 2-13-13, 47141, § 1; Amend Coun. J. 4-30-14, p. 80394, § 3; Amend Coun. J. 6-25-14, p. 83727, § 12; Amend Coun. J. 7-30-14, p. 86194, §§ 3, 9; Amend Coun. J. 2-10-16, p. 18766, § 11; Amend Coun. J. 5-18-16, p. 25024, § 1; Amend Coun. J. 6-22-16, p. 27712, § 14; Amend Coun. J. 5-24-17, p. 50364, § 2; Amend Coun. J. 3-28-18, p. 74512, § 3; Amend Coun. J. 10-16-19, p. 7854, § 2; Amend Coun. J. 1-15-20, p. 13417, § 2; Amend Coun. J. 9-20-21, p. 36844, § 2; Amend Coun. J. 12-15-21, p. 42922, § 8; Amend Coun. J. 5-25-22, p. 48413, § 8; Amend Coun. J. 7-20-22, p. 50878, § 5)

#### **17-4-0300 General district standards.**

**17-4-0301 Specific Criteria for Transit-Served Locations.** In D districts, any new construction within 2,640 feet of a CTA or METRA rail station entrance or exit must satisfy all of the following specific criteria:

1. The project complies with the applicable standards of Section 17-10-0102-B;
2. The project complies with the standards and regulations of Section 17-4-0504, except paragraph E if the project is not located along a *pedestrian street* and except paragraph C if the land use is designated in a non-commercial use group, pertaining to *pedestrian streets* and pedestrian retail streets, even if the project is not located along a *pedestrian street* or a pedestrian retail street;
3. The project complies with the general goals set forth in the current Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission;

4. *Residential building* projects shall not have a number of parking spaces in excess of 50% of the Minimum Automobile Parking Ratio for the applicable district listed in Section 17-10-0208 with any fractional result rounded up to the next higher whole number, unless additional parking spaces are approved as an *administrative adjustment* under the provisions of Section 17-13-1003-EE; and

5. The project complies with the Travel Demand Study and Management Plan rules of the Chicago Department of Transportation. The City's Commissioner of Transportation is authorized to issue Travel Demand Study and management Plan rules consistent with this section.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 7-20-22, p. 50878, § 5; Amend Coun. J. 1-18-23, p. 59796, § 5)

#### 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 Downtown Floor Area Bonus.** Projects that qualify for and are granted floor area bonuses under Sec. 17-4-1000 are eligible to use reduced lot-area-per-unit standards. For each one percent increase in floor area awarded through the floor area bonus provisions of Sec. 17-4-1000, the minimum *lot area* per unit standard is reduced by one percent. The minimum *lot area* per unit reduction may not exceed 30 percent, regardless of the floor area bonus granted.

**17-4-0404-C MLA Reduction for Transit-Served Locations.** Projects in D-3 districts located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B and which are in compliance with Section 17-4-0301 are eligible to use the reduced lot area per unit standards as established in the table below. These minimum lot area reductions are allowed only if the project is reviewed and approved in accordance with the Type I Zoning Map Amendment procedures of Section 17-13-0302, or the *planned development* procedures of Section 17-13-0600 (if the project qualifies as a mandatory or elective *planned development* under Sections 17-8-0500 or 17-8-0600).

District	Proportion of ARO requirement on-site per 2-44-085 (Must include a minimum of one affordable unit under 2-44-085 )	Minimum Lot Area per Unit (square feet)		
		Per Dwelling Unit	Per Efficiency Unit	Per SRO Unit
Dash 3	50%	350	250	180
	75%	325	225	160
	100%	300	200	135

#### 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	Yes
-5	5.0	Yes
-7	7.0	Yes
-10	10.0	Yes
-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 all “D” districts is eligible for floor area bonuses, over and above the stated maximum *base floor area ratios* of Sec. 17-4-0405-A.

**17-4-0405-C FAR Increase for Transit- Served Locations.** All projects in D-3 districts located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B and which are in compliance with Section 17-4-0301 may increase the maximum *floor area ratio* standard as established in the table below. This *floor area ratio* increase is allowed only if the project is reviewed and approved in accordance with the Type I Zoning Map Amendment procedures of Section 17-13-0302, or the *planned development* procedures of Section 17-13-0600 (if the project qualifies as a mandatory or elective *planned development* under Sections 17-8-0500 or 17-8-0600). Projects that receive a floor area increase under this Section are not eligible for additional bonus floor area under Section 17-4-1000, nor shall a floor area increase under this Section be credited against bonus floor area under Section 17-4-1000.

District	Proportion of ARO requirement on-site per 2-44-085 -G (Must include a minimum of one affordable unit under 2-44-085 )	Maximum Floor Area Ratio
Dash 3	50%	3.5
	75%	3.75
	100%	4

#### 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.

##### 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*.

**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 Section 17-4-0409-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.**

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

2. The limits on *efficiency* units do not apply to transit-served developments within 660 feet of a CTA or Metra rail station entrance or exit or a CTA bus line corridor roadway segment listed in Table 17-17-0400-B.

**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*.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-11-13, p. 60173, §§ 4, 5; Amend Coun. J. 3-18-15, p. 105476, § 5; Amend Coun. J. 9-24-15, p. 7499, §§ 5, 6; Amend Coun. J. 5-18-16, p. 24993, §§ 5, 6; Amend Coun. J. 12-14-16, p. 40360, § 1; Amend Coun. J. 1-23-19, p. 94981, § 2; Amend Coun. J. 4-21-21, p. 29627, § 7; Amend Coun. J. 7-20-22, p. 50878, § 5; Amend Coun. J. 1-18-23, p. 59796, § 6)

Notes

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## 17-4-0500 Pedestrian streets.

**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.

**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.

**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*:

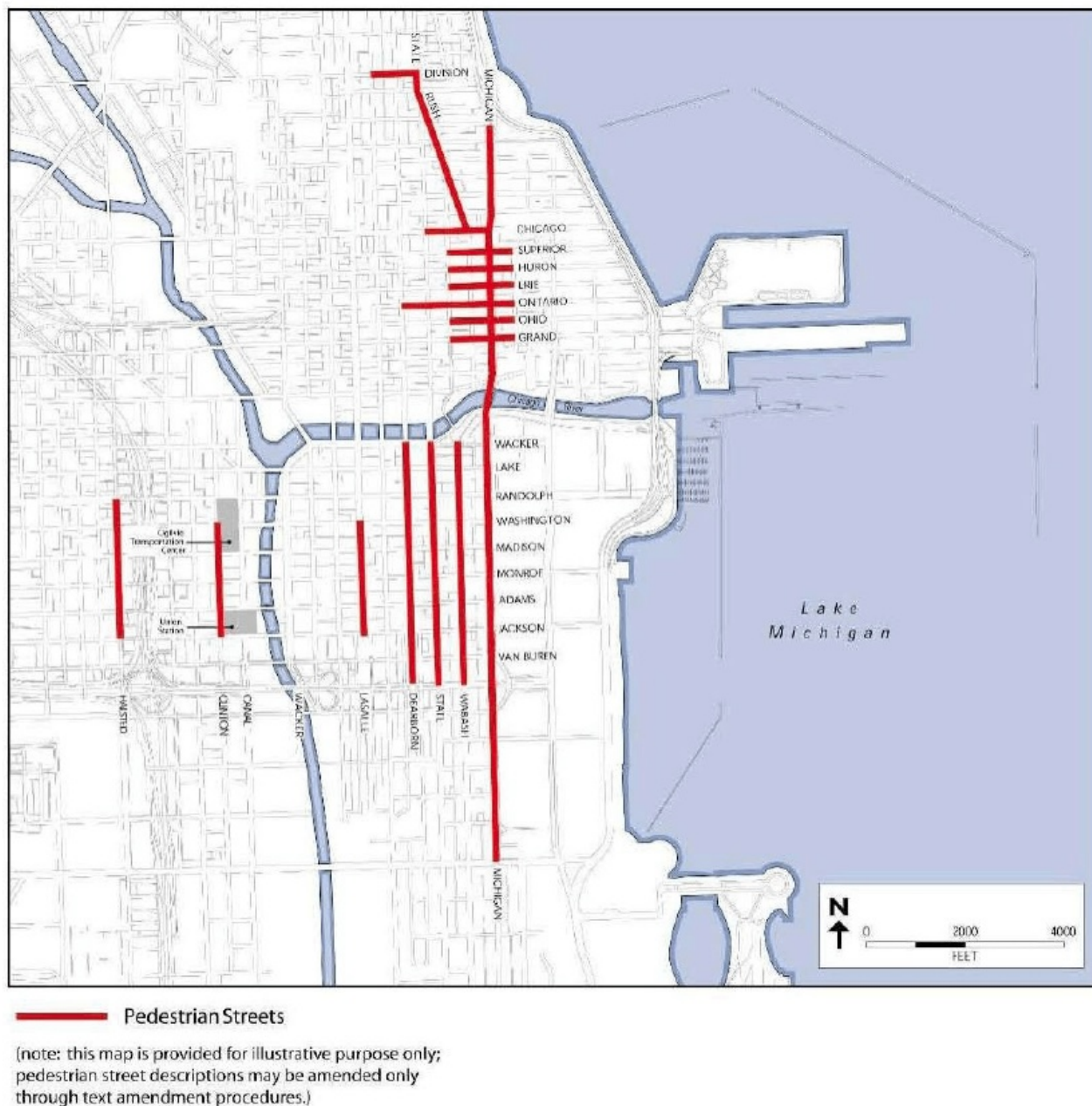
Street	Segment	
	From	To
Street	Segment	
	From	To
<b>North-South Streets</b>		
Clinton	Washington	Jackson
Halsted	Washington	Van Buren
LaSalle	Washington	Jackson
Michigan	Cermak	24th Place
Michigan	Oak	Roosevelt
Rush	Division	Pearson
State	Lake	Congress
Wabash	Lake	Congress
<b>East-West Streets</b>		
Chicago	State	Michigan
Division	Dearborn	State
Erie	Rush	St. Clair
Fulton Market	Elizabeth	Halsted
Fulton Street	Ogden	Elizabeth
Grand	Wabash	St. Clair
Huron	Wabash	St. Clair
Madison	Throop	Halsted
Oak	State	Michigan
Ohio	Wabash	St. Clair
Ontario	Dearborn	St. Clair



Randolph	Ada	Halsted
Superior	Wabash	St. Clair

**Figure 17-4-0503**

For a printer-friendly PDF version of Figure 17-4-0503, please click [here](#).



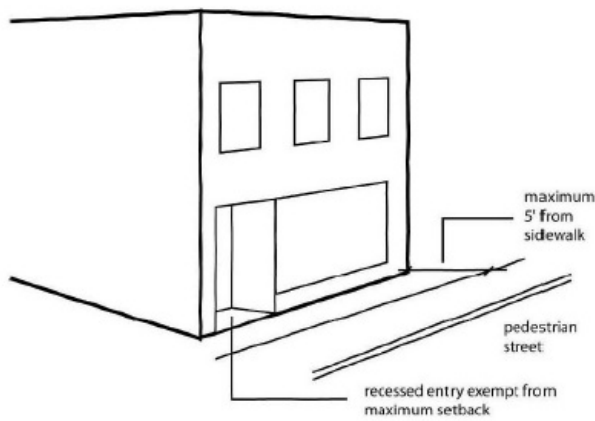
#### 17-4-0504 Standards.

**17-4-0504-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.

#### 17-4-0504-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 building entries.

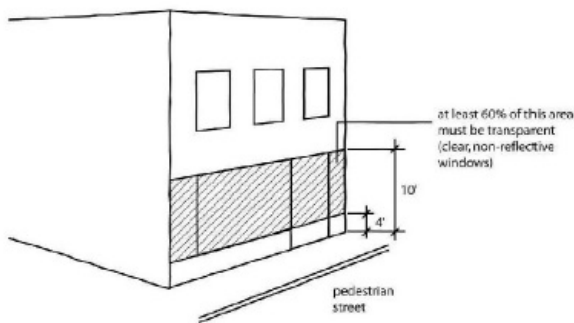
**Figure 17-4-0504-B**



#### 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.

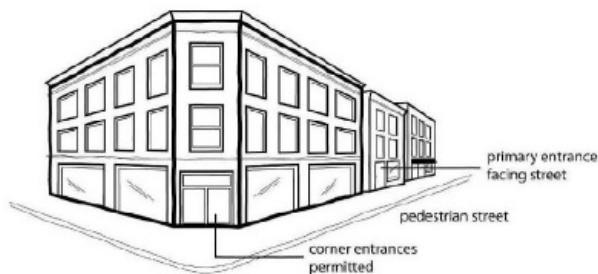
**Figure 17-4-0504-C**



#### 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*.

**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*.

**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*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-8-11, p. 7559, § 3; Amend Coun. J. 12-15-21, p. 42684, § 2; Amend Coun. J. 3-15-23, p. 61265, § 1)

#### 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.

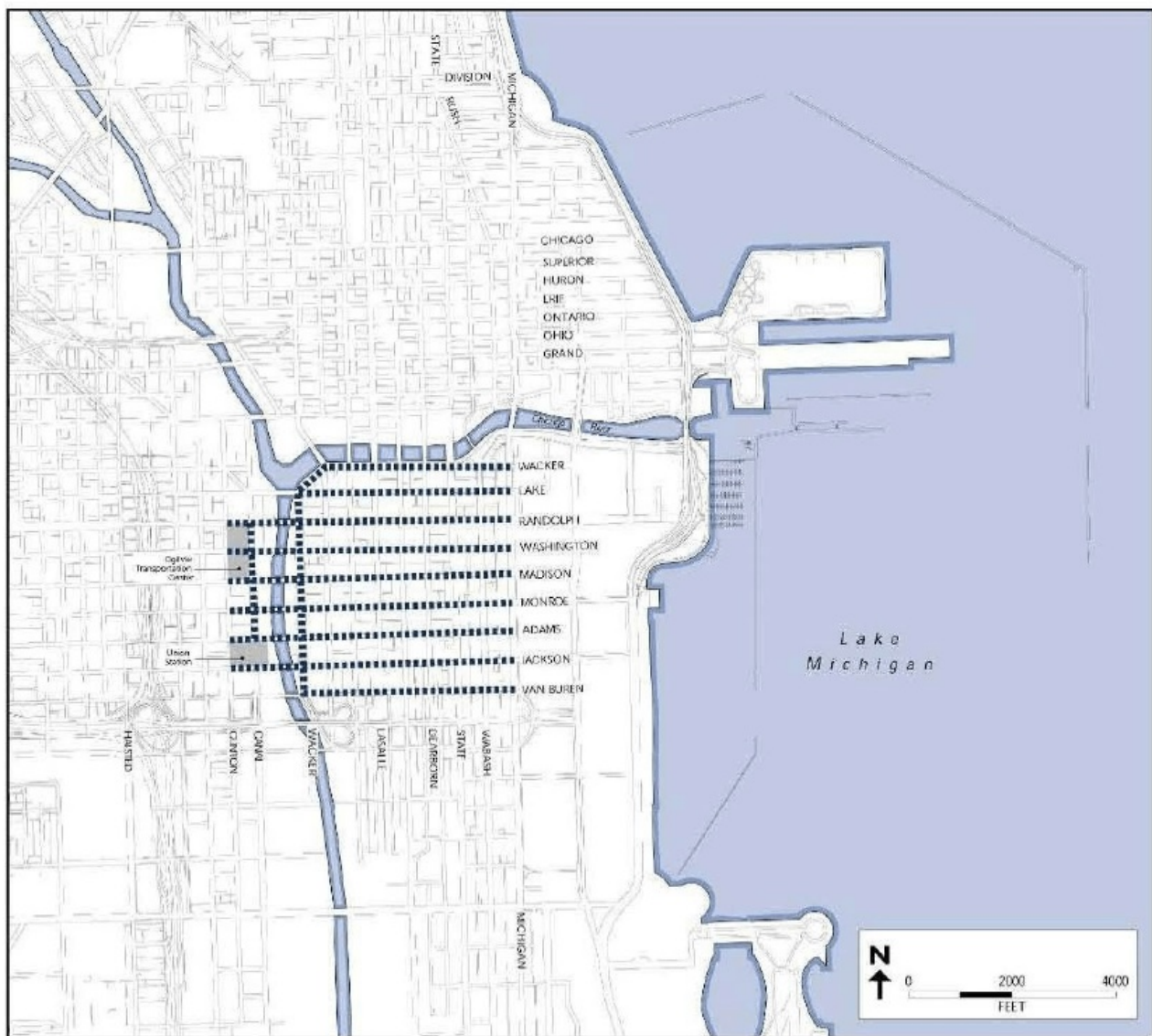
**17-4-0603-C** The “*mobility street*” designation applies to all *zoning lots* that abut the right- of-way of a *pedestrian street*.

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

Street	Segment	
	From	To
Street	Segment	
	From	To
North-South Streets		
Wacker	Franklin	Van Buren
Canal	Lake	Van Buren
East-West Streets		
Wacker	Michigan	Franklin
Lake	Michigan	Canal
Randolph	Michigan	La Salle
Randolph	Wells	Clinton
Washington	Michigan	Clinton
Madison	Michigan	Clinton
Monroe	Michigan	Clinton
Adams	Michigan	Clinton
Jackson	Michigan	Clinton
Van Buren	Michigan	Canal

**Figure 17-4-0603**

For a printer-friendly PDF version of Figure 17-4-0603, please click [here](#).



----- 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2\*; Amend Coun. J. 7-29-09, p. 68784, § 1; Amend Coun. J. 5-18-16, p. 24993, § 7)

\* **Editor's note** – The text of the 9-13-06 amendment to the 17-4-603-D table shows changed street names, but without indicating an intent to amend those names through stikethroughs and underlining. Accordingly, those street name changes are being treated as inadvertent and are not shown here.

**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.

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

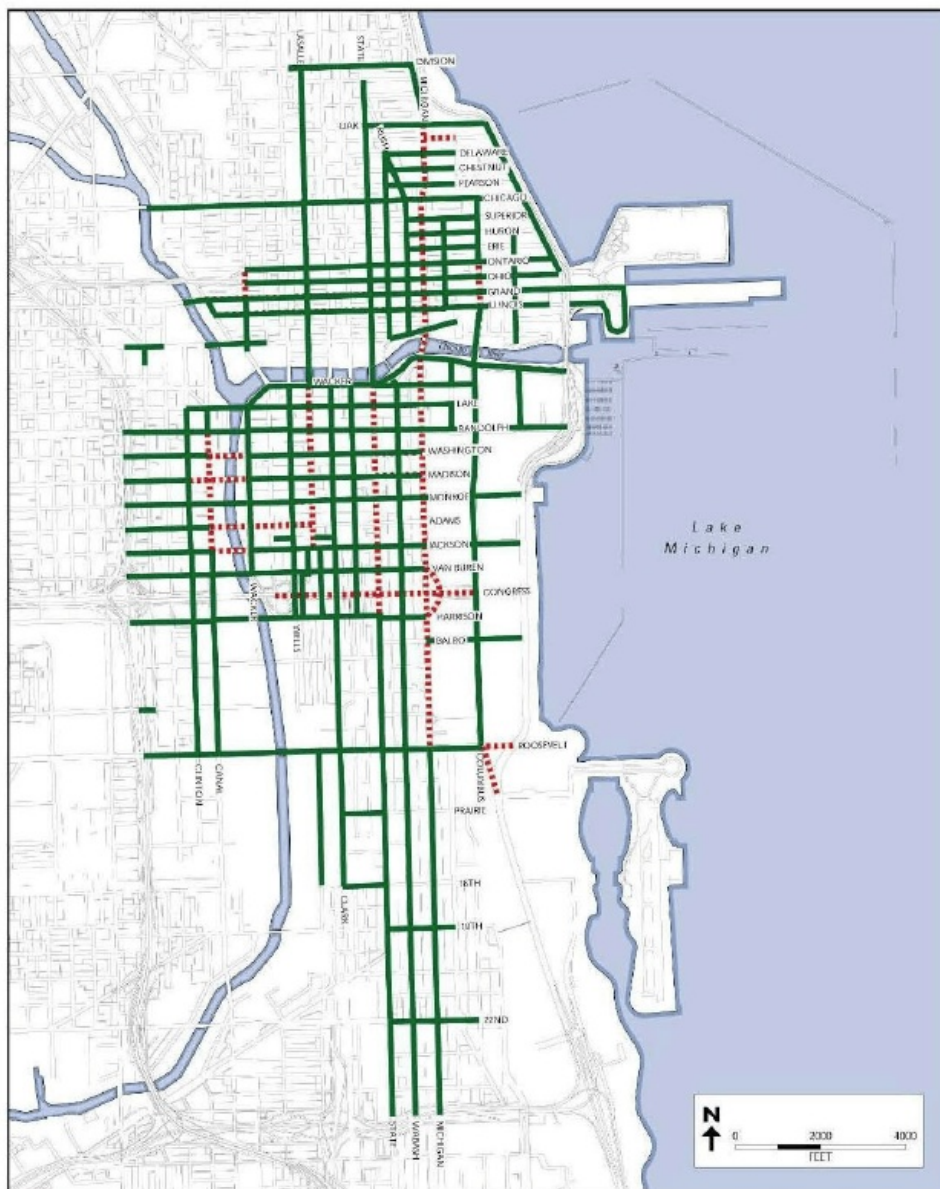
Street	Segment	
	From	To
Street	Segment	
	From	To
<b>Class 1 North-South Streets</b>		
Canal	Jackson	Randolph
Orleans	Grand	Ontario
La Salle	Jackson	Wacker
State	Harrison	Wacker
Fairbanks	Illinois	Ontario
Michigan	Roosevelt	Oak
Columbus	Roosevelt	McFetridge
<b>Class 2 North-South Streets</b>		
Des Plaines	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
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
Des Plaines	Wayman	Kinzie
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
14th	Clark	State
16th	Clark	State
18th	State	Indiana
Cermak	State	Prairie

**Figure 17-4-0703**

For a printer-friendly PDF version of Figure 17-4-0703, please click [here](#).





Driveways and Vehicle Access

- ..... 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.)

#### 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)

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2)

#### 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 east line of North and South Lake Shore Drive; to the south, the south line of East and West Harrison Street; and to the west, the east line of North and South Canal Street.

Figure 17-4-0801-A





**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 7-24-13, p. 58315, §§ 1, 2; Amend Coun. J. 12-11-13, p. 71143)

#### **17-4-0900 Planned developments.**

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

(Added Coun. J. 5-26-04, p. 25275)

#### **17-4-1000 Floor area bonuses.**

**17-4-1001 Purpose.** The floor area bonus provisions of this section are intended to provide the opportunity for downtown area projects to achieve appropriate increases in *floor area ratio* above the *base floor area ratios*, while providing a corresponding economic incentive for developers to contribute to the economic growth of qualified investment areas as defined in Sec. 16-14-020, to preserve Chicago landmarks, and to provide public amenities in the downtown area or immediate vicinity that improve the quality of life of City residents, employees, and visitors and are a benefit to the public. This section shall be liberally construed and applied to achieve its purposes.

**17-4-1002 Eligibility Criteria.** *Residential buildings* and nonresidential buildings in all “D” districts are eligible to receive floor area bonuses under this Sec. 17-4-1000.

#### **17-4-1003 Administration.**

**17-4-1003-A Planned Development Review.** Floor area bonuses under this Sec. 17-4-1000 may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. The Zoning Administrator must review proposed floor area bonus requests and make a recommendation to the Commissioner of Planning and Development and the Chicago Plan Commission. The Commissioner of Planning and Development and the Chicago Plan Commission shall each in turn make a recommendation to the city council. Floor area bonuses may be approved only if they are consistent with the purposes described in Sec. 17-1-0500, Sec. 17-4-1001, and Sec. 17-8-0100.

**17-4-1003-B Submittal Requirements.** All applicants for bonus floor area must file a bonus worksheet with the Zoning Administrator.

1. The Zoning Administrator shall, by rule, establish a required form and content for such worksheets.
2. Such worksheets must, at a minimum, include the calculations for the amount of bonus floor area requested. In addition, every application for bonus floor area may include a written plan identifying the local improvements to receive financial support from the Local Impact Fund pursuant to Sec. 17-4-1005.
3. Such worksheets will serve as an official record of bonuses and such records will be binding on the *property owners* and their successors and assigns.

#### **17-4-1003-C Bonus Formula.**

1. 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% x 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 at least once every five years.
4. The bonus payment shall be paid in full prior to the issuance of the first building permit for any building or buildings within the *planned development*; provided, however, if the *planned development* is constructed in phases, the bonus payment shall be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The amount due prior to the issuance of a building permit (whether for a single building or for any subsequent phase of construction) shall be calculated by multiplying the total bonus payment due for the *planned development* as a whole (as the land value determination may be adjusted from time to time pursuant to

paragraphs 2 and 3 above) by a fraction, the numerator of which is the amount of floor area in the building or buildings for which the permit is then being issued and the denominator of which is the total amount of floor area approved in the *planned development* (calculated as the total maximum *floor area ratio* in the *planned development* multiplied by the total net site area in the planned development), as follows:

Bonus payment due at the time of applicable permit\*

=

Total bonus payment for *planned development* \*\*

x

Floor area approved for construction in building permit for applicable building or phase ÷ maximum floor area approved for construction in *planned development* as a whole\*\*\*

\* Each payment is due prior to the issuance of the first building permit for any building or buildings in the *planned development*.

\*\* The total bonus payment shall be determined by calculating the amount of bonus floor area granted in the approved *planned development* times the amount per square foot due pursuant to Sec. 17-4-1003-C-1 (as the same may be adjusted in accordance with Sec. 17-4-1003-C-2 and Sec. 17-4-1003-C-3), and therefore the final payment amount may change over time.

\*\*\* Maximum floor area is calculated as the total maximum *floor area ratio* in the *planned development* multiplied by the total net site area in the *planned development*.

**17-4-1003-D Allocation of Bonus Payment.**

1. Except as provided in paragraphs 2 and 3 below, all funds received for floor area bonuses under this Sec. 17-4-1000 shall be deposited in the following funds in the following percentages:

Bonus Fund	Percentage of Bonus Payment
Neighborhoods Opportunity Fund	80%
Citywide Adopt-a-Landmark Fund	10%
Local Impact Fund	10%

2. In lieu of the direct deposits otherwise required into the Citywide Adopt-a-Landmark Fund or the Local Impact Fund, the Department of Planning and Development may direct applicants to make payments directly to sister agencies or landmark *property owners* to finance specific projects pursuant to the requirements of Sec. 17-4-1005 or Sec. 17-4-1006, as applicable.

3. In lieu of the direct deposit otherwise required into the Local Impact Fund, the *planned development* ordinance may provide for applicants to undertake specific local improvement projects themselves pursuant to the requirements of Sec. 17-4-1005-E.

4. Funds from the Local Impact Fund and the Citywide Adopt-a-Landmark Fund may be combined to finance specific landmark restoration projects in the downtown area, provided such projects satisfy the requirements of Sec. 17-4-1005-C with respect to authorized uses of the Local Impact Fund and Sec. 17-4-1006-C with respect to authorized uses of the Citywide Adopt-a-Landmark Fund.

5. Funds from the Neighborhoods Opportunity Fund and the Citywide Adopt-a-Landmark Fund may be combined to finance specific landmark restoration projects in qualified investment areas, as that term is defined in Chapter 16-14, provided such projects satisfy the requirements of Chapter 16-14 with respect to authorized uses of the Neighborhoods Opportunity Fund and Sec. 17-4-1006-C with respect to authorized uses of the Citywide Adopt-a-Landmark Fund.

**17-4-1003-E Minimum and Maximum Floor Area Bonus.**

1. The minimum floor area bonus for any “D” district is 0.5 FAR.

2. Each of the following “D” districts shall have a maximum floor area bonus as follows:

(a) DR-3, DX-3, DS-3 = 2.75

(b) DR-5, DX-5, DS-5 = 3.1

(c) DR-7, DX-7 = 4.5

(d) DX-10, DR-10 = 3.8

(e) DX-12, DC-12 = 6.4

(f) DX-16, DC-16 = No Maximum

**17-4-1004 Neighborhoods Opportunity Bonus.**

**17-4-1004-A Percentage Allocated.** 80 percent of all funds due for floor area bonuses under this Sec. 17-4-1000 shall be allocated to and deposited in the Neighborhoods Opportunity Fund established pursuant to Chapter 16-14.

**17-4-1004-B Use of Funds.** All funds deposited in the Neighborhoods Opportunity Fund shall be used exclusively for the purposes permitted by Chapter 16-14.

**17-4-1005 Local Impact Bonus.**

**17-4-1005-A Percentage Allocated.** 10 percent of all funds due for floor area bonuses under this Sec. 17-4-1000 shall be allocated to and deposited in the Local Impact Fund established pursuant to Sec. 17-4-1005-B, except as provided in Sec. 17-4-1003-D-2 for direct payments to sister agencies and landmark *property owners* and Sec. 17-4-1005-E for in-kind improvements.

**17-4-1005-B Local Impact Fund.** A separate fund is hereby established and designated the Local Impact Fund into which the funds collected from the local impact portion of the floor area bonuses under this Sec. 17-4-1000 will be deposited. Except as provided in Sec. 17-4-1005-D, the revenues of the Local Impact Fund shall be reserved and utilized exclusively in accordance with Sec. 17-4-1005-C below.

**17-4-1005-C Use of Funds.** All funds deposited in the Local Impact Fund shall be used for specific improvements located within one mile of the *planned development* site, if the *planned development* ordinance identifies specific improvements. Funds derived from multiple *planned developments* can be used for a common local improvement project, provided such project is located within one mile of each *planned development* site. If the *planned development* ordinance does not identify specific improvements, then the Department of Planning and Development, in consultation with the alderman of the ward in which the *planned development* site is located, may allocate such funds to eligible improvements located anywhere in the downtown area. The Local Impact Fund may be used to finance improvements in the following categories:

1. Off-Site Park and Open Space. Local impact funds may be distributed to the Chicago Park District, the Chicago Department of Transportation or another City department or sister agency, or an applicant providing in-kind improvements in accordance with Sec. 17-4-1005-E, to support the creation or improvement of pocket parks, improvements to the Chicago Riverwalk, or other public park spaces, including planning and design costs.
2. Pedestrian, Streetscape, and Infrastructure Improvements. Local impact funds may be distributed to the Chicago Department of Transportation or another City department or sister agency, or an applicant providing in-kind improvements in accordance with Sec. 17-4-1005-E, to support pedestrian, streetscape, and infrastructure improvements that the applicant is not otherwise obligated to undertake, including planning and design costs. Qualifying pedestrian, streetscape, and infrastructure improvements may include, without limitation, raised planters, special pavers, decorative or historic *street* lighting, pedestrian lighting, *flag* and *banner* poles, hanging baskets, bicycle infrastructure and facilities, and bridge house improvements. Plans should demonstrate the maximum use of trees without obstructing the *public way* or views of retail uses. *Street* lighting components should be selected from the City's lighting palette. Pavement treatments and materials should reflect those generally used in the immediate area.
3. Transit Infrastructure Improvements. Local impact funds may be distributed to the Chicago Transit Authority, the Chicago Department of Transportation or another City department or sister agency, or an applicant providing in-kind improvements in accordance with Sec. 17-4-1005-E, to support improvements to transit stations and other public transit infrastructure, including planning and design costs. Qualifying improvements may include, without limitation, new access easements, improvements, remediation and repairs to connecting passageways, mezzanines, concourse areas, tracks, and other public transit structures and facilities.
4. Local Adopt-a-Landmark. Local impact funds may be distributed to *property owners* of buildings, structures, works of art, or other objects that have been designated as "Chicago Landmarks" under the Chicago Landmarks Ordinance, or have been identified as contributing to the historic or architectural significance of any district designated as a "Chicago Landmark" under the Chicago Landmarks Ordinance, to support specific restoration projects, subject to the criteria and guidelines set forth in Sec. 17-4-1006.
5. Public Buildings. Local impact funds may be distributed to the Public Building Commission of Chicago, the Chicago Public Library or another City department or sister agency, or an applicant providing in-kind improvements in accordance with Sec. 17-4-1005-E, to support the construction of new, or the expansion or rehabilitation of existing, public buildings and facilities, including planning and design costs.

**17-4-1005-D Alternative Use of Local Impact Funds.** Upon the recommendation of the Commissioner of Planning and Development, after consultation with the Chicago Board of Education and the alderman of the ward in which the *planned development* site is located, the *planned development* ordinance may allocate all or a portion of the 10% local impact component of any bonus payment to the Public Schools Capital Improvement Program to support construction of new schools, school expansions, and related improvements.

**17-4-1005-E Option for In-Kind Provision of Local Improvements.** In lieu of the required cash contribution to the Local Impact Fund, the *planned development* ordinance may provide for applicants to undertake specific local improvement projects, including infrastructure improvements, themselves. The Department of Planning and Development shall review proposals for in-kind improvements on a case-by-case basis in consultation with the alderman of the ward in which the *planned development* site is located. If the Department of Planning and Development, after consultation with the alderman of the ward in which the *planned development* site is located, approves the proposal, the applicant shall submit project documentation, including but not limited to, detailed site-specific cost estimates for the improvements, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements. If the estimated budget for the local improvement project exceeds the applicant's required cash contribution, the Department of Planning and Development may distribute funds from the Local Impact Fund to the applicant to perform additional work associated with the project on behalf of the City or applicable sister agency, subject to city council approval.

**17-4-1005-F Binding Commitments.**

1. Any sister agency that receives funds under this Sec. 17-4-1005 (whether from the City as a distribution from the Local Impact Fund, or from the applicant directly pursuant to Sec. 17-4-1003-D-2) must enter into an agreement with the City regarding the manner in which the funds will be used. Any funds that have not been used upon completion of the local improvement project shall be returned to the Local Impact Fund and applied to other eligible local improvement project costs.
2. If the Department of Planning and Development, after consultation with the alderman of the ward in which the *planned development* site is located, approves a proposal for in-kind improvements pursuant to Sec. 17-4-1005-E, the applicant shall enter into an agreement with the applicable City department or sister agency specifying the type of improvements to be provided, the value of the improvements, the timeline for completion of the improvements, and any other terms or conditions the Commissioner of Planning and Development deems necessary or desirable.
3. The Commissioner of Planning and Development, or the Commissioner's designee, is authorized to execute all agreements with sister agencies and landmark *property owners* on behalf of the City. All agreements must be in a form approved by the corporation counsel.

**17-4-1005-G Minor Change for Allocation of Local Impact Funds.** Changes to local improvements or local landmark restoration projects specified in a *planned development* ordinance, or the substitution of one type of local improvement or landmark for another, or the manner in which payments are made or satisfied under Sec. 17-4-1003-D, shall be deemed minor changes and may be permitted by the Zoning

Administrator, in consultation with the alderman of the ward in which the *planned development* site is located, as provided in Sec. 17-13-0611.

#### **17-4-1006 Citywide Adopt-a-Landmark.**

**17-4-1006-A Percentage Allocated.** 10 percent of all funds due for floor area bonuses under this Sec. 17-4-1000 shall be allocated to and deposited in the Citywide Adopt-a-Landmark Fund established pursuant to Sec. 17-4-1006-B, except as provided in Sec. 17-4-1003-D-2 for direct payments to landmark *property owners*.

**17-4-1006-B Citywide Adopt-a-Landmark Fund.** A separate fund is hereby established and designated the Citywide Adopt-a-Landmark Fund into which the funds collected from the citywide adopt-a-landmark portion of the floor area bonuses under this Sec. 17-4-1000 will be deposited. The revenues of the Citywide Adopt-a-Landmark Fund shall be reserved and utilized exclusively in accordance with Sec. 17-4-1006-C below.

**17-4-1006-C Use of Funds.** All funds deposited in the Citywide Adopt-a-Landmark Fund shall be used to support restoration of buildings, structures, works of art, or other objects that have been designated as “Chicago Landmarks” under the Chicago Landmarks Ordinance, or have been identified as contributing to the historic or architectural significance of any district designated as a “Chicago Landmark” under the Chicago Landmarks Ordinance, subject to the following criteria and guidelines:

1. Restoration projects must be consistent with landmark guidelines.
2. Except as provided in paragraph 5 below, the Commission on Chicago Landmarks must approve the scope of work and associated budget for the restoration project pursuant to its standard review and approval procedures.
3. Funds 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. Examples of work that exceeds normal maintenance work are the restoration of a missing cornice or the replacement of deteriorated terra cotta.
4. The Department of Planning and Development will give priority to projects that have not been completed and that address exterior envelope issues. The Department may also establish other funding priorities by rule. For projects that have not been completed, the *property owner* of the landmark receiving the funds (whether from the City as a distribution from the Citywide Adopt-a-Landmark Fund, or from the applicant directly pursuant to Sec. 17-4-1003-D-2) must enter into an agreement with the City 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. Any funds that have not been used upon completion of the restoration project shall be returned to the Citywide Adopt-a-Landmark Fund and applied to other eligible landmark restoration project costs. The Department of Planning and Development shall maintain a list of eligible, pre-approved projects that are seeking funding.
5. Completed projects under \$30,000 are eligible for adoption, provided the Department of Planning and Development has previously approved the scope of work and budget for such projects. The Department shall maintain a list of completed projects that are eligible for reimbursement under this section.

**17-4-1007 Prior Bonuses.** Floor area bonuses granted under the provisions of Sec. 17-4-1000 in effect immediately before the effective date of this amendatory ordinance of 2016 (“Previous Bonus Provisions”) shall remain in effect and shall be governed by this Sec. 17-4-1007.

**17-4-1007-A** Any request to increase the overall bonus floor area above the maximum amount of floor area granted pursuant to the Previous Bonus Provisions shall require *planned development* review and approval and shall be subject to the terms of this amendatory ordinance of 2016. Floor area bonus payments shall only be due for the amount of floor area bonus in excess of the amount granted pursuant to the Previous Bonus Provisions.

**17-4-1007-B** No public benefit or amenity for which a floor area bonus has been granted under the Previous Bonus Provisions may be eliminated or reduced in size without (1) a corresponding reduction in approved floor area, (2) replacement of such eliminated or reduced bonus floor area through new floor area bonus payments pursuant to the terms of this amendatory ordinance of 2016, or (3) a re-allocation of unused bonus floor area only among previously approved and specifically identified bonus categories in a *planned development* or approved bonus worksheet. The Zoning Administrator is authorized to approve any reduction under clause (1), replacement under clause (2), or re-allocation under clause (3) above as a minor change in accordance with Sec. 17-13-0611 in the case of projects that are subject to *planned development* review, or through a similar determination in the case of projects that are not subject to *planned development* review.

**17-4-1008 Existing Development.** Existing developments in DC-16 or DX-16 districts, which are *nonconforming* with respect to the applicable *floor area ratio* standards, may seek a floor area bonus pursuant to this amendatory ordinance of 2016 to increase the amount of floor area over the established *nonconforming* floor area. An increase of 5% or less of the floor area in existence as of the effective date of this amendatory ordinance may be approved as an *administrative adjustment* by the Zoning Administrator in accordance with Sec. 17-13-1003-D. An increase of more than 5% of such existing floor area requires *planned development* review and approval. Floor area bonus payments shall only be due for the amount of floor area in excess of the established *nonconforming* floor area.

#### **17-4-1009 Pending Applications.**

**17-4-1009-A** Except as provided in Sec. 17-4-1009-B, this amendatory ordinance of 2016 shall apply to all projects seeking approval for bonus floor area on or after its effective date.

**17-4-1009-B** The provisions of Sec. 17-4-1000 in effect immediately before the effective date of this amendatory ordinance of 2016 shall apply to any project for which: (1) the city council has passed an ordinance approving the sale of city land for fair market value prior to that effective date; or (2) in the case of projects that are subject to *planned development* review, an ordinance authorizing the *planned development* has been introduced to city council prior to that effective date, provided the *planned development* application must identify specific bonuses, or (3) in the case of projects that are not subject to planned development review, a bonus worksheet, together with fully- dimensioned drawings for the project site, have been submitted in complete form, and the bonus worksheet stamped approved prior to that effective date, provided, however, the applicant must obtain a building permit for the project within one year after the bonus worksheet has been approved. Notwithstanding the foregoing exceptions, an applicant may elect to comply with the provisions of this amendatory ordinance of 2016, in which case the applicant must agree to be governed by the totality of the new provisions.

**17-4-1010 Rules and Regulations.** The Commissioner of Planning and Development is authorized to adopt such rules as the commissioner may deem necessary for the proper implementation, administration, and enforcement of this amendatory ordinance, including for the administration of, and payments out of, the Neighborhoods Opportunity Fund, the Local Impact Fund, and the Citywide Adopt-a-Landmark Fund.

(Amend Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-29-06, p. 74330 § 1; Amend Coun. J. 7-26-06, p. 82605, § 1; Amend Coun. J. 7-26-06, p. 82607, § 1; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 2-7-07, p. 98529, § 1; 2-7-07, p. 98533, § 1; Amend Coun. J. 5-14-07, p. 106483, § 3; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 6-6-12, p. 28855, § 1; Amend Coun. J. 11-8-12, p. 38872, §§ 244, 245; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 4-30-14, p. 80409, § 1; Amend Coun. J. 12-10-14, p. 100859, § 1; Amend Coun. J. 3-18-15, p. 105476, § 6; Amend Coun. J. 5-18-16, p. 24993, § 8; Amend Coun. J. 7-26-17, p. 53898, § 4)

#### **17-4-1100 Roll-up overhead or sliding security gates or doors.**

Within the area bounded by the parcels adjacent to the south side of Wacker Drive to the north, the parcels adjacent to the west side of Franklin Street to the west, the parcels adjacent to the north side of Adams Street to the south, and the parcels adjacent to the east side of Michigan Avenue to the east, any roll-up overhead or sliding security door or gate installed after July 30, 2020 for ground floor retail or commercial uses located in any building must: (i) be located inside of any storefront window; (ii) be clear and non-reflective, allowing views of indoor commercial space or product display areas; and (iii) comply with any transparency requirements, including Sec. 17-4-0504-C or the terms of any planned development ordinance, as applicable.

(Added Coun. J. 7-22-20, p. 19501, § 1)

## **CHAPTER 17-5**

### **MANUFACTURING DISTRICTS**

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#### **17-5-0100 District descriptions.**

##### **17-5-0200 Allowed uses.**

##### **17-5-0300 Strip centers.**

##### **17-5-0400 Bulk and density standards.**

##### **17-5-0500 Outdoor storage and work activities.**

##### **17-5-0600 Screening and buffering.**

#### **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.

(Added Coun. J. 5-26-04, p. 25275)

#### **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*

USE GROUP		District			Use Standard	Parking Standard
Use Category		M1	M2	M3		
	Specific Use Type					
<p>P= permitted by-right</p> <p>S = special use approval required</p> <p>PD = planned development approval required</p> <p>- = Not allowed</p>						
USE GROUP		District			Use Standard	Parking Standard
Use Category		M1	M2	M3		
	Specific Use Type					
<p>P= permitted by-right</p> <p>S = special use approval required</p> <p>PD = planned development approval required</p> <p>- = Not allowed</p>						
RESIDENTIAL						
A. Group Living						
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
PUBLIC AND CIVIC						
B. Reserved						
C. Detention and Correctional Facilities		S	S	S		§ 17-10-0207-E
D. Parks and Recreation (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
2.	Community Garden	-	-	-		
<p><b>* Editor's note</b>– The text of Coun. J. 9-8-11, p. 7541, § 4, amended item I (Parks and Recreation) in an apparent typographical error. This item “D” has been amended at the discretion of the editor. Future legislation will correct the provision if needed.</p>						
E. Postal Service		P	P	P		§ 17-10-0207-E
F. Public Safety Services		P	P	P		§ 17-10-0207-E
G. Utilities and Services, Minor		P	P	P		§ 17-10-0207-E
H. Utilities and Services, Major		S	S	S		§ 17-10-0207-E
1.	Wind Energy Meteorological Testing Tower	-	-	P	§ 17-9-0117.7	None required
COMMERCIAL						
I. Adult Use		S	S	S	§ 17-9-0101	§ 17-10-0207-J
J. Animal Services						

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
K. Building Maintenance Services		P	P	P		§ 17-10-0207-N
L. Business Support Services						
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
M. Urban Farm						
1.	Indoor Operation	P	P	P	§ 17-9-0103.3 Accessory sale of goods produced on site shall not exceed 3,000 square feet	§ 17-10-0207-U
2.	Outdoor Operation	-	P	P	§ 17-9-0103.3 Accessory sale of goods produced on site shall not exceed 3,000 square feet	§ 17-10-0207-U
3.	Rooftop Operation	P	P	P	§ 17-9-0103.3 Accessory sale of goods produced on site shall not exceed 3,000 square feet	§ 17-10-0207-U
N. Communication Service Establishments		P	P	P		§ 17-10-0207-L
O. Construction Sales and Service						
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
P. Drive-Through Facility		S	S	S	§ 17-9-0106	
Q. Eating and Drinking Establishments						
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
4.	Outdoor patio (if located on a rooftop)	S	S	S		§ 17-10-0207-M
5.	Outdoor patio (if located at grade)	P	S	S		§ 17-10-0207-M
R. Entertainment and Spectator Sports						



1.	Indoor Special Event including incidental liquor sales	P	P	P		
2.	Wagering Facility	P/S	P/S	P/S	§ 17-9-0110	§ 17-10-0207-P
3.	Industrial Private Event Venue including incidental liquor sales	P	P	P	§ 17-9-0130	§ 17-10-0207-P
S. Financial Services (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/Title Secured Loan Store	S	S	S	Max GFA: 3,000 sq ft § 17-9-0125	§ 17-10-0207-L
3.	Pawn Shop	S	S	S	Max GFA: 3,000 sq ft § 17-9-0127	§ 17-10-0207-L
T. Food and Beverage Retail Sales		P	P	P	Max GFA: 3,000 sq ft	§ 17-10-0207-M
U. Gas Stations		S	S	S	§ 17-9-0109	§ 17-10-0207-R
V. Medical Service		P	-	-		§ 17-10-0207-T
W. Office (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.	Electronic Data Storage Center	P	P	P		§ 17-10-0207-U
X. Parking, Non-Accessory		S	S	S		
Y. Personal Service		P	P		Max GFA: 3,000 sq ft	§ 17-10-0207-M
Z. Repair or Laundry Service, Consumer		P	P	P		§ 17-10-0207-N
AA. Residential Storage Warehouse		P	P	P		§ 17-10-0207-Q
BB. Retail Sales, General		P	P	P	Accessory sales of goods produced on- site: not to exceed 20% of on-site GFA	§ 17-10-0207-M
CC. Sports and Recreation, Participant		S	S	S		§ 17-10-0207-M
1.	Shooting range facility	S	S	S	§ 17-9-0120 Accessory sales of firearms and ammunition; not to exceed 20% of total floor area	§ 17-10-0207-M
DD. Vehicle Sales and Service						
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
INDUSTRIAL						
EE. Manufacturing, Production and Industrial Service						
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	§ 17-9-0117	§ 17-10-0207-U
FF. Reserved						
GG. Recycling Facilities						
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	§ 17-9-0117	§ 17-10-0207-U
4.	Class IVA	-	S	S	§ 17-9-0117	§ 17-10-0207-U
5.	Class IVB	-	-	S	§ 17-9-0117	§ 17-10-0207-U
6.	Class V	-	-	S	§ 17-9-0117	§ 17-10-0207-U
HH. Warehousing, Wholesaling and Freight Movement (except as more specifically regulated)		P	P	P	§ 17-9-0117 & § 17-9-0108.1	§ 17-10-0207-U
1.	Container Storage	-	S	S	§ 17-9-0105 & § 17-9-0117	§ 17-10-0207-U
2.	Freight Terminal	-	P	P	§ 17-9-0117	§ 17-10-0207-U
3.	Outdoor Storage of Raw Materials as a Principal Use	-	-	P	§ 17-9-0117	§ 17-10-0207-U
II. Waste-Related Use						
1.	Hazardous Materials Disposal or Storage	-	-	S	§ 17-9-0117	§ 17-10-0207-U
2.	Liquid Waste Handling Facilities	-	-	S	§ 17-9-0117	§ 17-10-0207-U
3.	Reprocessable Construction/Demolition Material Facility	-	-	S	§ 17-9-0117	§ 17-10-0207-U
4.	Resource Recovery Facilities	-	-	S	§ 17-9-0117	§ 17-10-0207-U
5.	Transfer Stations	-	-	S	§ 17-9-0117	§ 17-10-0207-U
6.	Modified Transfer Stations	-	-	S	§ 17-9-0117	§ 17-10-0207-U
OTHER						
JJ. Wireless Communication Facilities						
1.	Co-located	P	P	P	§ 17-9-0118	None required
2.	Freestanding (Towers)	P	P	P	§ 17-9-0118	None required
KK. Coke & Coal Bulk Material		-	-	-	§ 17-9-0117-B	None required
LL. Cannabis Business Establishment						
1.	Cannabis Cultivation Center	-	P/S	P/S	§ 17-9-0129	§ 17-10-0207-U
2.	Cannabis Craft Grower	-	P/S	P/S	§ 17-9-0129	§ 17-10-0207-U
3.	Cannabis Infuser	-	P/S	P/S	§ 17-9-0129	§ 17-10-0207-U
4.	Cannabis Processor	-	P/S	P/S	§ 17-9-0129	§ 17-10-0207-U
MM. Manganese-bearing Material Operation		-	-	-	§ 17-9-0117-D	None required

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62719; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-13-06, p. 84912, § 1; Amend Coun. J. 12-12-07, p. 17740, § 1; Amend Coun. J. 4-9-08, p. 24657, § 7; Amend Coun. J. 1-13-09, p. 54378, § 1; Amend Coun. J. 2-9-11, p. 112149, § 22; Amend Coun. J. 6-8-11, p. 1725, § 3; Amend Coun. J. 7-6-11, p. 3073, § 11; Amend Coun. J. 9-8-11, p. 7541, § 4; Amend Coun. J. 1-17-13, p. 45370, § 7; Amend Coun. J. 1-17-13, p. 45622, § 1; Amend Coun. J. 2-13-13, 47141, § 1; Amend Coun. J. 4-30-14, p. 80394, § 4; Amend Coun. J. 6-25-14, p. 83727, § 13; Amend Coun. J. 7-30-14, p. 86194, § 4; Amend Coun. J. 2-10-16, p. 18766, § 12; Amend Coun. J. 7-26-17, p. 53898, § 5; Amend Coun. J. 3-28-18, p. 74512, § 4; Amend Coun. J. 10-16-19, p. 7854, § 3; Amend Coun. J. 3-24-21, p. 29065, § 4; Amend Coun. J. 9-20-21, p. 36844, § 3; Amend Coun. J. 12-15-21, p. 42922, § 9; Amend Coun. J. 12-13-23, p. 7821, § 1)

### 17-5-0300 Strip centers.

*Strip centers* are prohibited in M districts.

(Added Coun. J. 5-26-04, p. 25275)

### 17-5-0400 Bulk and density standards.

**17-5-0401 General.** *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.** 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

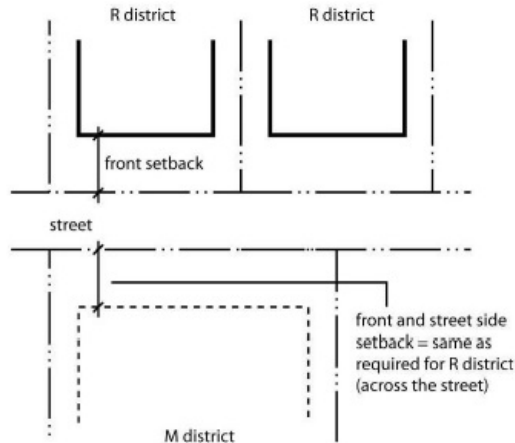
(\*See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

### 17-5-0405 Setbacks.

**17-5-0405-A Front and Side Setbacks.** No *front setback* or *side setback* is required in M districts, except in the following cases:

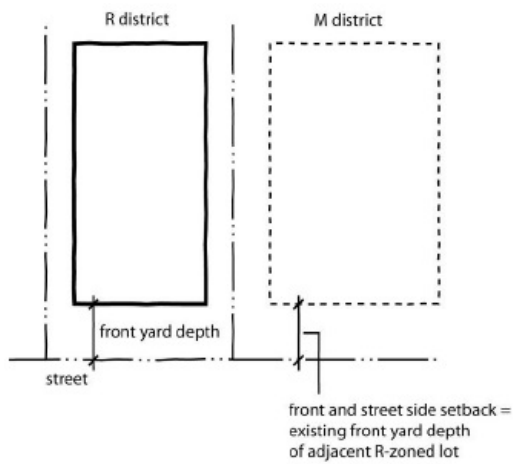
1. All *industrial parks* and *business parks* within the M1 district must provide a *landscaped* setback along all *property lines* that abut public *streets*. This setback must be at least 10 feet in width.
2. M-zoned *lots* that are across the *street* from an R district must provide a setback along 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



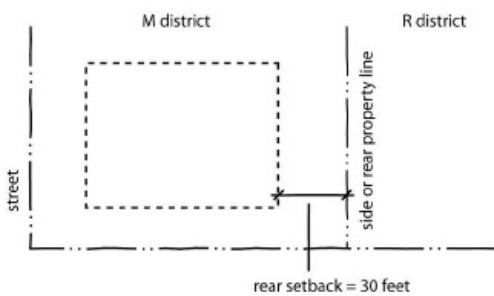
3. M-zoned *lots* abutting R-zoned *lots* with *street frontage* along the same *street* must provide a *front setback* or *street side setback* at least equal to the minimum *front setback* required on the abutting R- zoned *lot*.

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**



(Added Coun. J. 5-26-04, p. 25275)

## 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.

(Added Coun. J. 5-26-04, p. 25275)

## 17-5-0600 Screening and buffering.

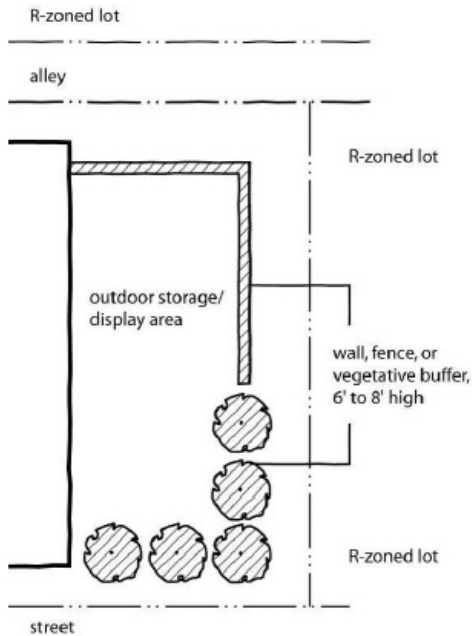
### 17-5-0601 Outdoor Storage and Display Areas.

**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.

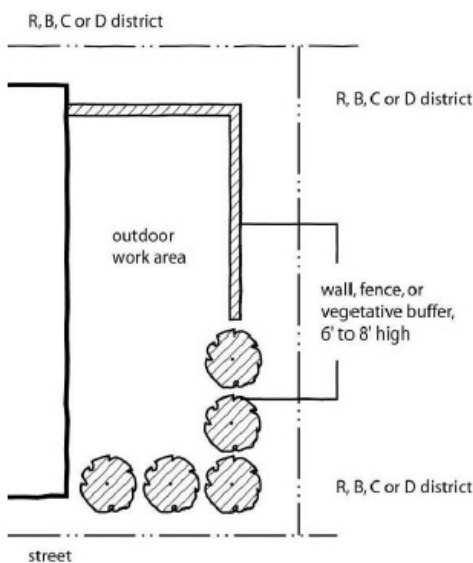
**Figure 17-5-0601-B**



#### 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

## CHAPTER 17-6

### SPECIAL PURPOSE DISTRICTS

**17-6-0100 General.**

**17-6-0200 POS, Parks and Open Space District.**

**17-6-0300 T, Transportation District.**

## 17-6-0400 PMD, Planned Manufacturing Districts.

### 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.

(Added Coun. J. 5-26-04, p. 25275)

### 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

For a printer-friendly PDF version of Table 17-6-0203-E, please click [here](#).

USE GROUP		Park/Open Space Facility Type				Additional Standards
Use Category		POS-1	POS-2	POS-3	POS-4	
	Specific Use Type	Regional or Community Parks	Neighborhood, Mini- and Play-lot Parks	Open Space/ Natural Areas	Cemeteries	
A = accessory						
P= permitted by-right						
S = special use approval required						
- = Not allowed						
USE GROUP		Park/Open Space Facility Type				
Use Category		POS-1	POS-2	POS-3	POS-4	

	Specific Use Type	Regional or Community Parks	Neighborhood, Mini- and Play-lot Parks	Open Space/ Natural Areas	Cemeteries	Additional Standards
A = accessory P= permitted by-right S = special use approval required - = Not allowed						
<b>PUBLIC AND CIVIC</b>						
A. Daycare		P	P	-	-	
B. Parks and Recreation						
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	-	-	
6.	Canoe/Boat Launch	P	P	P	-	
7.	Community Center, Recreation Building and Similar Assembly Use	S	S	-	-	
8.	Community Garden	P	P	-	-	§ 17-9-0103.5
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		p	-	-	-	
<b>COMMERCIAL</b>						
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	-	-	
<b>OTHER</b>						
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
R. Coke & Coal Bulk Material	-	-	-	-	§ 17-9-0117-B
S. Manganese-bearing Material Operation	-	-	-	-	§ 17-9-0117-D
T. Wagering Facility	P	-	-	-	§ 17-9-0110

## 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.

**17-6-0204-F Exceptions.** Any application seeking a zoning map amendment, pursuant to Section 17-13-0300, in order to establish a *day care, parks and recreation, eating and drinking establishment* with an *outdoor* patio or outdoor assembly use that is proposed to be established within 660' of any (a) *windrow composting facility*, (b) *intensive manufacturing, production and industrial service use*, (c) *Class III, Class IVA, Class IVB and Class V recycling facility*, (d) *warehousing, wholesaling, and freight movement use*, (e) *container storage*, (f) *freight terminal*, (g) outdoor storage of raw material as a principal use, (h) *waste-related use*, or (i) *manganese-bearing material operation use* may be allowed only if farther reviewed and approved in accordance with the *special use* procedures of Section 17-13-0900, unless it otherwise meets a *planned development* threshold of Section 17-8-0500.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 2-7-07, p. 98536, § 1; Amend Coun. J. 9-8-11, p. 7541, § 5; Amend Coun. J. 4-30-14, p. 80394, § 5; Amend Coun. J. 3-28-18, p. 74512, § 5; Amend Coun. J. 3-24-21, p. 29065, § 5; Amend Coun. J. 12-15-21, p. 42922, § 10)

## 17-6-0300 T, Transportation District.

**17-6-0301 Purpose and Applicability.** 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.** “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.

**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;
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.**

### **17-6-0401 General.**

**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. 17-13-0700.

**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. Reserved
2. P.M.D. 2, Elston Corridor
3. P.M.D. 3, Goose Island
4. P.M.D. 4, Kinzie Corridor
5. P.M.D. 5, Chicago/Halsted Corridor
6. P.M.D. 6, Lake Calumet
7. P.M.D. 7, Western/Ogden
8. P.M.D. 8, Stockyards
9. P.M.D. 9, Northwest
10. P.M.D. 10, West Pullman
11. P.M.D. 11, Pilsen
12. P.M.D. 12, Harlem
13. P.M.D. 13, Greater Southwest
14. P.M.D. 14, Kennedy
15. P.M.D. 15, Armitage

**17-6-0402 Reserved.** (Deleted Coun. J. 3-9-05, p. 44391)

**17-6-0403 Allowed Uses.** 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)

**17-6-0403-F Use Table and Standards.**

USE GROUP																		Use Standard		
Use Category		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	No. 15
	Specific Use Type			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																				
USE GROUP																		Use Standard		
Use Category		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	No. 15
	Specific Use Type			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		-	-	-	S	-	-	-	S	-	S	-	-	-	S	-	-	-	-	§ 17-9-0105.5
B. Detention and Correctional Facilities		-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
C. Parks and Recreation (except as more specifically regulated)		S	S	-	-	S	S	S	P	S	S	S	S	S	P	S	S	S	-	
1.	Community Centers, Recreation Buildings and Similar Assembly Use	-	-	-	-	-	-	-	S	-	S	-	-	-	S	-	-	-	-	
2.	Community Garden	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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	P	
F. Utilities and Services, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
G. Utilities and Services, Major		P	P	S	S	S	S	S	S	S	S	S	S	P	S	P	P	P	P	
COMMERCIAL																				
H. Adult Use		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	§ 17-9-0101
I. Animal Services																				
1.	Shelters / Boarding Kennels	P	P	P	P	P	S	S	P	P	P	S	S	P	P	P	P	P	P	
2.	Sales and Grooming	P	P	-	-	-	-	-	P	S	S	-	-	-	P	-	-	-	-	
3.	Veterinary	P	P	-	-	-	S	-	P	S	P	S	S	S	P	S	S	-	P	
4.	Stables	P	P	P	P	P	S	S	S	P	S	S	S	P	S	-	-	-	P	
J. Artist Work Space		-	P	-	-	-	-	-	P	P	P	-	-	P	P	S	S	-	-	§ 17-6-0403-G.1
K. Building Maintenance Services		P	P	P	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	P	P	§ 17-6-0403-G.2
2.	Business/Trade school	P	P	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	P	S	P	S	S	S	P	S	S	S	P	
4.	Employment Agencies	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
M. Urban Farm																				

1.	Indoor Operation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 17-9-0103.3 § 17-6-0403-G.3
2.	Outdoor Operation	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	§ 17-9-0103.3 § 17-6-0403-G.3
3.	Rooftop Operation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 17-9-0103.3 § 17-6-0403-G.3
N. Communication Service Establishments		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
O. Construction Sales and Service																			
1.	Building Material Sales	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 17-6-0403-G.4
2.	Contractor/ Construction Storage Yard	-	-	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	
P. Drive-Through Facility		-	-	-	-	-	-	-	S	S	S	S	-	S	S	-	-	S	§ 17-9-0106
Q. Eating and Drinking Establishments																			
1.	Restaurant, Limited	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	§ 17-6-0403-G.5
2.	Restaurant, General	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	-	§ 17-6-0403-G.5
3.	Tavern	P	P	-	P	P	P	P	P	S	S	P	P	P	P	P	P	-	§ 17-6-0403-G.5
R. Entertainment and Spectator Sports																			
1.	Small Venue	P	S	-	S	S	-	-	P	-	S	S	-	-	P	-	-	-	
2.	Medium Venue	-	-	-	S	S	-	-	P	-	S	-	-	P	P	-	-	-	
3.	Wagering Facility	-	-	P/S	P/S	P/S	-	P/S	P/S	P/S	-	P/S	-	P/S	P/S	-	-	-	§ 17-9-0110
4.	Industrial Private Event Venue including incidental liquor sales	-	P	-	P	-	-	-	-	P*	P*	-	-	P	P	-	-	-	§ 17-9-0130
* Editor's note – Coun. J. 2-10-16, p. 18766, § 13, did not distinguish between No. 8 “A” and No. 8 “B”; “P” inserted in both columns at the discretion of the Code editor.																			
S. Financial Services (except as more specifically regulated)		P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	§ 17-6-0403-G.6
1.	Consumer Loan Establishment	-	-	-	-	-	-	-	P	-	S	-	-	-	P	-	-	-	
2.	Payday/Title Secured Loan Store	-	-	-	-	-	-	-	S	-	S	-	-	-	S	-	-	-	§ 17-9-0125
3.	Pawn Shop	-	-	-	-	-	-	-	S	-	S	-	-	-	S	-	-	-	§ 17-9-0127
T. Food and Beverage Retail Sales		P	P	-	P	-	P	P	P	P	P	P	-	P	P	-	-	-	§ 17-6-0403-G.7
U. Gas Stations		S	S	-	S	S	P	P	S	S	S	S	S	S	S	S	S	-	§ 17-9-0109
V. Medical Service		P	P	-	P	P	-	S	P	P	P	S	S	P	P	P	P	-	§ 17-6-0403-G.8
W. Office (except as more specifically regulated)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 17-6-0403-G.9 § 17-6-0403-G.16
1.	Electronic Data Storage Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
X. Parking, Non-Accessory		P	P	S	P	P	P	P	P	S	P	P	S	P	P	P	P	-	
Y. Personal Service		-	P	-	P	P	P	P	P	P	S	P	P	P	P	P	P	-	§ 17-6-0403-G.10
Z. Repair or Laundry Service, Consumer		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	§ 17-6-0403-G.11

AA. Residential Storage Warehouse		-	-	-	-	-	P	P	P	P	P	P	-	S	P	P	P	P		
BB. Retail Sales, General		P	P	P	P	P	P	P	P	S	S	P	P	P	P	S	S	P/S	P	§ 17-6-0403-G.12
CC. Sports and Recreation, Participant		S	S	-	S	S	-	S	P	-	S	-	P	-	P	-	-	P	-	
1.	Shooting Range Facility	S	S	-	S	S	-	S	S	-	S	-	S	-	S	-	-	S	-	
DD. [Reserved]																				
EE. Vehicle Sales and Service																				
1.	Auto Supply/Accessory Sales	-	-	-	-	-	-	-	P	-	S	-	-	-	P	-	-	-	-	§ 17-6-0403-G.13
2.	Car Wash or Cleaning Service	-	-	S	S	S	S	S	P	S	P	S	S	S	P	S	S	-	S	
3.	Heavy Equipment Sales/ Rental	-	-	S	S	P	P	P	P	P	S	P	P	P	P	P	P	P	-	§ 17-9-0107
4.	Light Equipment Sales/Rental (e.g., auto, motorcycle and boat sales)	P D	-	-	-	-	-	-	P	-	P	-	-	P	P	-	-	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	S	P	P	P	P	P	P	P	-	P	
6.	Motor Vehicle Repair Shop, may include body work, painting or commercial vehicle repairs	P	P	P	S	P	P	P	P	P	S	P	-	P	P	P	P	P	P	
7.	Vehicle Storage and Towing	P	P	P	P	P	P	P	S	S	S	P	S	P	S	P	P	-	P	
8.	RVs or Boat Storage	-	-	P	P	P	-	P	S	S	S	P	-	P	S	P	P	-	P	§ 17-6-0403-G.14
INDUSTRIAL																				
FF. Manufacturing, Production and Industrial Service																				
1.	Artisan (on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2.	Limited (manufacturing of finished parts or products, primarily from previously prepared materials)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
3.	General (all manufacturing – except intensive 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)	P	P	P	P	P	P	P	-	P	P	P	P	P	-	P	P	P	P	

[illegible]

NN. Cannabis Business Establishments																				
1.	Cannabis Cultivation Center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§ 17-9-0129
2.	Cannabis Craft Grower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§ 17-9-0129
3.	Cannabis Infuser	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§ 17-9-0129
4.	Cannabis Processor	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§ 17-9-0129
OO. Manganese-bearing Material Operation		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	§ 17-9-0117-D

**17-6-0403-G Supplemental Use Standards.** In addition to the use standards listed in Sec. 17-9-0100, the following Supplemental Use standards also shall apply where specifically indicated.

1. **Artist Work Space.** Accessory galleries, showrooms and sales spaces shall not be larger than 4,000 square feet. In PMD 8, one accessory dwelling unit for an artist's household may be established within the principal building provided the floor area of the dwelling unit is less than or equal to the floor area of the artist's work space within the building and the dwelling unit is separated from the artist's work space and all other areas of the building in accordance with Section [14B-5-508](#) .
2. **Business Support Service.** Copying and reproduction services as a principal use shall not be larger than 3,000 square feet, provided:
  - a. this floor area limit does not apply to projects which reuse an existing building;
  - b. this floor area limit does not apply in PMD 7B, PMD 8B and PMD 11B.
3. **Urban Farm.** Retail sales are limited to sales of goods produced on site, and sales space shall not occupy more than 3,000 square feet.
4. **Construction Sales and Service.** Building material sales uses shall have a maximum customer accessible retail sales area of not more than 20% of gross floor area, provided this floor area limit does not apply in PMD 7B, PMD 8B and PMD 11B.
5. **Eating and Drinking Establishments.** Eating and drinking establishments shall not be larger than 4,000 square feet and shall not provide entertainment, provided:
  - a. in PMD 3, PMD 4, PMD 9 and PMD 14 the maximum floor area limit is 8,000 square feet, there is no entertainment restriction, and the Zoning Board of Appeals is authorized to (i) increase the maximum floor area to 12,000 square feet and (ii) allow an accessory *outdoor patio* if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900;
  - b. these floor area and entertainment limits do not apply in PMD 7B, PMD 8B and PMD 11B.
6. **Financial Service.** Financial service uses shall not be larger than 3,000 square feet, provided:
  - a. this maximum floor area limit is 6,000 square feet in PMD 9 on lots abutting West North Avenue;
  - b. this floor area limit does not apply in PMD 7B, PMD 8B and PMD 11B.
7. **Food and Beverage Retail Sales.** Food and beverage retail sales uses shall not be larger than 3,000 square feet, provided:
  - a. this maximum floor area limit is 8,000 square feet in PMD 3;
  - b. this maximum floor area limit is 6,000 square feet in PMD 8 on lots abutting South Halsted Street north of Pershing Road;
  - c. this floor area limit does not apply in PMD 4B, PMD 7B, PMD 8B and PMD 11B.
8. **Medical Service.** Medical service uses shall not be larger than 9,000 square feet, provided:
  - a. this floor area limit does not apply to projects which reuse an existing building;
  - b. this floor area limit does not apply in PMD 7B, PMD 8B and PMD 11B.
9. **Office.** Office uses shall not be larger than 9,000 square feet, provided:
  - a. this floor area limit does not apply to projects which reuse an existing building or are accessory to an allowed industrial use;
  - b. this floor area limit does not apply in PMD 2, PMD 3 and PMD 5;
  - c. this floor area limit does not apply in PMD 4A, on lots abutting North Ashland Avenue if reviewed and approved in accordance with the special use procedures of Sec. 17-13-0900;
  - d. this floor area limit does not apply in PMD 4B, PMD 7B, PMD 8B and PMD 11B.
10. **Personal Service.** Personal service uses shall not be larger than 3,000 square feet, provided:
  - a. the floor area limit is 8,000 square feet in PMD 3 and PMD 4B;
  - b. the floor area limit does not apply in PMD 7B, PMD 8B and PMD 11B.
11. **Repair or Laundry Service, Consumer.** Consumer repair or laundry service uses shall not be larger than 3,000 square feet,



provided this floor area limit does not apply in PMD 4B, PMD 7B, PMD 8B and PMD 11B.

12. **Retail Sales, General.** General retail sales are limited to incidental sales of goods produced on site, and retail space shall not occupy more than 3,000 square feet or 20% of the total gross floor area, whichever is less, provided:

- a. this on-site production limit shall not apply in PMD 4B, and the Zoning Board of Appeals is authorized to increase the maximum floor area limit if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900;
- b. this on-site production and floor area limit does not apply in PMD 7B, PMD 8B, and PMD 11B;
- c. this on-site production and floor area limit does not apply in PMD 14 if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900.

13. **Auto Supply/Accessory Sales.** Auto supply/accessory sales uses shall not be larger than 3,000 square feet, provided this floor area limit does not apply in PMD 7B, PMD 8B and PMD.

14. **RVs or Boat Storage.** In PMD 6, boat storage is permitted only on sites of 10 acres or more located on the Calumet River north of East 100th Street.

15. **Manufacturing, Production and Industrial Service.** In PMD 2, intensive manufacturing, production and industrial service uses are limited to asphalt plants and concrete plants only.

16. **Incidental Commercial Use.** Office buildings located on lots abutting North Ashland Avenue in PMD 4A may have incidental commercial use tenants if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, provided the incidental commercial uses:

- a. are located on the ground floor of the building;
- b. are clearly incidental and subordinate to the office use;
- c. occupy no more than 25%, in the aggregate, of the gross floor area of the ground floor of the building;
- d. are limited to the following use categories:
  - i. Building Maintenance Services
  - ii. Business Support Services
  - iii. Day Care
  - iv. Financial Services (bank, savings bank, savings and loan association, currency exchange, and credit union use types only)
  - v. Food and Beverage Retail Sales (no liquor or live poultry sales)
  - vi. Medical Service
  - vii. Personal Service
  - viii. Repair or Laundry Service, Consumer
  - ix. Retail Sales, General

17. **Fulfillment Centers.** Warehouses may include the distribution of retail products, both general and food and beverage, directly to the consumer through third-party delivery, provided there is no customer-accessible sales area on site. Such products do not have to be produced on site.

**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.

**17-6-0405-B Sign Standards.** Development in all PMD districts must comply with the *sign* standards applicable to M 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
District	Maximum Floor Area Ratio
P.M.D. No. 2	3.0
P.M.D. No. 3	3.0
P.M.D. No. 4	3.0
P.M.D. No. 5	5.0

P.M.D. No. 6	3.0
P.M.D. No. 7	3.0
P.M.D. No. 8	3.0
P.M.D. No. 9	3.0
P.M.D. No. 10	3.0
P.M.D. No. 11	3.0
P.M.D. No. 12	2.2
P.M.D. No. 13	2.2
P.M.D. No. 14	2.2
P.M.D. No. 15	3.0

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

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 5-26-04, p. 25277, 25287, 25299; Amend Coun. J. 1-11-05, p. 41231; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 7-27-05, p. 54238; Amend Coun. J. 9-14-05, p. 55912; Amend Coun. J. 9-14-05, p. 55914; Amend Coun. J. 11-1-05, p. 60274; Amend Coun. J. 11-30-05, p. 62719; Amend Coun. J. 11-30-05, p. 62732; Amend Coun. J. 1-11-06, p. 67927; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-27-07, p. 10279, §§ 2 – 4; Amend Coun. J. 4-9-08, p. 24657, § 7; Amend Coun. J. 1-13-09, p. 54380, § 4; Amend Coun. J. 2-11-09, p. 55336, § 4; Amend Coun. J. 5-12-10, p. 92107, § 1; Amend Coun. J. 5-12-10, p. 92109, § 1; Amend Coun. J. 2-9-11, p. 112149, § 23; Amend Coun. J. 6-8-11, p. 1725, § 4\*; Amend Coun. J. 9-8-11, p. 7541, § 7; Amend Coun. J. 1-17-13, p. 45622, § 1; Amend Coun. J. 2-13-13, 47141, § 1; Amend Coun. J. 6-5-13, p. 55448, § 1; Amend Coun. J. 7-24-13, p. 58321, § 1; Amend Coun. J. 7-24-13, p. 58324, § 1; Amend Coun. J. 12-11-13, p. 71898, § 1; Amend Coun. J. 1-15-14, p. 73271, § 1; Amend Coun. J. 2-5-14, p. 74738, § 1; Amend Coun. J. 4-30-14, p. 80394, § 6; Amend Coun. J. 7-30-14, p. 86194, § 5; Amend Coun. J. 9-10-14, p. 88538, § 1; Amend Coun. J. 10-8-14, p. 93150, § 1; Amend Coun. J. 11-5-14, p. 96205, § 3; Amend Coun. J. 1-21-15, p. 102086, § 1; Amend Coun. J. 2-10-16, p. 18766, § 13; Amend Coun. J. 5-18-16, p. 25018, § 1; Amend Coun. J. 9-14-16, p. 31756, § 1; Amend Coun. J. 3-29-17, p. 45475, § 1; Amend Coun. J. 5-24-17, p. 50364, § 2; Amend Coun. J. 7-26-17, p. 53898, § 6; Amend Coun. J. 11-21-17, p. 62501, § 3; Amend Coun. J. 3-28-18, p. 74512, § 6; Amend Coun. J. 6-27-18, p. 80808, § 1; Amend Coun. J. 9-20-18, p. 84908, § 1; Amend Coun. J. 3-13-19, p. 97359, § 2; Amend Coun. J. 4-10-19, p. 100029, Art. II, § 108; Amend Coun. J. 4-10-19, p. 100807, § 1; Amend Coun. J. 9-18-19, p. 6224, §§ 2, 3; Amend Coun. J. 10-16-19, p. 7854, § 4; Amend Coun. J. 10-7-20, p. 21791, Art. VII, § 26; Amend Coun. J. 2-26-21, p. 28054, § 1; Amend Coun. J. 3-24-21, p. 29065, § 6; Amend Coun. J. 11-17-21, p. 41637, § 1; Amend Coun. J. 12-15-21, p. 42922, § 10; Amend Coun. J. 5-25-22, p. 48249, § 1; Amend Coun. J. 6-22-22, p. 49379, § 1)

\* **Editor's note**— Coun. J. 6-8-11, p. 1725, § 4, mistakenly stated that it amended § 17-6-207. In reality, the ordinance amended this section; however, that amendment has been subsequently repealed.

## Notes

**14B-5-508** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

## CHAPTER 17-7

### OVERLAY DISTRICTS

**17-7-0100** Overlay districts generally.

**17-7-0200** Near North Historic Overlay District No. 1.

**17-7-0300** Near North Historic Overlay District No. 2.

**17-7-0400** North Branch Corridor Overlay District.

**17-7-0450** Kinzie Corridor Overlay District.

**17-7-0500** Burling Street Special Setback Overlay District.

**17-7-0550** North Greenview Avenue Special Setback District.

**17-7-0560** Adult Use Cannabis Dispensary Exclusion Zone.

**17-7-0570** Additional Dwelling Unit-Allowed Areas.

- 17-7-0580 Multi-Unit Preservation District.**
- 17-7-0590 Predominance of the Block District.**
- 17-7-0600 Special character overlay districts generally.**
- 17-7-0700 SD-1, Norwood Park Special Character Overlay District.**
- 17-7-0800 SD-2, Norwood Park Special Character Overlay District.**
- 17-7-0900 SD-4A, North Southport Special Character Overlay District.**
- 17-7-1000 SD-8, Longwood Drive Special Character Overlay District.**
- 17-7-1100 SD-10, Roscoe Street.**
- 17-7-1200 Midway International Airport Height Overlay District.**
- 17-7-1300 SD-23 Sheridan Park North Special Character Overlay District.**
- 17-7-1400 SD-24 Sheridan Park South Special Character Overlay District.**

#### **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.

(Added Coun. J. 5-26-04, p. 25275)

#### **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.

(Added Coun. J. 5-26-04, p. 25275)

#### **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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-7-0400 North Branch Corridor Overlay District.**

##### **17-7-0401 Purpose.**

**17-7-0401-A** The North Branch Corridor Overlay district (NBCO) regulations supplement the zoning regulations that apply under a property's base zoning district. The general purpose and intent of the NBCO is to help:

1. maintain and permit critical service uses;
2. preserve and enhance open space and recreational opportunities along the North Branch of the Chicago River;
3. retain and modernize existing *planned manufacturing district* (PMD) zoning in some areas;
4. facilitate and guide land use transitions from the area's former PMD zoning in some areas; and
5. accommodate and promote compatible mixes of office, industrial, commercial and/or residential uses.

**17-7-0401-B** When these overlay district regulations conflict with applicable base district or other regulations of this Zoning Ordinance, the regulations of the overlay district shall govern. When no overlay district regulations are specified, the base district regulations and all other

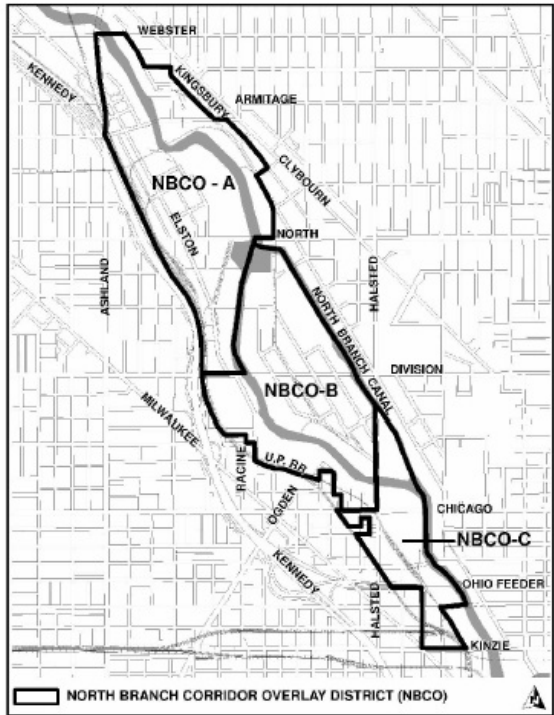
applicable regulations of this Zoning Ordinance govern, unless otherwise more specifically regulated, including, without limitation, by a planned development.

**17-7-0402 Boundaries.**

**17-7-0402-A** The overlay district regulations of this Sec. 17-7-0400 apply to all property within an area generally bounded by West Webster Avenue on the north, North Kingsbury Street or the east bank of the North Branch Canal on the east, West Kinzie Street on the south and the Union Pacific Railroad on the west. The area is further divided into the following subdistricts:

- 1. NBCO-A, North subdistrict;
- 2. NBCO-B, Central subdistrict; and
- 3. NBCO-C, South subdistrict.

**Figure 17-7-0402-A**

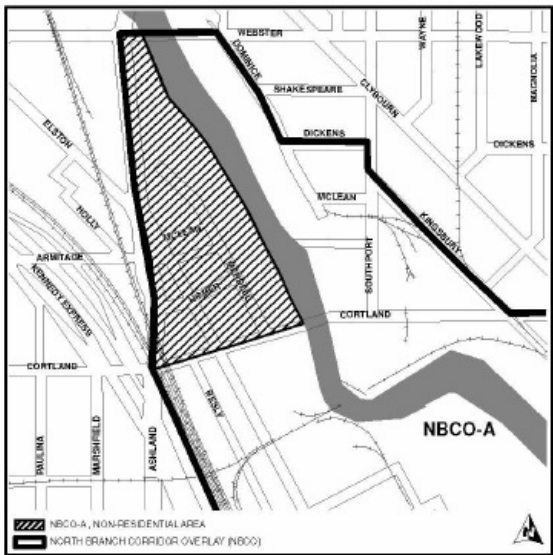


**17-7-0402-B** References to the “NBCO” are references to all subdistricts unless otherwise expressly stated.

**17-7-0403 Uses.** Properties within the NBCO are subject to the use regulations of the base zoning district except that residential uses are prohibited within designated areas. The designated areas, which may be amended from time to time, are as follows:

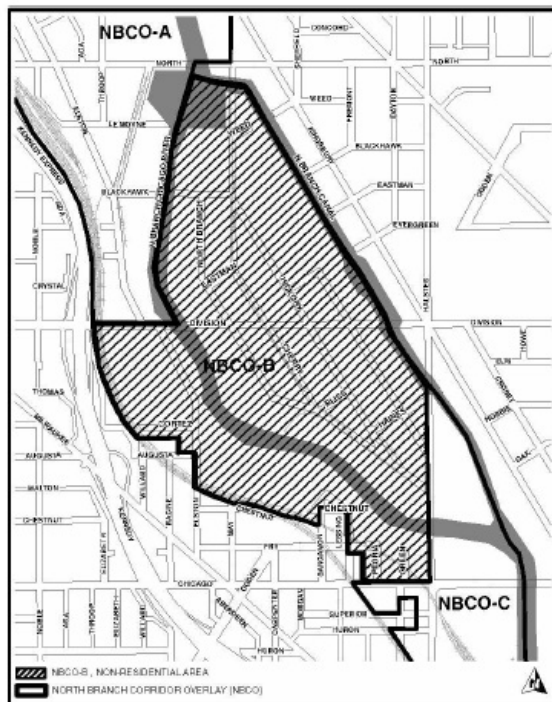
**17-7-0403-A NBCO-A Land Use Buffers.** Residential uses are prohibited in the portion of the NBCO-A subdistrict defined by the following boundaries: West Webster Avenue; the North Branch of the Chicago River; West Cortland Avenue; and North Ashland Avenue.

**Figure 17-7-0403-A**



**17-7-0403-B NBCO-B.** Residential uses are prohibited in NBCO-B subdistrict.

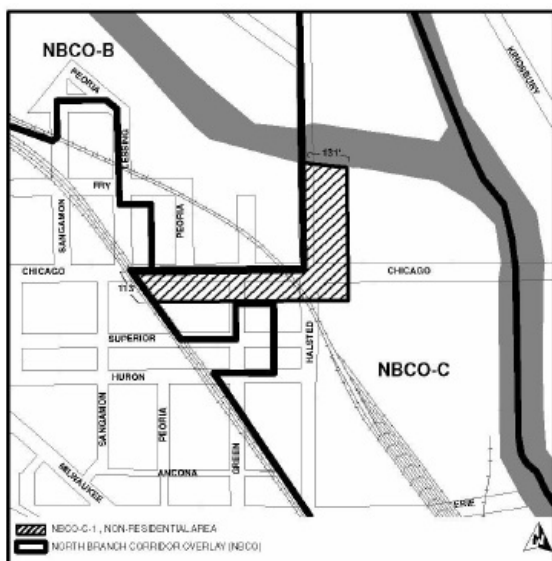
Figure 17-7-0403-B



**17-7-0403-C NBCO-C Land Use Buffers.** Residential uses are prohibited in the following portions of the NBCO-C subdistrict:

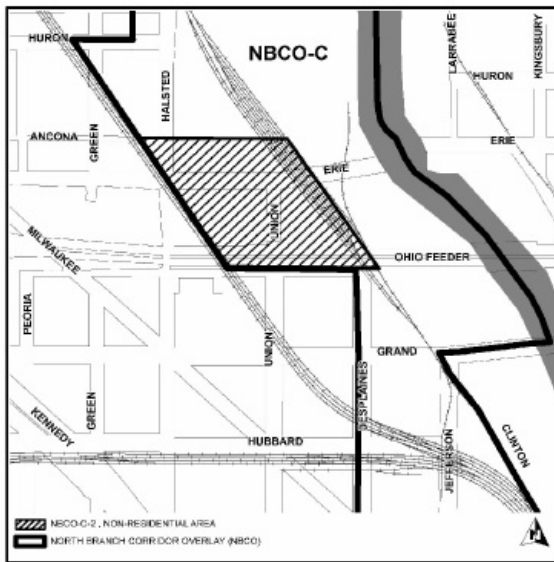
1. Buffer Area C-1, defined by the following boundaries: The North Branch of the Chicago River; a line 131 feet east of and parallel to the east line of North Halsted Street; the centerline of the public alley next south of and parallel to West Chicago Avenue and said line extending east where no alley exists; the northeast line of the Union Pacific Railroad right-of-way; West Chicago Avenue; and North Halsted Avenue.

Figure 17-7-0403-C-1



2. Buffer Area C-2, defined by the following boundaries: West Ancona Street or the centerline of West Ancona Street extending east where no street exists; the southwest line of the Union Pacific Railroad right-of-way; West Ohio Street; and the northeast line of the Union Pacific Railroad (Metra) right-of-way.

Figure 17-7-0403-C-2



**17-7-0404 Indoor/Outdoor Operations.** In all DS, M and PMD districts within the NBCO, except that area of PMD 2 east of North Elston Avenue, all new or expanded principal and accessory Industrial Use Group uses, as defined in Sec. 17-17-0105, including storage and work areas, must be located within completely enclosed buildings. Existing unenclosed uses may remain, subject to the screening requirements of Sec. 17-5-0600.

**17-7-0405 Rezoning.** The rezoning provisions of this Sec. 17-7-0405 apply to all rezonings of property within the boundaries of the NBCO filed after the effective date of this Sec. 17-7-0400.

**17-7-0405-A NBCO-A Subdistrict.**

1. Property in the NBCO-A subdistrict may not be rezoned to any zoning district classification other than B (Business), C (Commercial), POS (Parks and Open Space) or T (Transportation), provided that this provision is not intended to prohibit approval of *planned development* (PD) zoning for projects that meet the mandatory or elective PD thresholds of Sec. 17-8-0500 or 17-8-0600, respectively. Pursuant to Sec. 17-7-0406-A, rezoning to a zoning district classification that allows a *base floor area ratio* of more than 3.0 is prohibited.

2. All rezonings to a B or C zoning district within the NBCO-A subdistrict must be processed in accordance with the Type I zoning map amendment procedures of Sec. 17-13-0302 or the *planned development* procedures of Sec. 17-13-0600 (if the project qualifies as a mandatory or elective *planned development* pursuant to Sec. 17-8-0500 or Sec. 17-8-0600, respectively).

**17-7-0405-B NBCO-B Subdistrict.** Property in the NBCO-B subdistrict may not be rezoned to any non-PMD zoning district classification, provided that this provision is not intended to prohibit approval of *planned development* (PD) zoning for projects that meet the mandatory or elective PD thresholds of Sec. 17-8-0500 or Sec. 17-8-0600, respectively.

**17-7-0405-C NBCO-C Subdistrict.** Property in the NBCO-C subdistrict may not be rezoned to any zoning district classification other than DX (Downtown Mixed-Use), POS (Parks and Open Space) or T (Transportation), provided that this provision is not intended to prohibit approval of *planned development* (PD) zoning for projects that meet the mandatory or elective PD thresholds of Sec. 17-8-0500 or Sec. 17-8-0600, respectively. Pursuant to Sec. 17-7-0406-C, rezoning to a zoning district classification that allows a *base floor area ratio* of more than 5.0 is prohibited.

**17-7-0406 Floor Area Ratio.**

**17-7-0406-A NBCO-A Subdistrict.** All development in the NBCO-A subdistrict is subject to a maximum *base floor area ratio* of 3.0 or the *floor area ratio* of the underlying zoning district, whichever is less. Floor area bonuses may be authorized in accordance with Sec. 17-7-0407.

**17-7-0406-B NBCO-B Subdistrict.** All development in the NBCO-B subdistrict is subject to a maximum *floor area ratio* of 3.0. No floor area bonuses are allowed in the NBCO-B subdistrict.

**17-7-0406-C NBCO-C Subdistrict.** All development in the NBCO-C subdistrict is subject to a maximum *base floor area ratio* of 5.0 or the *floor area ratio* of the underlying zoning district, whichever is less. Floor area bonuses may be authorized in accordance with Sec. 17-4-1000.

**17-7-0407 Floor Area Bonuses in NBCO-A.**

**17-7-0407-A Applicability.** The floor area bonus provisions of this Sec. 17-7-0407 apply to floor area bonuses in the NBCO-A subdistrict.

**17-7-0407-B Eligibility.** Only B- or C-zoned properties with a dash-3 bulk and density designation are eligible to receive floor area bonuses under this Sec. 17-7-0407.

**17-7-0407-C Purpose.** The floor area bonus provisions of this section are intended to provide the opportunity for development projects in the NBCO-A subdistrict to achieve appropriate increases in *floor area ratio* above applicable *base floor area ratios*, while providing a corresponding economic incentive for developers to provide public amenities in the NBCO that improve the quality of life of city residents, employees, and visitors of the area and are a benefit to the public. This section shall be liberally construed and applied to achieve these stated purposes.

**17-7-0407-D Administration.**



1. Planned Development Review. Floor area bonuses may be approved only in accordance with the *planned development* procedures of Sec. 17-13-0600. The zoning administrator must review proposed floor area bonus requests and make a recommendation to the Commissioner of Planning and Development and the Chicago Plan Commission. The Commissioner of Planning and Development and the Chicago Plan Commission shall each in turn make a recommendation to the city council. Floor area bonuses may be approved only if they are consistent with the purposes described in Sec. 17-1-0500, Sec. 17-4-1001, and Sec. 17-7-0407-C.

2. Submittal Requirements. All applicants for bonus floor area must file a bonus worksheet with the zoning administrator.

(a) The zoning administrator shall, by rule, establish a required form and content for such worksheets.

(b) Such worksheets must, at a minimum, include the calculations for the amount of bonus floor area requested.

(c) Such worksheets will serve as an official record of bonuses and such records will be binding on the property owners and their successors and assigns.

#### **17-7-0407-E Bonus Formula.**

1. 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 = 0.50 x 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 at least once every 5 years.

4. The bonus payment must be paid in full prior to the issuance of the first building permit for any building or buildings within the *planned development*; provided, however, if the *planned development* is constructed in phases, the bonus payment must be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The amount due prior to the issuance of a building permit (whether for a single building or for any subsequent phase of construction) shall be calculated by multiplying the total bonus payment due for the *planned development* as a whole (as the land value determination may be adjusted from time to time pursuant to paragraphs 2 and 3 above) by a fraction, the numerator of which is the amount of floor area in the building or buildings for which the permit is then being issued and the denominator of which is the total amount of floor area approved in the *planned development* (calculated as the total maximum *floor area ratio* in the *planned development* multiplied by the total *net site area* in the *planned development*), as follows:

$$\text{Bonus payment due at the time of applicable permit*} = \frac{\text{Total bonus payment for } \textit{planned development}^{**}}{\text{Floor area approved for construction in building permit for applicable building or phase} \div \text{maximum floor area approved for construction in } \textit{planned development} \text{ as a whole}^{***}} \times$$

\* Each payment is due prior to the issuance of the first building permit for any building or buildings in the *planned development*.

\*\* The total bonus payment shall be determined by calculating the amount of bonus floor area granted in the approved *planned development* times the amount per square foot due pursuant to Sec. 17-7-0407-E-1 (as the same may be adjusted in accordance with Sec. 17-7-0407-E-2 and Sec. 17-7-0407-E-3), and therefore the final payment amount may change overtime.

\*\*\* Maximum floor area is calculated as the total maximum *floor area ratio* in the *planned development* multiplied by the total *net site area* in the *planned development*.

#### **17-7-0407-F Allocation of Bonus Payment.**

1. Cash Deposit. Except as provided in paragraphs 17-7-0407-F-2 and 17-7-0407-F-3, all funds received for floor area bonuses under this Sec. 17-7-0407 shall be deposited in the following funds in the following amounts:

Bonus Fund	Percentage of Bonus Payment
North Branch Corridor Bonus Fund	70%
Industrial Corridor System Fund established under Sec. 16-8-040	30%

2. Direct Payments to Sister Agencies. In lieu of the direct deposit otherwise required into the North Branch Corridor Bonus Fund, the Department of Planning and Development may direct applicants to make payments directly to sister agencies to finance specific projects pursuant to the requirements of Sec. 17-7-0407-H.

3. In-Kind Improvements. In lieu of the direct deposit otherwise required into the North Branch Corridor Bonus Fund, the *planned development* ordinance may provide for applicants to undertake specific local improvement projects themselves pursuant to the requirements of Sec. 17-7-0407-H-4.

#### **17-7-0407-G Minimum and Maximum Floor Area Bonus.**

1. The minimum floor area bonus in the NBCO-A is 0.5 FAR.

2. The maximum floor area bonus in the NBCO-A is 3.5 FAR.

#### **17-7-0407-H North Branch Corridor Bonus Fund.**

1. Creation of North Branch Corridor Bonus Fund and Percentage Allocated. A separate fund is hereby established and designated as the North Branch Corridor Bonus Fund, into which seventy (70) percent of all funds due for floor area bonuses under this Sec. 17-7-0407 shall be deposited, except as provided in Sec. 17-7-0407-F-2 for direct payments to sister agencies and Sec. 17-7-0407-F-3 for in-kind improvements. The revenues of the North Branch Corridor Bonus Fund shall be reserved and utilized exclusively in accordance with Sec. 17-7-0407-H-2.

2. Use of Funds. All funds deposited in the North Branch Corridor Bonus Fund pursuant to Sec. 17-7-0407-F-1, and all direct payments to sister agencies pursuant to Sec. 17-7-0407-F-2 shall be used for costs to plan, design, and construct public improvements in furtherance of the goals in the North Branch Framework land use plan, including, but not limited to, transit, open space, pedestrian, streetscape, and infrastructure improvements.

3. Option for In-Kind Provision of Improvements. In lieu of the required cash contribution to the North Branch Corridor Bonus Fund, the *planned development* ordinance may authorize applicants to undertake qualifying improvement projects themselves, in furtherance of the goals in the North Branch Framework land use plan. The Department of Planning and Development shall review proposals for in-kind improvements on a case-by-case basis. If the Department of Planning and Development approves the proposal, the applicant shall submit project documentation, including but not limited to, detailed site-specific cost estimates for the improvements, appropriate drawings, detailed construction commitments, a construction schedule, and a performance bond for completion of the improvements, if applicable. If the estimated budget for the project exceeds the applicant's required cash contribution, the Department of Planning and Development may distribute funds from the North Branch Corridor Bonus Fund to the applicant to perform additional work associated with the project on behalf of the City or applicable sister agency, subject to city council approval.

4. Minor Change for Allocation of North Branch Corridor Bonus Funds. Changes to improvements specified in a *planned development* ordinance, or the substitution of one type of improvement for another, or the manner in which payments are made or satisfied under Sec. 17-7-0407-F, shall be deemed minor changes and may be permitted by the zoning administrator, as provided in Sec. 17-13-0611.

5. [Reserved.]

6. Binding Commitments.

(a) Sister Agency Agreements. Any sister agency that receives funds under this Sec. 17-7-0407 (whether from the City as a distribution from the North Branch Corridor Bonus Fund or from the applicant directly pursuant to Sec. 17-7-0407-F-2) must enter into an agreement with the City regarding the permitted use of funds. Any funds that remain unused upon completion of the project must be returned to the North Branch Corridor Bonus Fund and applied to other eligible project costs.

(b) In-Kind Improvement Agreements. If the Department of Planning and Development approves a proposal for in-kind improvements pursuant to Sec. 17-7-0407-H-3, the applicant must enter into an agreement with the applicable City department or sister agency specifying the type of improvements to be provided, the value of the improvements, the time line for completion of the improvements, the manner in which any supplemental funds will be used, and any other terms or conditions the Commissioner of Planning and Development deems necessary or desirable.

(c) Authorization. The Commissioner of Planning and Development, or the Commissioner's designee, is authorized to execute all agreements with sister agencies and applicants providing in-kind improvements on behalf of the City. All agreements must be in a form approved by the corporation counsel.

**17-7-0407-I Rules and Regulations.** The Commissioner of Planning and Development is authorized to adopt such rules as the commissioner may deem necessary for the proper implementation, administration, and enforcement of the floor area bonus provisions of this Sec. 17-7-0407.

#### **17-7-0408 Floor Area Bonuses in NBCO-C.**

**17-7-0408-A Applicability.** The floor area bonus provisions of this Sec. 17-7-0408 apply to floor area bonuses in the NBCO-C subdistrict.

**17-7-0408-B Eligibility.** Only DX-zoned properties with a dash-5 bulk and density designation are eligible to receive floor area bonuses under this Sec. 17-7-0408.

**17-7-0408-C Regulations.** The downtown district floor area bonus provisions of Sec. 17-4-1000 apply to properties eligible for floor area bonuses in the NBCO-C subdistrict.

**17-7-0409 Minimum Lot Area per Unit.** Projects that qualify for and are granted floor area bonuses under Sec. 17-7-0407 are eligible to use reduced lot area per unit standards. For each one percent increase in floor area awarded through the floor area bonus provisions of Sec. 17-7-0407, the minimum lot area per unit standard is reduced by one percent. The minimum lot area per unit reduction may not exceed 60 percent, regardless of the floor area bonus granted.

**17-7-0410 Parking.** The off-street parking regulations of Chapter 17-10 apply within the NBCO except as expressly modified by the parking provisions of this subsection (17-7-0410).

**17-7-0410-A Minimum Automobile Parking Ratios.** All D-zoned property within the NBCO-C subdistrict shall be subject to the minimum automobile parking ratios in Schedule 2 of Sec. 17-10-0208. All B, C, M and PMD-zoned property within the NBCO shall be subject to the dash-5 minimum automobile parking ratios in Schedule 1 of Sec. 17-10-0207.

**17-7-0410-B Maximum Nonresidential Accessory Parking Ratios.** All D-zoned property within the NBCO-C subdistrict shall be subject to the applicable maximum accessory parking ratios of Sec. 17-10-0205.

**17-7-0411 Chicago River Setback.** All new development and expansions of existing development must be set back at least 30 feet from the *top of the bank* along all points of the waterway adjacent to the Chicago River North Branch and North Branch Canal. This required setback must be unobstructed by buildings, parking lots and other site improvements.

**17-7-0412 Parks and Open Space.** Fields for team sports and other recreational needs of not less than 10 acres in total, distributed among various development sites, are a desired new amenity with the redevelopment of the North Branch Industrial Corridor. These fields would be

located within portions of sites that can accommodate larger open spaces, and would be programmed together to accommodate both area residents, as well as new corridor residents.

**17-7-0413 Driveways and Vehicle Access Limitations.**

**17-7-0413-A Designation and Boundaries.**

1. The driveway and vehicle access limitations of this section (17-7-0413) apply along the following streets:

Street	Segment	
	From	To
<b>North-South Streets</b>		
Elston Avenue	Division Street	Cortland Street

2. Streets that are subject to the driveway and vehicle access limitations of this section must be identified in the text of this Zoning Ordinance.

3. The driveway and vehicle access regulations of this section may be amended only in accordance with the Zoning Ordinance text amendment procedures of Sec. 17-13-0200.

**17-7-0413-B Regulations.** Alleys are intended to serve as the primary means of vehicle access to buildings and uses located along the streets identified in Sec. 17-7-0413-A-l. New curb cuts and driveway access are permitted on such streets only when reviewed and approved as an administrative adjustment by the Zoning Administrator.

**17-7-0414 Supplemental Use Standards.** In addition to the use standards listed in Sec. 17-5-0207, the following supplemental use standards shall apply where specifically indicated.

**17-7-0414-A Office.** The gross floor area limits for office uses in all M2 and M3 districts within the NBCO-A subdistrict do not apply when the development involves only reuse of an existing character building (as identified below) and such building's floor area is not being increased by more than 10% of the floor area that has been in existence for 50 years or more from the effective date of this Sec. 17-7-0400. For the purposes of this Sec. 17-7-0414, the following properties are classified as character buildings:

Building Address	Building Address Range
Building Address	Building Address Range
1. 2013 N Elston Ave	2013 – 2027 N Elston Ave
	2029 – 2061 N Ashland Ave
	1524 – 1546 W Mclean Ave
	2012 – 2058 N Mendell St
2. 2001 N Elston Ave	2001 – 2011 N Elston Ave
	1528 – 1550 W Armitage
	1525 – 1547 W Mclean Ave
	2000 – 2008 N Mendell St
3. 1529 W Armitage Ave	1529 – 1537 W Armitage Ave
	1530 – 1540 W Homer St
	1938 – 1958 N Mendell St
4. 1918 N Mendell St	1916 – 1930 N Mendell St
	1531 – 1541 W Homer St
5. 1906 N Mendell St	1900 – 1910 N Mendell St
	1500 – 1510 W Cortland St
6. 1903 N Mendell St	1901 – 1917 N Mendell St
	1438 – 1456 W Cortland St
7. 1761 N Elston Ave	1751 – 1771 N Elston Ave
8. 1701 N Elston Ave	1701 – 1721 N Elston Ave
	1414 – 1428 W Wabansia Ave
	1459 – 1473 W Willow St

9. 1700 N Elston Ave	1700 – 1710 N Elston Ave 1438 – 1450 W Wabansia Ave
10. 1686 N Ada St	1686 – 1698 N Ada St 1401 – 1405 W Wabansia Ave
11. 1664 N Ada St	1664 – 1666 N Ada St
12. 1338 W Concord Pl	1650 – 1652 N Ada St
13. 1346 W Concord Pl	1640 – 1646 W Concord Pl
14. 1348 W Concord Pl	1348 – 1350 W Concord Pl
15. 1320 W Concord Pl	1320 – 1324 W Concord Pl
16. 1652 N Throop St	1646 – 1654 N Throop St 1301 – 1309 W Concord Pl
17. 1467 N Elston Ave	1463 – 1469 N Elston Ave 1261 – 1281 W Le Moyne St
18. 1325 N Elston Ave	1305 – 1357 N Elston Ave 1231 – 1251 W Blackhawk St
19. 1215 W Blackhawk St	1215 – 1227 W Blackhawk St
20. 1308 N Elston Ave	1308 – 1322 N Elston Ave 1301 – 1313 W Evergreen Ave

**17-7-0414-B Incidental Commercial Use.** Commercial uses which are clearly incidental and subordinate to office developments as described in Sec. 17-7-0414-A shall be permitted as of right in the NBCO-A subdistrict. Incidental commercial uses shall be allowed to occupy no more than 25% in the aggregate of the gross floor area of the ground floor of the building. Incidental commercial uses are limited to the following use categories:

1. Building Maintenance Services
2. Business Support Services
3. Eating and Drinking Establishments
4. Financial Services (bank, savings bank, savings and loan association, currency exchange, and credit union use types only)
5. Food and Beverage Retail Sales (no liquor or live poultry sales)
6. Medical Service
7. Personal Service
8. Repair or Laundry Service, Consumer
9. Retail Sales, General

(Added Coun. J. 5-26-04, p. 25275; Deleted Coun. J. 11-30-05, p. 62727; Added Coun. J. 7-26-17, p. 53898, § 7)

#### **17-7-0450 Kinzie Corridor Overlay District.**

##### **17-7-0451 Purpose.**

**17-7-0451-A** The Kinzie Corridor Overlay district (KCO) regulations supplement the zoning regulations that apply under a property's base zoning district. The general purpose and intent of the KCO is to help:

1. facilitate and guide land use transitions from the area's former PMD zoning in some areas; and
2. accommodate and promote compatible mixes of office, industrial and commercial uses.

**17-7-0451-B** When these overlay district regulations conflict with applicable base district or other regulations of this Zoning Ordinance, the regulations of the overlay district shall govern. When no overlay district regulations are specified, the base district regulations and all other applicable regulations of this Zoning Ordinance govern, unless otherwise more specifically regulated, including, without limitation, by a *planned development*.

**17-7-0452 Boundaries.** The overlay district regulations of this Section 17-7-0450 apply to all property within an area generally bounded by West Hubbard Street on the north, North Halsted Street on the east, West Wayman Street and West Carroll Avenue on the south and North Ogden Avenue on the west.

**17-7-0453 Uses.** Properties within the KCO are subject to the use regulations of the base zoning district.

**17-7-0454 Rezonings.** Property in the KCO may not be rezoned to any zoning district classification other than POS (Parks and Open Space), T (Transportation), DS (Downtown Service), or DX (Downtown Mixed- Use), provided that this provision is not intended to prohibit approval

of *planned development* (PD) zoning for projects that meet the mandatory or elective PD thresholds of Section 17-8-0500 or Section 17-8-0600, respectively.

**17-7-0455 Floor Area Bonuses in KCO.**

**17-7-0455-A Applicability.** The floor area bonus provisions of this Section 17-7-0455 apply to floor area bonuses in the KCO.

**17-7-0455-B Eligibility.** Only DX-zoned properties are eligible to receive floor area bonuses under this Section 17-7-0455.

**17-7-0455-C Regulations.** The downtown district floor area bonus provisions of Section 17-4-1000 apply to properties eligible for floor area bonuses in the KCO.

**17-7-0456 Supplemental Use Standards.** In addition to the use standards listed in Section 17-5-0207 of this Zoning Ordinance, the following Supplemental Use standards also shall apply where specifically indicated.

**17-7-0456-A Office.** The gross floor area limits for office uses in all M2 districts within the KCO do not apply when the development involves only reuse of an existing Character Building and the building's floor area is not being increased by more than 10 percent of the floor area that has been in existence for 50 years or more. For the purposes of this Section 17-7-0456-A, the following properties are classified as Character Buildings:

Building Address	Building Address Range
Building Address	Building Address Range
1. 1300 West Carroll Ave	1300 – 1344 West Carroll Ave 336 – 354 North Elizabeth St
2. 400 North May St	400 – 420 North May St 1132 – 1154 West Kinzie St
3. 406 North Aberdeen St	406 – 410 North Aberdeen St
4. 415 North Aberdeen St	413 – 423 North Aberdeen St
5. 1046 West Kinzie St	1046 – 1052 West Kinzie St
6. 413 North Carpenter St	413 – 423 North Carpenter St
7. 415 North Sangamon St	413 – 423 North Sangamon St
8. 901 West Kinzie St	901 – 925 West Kinzie St
9. 838 – 840 West Kinzie St	832 – 842 West Kinzie St 400 – 408 North Green St

**17-7-0456-B Incidental Commercial Use.** Commercial uses which are clearly incidental and subordinate to office developments as described in Section 17-7-0456-A shall be permitted by-right in the KCO. Incidental commercial uses shall be allowed to collectively occupy no more than 25 percent of the gross floor area of the ground floor of the building. Incidental commercial uses are limited to the following use categories:

1. Building maintenance services
2. Business support services
3. Eating and drinking establishments
4. Financial services (bank, savings bank, savings and loan association, currency exchange, and credit union use types only)
5. Food and beverage retail sales (no liquor or live poultry sales)
6. Medical service
7. Personal service
8. Repair or laundry service, consumer
9. Retail sales, general

(Added Coun. J. 11-21-17, p. 62501, § 4; Amend Coun. J. 4-21-21, p. 29936, § 1)

**17-7-0500 Burling Street Special Setback Overlay District.**

**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.**

**17-7-0551 Purpose.** The North Greenview Avenue Setback District is intended to require larger *front 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 specific 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.**

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 measurement of front setbacks.

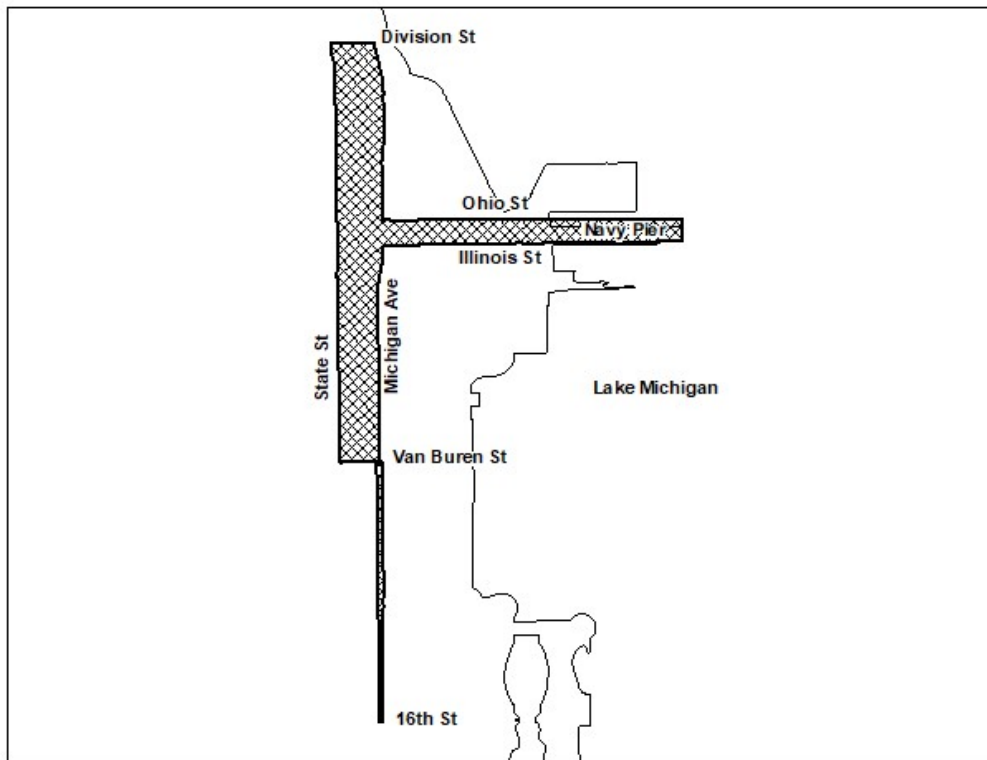
(Added Coun. J. 1-11-06, p. 68318, § 1)

#### **17-7-0560 Adult Use Cannabis Dispensary Exclusion Zone.**

**17-7-0561 Purpose.** To exclude an area in and around the central business district which, because of its unique character, configuration and intensive pedestrian, tourism and entertainment related traffic, presents a higher level of congestion, public safety, and security concerns.

**17-7-0562 Exclusion Zone Boundaries.** The area in which *adult use cannabis dispensaries* are prohibited is bounded by the parcels adjacent to the following area: beginning at the intersection of the west side of State Street and the north side of Division Street; then east on the north side of Division street to the east side of Michigan Avenue; then south on the east side of Michigan Avenue to the north side of Ohio Street; then east on the north side of Ohio Street extended to Lake Michigan; then south along the shoreline of Lake Michigan to the south side of Illinois Street extended; then west on the south side of Illinois Street extended to the east side of Michigan Avenue; then south on the east side of Michigan Avenue to the south side of 16th Street; then west on the south side of 16th Street to the west side of Michigan Avenue; then north on the west side of Michigan Avenue to the south side of Van Buren Street; then west on the south side of Van Buren Street to the west side of State Street; then north on the west side of State Street to the place of beginning.

**Figure 17-7-0560**



*Adult Use Cannabis Dispensary exclusion zone*

(note: this map is provided for illustrative purpose only; *Adult Use Cannabis Dispensary* exclusion zone boundaries may be amended only through text amendment procedures)

(Added Coun. J. 10-16-19, p. 7854, § 5; Amend Coun. J. 9-20-21, p. 36844, §§ 4, 5)

#### **17-7-0570 Additional Dwelling Unit-Allowed Areas.**

**17-7-0571 Purpose.** Establish initial designated areas that allow for organic, contextual growth in the existing housing stock to create additional, unsubsidized, affordable housing for moderate- and low-income tenants, allow multi-generational living arrangements, allow owners to retain property ownership while downsizing living space or allow owners to create additional revenue streams to defray property tax costs, home maintenance costs, or other costs. These Additional Dwelling Unit-Allowed Areas represent a cross-section of neighborhood types in terms of market conditions, housing stock, and geography, and will allow for the evaluation of *conversion units* and *coach houses* in a variety of contexts in order to reassess best practices for the regulation, expansion, contraction or elimination of Additional Dwelling Unit-Allowed Areas.

**17-7-0572 Boundaries.** Additional Dwelling Unit-Allowed Areas are defined and identified, as follows:

North Zone is bounded by Devon, the lakefront, Lawrence, Clarendon, Halsted, Diversey, Lincoln, Belmont, the North Branch of the Chicago River, the North Shore Channel, Peterson, California, Granville, and Seeley.

Northwest Zone is bounded by the Eisenhower Expressway, Sacramento, Fulton, Damen, Chicago, Western, Hirsch, Rockwell, North, Sacramento, Bloomingdale, Kedzie, Palmer, Kostner, Fullerton, Central Park, Belle Plaine, Lawndale, Montrose, Harding, Lawrence, Kedzie, Elston, California, Fullerton, Western, North, and Ashland.

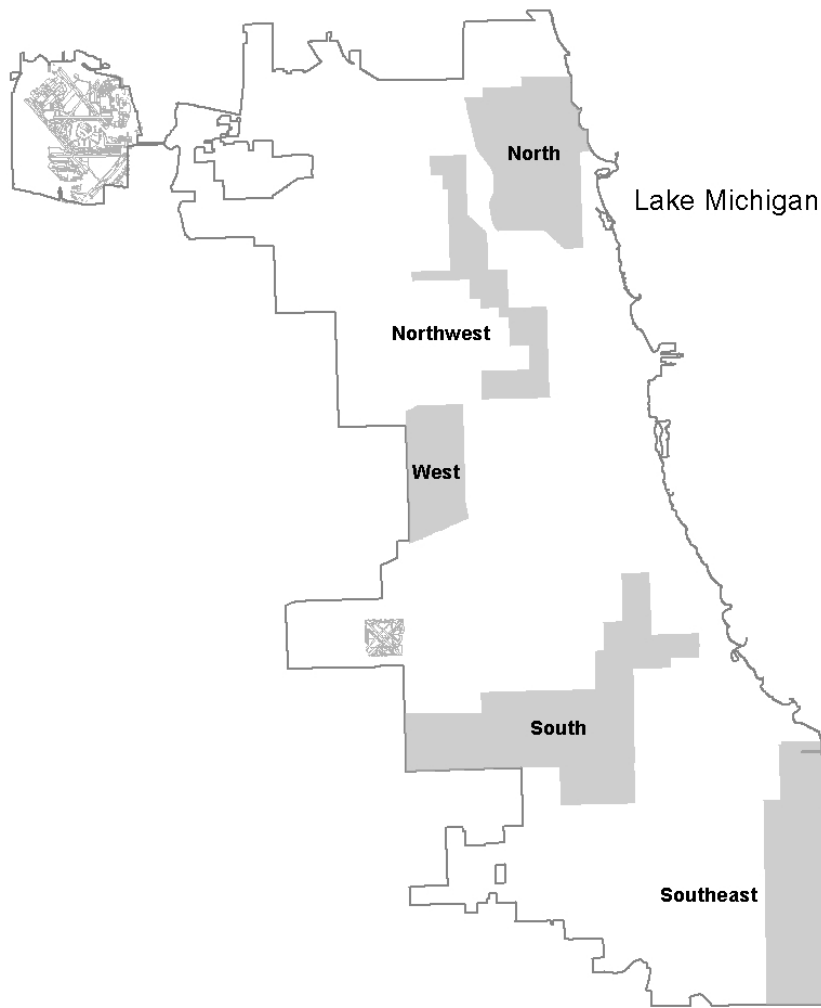
West Zone is bounded by the Eisenhower Expressway, Homan, the South Branch of the Chicago River, and 4600 West.

South Zone is bounded by Cicero, 7500 South, Kedzie, 71st St., Halsted, 63rd St., 600 West, 47th St., King, 60th St., Dorchester, 65th St., Cottage Grove, 67th St., the Dan Ryan Expressway, 95th St., Ashland, and 87th St.

Southeast Zone is bounded by 8300 South, the city limits, Torrence, 95th St., Commercial, 83rd Pl., and Houston.

**Figure 17-7-0570**





(Note: This map is provided for illustrative purpose only: Additional Dwelling Unit-Allowed Area boundaries may be amended only through text amendment procedures.)

(Added Coun. J. 12-16-20, p. 26066, § 12)

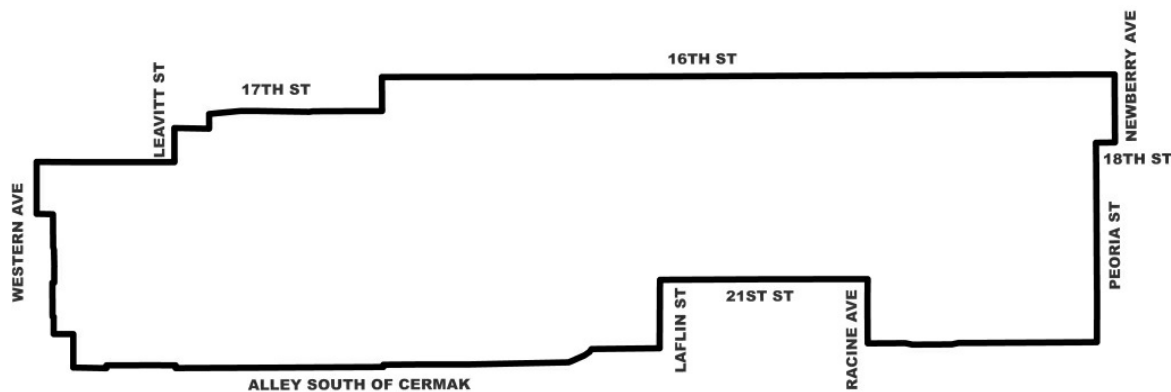
#### **17-7-0580 Multi-Unit Preservation District.**

**17-7-0581 Boundaries.** The Multi-Unit Preservation (Pilsen) District consists of all parcels zoned RT4, RM4.5, RM5, RM5.5, RM6 and RM6.5 and within the area bounded by: 16th Street, Newberry Avenue, 18th Street, Peoria Street, Cermak Road, Racine Avenue, 21st Street, Laflin Street, Cermak Road, the alley next east of and parallel to Western Avenue, the alley next north of and parallel to Cermak Road, the alley next east of and parallel to Western Avenue, 19th Street, Western Avenue, the alley next north of and parallel to 18th Place, Leavitt Street, the alley next north of and parallel to 18th Street, Hamilton Avenue, the alley next north of and parallel to the alley next north of and parallel to 18th Street, a line 126 feet west of and parallel to a line 126 feet west of and parallel to Hoyne Avenue, a line 163 feet north of and parallel to the alley next north of and parallel to 18th Street, 17th Street and Wood Street.

**17-7-0582 Purpose.** To reduce displacement of low- and moderate-income residents and maintain contextual density of housing typologies that often provide naturally occurring affordable housing.

**17-7-0583 Multi-Unit Preservation.** In RT4, RM4.5, RM5, RM5.5, RM6, RM6.5, B or C districts, located in boundaries as identified in Section 17-7-0581, a *detached house* or *two-flat* may only be established when more than 50% 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 either a *detached house* or *two-flat*. Open land or *zoning lots* unimproved with *principal buildings* shall be considered as either *detached houses* or *multi-unit residential buildings*, at the discretion of the applicant, for purposes of the calculation described in this Section 17-7-0583 only.

**Figure 17-7-0580**



(Note: This map is for illustrative purposes only; the Predominance of the Multi-Unit Preservation (Pilsen) District boundaries may be amended only through text amendment procedures)

(Added Coun. J. 1-27-21, p. 27049, § 1; Amend Coun. J. 4-21-21, p. 29939, § 1)

### 17-7-0590 Predominance of the Block District.

**17-7-0591 Boundaries.** The Predominance of the Block (606) District consists of all parcels zoned RS3 and RT3.5 and within the area bounded by: Armitage Avenue, Western Avenue, North Avenue, Kedzie Avenue, Hirsch Street and Kostner Avenue.

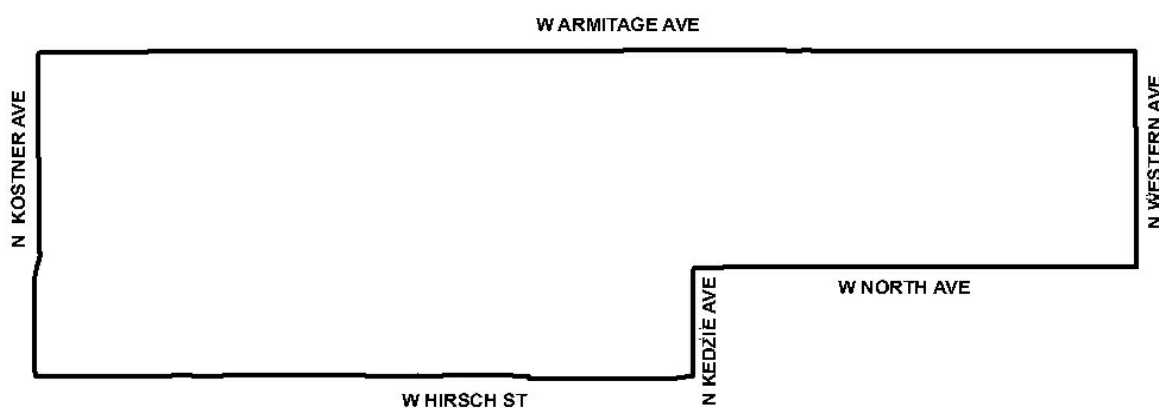
**17-7-0592 Purpose.** To reduce displacement of low- and moderate-income residents and maintain contextual density of housing typologies that often provide naturally occurring affordable housing.

#### 17-7-0593 Predominance of the Block.

**17-7-0593-A** In the RS3 district, located in boundaries as identified in Section 17-7-0591, a *detached house* may not be established when more than 50% 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*. In those instances, the minimum *lot area* per *dwelling unit* may be reduced to 1,500 square feet to allow construction of a *two-flat*. Notwithstanding the foregoing, in cases where a *two-flat* is required, pursuant to the block characteristic standards of this ordinance, a *detached house* may be established, if no *two-flat* can be provided pursuant to the applicable bulk and density standards including the aforementioned reduction of the required minimum *lot area* to 1,500 square feet. Open land or *zoning lots* unimproved with *principal buildings* shall be considered as either *detached houses* or *multi-unit residential buildings*, at the discretion of the applicant, for purposes of the calculation described in this Section 17-7-0593-A only.

**17-7-0593-B** In the RT3.5 district, located in boundaries as identified in Section 17-7-0591, a *detached house* may not be established when more than 40% 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*. Notwithstanding the foregoing, in cases where a *multi-unit residential building* or *two-flat* is required, pursuant to the block characteristic standards of this ordinance, a *detached house* may be established, if no *multi-unit residential building* or *two-flat* can be provided pursuant to the applicable bulk and density standards. Open land or *zoning lots* unimproved with *principal buildings* shall be considered as either *detached houses* or *multi-unit residential buildings*, at the discretion of the applicant, for purposes of the calculation described in this Section 17-7-0593-B only.

**Figure 17-7-0590**



(Note: This map is for illustrative purposes only; the Predominance of the Block (606) District boundaries may be amended only through text amendment procedures)

(Added Coun. J. 1-27-21, p. 27053, § 2)

### 17-7-0600 Special character overlay districts generally.

#### 17-7-0601 Purpose.

**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 or distinctive physical characteristics that are not generally present in other areas of the city, or to protect and guide development in areas that have distinctive neighborhood characteristics. Such unique or distinctive 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;
3. Environmental or other physical features that would prevent reasonable development under applicable zoning standards;
4. Identifiable and cohesive neighborhood unit possessing similar development patterns and physical characteristics (for example, building features, site design, land use patterns, and natural or streetscape characteristics); or
5. May be located adjacent (that is, as a buffer area) to an existing Chicago Landmark District.

**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.** An area will be eligible for designation as a *special character overlay district* after a recommendation by the City Council Committee on Zoning, Landmarks and Building Standards 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.** *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.

**17-7-0603-P** district-specific design guidelines for rehabilitation, new construction, and additions published by the Department of Planning and Development.

**17-7-0603-Q** rehabilitation of character buildings as outlined in district-specific design guidelines. Character buildings have unique historical, architectural, or other impact on the district environment. Rehabilitation of identified character buildings is a priority in accordance with Section 17-7-0601-A.

**17-7-0604 Procedure for Establishment.** *Special character overlay districts* must be established in accordance with the procedures of Sec. 17-13-0500.

**17-7-0605 Variations/Administrative Adjustments.** 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.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-8-12, p. 38872, § 246; Amend Coun. J. 10-7-20, p. 21785, § 1)

#### **17-7-0700 SD-1, Norwood Park Special Character Overlay District.**

**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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-7-0800 SD-2, Norwood Park Special Character Overlay District.**

**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*.

**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*.)

**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*.)

**17-7-0805 Front Yards.** All *front yards* must face onto a public *street*.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-7-0900 SD-4A, North Southport Special Character Overlay District.**

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-7-1000 SD-8, Longwood Drive Special Character Overlay District.**

**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.

**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.**

**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.** 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.** 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.

(Added Coun. J. 5-26-04, p. 25275)

## 17-7-1100 SD-10, Roscoe Street.

**17-7-1101 Description.** 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 generally located between North Damen Avenue and North Western Avenue. 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.** 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.** 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.** At least 1,400 square feet of *lot area* is required per *dwelling unit*.

**17-7-1105 Administrative Adjustments.** 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.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 5-12-10, p. 92105, § 1)

## 17-7-1200 Midway International Airport Height Overlay District.

**17-7-1201 Purpose.** The Midway International Airport (for purposes of this section “Airport”) Height Overlay District is intended to preserve the public safety and general welfare by preventing the establishment of vertical obstructions within the airport's approach and departure zones, which may present a hazard to air navigation.

**17-7-1202 Boundaries.** The Midway International Airport Height Overlay District consists of all those properties which lie within the Airport's approach and departure zones. For purposes of this section only, the approach and departure zones shall be centered on the extended runway centerline of each runway and shall extend a distance of 1,550 feet on either side of each extended runway centerline beginning at the Airport boundary and extending away from the Airport, parallel to the runway centerlines, a distance of 9,500 feet or to the city limits, whichever is reached first.

### 17-7-1203 Height Limits.

**17-7-1203-A** No building, structure, equipment or any portion thereof located on any lot within the Midway International Airport Height Overlay District shall exceed a height above grade of 30 feet or one foot vertically for every 50 feet horizontally measured from the nearest point on the Airport boundary to the object, whichever is greater.

**17-7-1203-B** If the provisions of the Midway International Airport Height Overlay District conflict with provisions or regulations of the underlying zoning district, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

(Added Coun. J. 12-14-11, p. 18120, § 2)

**Editor's note** – Coun. J. 3-9-05, p. 44391, deleted former § 17-7-1200.

## 17-7-1300 SD-23 Sheridan Park North Special Character Overlay District.

**17-7-1301 Description.** 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.

**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.

(Added Coun. J. 5-26-04, p. 25275)

## 17-7-1400 SD-24 Sheridan Park South Special Character Overlay District.

**17-7-1401 Description.** 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.**

**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.

(Added Coun. J. 5-26-04, p. 25275)

## **CHAPTER 17-8**

### **PLANNED DEVELOPMENTS**

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#### **17-8-0100 Purpose.**

#### **17-8-0200 Number of buildings and uses.**

#### **17-8-0300 Number of lots.**

#### **17-8-0400 Ownership, control and designated control.**

#### **17-8-0500 Mandatory planned development thresholds.**

#### **17-8-0600 Elective planned development thresholds.**

#### **17-8-0700 Measurement of planned development thresholds.**

#### **17-8-0800 Review and approval procedures.**

#### **17-8-0900 Standards and guidelines.**

#### **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 excellence and creativity in building design and high-quality urban design; and

**17-8-0106** encourage protection and conservation of natural resources.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 5-18-16, p. 24993, § 9)

#### **17-8-0200 Number of buildings and uses.**

*Planned developments* may include one or more *principal buildings* and one or more *principal uses*.

(Added Coun. J. 5-26-04, p. 25275)

#### **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.

(Added Coun. J. 5-26-04, p. 25275)

#### **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 the 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 1-11-06, p. 68321, § 1; Amend Coun. J. 4-15-15, p. 106130, § 15)

#### **17-8-0500 Mandatory planned development thresholds.**

*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.** *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.** *Planned development* review and approval is required for the development of land for airports and land or *air rights* to be used for heliports, helistops or vertiports. Heliports, helistops or vertiports must meet the standards of Section 17-8-0913.

#### **17-8-0503 Non-Accessory Parking in the “D” Zoning Districts.**

**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** When a new or expanded *non-accessory parking* facility is proposed in the Central Area Parking District, the zoning administrator must provide written notice to the commissioner of business affairs and consumer protection and the corporation counsel for review and comment within 30 days of receipt of such proposal or application. Such notice shall include the address of the proposed *non-accessory parking* facility and the number of proposed parking spaces. The commissioner of business affairs and consumer protection and the corporation counsel, or their designees, must provide written acknowledgment of receipt of such notice and comments, if any, for inclusion in the record no more than 30 days following receipt of such notice, but in no event less than 10 days prior to the Chicago Plan Commission's hearing on the proposal or application. No zoning approval for any new or expanded *non-accessory parking* facility in the Central Area Parking District, and no license for any such new or expanded facility, shall be valid unless such notice was delivered and acknowledgment received.

**17-8-0503-C** *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.** *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.** *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.

**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.

**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.

**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.

#### **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.

#### **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.

**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*.

**17-8-0510-C** *Planned development* review and approval is required, in PMD B sub-districts for any building to be occupied by any non-accessory, retail sales-related use with a gross floor area of 60,000 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.

**17-8-0510-D Planned development** review and approval is also required PMD B sub-districts for any commercial development with a net site area of 2 acres or more. For purposes of this paragraph, “commercial development” includes development intended to accommodate any use classified in the commercial use group.

**17-8-0510-E Planned development** review and approval is required for any *casino* use and such use may only be established in a DX zoning district.

**17-8-0511 Large Industrial Developments.**

**17-8-0511-A 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 subject site is located 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.

**17-8-0511-B Planned development** review and approval is required for any (a) windrow *composting* facility, (b) *intensive manufacturing, production and industrial service* use, (c) *Class III, Class IVA, Class IVB and Class V recycling facility*, (d) *container storage*, (e) *freight terminal*, (f) outdoor storage of raw material as a principal use, (g) *waste-related use*, or (h) *manganese-bearing material operation use* on C, M or PMD-zoned land with a *net site area* of 10 acres or more or if the subject site is located within 660 feet of any R, B, C or POS zoning district.

**17-8-0511-C Planned development** review and approval is required for any *warehousing, wholesaling, and freight movement* use on C or PMD-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)

**17-8-0512-B Downtown Zoning Districts.**

Zoning District	Residential Building Height Threshold (feet)	Nonresidential Building Height Threshold (feet)
Zoning District	Residential Building Height Threshold (feet)	Nonresidential Building Height Threshold (feet)
D dash 3	80	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

**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	Town- houses	Multi-Unit or Mixed Housing Types
Zoning District	Thresholds		
	Detached Houses	Town- houses	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
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)
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

**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.*

**17-8-0514 Bonus Floor Area.** *Planned development review and approval is required for any development using floor area bonuses under Sec. 17-4-1000.*

#### 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 Zoning Administrator 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44381; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 4-11-07, p. 103486, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 1-18-12, p. 19185, § 7; Amend Coun. J. 7-24-13, p. 58315, § 3; Amend Coun. J. 9-11-13, p. 60173, § 6; Amend Coun. J. 11-5-14, p. 96205, § 4; Amend Coun. J. 3-18-15, p. 105476, § 7; Amend Coun. J. 4-15-15, p. 106130, § 16; Amend Coun. J. 9-24-15, p. 7499, § 7; Amend Coun. J. 5-18-16, p. 24993, § 10; Amend Coun. J. 3-24-21, p. 29065, § 7; Amend Coun. J. 5-25-22, p. 48413, § 9)

#### 17-8-0600 Elective planned development thresholds.

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:

**17-8-0600-A** 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);

**17-8-0600-B** 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.

**17-8-0600-C** 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.

**17-8-0601** In any D district, an application to substantially rehabilitate and preserve an individual *building* which has been either 1) designated by ordinance as a “Chicago Landmark”, and in the case of a landmark district, a *building* for which the Commission on Chicago Landmarks has made a formal determination that said *building* is a contributing *building* to the district, or 2) has been color-coded red or orange in the Chicago Historic Resources Survey, may elect to follow the *planned development* review and approval procedures regardless of site area or other qualifying criteria.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 12-13-06, p. 95360, § 1; Amend Coun. J. 9-9-09, p. 71111, § 1)

#### **17-8-0700 Measurement of planned development thresholds.**

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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

#### **17-8-0800 Review and approval procedures.**

Mandatory and elective *planned developments* must be reviewed and approved in accordance with the procedures of Sec. 17-13-0600.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-8-0900 Standards and guidelines.**

**17-8-0901 Uses, Bulk, Density and Intensity.** *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.** Except as otherwise expressly stated, *planned developments* must comply with any special regulations that apply to the subject property, including but not limited to, the Chicago Landmark Ordinance, the Lake Michigan and Chicago Lakefront Protection Ordinance, the Chicago River Urban Design Guidelines – Downtown Corridor, and the Department of Planning and Development's sustainable development policy.

**17-8-0903 Approved Plans.** *Planned developments* must be consistent with plans that have been adopted by the Plan Commission or approved by the City Council. In furtherance of the foregoing, and in recognition of evolving and changing conditions within the areas which are the subject thereof, all such plans, including any specific information or determinations relating to uses, bulk, height, and other standards contained in such plans, shall be treated as guidelines to inform consideration and not as regulations or requirements in connection with the evaluation of specific *planned development* proposals. The specific terms and conditions of an approved *planned development* shall govern to the extent they differ from such guidelines.

#### **17-8-0904 Transportation, Traffic Circulation and Parking.**

**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.**

1. 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.

2. When new *streets* are required for large-scale, multi-building developments, the new *streets* should reconnect the existing *street* grid.

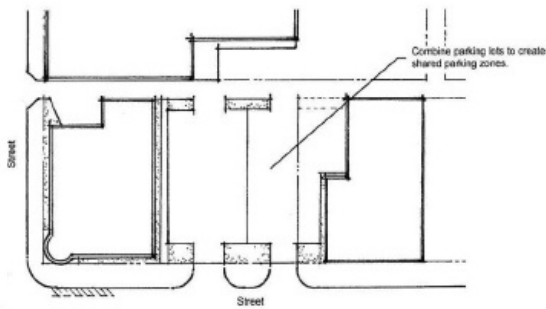
#### **17-8-0904-C Parking.**

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, small footprint, 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 minimal where possible and 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 strongly discouraged.
3. Underground parking is strongly encouraged for superior building design that eliminates blank walls at *street* level for an improved pedestrian experience.
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 (see Sec. 17-8-0905-B, Building Features, below).
5. Motor courts and parking courts are discouraged.
6. To reduce traffic congestion downtown and maximize the City's transit resources, new and expanded non-accessory parking facilities in the Central Area Parking District are strongly discouraged.

**17-8-0905 Pedestrian-Orientation.**

**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 be obvious to pedestrians by forming a significant focal element of the building, and such features should help provide building identity and presence on the *street*.
3. Active uses such as retail or residential, as appropriate, should be employed 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. For grade-level retail, 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 architectural or material relief, planters, landscaping and other elements that reduce building scale at ground level and add to the building's

visual interest.

7. Building *façades* at pedestrian level should be appropriately scaled within the context of the existing streetscape. This may include, by way of example and not limitation, breaking up a long *façade* with vertical bays or proportioning a curtain wall with additional mullions.

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.**

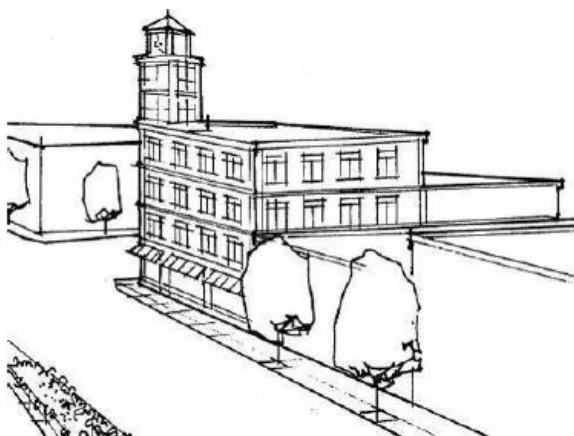
**17-8-0906-A General Intent.** *Planned developments* should be designed to:

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 aligned with neighboring buildings, located close to the sidewalk and close to one another.
3. Where a *street* wall exists, its continuity must be reinforced with the new development. Gaps between buildings that interrupt the *street* wall should be avoided.
4. As the development pattern of the area permits, 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.

**Figure 17-8-0906-B4**



Holding the corner

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*.

#### **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.
3. When new *streets* are required for large-scale residential developments, they should reconnect the existing *street* grid.

#### **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.**

##### **17-8-0907-A General Intent.**

1. Design excellence is expected in buildings located in *planned developments*.

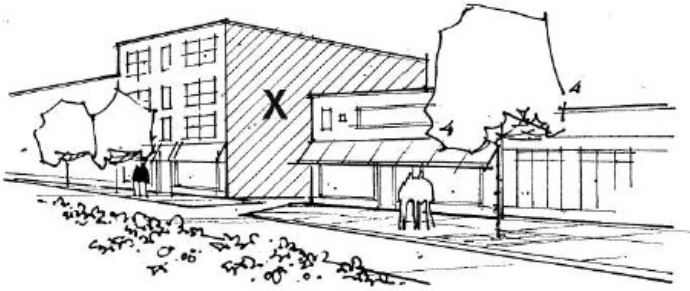
2. The creativity and flexibility inherent in *planned developments* require building designs that uniquely respond to the program and location.

3. Building designs should respond to the most up-to-date sustainability and good urban design practices, including but not limited to, energy efficiency and effective landscape where appropriate.

#### 17-8-0907-B General Guidelines.

1. The existing context of a site should be respected in the design of adjacent new construction. This includes the existing general size, shape and scale, site plan and materials of surrounding properties. High- rise buildings or towers should respect the context and scale of surrounding buildings with setbacks at appropriate heights which will also reduce the apparent mass from street level.
2. Buildings located at intersections should have prominent design and lighting programs, due to their visibility.
3. 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-B3\***



Visible sidewall



Visible sidewall

\* **Editor's note** – Coun. J. 5-18-16, p. 24993, § 11, renumbered former § 17-8-0907-A4 as § 17-8-0907-B3 but did not renumber the accompanying figure. The figure numbering has been revised to 17-8-0907-B3 at the discretion of the editor. Future legislation will correct the provision if needed.

**17-8-0907-C High-rise Buildings.** For the purposes of this section, high-rise building is defined as any new construction over 80 feet in height.

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*, except as otherwise provided for in the following subsection 3.
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. Setbacks should be at least 10 feet in depth. Exceptions to this standard include:
  - (a) Upper-level setbacks are not permitted on LaSalle Street between Madison Street and Jackson Boulevard, unless the upper-level setbacks occur at a height above 175 feet.
  - (b) Upper-level setbacks are not permitted on State Street or Wabash Avenue between the Chicago River and Ida B. Wells Drive, unless the upper-level setbacks occur at a height above 55 feet.

#### 17-8-0908 Green Design.

**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.

**17-8-0909 Parks, Open Space, and Landscaping.**

**17-8-0909-A General Intent.** *Planned developments* should:

1. where appropriate for the site, provide adequate, inviting, usable and accessible parks, open spaces and recreation areas for workers, visitors and residents; and
2. where appropriate, 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.

**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*.

**17-8-0910 Public and Civic Amenities.** *Planned developments* should provide public, social and cultural amenities for workers, visitors and residents; and promote public safety and security.

**17-8-0911 Historic and Cultural Resources.** *Planned developments* should give priority to the adaptive reuse of historic buildings which have been designated as a “Chicago Landmark” or color-coded red or orange in the Chicago Historic Resources Survey. Notwithstanding Section 17-8-0901 of the Chicago Zoning Ordinance, in any D district strict compliance with the underlying zoning district as it applies to the Bulk criteria as identified in Section 17-17-0231 may be varied if the relief sought is consistent with the stated Purpose and Intent identified in Section 17-1-0500 and that relief is necessary for the rehabilitation and reuse of these structures, as approved by City Council in accordance with the procedures of Section 17-13-0600.

**17-8-0912 Waterways.** 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.

**17-8-0913 Heliports, Helistops or Vertiports.** Heliports, helistops or vertiports must be approved in accordance with the *planned development* procedures in Section 17-13-0600. In addition, *planned developments* for heliports, helistops or vertiports must:

**17-8-0913-A** Provide a report (including copies of the federal and state applications for the facility) attesting that the proposed heliport, helistop or vertiport is in apparent compliance with all current and applicable Federal Aviation Administration regulations, guidelines and/or circulars. The report must likewise attest that the facility is in apparent compliance with any State of Illinois regulations and guidelines governing heliports, helistops, vertiports or helicopter or tiltrotor safety, storage, maintenance or other operations. The report must include a narrative detailing all potential users of the heliport, helistop or vertiport (whether public, limited use or private); the hours of operation; the frequency of landings; estimated annual fuel sales information; estimated ground time; where helicopters or tiltrotors will park, if applicable; how many helicopters or tiltrotors may be grounded at any one time; and identify any services provided, such as, but not limited to, customer waiting areas, fueling stations, storage tanks, maintenance sheds or hangars, weather instrumentation and wind indicators. The report must be submitted as part of the *planned development* application and is subject to review by the City of Chicago's Department of Aviation. The report and corresponding applications to the Federal Aviation Administration and/or Illinois Department of Transportation are subject to the final review and approval by the Federal Aviation Administration and the Illinois Department of Transportation. An applicant must also obtain and submit a recommendation for the proposed heliport, helistop or vertiport from the Chicago Department of Aviation as part of its *planned development* application. The report, along with copies of the federal and state applications, must also be entered, along with the corresponding recommendation from the Department of Aviation, as part of the record to the Chicago Plan Commission, along with all supporting documentation as required in this section.



**17-8-0913-B** Applicants for a heliport must submit a dimensioned site plan illustrating and including, but not limited to, the following items: landing pad(s); location of any service facilities, including fueling stations and the location of any storage tanks; ingress and egress to and from the facility; parking pads for helicopters, if applicable; parking for service vehicles, emergency vehicles and automobiles, if applicable; and any other relevant information as determined by the Departments of Planning and Development and Aviation.

**17-8-0913-C** Applicants for a helistop must submit a dimensioned site plan illustrating and including, but not limited to, the following items: landing pad(s); ingress and egress to and from the facility; parking pads for helicopters, if applicable; parking for service vehicles, emergency vehicles and automobiles, if applicable; and any other relevant information as determined by the Departments of Planning and Development and Aviation.

**17-8-0913-D** Applicants for a vertiport must submit a dimensioned site plan illustrating and including, but not limited to, the following items: landing pad(s); location of any service facilities, including fueling stations and the location of any storage tanks; ingress and egress to and from the facility; parking pads for tiltrotors, if applicable; parking for service vehicles, emergency vehicles and automobiles, if applicable; and any other relevant information as determined by the Departments of Planning and Development and Aviation.

**17-8-0913-E** The number of parking spaces for service vehicles, emergency vehicles and automobiles shall be determined by the Department of Planning and Development.

**17-8-0913-F** Heliports, helistops or vertiports must provide appropriate lighting for daytime operations and evening operations, if applicable.

**17-8-0913-G** Heliports, helistops or vertiports must submit a traffic study for review and approval by the Chicago Department of Transportation, as requested by the Departments of Planning and Development or Transportation.

**17-8-0913-H** The Department of Planning and Development may require additional setbacks, screening or other buffering, as is deemed necessary, to mitigate the impact of the heliport, helistop or vertiport on adjacent land uses.

**17-8-0913-I** Heliports, helistops or vertiports must adhere to appropriate landscape requirements, as determined by the Department of Planning and Development, to reduce wildlife conflicts with operations at such facilities.

**17-8-0913-J** The Department of Planning and Development may request additional relevant information, as it deems necessary, in order to review each application and to make a recommendation to the Chicago Plan Commission.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-9-09, p. 71111, § 2; Amend Coun. J. 1-18-12, p. 19185, § 8; Amend Coun. J. 7-24-13, p. 58315, § 4; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 5-18-16, p. 24993, § 11; Amend Coun. J. 11-20-19, p. 9510, Art. I, § 12)

## CHAPTER 17-9

### USE REGULATIONS

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**17-9-0100 Use standards.**

**17-9-0200 Accessory uses, buildings and structures.**

**17-9-0300 Temporary uses.**

#### **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** (Deleted by Coun. J. 7-29-15, p. 4122, § 2)

**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.

#### **17-9-0103.1 Business live/work units.**

**17-9-0103.1-A Purpose.** Business live/work units allow limited residential use in street level commercial establishments in “B” and “C” (Business and Commercial) districts. The regulations of this section are intended to ensure that the residential use satisfies basic habitability standards and that the commercial viability of the unit is maintained.

**17-9-0103.1-B Permitted uses.** The following commercial uses are permitted in business live/work units:

1. Artist work or sales space;

2. Offices;

3. Personal services, except massage establishments and businesses that require a Children's Activities Facility (CAF) license from the Department of Business Affairs and Consumer Protection or any successor agency; and

4. Retail sales, general, except the following: food and beverage retail sales, the sale of firearms or ammunition, and the sale of tobacco, cigars, cigarettes or cigarette papers, leaf tobacco, snuff, or any preparations containing tobacco.

**17-9-0103.1-C Standards.** Business live/work units shall comply with all of the following standards:

1. No portion of a business live/work unit may be separately leased, subleased or sold as a work space to any person not living in the unit, or as a residential space to any person not working in the unit.

2. Business live/work units shall contain a minimum of 800 gross square feet and a maximum of 3,000 gross square feet. The work portion of the business live/work unit shall be a minimum of one-third of the total floor area of the unit or 400 square feet, whichever is greater, and a maximum of 50 percent of the total floor area of the unit. The residential portion of the business live/work unit shall be a minimum of 50 percent of the total floor area of the unit.

3. Business live/work units must be located on the ground floor or level and at street fronting elevations. The commercial floor area shall be directly accessible from and oriented towards the street, and the entrance must be clearly designated as a business entrance.

4. The residential portion of the business live/work unit shall include cooking space, sanitary facilities and sleeping space in compliance with Section 14B-4-419 of the Municipal Code and any other applicable codes, ordinances, laws, rules and regulations. The work portion of the business live/work unit shall be designed or equipped exclusively or principally to accommodate commercial uses and shall be regularly used for commercial activities and display space by one or more occupants of the unit.

5. Each business live/work unit shall have a pedestrian-oriented frontage that publicly displays the interior commercial space.

6. The residential portion of the business live/work unit shall be contiguous with and an integral part of the work space, with direct access between the two areas, and not as a separate stand-alone dwelling unit; provided, however, mezzanines and lofts may be used as living space, and living and work space may be separated by corridors, hallways, interior courtyards or similar private space. The residential portion of the business live/work unit shall not have a separate street address from the work space. Each business live/work unit shall be separated from other business live/work units and any other uses in the building and shall have separate access either from the building exterior or from an interior corridor, hall or other common access area that is separate from other units and uses.

7. A business live/work unit shall not be established or used in conjunction with any of the following activities:

(a) storage of flammable liquids or hazardous materials beyond those normally associated with a residential use;

(b) welding, machining, or any open flame work; and

(c) any other activity or use as determined by the Zoning Administrator to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of business live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

8. Business live/work units shall comply with the minimum lot area standards of Section 17-3-0402 for dwelling units; provided, however, in the case of buildings constructed prior to August 1, 2012, one business live/work unit per building shall be exempt from the minimum lot area requirements.

9. Business live/work units are prohibited in strip centers.

**17-9-0103.1-D Reserved.**

**17-9-0103.1-E Required disclosures to new tenants or owners.** For any business live/work unit, a statement of disclosure shall be provided to prospective owners or tenants before a unit, or building containing a unit, is leased or sold. This statement of disclosure shall contain the following acknowledgments: at least one resident of each business live/work unit must operate a business within the unit and possess a valid business license, if applicable, associated with the premises and based on the commercial activity conducted therein. Commercial activities within the business live/work unit are restricted to those listed in Section 17-9-0103.1-B.

**17-9-0103.3\* Urban Farm.** *Urban farms* are subject to the following standards:

\* Editor's note – Coun. J. 6-8-11, p. 1725, § 5, added this section to the code as § 17-9-103.3. The numbering has been revised to § 17-9-0103.3 at the discretion of the editor. Future legislation will correct the provision if needed.

**17-9-0103.3-A** *Urban farms* shall be exempt from the landscaping and screening requirements of vehicular use areas of 17-11-0200.

**17-9-0103.3-B** Parkway vegetation that is complementary to allowed activities and that is acceptable to the Department of Planning and Development shall be allowed in lieu of the Parkway Tree requirements of 17-11-0100.

**17-9-0103.3-C** Fencing and screening that is complementary to allowed activities and that is acceptable to the Department of Planning and Development shall be allowed in lieu of the requirements of 17-3-0304 and 17-5-0601.

**17-9-0103.3-D** Composting must comply with the standards of Section 11-4-2545 of the Municipal Code. Incidental sales of such compost material is expressly allowed as an accessory use to the principal use of an *urban farm*.

**17-9-0103.5 Community garden.** *Community gardens* are subject to the following standards:

**17-9-0103.5-A** *Community gardens* shall not be larger than 25,000 square feet, except in POS districts. There is no size limit for *community gardens* in the POS1 and POS2 districts.

**17-9-0103.5-B** *Accessory buildings*, such as sheds, greenhouses, hoophouses or farmstands shall comply with the requirements of 17-9-0201-D. Hoophouses or other fabric based shelters, which are not required to obtain a building permit, shall not be considered accessory buildings. Hoophouses or other fabric based shelters shall be securely attached to the ground and designed and constructed to comply with appropriate standards in the building provisions of the Municipal Code of Chicago.

**17-9-0103.5-C** Composting must comply with the standards of Section 7-28-715 of the Municipal Code.

**17-9-0103.5-D** Sales on site are limited to: (1) incidental sales of plants or produce generated on site; or (2) sales of produce generated on site and made pursuant to the issuance of a mobile food vendor license to engage in a produce merchant business.

**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.

**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 Chapter 4-75 .

**17-9-0105.5-B** *Day care* facilities may be allowed in PMD subarea B districts if such use is reviewed and approved in accordance with the *special use* procedures of Section 17-13-0900, and the Zoning Board of Appeals is authorized to allow a maximum floor area of 12,000 square feet.

**17-9-0105.5-C** *Day care* facilities established in any M or PMD district must be operated within a *completely enclosed building* with no outdoor or unenclosed recreational areas.

**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.

**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.** 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.

**17-9-0108.1 Fulfillment Centers.** Warehouses may include the distribution of retail products, both general and food and beverage, directly to the consumer through third-party delivery, provided there is no customer-accessible sales area on site. Such products do not have to be produced on site.

**17-9-0109 Gas Stations.**

**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 Section 17-13-1101-G).

**17-9-0110 Wagering Facilities.**

**17-9-0110-A Inter-Track.** New *inter-track wagering facilities* must be established pursuant to Section 17-13-1405 and the applicable *special use* criteria of Section 17-13-0900 and 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 a 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*.

**17-9-0110-B Sports.** *Sports wagering facilities* must be established pursuant to Section 17-13-1405 and shall be deemed permitted by-right, if established as a clearly incidental and *accessory use* to, and fully contained:

1. inside an *inter-track wagering facility*; or
2. inside a casino, as such term may be defined, or as a facility meeting such definition may be authorized to be established, pursuant to the Chicago Municipal Code; or
3. at a single location either (i) inside of, or (ii) inside of a permanent structure located within a five-block radius of, any of the following *entertainment and spectator sport large venues* as named currently (or as may be re-named in the future) so long as each remains a "sports facility" as defined under the Sports Wagering Act:
  - a. Wrigley Field.
  - b. Guaranteed Rate Field.
  - c. Soldier Field.
  - d. United Center.
  - e. Wintrust Arena.
  - f. all *entertainment and spectator sport large venues* identified in Section 17-9-0110-B.3 are allowed only one *primary sports license*.

**17-9-0111 Lodges and Private Clubs.** 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.

**17-9-0111.3 Motor Vehicle Repair Shops.**

**17-9-0111.3-A** *Motor vehicle* repair shops are subject to the provisions of Municipal Code Chapter 4-228 .

**17-9-0111.5 Non-Accessory Parking.** 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.

**17-9-0112 Personal Services.** 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.** 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.

**17-9-0113.1 Residential Storage Warehouse.** *Residential storage warehouses* are permitted in DX districts only as an adaptive re-use of existing buildings that have been in existence for twenty (20) years or more. *Residential storage warehouses* are prohibited on lots abutting *pedestrian streets*. To the extent possible, *residential storage warehouses* in DX districts must be designed to preserve the architectural features of existing facades including building materials, windows, doors and other features. Window openings must retain their transparency

and should not be blocked with interior or exterior barriers including signage with an exception of business identification signage of the facility where such signage is otherwise permitted by the Chicago Zoning Ordinance.

#### **17-9-0114 Residential Support Services.**

**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.

**17-9-0114-C Outdoor Patio (if located at grade level).** An outdoor patio (if located at *grade level*) as defined in Sec. 17-17-0104-K(3), may be allowed in conjunction with a restaurant if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900.

#### **17-9-0115 Shelter Facilities.**

**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 Zoning Administrator 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.**

**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 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 Uses, Recycling Facilities, Intensive Manufacturing, Production and Industrial Service Uses, Warehousing, Wholesaling and Freight Movement, Container Storage, Freight Terminal, Outdoor Storage of Raw Material as a Principal Use, Coke & Coal Bulk Material Uses, Windrow Composting and Manganese-bearing Material Operation Uses.**

**17-9-0117-A Waste-Related Uses, Recycling Facilities, Container Storage, Freight Terminal, Outdoor Storage of Raw Material as a Principal Use, Windrow Composting and Manganese-bearing Material Operation Uses.** Buildings, storage areas and work areas on the site of all (a) windrow *composting* facilities, (b) *container storage*, (c) *freight terminal*, (d) outdoor storage of raw material as a principal use, (e) *waste-related uses*, (f) *Class III, Class IVA, Class IVB and Class V recycling facilities*, or (g) *manganese-bearing material operation uses* must be established pursuant to the *planned development* standards of Section 17-13-0600 if the subject site's net site area meets or exceeds 10 contiguous acres or if the subject site is located within 660' of any R, B, C or POS zoning district.

**17-9-0117-B Coke & Coal Bulk Material Uses.**

(1) Neither the storage, placement, retention, loading, unloading, stockpiling, or processing of *coke and coal bulk material*, nor the undertaking of any improvements or development associated therewith (collectively, "*coke and coal bulk material uses*"), shall be permitted in any zoning district, with the exception that this prohibition does not apply to any material used in manufacturing cement at any location for which a construction permit and new source review approval from the Illinois Environmental Protection Agency has been obtained prior to the effective date of this subsection 17-9-0117-B, which cement manufacturing may commence and continue as a non-conforming use.

(2) Notwithstanding subsection 17-9-0117-B(1), *coke and coal bulk material uses* that have been in continuous operation in accordance with lawfully established zoning requirements for at least one year prior to the effective date of this subsection 17-9-0117-B shall be deemed nonconforming and may be continued. Suspension of any such operation before, on, or after the effective date of this subsection 17-9-0117-B in order to obtain any non-zoning governmental approvals (legislative, judicial, regulatory, or other) required to operate a *coke and coal bulk material use* shall not affect the operation's status as a continuous use. In the event of such a suspension, subsections 17-15-0304-A1 and 17-15-0304-A3 of this zoning ordinance shall not apply so long as the operator of the suspended *coke and coal bulk material use* is actively engaged in obtaining the aforesaid approvals.

(3) Notwithstanding subsection 17-15-0302-B of this zoning ordinance, no nonconforming use may be changed to, or substituted with, any *coke and coal bulk material use*.

(4) No expansion of any *coke and coal bulk material use* shall be permitted. For purposes of this subsection 17-9-0117-B(4), "expansion" means any extension or increase in the boundaries of the land upon which any existing *coke and coal bulk material use* is located, based on the lawful boundaries in existence as of the effective date of this subsection 17-9-0117-B.

(5) Owners and operators of *coke and coal bulk material uses* allowed under this subsection 17-9-0117-B shall report and certify, under penalty of perjury, the following data, expressed in both tons and cubic yards, in quarterly reports submitted to the department of planning and development, pursuant to a form, format, and schedule set by that department:

(a) the total monthly amount of *coke and coal* received;

(b) the total monthly amount of *coke and coal* leaving the facility by truck, barge, boat, railcar, or other means of conveyance;

(c) the maximum daily amount of *coke and coal* present at the facility in each calendar month; and

(d) the monthly *coke and coal* throughput, i.e., the amount of *coke and coal* received at a facility in a given calendar month, plus the amount of *coke and coal* leaving the facility in that same month, divided by 2.

The owners and operators shall include in each quarterly report the method used for determining the values of subsections 17-9-0117-B(5) (a), (b), and (c), and shall maintain for inspection all documents used in preparing the reports for a period of at least 3 years. Violators of this subsection 17-9-0117-B(5) shall be subject to a fine of not less than \$1,000 nor more than \$5,000. Each day that a violation continues shall constitute a separate and distinct offense. Utilizing these reports and other relevant data, the commissioner of planning and development shall determine what limitations on (1) *coke and coal* throughput, and (2) the maximum daily amount of *coke and coal* present at the facility in each calendar month, are necessary to abate the negative impact on the community resulting from the secondary effects of *coke and coal bulk material uses* (including impaired enjoyment of real and personal property in neighborhoods located near such uses), and shall, no later than March 31, 2015, issue one or more administrative orders setting throughput limitations and maximum daily amount limitations for all owners and operators of *coke and coal* bulk material uses subject to this subsection 17-9-0117-B(5).

(6) All *coke and coal bulk material uses* are subject to all applicable sections of the Municipal Code of Chicago, including, but not limited to, sections 11-4-760 and 11-4-770 of that Code, as amended; and to the Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Material Piles, as well as all other applicable rules and regulations promulgated under any applicable sections of the Municipal Code of Chicago (collectively, "bulk material regulations").

(7) Nothing in this subsection 17-9-0117-B shall preclude a finding by the City that *coke and coal bulk material uses* are also *waste-related uses* and thus subject to the regulations applicable to such uses as well.

(8) Nothing in this subsection 17-9-0117-B shall prohibit or impair the construction or installation of any improvements, nor the undertaking of any operations or maintenance that is required or provided for by the *bulk material* regulations, with the exception of compliance with subsection 17-9-0117-B(4), the prohibition on expansion of land boundaries.

(9) In the event of any conflict between this subsection 17-9-0117-B and any other provision of this zoning ordinance, the former shall govern.

#### **17-9-0117-C Urban Farm Accessory Composting Operations.**

Composting areas in an outdoor urban farm accessory composting operation must be located at least 150 feet from all R zoning district boundaries or at the farthest distance from all R zoning district boundaries, whichever is greater. This section does not apply to an urban farm accessory composting operation conducted within a completely enclosed building. For purposes of an outdoor urban farm accessory composting operation that composts landscape waste only and, otherwise operates in compliance with Section 415 ILCS 5/21(q)(2.5) (A) to (D) of the Illinois Environmental Protection Act, the setback requirement specified in this section is established pursuant to Section 415 ILCS 5/21(q)(2.5)(E) of the Illinois Environmental Protection Act.

#### **17-9-0117-D Manganese-bearing Material Operation Uses.**

(1) Neither the storing, loading, unloading, stockpiling, handling on-site, blending, mixing, crushing, screening, breaking, wet or dry cleaning, thermal drying, chemically treating or any other processing of *manganese-bearing material*, nor the undertaking of any improvements or development associated therewith (collectively, “*manganese-bearing material operation uses*”), shall be permitted in any zoning district. This section shall not apply to any licensed manufacturing establishment if the manufacturing establishment: (i) uses or processes *manganese-bearing materials* for the purpose of manufacturing of finished or unfinished products at the site of the manufacturing establishment; (ii) has obtained applicable air permits, if any, required by City, State of Illinois or federal; and (iii) does not store *non-packaged manganese-bearing material* outdoors and is not subject to the Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Material Piles.

(2) Notwithstanding subsection 17-9-0117-D(1), *manganese-bearing material operation uses* that have been in continuous operation in accordance with lawfully established zoning requirements for at least one year prior to the effective date of this subsection 17-9-0117-D shall be deemed nonconforming and may be continued. Suspension of any such operation before, on, or after the effective date of this subsection 17-9-0117-D in order to obtain any non-zoning governmental approvals (legislative, judicial, regulatory, or other) required to operate a *manganese-bearing material operation use* shall not affect the operation's status as a continuous use. In the event of such a suspension, subsections 17-15-0304-A1 and 17-15-0304-A3 of this Zoning Ordinance shall not apply so long as the operator of the suspended *manganese-bearing material operation use* is actively engaged in obtaining the aforesaid approvals.

(3) Notwithstanding subsection 17-15-0302-B of this Zoning Ordinance, no nonconforming use may be changed to, or substituted with, any *manganese-bearing material operation use*.

(4) No expansion of any *manganese-bearing material operation use* shall be permitted. For purposes of this subsection 17-9-0117-D(4), “expansion” means any extension or increase in the boundaries of the land upon which any existing *manganese-bearing material operation use* is located, based on the lawful boundaries in existence as of the effective date of this subsection 17-9-0117-D.

(5) Owners and operators of *manganese-bearing material operation uses* allowed under this subsection 17-9-0117-D shall report and certify, under penalty of perjury, the following data, expressed in both tons and cubic yards, in quarterly reports, due within thirty days of the end of each quarter, submitted to the department of planning and development, pursuant to a form and format set by that department:

- (a) the total monthly amount of *non-packaged manganese-bearing material* received;
- (b) the total monthly amount of *non-packaged manganese-bearing material* leaving the facility by truck, barge, boat, railcar, or other means of conveyance;
- (c) the maximum daily amount of *non-packaged manganese-bearing material* present at the facility in each calendar month; and
- (d) the monthly *non-packaged manganese-bearing material* throughput, i.e., the amount of *manganese-bearing material* received at a facility in a given calendar month, plus the amount of *non-packaged manganese-bearing material* leaving the facility in that same month, divided by 2.

The owners and operators shall include in each quarterly report the method used for determining the values of subsections 17-9-0117-D(5)(a), (b), and (c), and shall maintain for inspection all documents used in preparing the reports for a period of at least 3 years. Violators of this subsection 17-9-0117-D(5) shall be subject to a fine of not less than \$1,000 nor more than \$5,000. Each day that a violation continues shall constitute a separate and distinct offense. Utilizing these reports and other relevant data, the commissioner of planning and development, in consultation with the commissioner of health, is authorized to determine limitations on: (1) *non-packaged manganese-bearing material* throughput, and (2) the maximum daily amount of *non-packaged manganese-bearing material* present at the facility in each calendar month, that are necessary to abate the negative impact on the community resulting from the secondary effects of *manganese-bearing material operation uses* (including impaired enjoyment of real and personal property in neighborhoods located near such operations). The commissioner of health shall, on at least a quarterly basis, compare the reports with any complaints, inspection reports, monitoring data, and other relevant information, and provide recommendations to the commissioner of planning and development. The commissioner of planning and development is also authorized to issue one or more administrative orders setting throughput limitations and maximum daily amount limitations for all *manganese-bearing material operation uses*.

(6) All *manganese-bearing material operation uses* are subject to all applicable sections of the Municipal Code of Chicago, including, but not limited to, sections 11-4-760 and 11-4-770 of that Code, as amended; and to the Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Material Piles, as well as all other applicable rules promulgated under any applicable sections of the Municipal Code of Chicago (collectively, “bulk material rules”).



(7) Nothing in this subsection 17-9-0117-D shall preclude a finding by the City that *manganese-bearing material operation uses* are also *waste-related uses* and thus subject to the regulations applicable to such uses as well.

(8) Nothing in this subsection 17-9-0117-D shall prohibit or impair the construction or installation of any improvements, nor the undertaking of any operations or maintenance that is required or provided for by the *bulk material rules*, with the exception of compliance with subsection 17-9-0117-D(4), the prohibition on expansion of land boundaries.

(9) In the event of any conflict between this subsection 17-9-0117-D and any other provision of this Zoning Ordinance, the former shall govern.

**17-9-0117-E Intensive Manufacturing and Production and Industrial Service Uses.** Storage areas and work areas on the site of all *intensive manufacturing* and *production and industrial service* uses must be conducted within *completely enclosed buildings* or structures; and, if the subject site's net site area meets or exceeds 10 contiguous acres or if the subject site is located within 660' of any R, B, C or POS zoning district, such uses must be established pursuant to the *planned development* standards of Section 17-13-0600.

**17-9-0117-F Warehousing, Wholesaling and Freight Movement Uses.** Storage areas and work areas on the site of all *warehousing, wholesaling and freight movement* uses must be conducted within *completely enclosed buildings* or structures; and, if the subject site's net site area meets or exceeds 10 contiguous acres, such use must be established pursuant to the *planned development* standards of Section 17-13-0600.

**17-9-0117-G Waste-Related Uses, Recycling Facilities, Intensive Manufacturing, Production and Industrial Service Uses, Warehousing, Wholesaling and Freight Movement, Container Storage, Freight Terminal, Outdoor Storage of Raw Material as a Principal Use, Coke & Coal Bulk Material Uses, Windrow Composting and Manganese-bearing Material Operation Uses.** All such newly-established uses or existing uses that change or increase their area, bulk, or function are subject to the following site plan review criteria, in addition to the requirements of Section 17-13-0800:

**17-9-0117-G.1** The site plan review application must include a traffic study and an air quality impact evaluation, and the Commissioner of the Chicago Department of Transportation must review each traffic study and the Commissioner of the Chicago Department of Public Health must review each air impact evaluation, and the Commissioners shall provide an opportunity for public review and comment on each traffic study and air impact evaluation, and forward their joint written recommendation on the proposal to the Zoning Administrator before a zoning certification may be issued.

**17-9-0117-G.2** All such uses are subject to compliance with the applicable landscape regulations of Chapter 17-11, expressly including the *vehicular use area* and *screening* standards.

**17-9-0117-G.3** All lighting must be directed downward and shielded to prevent illumination of adjoining properties.

**17-9-0117-G.4** Before filing an application for site plan review, but after submitting for City review the traffic study and air impact evaluation required under Section 17-9-0117-G.1, the applicant must hold at least one community meeting in the ward in which the use is proposed to be located for the purpose of explaining the proposal, including the traffic study and air impact evaluation, and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of filing the application; notice for such community meeting must be issued, pursuant to this Section, no later than two weeks prior to such community meeting. The Zoning Administrator is authorized to review and approve the day, time, location and format of the community meeting to promote public access. The applicant must notify the Zoning Administrator and the Alderman of the ward in which the use is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish notice of the community meeting in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the *property owner* of the subject property and to all *property owners* within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Zoning Administrator in a form prescribed by the Commissioner of the Department of Planning and Development on or before the date of filing of an application for site plan review.

**17-9-0117-G.5** All such uses are subject to compliance with the Department of Planning and Development's sustainable development policy.

**Editor's note** – Coun. J. 9-13-06, p. 84870, § 1, renumbered former § 17-9-0117 as § 17-2-0500.

#### **17-9-0117.5 Reserved.**

**Editor's note** – Coun. J. 9-13-06, p. 84870, § 2, renumbered § 17-9-0117.5 as § 17-9-0117.

#### **17-9-0117.7 Wind Energy Meteorological Tower.**

##### **17-9-0117.7-A General Standards.**

1. No *wind energy meteorological tower* may rise more than 300 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 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.

**17-9-0117.7-B Review and Approval Procedure.** 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 this Zoning Ordinance.

#### **17-9-0118 Wireless Communication Facilities.**

##### **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.

8. No wireless communication facility or accessory structure or any portion thereof, including but not limited to, any associated mounting equipment, hardware or wiring, shall be located on or attached to any rooftop gravity tank or rooftop gravity tank supporting structure.

**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 and associated equipment on an existing structure, other than a *wireless communication facility* wireless tower, including but not limited to buildings, light poles, commercial *signs*, church steeples, and any other freestanding structures. Such co-located *wireless communication 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 wireless communication 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 wireless communication facilities* may extend up to 15 feet above the highest point of the structure to which it is attached. Such *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 *wireless communication facilities* may extend up to 15 feet above the highest point of the structure to which it is attached. Such *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 Section 17-13-0900.

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 wireless communication 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 wireless communication 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.

#### **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.

12. *Freestanding facilities* which are accessory to police and fire operations, and used only for public safety purposes, may rise up to 150 feet above curb level and may be within 1,320 feet of another *freestanding facility*. Any required *setback* may be reduced by the Zoning Administrator or the Zoning Board of Appeals, as applicable, pursuant to Section 17-13-1003-I, Section 17-13-1101-B or Section 17-13-1101-L of this Code.

#### **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.

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. Provided, however, that the Zoning Board of Appeals may not waive any of the non-federally-mandated requirements of this section pertaining to the prohibition of wireless communication facilities on rooftop gravity tanks and rooftop gravity tank supporting structures.

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.

**17-9-0119 Location restrictions for certain retail food establishments – Live poultry.** No retail food establishment that sells live poultry or other live fowl at retail, or that slaughters or causes to be slaughtered for sale live poultry or other fowl at retail, shall be located within 200 feet from any place or structure: (1) in which is located a retail or wholesale food establishment; (2) is used for residential purposes; or (3) is used as a place of religious assembly, primary or secondary school, library, hospital, public park or public playground, measured from property line to property line.

**17-9-0120 Casino.** All such uses must be:

1. conducted within *completely enclosed buildings*;
2. located in a DX zoning district; and
3. established pursuant to the *planned development* standards of Section 17-8-0500.

**17-9-0125 Payday/title-secured loan store.** A payday/title-secured loan store may not be located within 1,000 feet of another existing payday/ title-secured loan store.

**17-9-0127 Pawn shop.** A pawn shop may not be located within 1,000 feet of another existing pawn shop.

**17-9-0128 Firearms dealer.** A firearms dealer may not be located within 500 feet of any primary or secondary school or any park owned or leased by any unit of local, state or federal government, measured from property line to property line.

**17-9-0129 Cannabis business establishments.** Cannabis business establishments shall comply with the following standards:

1. *Cannabis craft growers* may be allowed to conduct retail sales of cannabis products produced on-site only if such retail sales are reviewed and approved as a *special use* by the Zoning Board of Appeals. Such retail sales shall not exceed 20% of total floor area or 3,000 square feet, whichever is less, subject to the State of Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and the State of Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.), as well as any state administrative rule promulgated pursuant to these acts. The applicant for such proposed retail sales of cannabis products shall also hold a community meeting, pursuant to Section 17-13-0905-G.

2. The same site location of one *adult use cannabis dispensary* is permitted by-right at any location where a *medical cannabis dispensary* has been established on or before June 25, 2019. Prior to December 31, 2019, such *medical cannabis dispensary* operator shall send written notice by USPS first class mail to the *property owner* of the subject property and to all *property owners* within 250 feet of the property lines of the subject property stating that as of January 1, 2020, such *medical cannabis dispensary* is authorized to sell adult use cannabis at that location. Such *medical cannabis dispensary* operator shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the Zoning Board of Appeals on or before December 31, 2019, in a form prescribed by the Commissioner of the Department of Planning and Development. No *medical cannabis dispensary* shall commence dispensing adult use cannabis in its *medical cannabis dispensary* site without complying with the notice requirement provided in this Section.

3. An *adult use cannabis dispensary* shall be located no closer than 500 feet from any *school*; such distance shall be measured on a straight line from the nearest property line of the *school* to the nearest property line of the lot to be occupied by the *adult use cannabis dispensary*.

4. A *cannabis infuser* or *cannabis processor* may share enclosed facilities with cannabis craft growing, processing or dispensing organizations, provided all cannabis and currency is separately stored and secured.

5. No *cannabis business establishment* which requires a *special use* may operate in any *planned development* prior to such use being reviewed and approved as a *special use* by the Zoning Board of Appeals.

6. A *cannabis cultivation center*, *cannabis craft grower*, *cannabis infuser* or *cannabis processor* is a permitted use by-right in "M2" and "M3" districts if such use is located more than 660 feet from any residential district. Special use approval is required for a *cannabis cultivation center*, *cannabis craft grower*, *cannabis infuser* or *cannabis processor* in "M2" and "M3" districts when such use is located within 660 feet of any residential district.

**17-9-0130 Industrial Private Event Venue.**

(a) The parking requirements for an *industrial private event venue* located in a *planned manufacturing district* shall be the same as the parking requirements for an *industrial private event venue* located in a manufacturing district.

(b) An *industrial private event venue* is only permitted in a building that has been in lawful existence for no less than 50 years prior to the effective date of this section and the total floor area of the building has not been expanded by more than 10% of the building's total floor area in existence on the effective date of this section.

**17-9-0131 Conversion Units.**

1. A building permit for a *conversion unit* may not be issued for a *zoning lot* located outside of an Additional Dwelling Unit-Allowed Area.

2. Prior to issuance of a building permit for a new *conversion unit*, the permit applicant must provide written notice to abutting property owners and to the local alderman. The written notice must include: (a) the street address of the existing building; (b) a statement that a

*conversion unit* will be established at the address; and (c) the name and mailing address of the applicant. The applicant must submit a written affidavit certifying compliance with the notice requirements with the permit application.

3. *Conversion units* are subject to Section 17-2-0303-C.

4. *Conversion units* are not subject to the minimum *lot area* per unit provisions of Sections 17-2-0303-A, 17-7-0702, 17-7-0802, 17-7-0902 or 17-7-1104.

5. *Conversion units* are not subject to the open space provisions of Sections 17-2-0307 or 17-2-0308.

6. *Conversion units* may be established without corresponding *accessory parking*.

7. *Conversion units* must be maintained as affordable housing units to the extent required under Section 2-44-106 .

8. *Conversion units* may not be established on any *zoning lot* that contains a *coach house*.

9. *Conversion units* may not be rented, leased, or otherwise made available for compensation of any type for transient occupancy, as defined in Section 4-6-290 , by persons other than members of the unit owner's or tenant's *household*. In addition to any other penalty provided by law, any person who violates this Section 17-9-0131(9) will be subject to a fine of not less than \$1,500.00 nor more than \$3,000.00 for each offense. Each day that a violation continues constitutes a separate and distinct offense. The Department of Planning and Development, Department of Housing, Department of Buildings, and Department of Business Affairs and Consumer Protection are each authorized to enforce this Section 17-9-0131(9).

10. The following additional requirements apply to *conversion units* in the West, South, and Southeast Zones of Additional Dwelling Unit-Allowed Areas:

a. A building permit may not be issued to add a *conversion unit* to a *zoning lot* with three or fewer established *dwelling units* unless the *principal building* on the *zoning lot* is owner-occupied at the time of permit application.

b. A building permit may not be issued to add a *conversion unit* to a *zoning lot* where two other *zoning lots* on the same *block face* and opposite *block face* have obtained permits to add a *conversion unit* or *coach house* unit during the same calendar year.

**17-9-0132 Walk-Up Service Windows.** Eating and drinking establishments with a walk-up service window, as the term "walk-up service window" is defined in Section 4-4-339 , must provide sufficient queuing area at a minimum of 6 square feet per customer in advance of the walk-up service window to accommodate a minimum of 8 persons, either (i) on the same zoning lot as the use served or (ii) on the abutting public way, subject to public way use approval by the Department of Transportation and, if the establishment is proposing any structure to control or direct customer queuing on the public way, approval by the Department of Business Affairs and Consumer Protection pursuant to Chapter 10-28 of this Code.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 4-6-05, p. 46179; Amend Coun. J. 9-14-05, p. 55917; Amend Coun. J. 2-8-06, p. 70306, § 1; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-13-06, p. 84912, § 2; Amend Coun. J. 4-9-08, p. 24657, § 7; Amend Coun. J. 4-22-09, p. 59710, § 1; Amend Coun. J. 5-13-09, p. 62733, §§ 1, 2; Amend Coun. J. 5-13-09, p. 62736, § 1; Amend Coun. J. 5-12-10, p. 92101, § 1; Amend Coun. J. 6-9-10, p. 93530, § 6; Amend Coun. J. 6-9-10, p. 94410, § 1; Amend Coun. J. 2-9-11, p. 112149, § 24; Amend Coun. J. 6-8-11, p. 1725, § 5; Amend Coun. J. 9-8-11, p. 7541, § 7; Amend Coun. J. 9-8-11, p. 7562, § 1; Amend Coun. J. 11-2-11, p. 12140, § 1; Amend Coun. J. 11-16-11, p. 17064, § 1; Amend Coun. J. 5-9-12, p. 27485, §§ 191, 192; Amend Coun. J. 6-27-12, p. 30744, § 4; Amend Coun. J. 7-25-12, p. 31627, § 1; Amend Coun. J. 11-8-12, p. 38872, § 247; Amend Coun. J. 1-17-13, p. 45370, § 7; Amend Coun. J. 1-17-13, p. 45622, § 1; Amend Coun. J. 2-13-13, 47141, § 1; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 4-30-14, p. 80394, § 7; Amend Coun. J. 6-25-14, p. 83727, § 14; Amend Coun. J. 7-30-14, p. 86194, § 6; Amend Coun. J. 7-30-14, p. 86203, §§ 15 – 17; Amend Coun. J. 12-10-14, p. 101210, § 2; Amend Coun. J. 1-21-15, p. 102089, § 1; Amend Coun. J. 4-15-15, p. 106130, § 17, 18; Amend Coun. J. 7-29-15, p. 4110, § 4; Amend Coun. J. 7-29-15, p. 4122, § 2; Amend Coun. J. 2-10-16, p. 18766, § 14; Amend Coun. J. 2-10-16, p. 18795, § 1; Amend Coun. J. 5-24-17, p. 50364, § 2; Amend Coun. J. 3-28-18, p. 74512, § 7; Amend Coun. J. 4-10-19, p. 100029, Art. II, §§ 109 – 111; Amend Coun. J. 4-10-19, p. 100809, § 1; Amend Coun. J. 10-16-19, p. 7854, § 6; Amend Coun. J. 10-7-20, p. 21791, Art. VII, §§ 27, 28; Amend Coun. J. 12-16-20, p. 26066, § 13; Amend Coun. J. 2-26-21, p. 28054, § 2; Amend Coun. J. 3-24-21, p. 29065, § 8; Amend Coun. J. 9-20-21, p. 36844, § 6; Amend Coun. J. 12-15-21, p. 42674, § 4; Amend Coun. J. 12-15-21, p. 42922, § 11; Amend Coun. J. 5-25-22, p. 48413, § 10; Amend Coun. J. 1-18-23, p. 59796, § 7; Amend Coun. J. 3-15-23, p. 61261, § 3; Amend Coun. J. 6-21-23, p. 1515, § 4)

## Notes

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## **17-9-0200 Accessory uses, buildings and structures.**

### **17-9-0201 General.**

**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, other than a *coach house* constructed pursuant to Section 17-9-0201-F(13) or a produce stand established pursuant to Section 17-9-0302, may not be constructed on any *lot* before the construction of the *principal building* to which it is accessory.

**17-9-0201-D** The combination of all *accessory buildings* may not 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.
3. That accessory *community garden* buildings such as sheds, greenhouses, hoopouses or farm stands may have an area of up to 575



square feet.

**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).

**17-9-0201-F Coach Houses.**

1. A building permit for a new *coach house* unit may not be issued for a *zoning lot* located outside of an Additional Dwelling Unit-Allowed Area.

2. Prior to issuance of a building permit for a new *coach house* unit, the permit applicant must provide written notice to abutting property owners and to the local alderman. The written notice must include: (a) the street address of the property where a *coach house* unit will be established; (b) a statement that a *coach house* unit will be established at the address; and (c) the name and mailing address of the applicant. The applicant must submit a written affidavit certifying compliance with the notice requirements with the permit application.

3. *Coach houses* may not reduce any existing on-site, *accessory parking* required to serve the existing *principal building* on the *zoning lot*.

4. *Coach houses* may be established without *accessory parking* to serve the *coach house*.

5. *Coach houses* may not exceed 22 feet in *building height*.

6. Rooftop features may not exceed 22 feet in overall height above grade.

7. At least three feet of open space that is unobstructed and unoccupied from its lowest level to the sky must be provided between the *coach house* and at least one *side property line* for the entire length of the building wall, except when a *side property line* abuts an *alley* or *street*.

8. A minimum separation of 15 feet must be provided between the *rear wall* of the *principal building* and the *front wall* of the *coach house*.

9. A *dwelling unit* within a *coach house* may not exceed 700 square feet of floor area, exclusive of interior stairs which directly access the *dwelling unit*. Only one *dwelling unit* is permitted per *coach house*.

10. *Coach houses* in any RS2, RS3, RT or RM zoning district are not subject to the minimum *lot area* provisions of Sections 17-2-0303-A, 17-7-0702, 17-7-0802, 17-7-0902 or 17-7-1104.

11. *Coach houses* in any RS2, RS3, RT or RM zoning district are not subject to the open space provisions of Sections 17-2-0307 or 17-2-0308, but are subject to Chapter 16-18 of this Code. Provided, however, that *coach houses* may not reduce existing open space required under Sections 17-2-0307 or 17-2-0308 that serves the *principal building* on the *zoning lot*.

12. *Coach houses* in any RS2, RS3, RT or RM zoning district are not subject to the *floor area ratio* provisions of Section 17-2-0304-A.

13. A *coach house* may be constructed on a *lot* before the construction of the *principal building* to which it is accessory. When established prior to the *principal building* on a *zoning lot*, a *coach house* must be located entirely within the *rear setback* of the *zoning lot* in accordance with this Section 17-9-0201-F and will be exempt from the *rear setback* requirements of Section 17-2-0306-B.

14. Reserved.

15. *Coach houses* may not be established on any *zoning lot* that contains a *conversion unit*.

16. *Coach houses* may not be established if the *principal building* contains more than four lawfully established *dwelling units*.

17. *Dwelling units* contained within *coach houses* lawfully established after May 1, 2021 may not be rented, leased, or otherwise made available for compensation of any type for transient occupancy, as defined in Section 4-6-290, by persons other than members of the unit owner's or tenant's *household*. In addition to any other penalty provided by law, any person who violates this Section 17-09-0201-F(16)\* will be subject to a fine of not less than \$1,500.00 nor more than \$3,000.00 for each offense. Each day that a violation continues constitutes a separate and distinct offense. The Department of Planning and Development, Department of Housing, Department of Buildings and Department of Business Affairs and Consumer Protection are each authorized to enforce this Section 17-09-0201-F(16)\*.

\* **Editor's note** – As set forth in Coun. J. 12-16-20, p. 26066, § 14; intended reference is likely Section 17-9-0201-F(17). Future legislation will correct if needed.

18. The following additional requirements shall apply to *coach houses* in the West, South, and Southeast Zones of the Additional Dwelling Unit-Allowed Areas:

a. A building permit may not be issued to add a *coach house* unit to a *zoning lot* unless the *principal building* on the *zoning lot* is owner-occupied at the time of permit application.

b. A building permit may not be issued to add a *coach house* unit to a *zoning lot* where two other *zoning lots* on the same *block face* and opposite *block face* have obtained permits to add a *conversion unit* or *coach house* unit during the same calendar year.

**17-9-0202 Home Occupations.**

**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 minimum

standards in subsections (e), (f) and (g) of Section 4-6-270 .

#### 17-9-0203 Satellite Dish Antennas.

**17-9-0203-A** *Satellite dish antennas* up to one meter in diameter are permitted as *accessory uses* in all zoning districts. Subject to 47 C.F.R. 1.4000, as amended, and other applicable law, and subject to lawful restrictions on the use of common areas, all satellite dish antennas up to one meter in diameter shall be installed and maintained as set forth in paragraphs (1) through (3) below:

(1) All satellite dish antennas shall be placed in locations that are not visible from any street adjacent to the property on which such equipment is located. Pursuant to this paragraph (1), no satellite dish antenna may be installed or placed between the facade of a building and any street adjacent to the subject property, unless the device is wholly within a balcony or patio area that is under the exclusive use or control of the user. If compliance with this paragraph (1) is not technically feasible (i.e., compliance would result in a material delay or reduction in signal reception or significant additional cost to the user), the television access provider or installer shall provide the user of the equipment with a signed statement certifying that the satellite dish antenna cannot be installed in compliance with Section 17-9-0203-A(1) based on actual testing conducted at the property. A copy of the certification form shall be provided to the user, and a copy shall be maintained at the office of the installer or provider.

(2) If compliance with paragraph (1) is not technically feasible, and the television access provider or installer has issued a certification in accordance with paragraph (1), satellite dish antennas may be placed in locations that are minimally visible from any street adjacent to the subject property. For purposes of this paragraph (2), compliance with the “minimally visible” standard shall mean that the satellite dish antenna is (a) shielded from view from adjacent streets to the greatest extent possible by landscaping, lattice, fencing or structural or architectural elements of the building on which the satellite dish antenna is located (e.g., a balcony, bay window, chimney, dormer or parapet), and (b) if side-mounted, attached to a building wall facing the subject property's interior *side property line* and set back a minimum of ten feet from any building wall facing an adjacent street.

(3) All satellite dish antennas and associated mounting equipment and hardware shall be disconnected and removed when such devices are no longer in service.

**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.

**17-9-0203-D** No *satellite dish* or *accessory structure* or any portion thereof, including but not limited to, any associated mounting equipment, hardware or wiring, shall be located on or attached to any *rooftop gravity tank* or *rooftop gravity tank supporting structure*.

**Editor's note** – FCC Order DA 21-38, entered on January 11, 2021, ruled that paragraphs (1), (2) and (3) of Code Section 17-9-0203-A, regulating placement of satellite dishes, are federally preempted.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 5-4-11, p. 117699, § 9; Amend Coun. J. 9-8-11, p. 7541, § 7; Amend Coun. J. 3-14-12, p. 23152, § 1; Amend Coun. J. 7-30-14, p. 86203, § 18; Amend Coun. J. 2-22-17, p. 43916, Art. I, § 2; Amend Coun. J. 12-16-20, p. 26066, § 14; Amend Coun. J. 4-21-21, p. 29942, § 2; Amend Coun. J. 12-14-22, p. 58278, Art. V, § 1; Amend Coun. J. 6-21-23, p. 1515, § 5)

#### Notes

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#### 17-9-0300 Temporary uses.

**17-9-0301 Contractor's Office and Construction Equipment Sheds and Temporary Sales Trailers.** Contractor's offices and construction equipment sheds and temporary sales trailers 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 Buildings.

**17-9-0301-B** No contractor's office, or shed or temporary sales trailer may contain sleeping or cooking accommodations, except as necessary to accommodate security personnel.

**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.

**17-9-0302 Produce Stands.** Produce stands are allowed in any zoning district when accessory to an allowed community garden or urban farm.

**17-9-0302-A** A produce stand must be located on the same *lot* as the community garden or urban farm and may not: (1) be located closer than 15 feet from the *front property line* in a residential district; (2) be located closer than 5 feet from any *side property line*; (3) exceed 150 square feet in area; or (4) exceed 15 feet in height above the ground.

**17-9-0302-B** Produce stands lawfully established after May 1, 2023, may not be operated on a lot that contains one or more *dwelling units*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 6-21-23, p. 1515, § 6)

## CHAPTER 17-10

### PARKING AND LOADING

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**17-10-0100 General.**

**17-10-0200 Off-street parking ratios.**

**17-10-0300 Bicycle parking.**

**17-10-0400 Calculation rules.**

**17-10-0500 Use of off-street parking areas; leasing of required spaces.**

**17-10-0600 Location of off-street parking.**

**17-10-0700 Shared parking.**

**17-10-0800 Cooperative parking.**

**17-10-0900 Accessible parking (for people with disabilities).**

**17-10-1000 Parking area design.**

**17-10-1100 Off-street loading.**

#### **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 other 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 off-street parking spaces 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 are not increased as a result of additions containing *dwelling units*. If the *residential building* or other residential use has been in lawful existence for 20 or more years, the parking and loading standards of this chapter apply when 2 or more *dwelling units* are added.

**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).

3. Notwithstanding any other provision of the code to the contrary, no credit for required off-street parking or loading space shall be given to any building, or any part thereof, in which the change is to a use as an *industrial private event venue*.

#### **17-10-0102 Off-street Parking Exemptions and Reductions.**

##### **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.
3. Minimum off-street automobile parking ratios for all uses may be reduced by up to 50 percent from the otherwise applicable standards for the rehabilitation of existing buildings which are 1) designated a National Historic Landmark; or 2) listed individually on the National Register of Historic Places; or 3) listed as a “contributing building” to a Historic District that is listed on the National Register of Historic Places.

##### **17-10-0102-B Transit-Served Locations.**

1. In RM5, RM5.5, RM6, RM6.5, B, C, D, M or PMD subarea B districts, minimum off-street automobile parking ratios may be reduced by up to 100 percent from the otherwise applicable standards for new construction or rehabilitation or reuse of existing structures located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B. Any reduction in minimum off-street automobile parking ratios in excess of 50% under this Section 17-10-0102-B.1 shall be approved only as an *administrative adjustment* under the provisions of Section 17-13-1003-EE. Any party requesting a reduction in excess of 50% under this Section 17-10-0102-B.1 shall provide notice to the alderman of the ward in which the subject property is located, and no such reduction shall be approved until at least 10 days after the date that such notice was delivered to the alderman.

2. *Residential buildings* within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B must contain at least one bicycle parking space per *dwelling unit*. *Non-residential buildings* within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B must contain at least one bicycle parking space for each automobile parking space that would otherwise be required under the applicable standards of Section 17-10-0200. When such calculations for *residential buildings* or *non-residential buildings* result in a bicycle parking requirement in excess of 50 bicycle parking spaces, the limits described in Section 17-10-0301-B shall not apply. All bicycle parking design is subject to the regulations of Section 17-10-0302.

3. The 1,320-foot and 2,640-foot distances specified in this Section must be measured along a straight line between the rail station entrance or exit and the nearest boundary of the lot to be developed or, when applied to a CTA bus line corridor roadway segment listed in Table 17-17-0400-B, between the roadway segment centerline and the nearest boundary of the lot to be developed.

4. *Residential buildings* which: i. achieve a mandatory *planned development* threshold, pursuant to Section 17-8-0513; ii. maximize minimum lot area density for *efficiency units*, pursuant to Sections 17-2-0313, 17-3-0410 or 17-4-0409; iii. maximize *floor area ratio*, pursuant to Sections 17-2-0304, 17-3-0403 or 17-4-0405; and, iv. are located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B, may replace, at a 1:1 ratio, square footage required for accessory parking that was reduced pursuant to Section 17-10-0102-B.1 with floor area for on-site affordable square footage, as defined by Section 2-44-085, provided:

- a. the parking is reduced beyond 50% pursuant to Section 17-10-0102-B.1;
- b. the residential unit floor area is provided for new units only, and not for the expansion of allowed units, per 17-10-0102-B(4)(ii) and 17-10-0102-B(4)(iii) above;
- c. notwithstanding any other provision of this Code to the contrary, any affordable units, as defined by Section 2-44-085, as amended (the “ARO”), established in a project pursuant to this Section, shall be subject to all terms and provisions of the ARO until the project is re-established as a non-residential use; and,
- d. the residential unit floor area is provided in the same *residential building* from which the parking is replaced.
- e. the total number of on-site affordable units in the building equals at least the minimum number of on-site affordable units required by Section 2-44-085, plus the number of additional units added to the building pursuant to this Section.

5. For projects located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B, minimum off-street automobile parking ratios may be reduced by up to 100 percent for the entire *building* from the otherwise applicable standards for new construction or rehabilitation or reuse of existing structures if:

- a. 50% or more of the *dwelling units* are either: (i) assisted housing, as defined by Section 2-44-120 or (ii) affordable units, as defined by Section 2-44-085; or
- b. 50% or more of the *dwelling units* are in a residential development otherwise subject to a recorded covenant, lien, regulatory agreement, deed restriction, or similar instrument requiring that units be income restricted to no more than 80% of Area Median Income, as



defined by the US Department of Housing and Urban Development, approved or acknowledged by the Department of Housing.

**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 Zoning Administrator is authorized to approve off-street parking ratio reductions of up to 25 percent for *multi-unit residential* developments in “D” districts if the Zoning Administrator 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

**17-10-0102-F Type A Units.** When a *multi-unit residential building* utilizes the incentives in 17-2-0303-B.2 or 17-2-0304-D, minimum off-street parking shall be no greater than 1 space per 8 feet of alley frontage, provided that an accessible parking space shall count as 2 spaces. Fractions in the calculation of the number of required off-street parking spaces shall be rounded down to the nearest whole number. In no circumstance should this provision be interpreted to require a greater number of off-street parking spaces than would otherwise be required.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 6-27-12, p. 30542, § 1; Amend Coun. J. 11-8-12, p. 38872, § 248; Amend Coun. J. 9-11-13, p. 60173, § 7; Amend Coun. J. 11-5-14, p. 96201, § 1; Amend Coun. J. 3-18-15, p. 105476, § 8; Amend Coun. J. 9-24-15, p. 7499, § 8; Amend Coun. J. 2-10-16, p. 18766, § 15; Amend Coun. J. 1-23-19, p. 94981, § 3; Amend Coun. J. 7-20-22, p. 50878, § 6)

#### Notes

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#### **17-10-0200 Off-street parking ratios.**

**17-10-0201 General.** Off-street parking spaces must be provided in accordance with the off-street parking schedules of this section.

**17-10-0202 Parking Groups.** 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 to each of the parking groups are listed in the off-street parking schedules of this section.

**17-10-0203 Districts.** Many parking standards vary according to 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.** 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.** 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.** 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.** 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.

For a printer-friendly PDF version of Table 17-10-0207, please click [here](#).

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
17-10-0207-A Parking Group A.		
(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
17-10-0207-B Parking Group B.		
(Single-room Occupancy)		
All districts	1 space per 10 units	1 per 2 auto spaces in buildings containing 8 or more units
17-10-0207-C Parking Group C.		
(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)

(Note: Business live/work units shall comply with the off-street parking standards of Parking Group C; provided, however, in the case of buildings constructed prior to August 1, 2012, one business live/work unit per building shall be exempt from such parking standards.)

#### 17-10-0207-D Parking Group D.

(Elderly Housing)

All	0.33 spaces per unit	1 per 4 auto spaces in buildings containing 8 or more units
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#### 17-10-0207-E Parking Group E.

(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 Zoning and Land Use Planning	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	

#### 17-10-0207-F Parking Group F.

(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	

#### 17-10-0207-G Parking Group G.

(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	

#### 17-10-0207-H Parking Group H.

(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	

#### 17-10-0207-I Parking Group I.

(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	

#### 17-10-0207-J Parking Group J.

(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	

#### 17-10-0207-K Parking Group K.

(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	
17-10-0207-L Parking Group L.		
(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	
17-10-0207-M Parking Group M.		
(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, or Cannabis Business Establishment)		
B, C, M dash 1, 1.5, 2	Health Clubs: as required by Sec. 4-6-020 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
B, C, M dash 3	Health Clubs: as required by Sec. 4-6-020 of the Municipal Code  Participant Sports and Recreation: 1 per 10 persons capacity  All other: 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. 4-6-020 of the Municipal Code  Participant Sports and Recreation: 1 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	
17-10-0207-N Parking Group N.		
(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	None
B, C, M dash 3	None for first 10,000 square feet then 1.66 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	
17-10-0207-O Parking Group O.		
(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 5D (all)	See Off-Street Parking Schedule “2”	
17-10-0207-P Parking Group P.		
(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	
17-10-0207-Q Parking Group Q.		
(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	
17-10-0207-R Parking Group R.		
(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	
17-10-0207-S Parking Group S.		
(Lodging)		
R (All)	Bed and Breakfast: 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 Hotel/Motel: 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	
17-10-0207-T Parking Group T.		
(Medical Service, Children's Activities Facility)		
R (All)B, C, M dash 1, 1.5, 2, 3	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	None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet	
17-10-0207-U Parking Group U.		
(Commercial Garden or Greenhouse, 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	
17-10-0207-V Parking Group V.		
(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
17-10-0207-W Parking Group W.		
(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

**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.

For a printer-friendly PDF version of Table 17-10-0208, please click [here](#).

District	Minimum Automobile Parking Ratio (Per unit or gross floor area)	Maximum Accessory Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
District	Minimum Automobile Parking Ratio (Per unit or gross floor area)	Maximum Accessory Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
<b>Residential Uses</b>			
D dash 3	1 space per dwelling unit	2.0 per dwelling unit	1 per 2 auto spaces in buildings containing 8 or
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 DHED	1.5 per dwelling unit	
D dash 7	0.7 spaces per dwelling unit	DC district: 1.1 per dwelling unit DX and	

D dash 10, 12, 16	0.55 spaces per dwelling unit	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	more units
<b>Nonresidential Uses</b>			
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 x lot area, whichever is greater, then 0.8 spaces per 1,000 square feet	None	
D dash 7, 12, 16	<p>No minimums in dash 7, 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, 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>	

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44381; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-30-05, p. 62719; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 5-12-10, p. 91343, § 4; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 9-8-11, p. 7541, § 8; Amend Coun. J. 5-9-12, p. 27485, § 193; Amend Coun. J. 6-27-12, p. 30744, § 2; Amend Coun. J. 11-8-12, p. 38872, §§ 249, 250; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 7-30-14, p. 86194, § 7; Amend Coun. J. 10-16-19, p. 7854, § 7; Amend Coun. J. 1-18-23, p. 59 796, § 9)

#### Notes

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#### 17-10-0300 Bicycle parking.

**17-10-0301 Spaces Required.** Except as expressly stated in Section 17-10-0301-B, bicycle parking must be provided in accordance with the off-street parking ratios of Section 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-GG.

#### **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.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-8-12, p. 38872, § 251; Amend Coun. J. 9-11-13, p. 60173, § 11; Amend Coun. J. 7-20-22, p. 50878, § 6)

#### **17-10-0400 Calculation rules.**

The following rules apply when calculating off-street parking requirements.

##### **17-10-0401 Multiple Uses.**

**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)

**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.

**17-10-0401-C** No parking is required for accessory uses unless otherwise expressly stated.

**17-10-0402 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. 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.**

**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.** 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.** 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.** 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.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

#### **17-10-0500 Use of off-street parking areas; leasing of required.**

**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 and all C districts, 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 and C dash 5 districts, 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.

**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.

**17-10-0508** In D districts, parking spaces in *non-accessory parking* facilities may not be used for *temporary storage containers*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 6-25-14, p. 84153, § 1)

#### **17-10-0600 Location of off-street parking.**

**17-10-0601 RS Districts.** 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.** 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*.

**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.**

**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-FF), 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.

**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*.

**17-10-0604 Agreement.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-11-13, p. 60173, § 10)

#### **17-10-0700 Shared parking.**

**17-10-0701 Description.** 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.**

**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-HH.)

**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.**

**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.** 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.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-8-12, p. 38872, § 252; Amend Coun. J. 9-11-13, p. 60173, § 12)

#### **17-10-0800 Cooperative parking.**

**17-10-0801 Description.** 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-HH.)

**17-10-0802 Authorization.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-11-13, p. 60173, § 13)

#### **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 garages and to changes, improvements and maintenance of existing parking lots and garages, 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 Uses.** Unless otherwise expressly stated, accessible off-street parking spaces must be provided to serve uses other than nontransient residential uses as follows:

Total Off-Street Parking Spaces Provided [1]	Minimum Number of Accessible Spaces Required
Total Off-Street Parking Spaces Provided [1]	Minimum Number of Accessible Spaces Required
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 (rounded up to the nearest whole number)
More than 1,000	20 plus one for each 100, or fraction thereof, over 1,000

[1] Motorcycle and bicycle spaces are not required to be counted in the total number of spaces provided.

**17-10-0902-B Nontransient Residential Uses.** When off-street parking is provided to serve nontransient residential uses that are required by the Chicago Building Code to have accessible units, *Type A units*, or Type B units, accessible parking spaces must be provided as follows:

Total Off-Street Parking Spaces Provided [1]	Minimum Number of Accessible Spaces Required
Total Off-Street Parking Spaces Provided [1]	Minimum Number of Accessible Spaces Required
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 (rounded up to the nearest whole number)

[1] Motorcycle and bicycle spaces are not required to be counted in the total number of spaces provided.

**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.** Accessible parking spaces must be either 8 feet in width (minimum) or 11 feet in width (minimum), must be marked to define the width, and must have an adjacent access aisle complying with Section 17-10-0903-B.

**17-10-0903-B Access Aisle.** Access aisles serving accessible parking spaces must comply with the following standards:

1. Width. The combined width of an accessible parking space and its adjacent access aisle must be 16 feet minimum. Access aisles serving parking spaces that are at least 11 feet wide must be at least 5 feet wide. Access aisles serving parking spaces that are less than 11 feet wide must be at least 8 feet wide. For accessible parking spaces exclusively serving the residents of a *residential building* that contains no more than 19 *dwelling units* that are either *Type A units* or Type B units, however, an aisle width of 5 feet and a combined width of 13 feet is allowed.
2. Length. Access aisles must extend the full length of the accessible parking spaces they serve.
3. Marking. Access aisles must be marked with diagonal striping so as to discourage parking in them.
4. Location. Access aisles may not overlap the vehicular way. Access aisles may be placed on either side of the parking space except for angled parking spaces which must have access aisles located on the passenger side of the parking space.
5. Arrangement. Access aisles must adjoin an accessible route. Two parking spaces, other than diagonal parking spaces, may share a common access aisle.

**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. Changes in level are not allowed.

**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 or fraction of 6 accessible parking spaces, at least one must provide the vertical clearance required for vans. A van space is not required, however, for parking exclusively serving the residents of a *residential building* that contains no more than 19 *dwelling units* that are either *Type A units* or Type B units.

**17-10-0903-E Signs and Identification.** Accessible parking spaces and accessible passenger loading zones must be identified by *signs*. Such *signs* must comply with the Chicago Building Code.

**17-10-0903-F Relationship to Accessible Routes.** Accessible parking spaces and access aisles must be designed so that vehicles, when parked, cannot obstruct the required clear width of adjacent accessible routes.

**17-10-0903-G Location.**

1. General. Accessible parking spaces must be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. 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. Alternatives.
  - (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 facilities if substantially equivalent or greater access and usability to people with disabilities is provided in terms of distance from an accessible entrance or entrances, parking fee and user convenience.

**17-10-0904 Passenger Loading Zones.**

**17-10-0904-A Continuous Loading Zones.** Where passenger loading zones are provided, one passenger loading zone in every continuous 100 linear feet maximum of loading zone space must be accessible.

**17-10-0904-B Medical Facilities.** An accessible 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 Code Section 14B-11-1105 .3.

**17-10-0904-C Valet Parking.** An accessible passenger loading zone must be provided at valet parking services. If at-grade parking is provided, at least one accessible space for self-parking of a vehicle must be provided.

**17-10-0904-D Mechanical Access Parking Garages.** Mechanical access parking garages must provide at least one accessible passenger loading zone at vehicle drop-off and vehicle pick-up areas.

**17-10-0904-E Design.**

1. Vehicle Pull-up Space Size. Accessible passenger loading zones must provide a vehicular pull-up space that is at least 8 feet in width and at least 20 feet in length.
2. Access Aisle. Accessible passenger loading zones must have an adjacent access aisle that complies with the following:
  - (a) Location. Access aisles must adjoin an accessible route. Access aisles may not overlap the vehicular way.
  - (b) Width. Access aisles serving vehicle pull-up spaces must be at least 5 feet in width.
  - (c) Length. Access aisles must be at least 20 feet in length.
  - (d) Marking. Access aisles must be marked so as to discourage parking in them.
3. Floor Surfaces. Vehicle pull-up spaces and access aisles serving them must have surface slopes no steeper than 1:48. Access aisles must be at the same level as the vehicle pull-up space they serve.
4. Vertical Clearance. A vertical clearance of at least 9 feet 6 inches must be provided at the following locations:
  - (a) Accessible vehicle pull-up spaces;
  - (b) Access aisles serving accessible vehicle pull-up spaces;
  - (c) A vehicular route from an entrance to the accessible passenger loading zone; and
  - (d) A vehicular route from the accessible passenger loading zone to a vehicular exit serving vehicle pull-up spaces.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 7-20-22, p. 50878, § 6; Amend Coun. J. 1-18-23, p. 59796, § 8)

Notes

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**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:

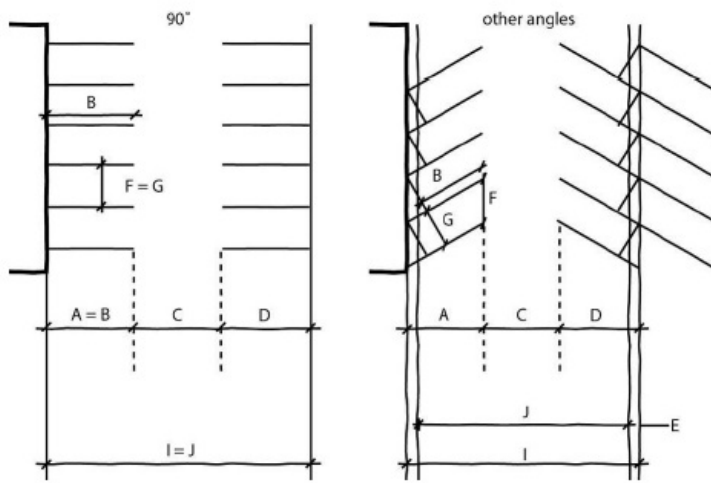
Dimensions (in feet)	Parking Angle		
	45°	60°	90°
Dimensions (in feet)	Parking Angle		
	45°	60°	90°
A. Stall Depth to Wall	18.4	19.7	18
B. Stall Depth Parallel to Vehicle	18	18	18
C. Aisle Width [1][2]	12	16	22
D. Stall Depth to Interlock	16.4	18.2	18
E. Stall Depth Reduction due to Interlock	2	1.5	0
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°.

**Figure 17-10-1001**



**17-10-1002 Materials and Surfacing.** 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.

**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.** All off-street parking spaces must have a vertical clearance of at least 7 feet.

**17-10-1004 Access.** 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.** 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.** 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.** Parking lot landscaping must be provided in accordance with Sec. 17-11-0200.

#### **17-10-1008 Plot Plan.**

**17-10-1008-A** Any application for a zoning certification 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 zoning certification 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.** 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.**

##### **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 Chapter 14B-2 .

#### **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* and *non-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*.

**17-10-1011 Electric Vehicle Supply Equipment.** This section shall apply to building permit applications for a new construction building project that includes *accessory parking* or *non-accessory parking* as described in this section.

#### **17-10-1011-A Residential Buildings.**

1. Where the first building permit application for the project is submitted after October 31, 2020, and before November 1, 2023, new construction of a multi-unit *residential building* containing five or more *dwelling units* where on-site parking is provided shall include equipment so that at least 20 percent, and no less than one, of the parking spaces are either *EVSE-ready spaces* or *EVSE-installed spaces*.

2. Where the first building permit application for the project is submitted on or after November 1, 2023, new construction of a *residential building* intended for *household living* with *accessory parking* provided shall include equipment so that 100 percent of the *accessory parking* spaces serving *dwelling units*, 20 percent of the *accessory parking* spaces serving other than *dwelling units*, and 20 percent of the *non-accessory parking* spaces are either *EVSE-ready spaces* or *EVSE-installed spaces*.

3. Where the first building permit application for the project is submitted on or after November 1, 2023, new construction of a *residential building* intended for *group living* or lodging with *accessory parking* provided shall include equipment so that 20 percent of parking spaces are either *EVSE-ready spaces* or *EVSE-installed spaces*.

**17-10-1011-B Nonresidential Buildings.** Where the first building permit application for the project is submitted after October 31, 2020, new construction of a building other than a *residential building*, with 30 or more parking spaces provided shall include equipment so that at least 20 percent of the parking spaces are either *EVSE-ready spaces* or *EVSE-installed spaces*.

**17-10-1011-C Accessible EVSE-Ready Spaces and EVSE-Installed Spaces.** Installation of *EVSE-ready spaces* or *EVSE-installed spaces* shall neither increase nor reduce the number, layout, or design of accessible parking spaces required by Chapter 17-10-0900 or 14B-11 of the Municipal Code of Chicago, and any accessible *EVSE-ready space* or *EVSE-installed space* shall also be available for use by an automobile that is not an *electric vehicle* provided such automobile bears an appropriate handicapped parking decal or device. If this section requires the installation of *EVSE-ready spaces* or *EVSE-installed spaces*, then the number of accessible parking spaces required by Chapter 17-10-0900 or 14B-11 of the Municipal Code of Chicago that must also be *EVSE-ready spaces* or *EVSE-installed spaces* is as follows:

<b>Total EVSE-Ready Spaces or EVSE-Installed Spaces</b>	<b>Minimum Number of EVSE-Ready Spaces or EVSE- Installed Spaces Required to Be Accessible Parking Spaces</b>
1 to 50	1 *
51 to 75	2
76 to 100	3
More than 100	3, plus 1 for every 60 additional <i>EVSE-ready spaces</i> or <i>EVSE-installed spaces</i>

\* An accessible parking space is not required by this section if no accessible parking spaces are required by Section 17-10-0902.

For the first required accessible *EVSE-ready space* or *EVSE-installed space*, the *electric vehicle supply equipment infrastructure* may be located so that the *electric vehicle supply equipment* will be located on an accessible route and may be shared by an accessible parking space and a parking space not required to be accessible. Otherwise, both an accessible parking space and a parking space not required to be accessible must be *EVSE-ready spaces* or *EVSE-installed spaces*.

**17-10-1011-D Use of EVSE Energy Management System.** The required electrical capacity to serve either *EVSE-installed spaces* or *EVSE-ready spaces* in a parking area with *EVSE-installed spaces* connected to an *EVSE energy management system* may be determined based on the use of an *EVSE energy management system* that is designed by an Illinois-licensed professional engineer and is capable of providing at

least 12 kWh to each space over an 8-hour period when all spaces are occupied by charging *electric vehicles* (at least 1.5 kW average power delivered).

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 6-29-05, p. 52355; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 4-10-19, p. 100029, Art. II, § 112; Amend Coun. J. 10-16-19, p. 7867, § 3; Amend Coun. J. 4-24-20, p. 16148, § 2; Amend Coun. J. 12-15-21, p. 42674, § 5; Amend Coun. J. 9-14-23, p. 2842, § 2)

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## 17-10-1100 Off-street loading.

**17-10-1101 Schedule of Minimum Requirements.** Minimum off-street loading ratios are as follows:

For a printer-friendly PDF version of Table 17-10-1101, please click [here](#).

Use	Gross Floor Area (Square Feet)	Required Loading Spaces	Space Size (feet)
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 – 9,999	0	NA
	10,000 – 24,999	1	10 x 25
	25,000 – 49,999	2	10 x 50
	50,000 – 99,999	3	10 x 50
	100,000 – 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	
Commercial (uses in Commercial	0 – 24,999	0	

Use Group for which loading standard is not otherwise specified in this schedule)	25,000 – 499,999	1 per 100,000 sq. ft. or portion thereof	10 x 25
	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.

**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.

**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.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30)

## CHAPTER 17-11

### LANDSCAPING AND SCREENING

**17-11-0050 Guide to the Chicago Landscape Ordinance.**

**17-11-0100 Parkway trees.**

**17-11-0200 Vehicular use areas.**

**17-11-0300 Trash storage area screening.**

**17-11-0400 Special (area-specific) landscaping standards.**

**17-11-0500 Installation and maintenance.**

**17-11-0600 Administrative adjustments.**

#### **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*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

#### **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*) unless such improvements were approved subject to a zoning map amendment, pursuant to Section 17-13-0300, a *variation* granted by the Zoning Board of Appeals, pursuant to Section 17-13-1100, or an *administrative adjustment* granted by the Zoning Administrator, pursuant to Section 17-13-1000.

#### **17-11-0103 Standards.**

**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** Reserved.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-15-21, p. 42674, §§ 6, 7)

Notes



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## 17-11-0200 Vehicular use areas.

**17-11-0201 Applicability.** 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.

**17-11-0201-F** The provisions of Sections 17-11-0201-B, 17-11-0201-C, 17-11-0201-D, and 17-11-0201-E shall not apply to any existing accessory *vehicular use area*, as of the effective date of this amendatory ordinance of 2012, until June 15, 2016.

### 17-11-0202 Perimeter Landscaping, Screening and Fencing.

#### 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 that 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.

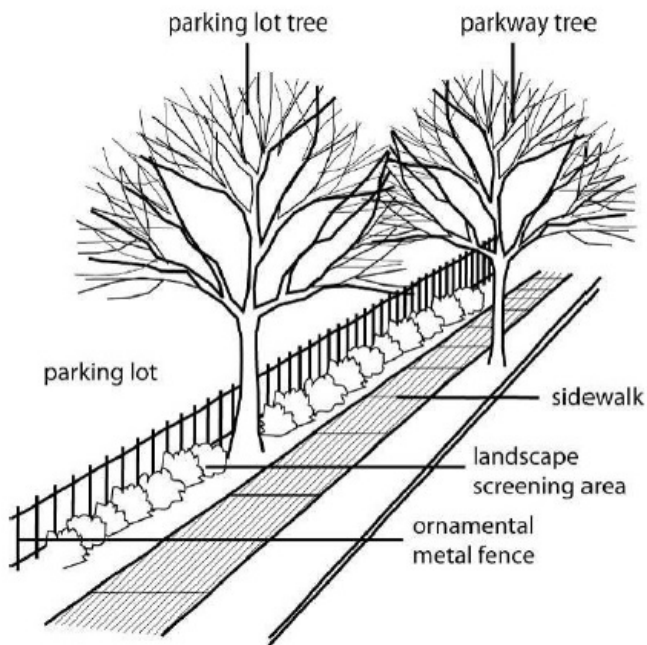
(b) Visual screening must be located between the perimeter of the *vehicular use area* and the *front property line*.

(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* along those lot lines adjacent to public *street* rights-of-way or 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.
3. 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 of Central Area	30,000 square feet or more	January 1, 2004
Outside of Central Area	8,000 to 29,999 square feet	June 15, 2014
Outside of Central Area	2,000 to 7,999 square feet	June 15, 2014

Note: for purposes of this provision, the Central Area is the area bounded by North Avenue, Lake Michigan, Cermak Road, and Ashland Avenue

Notwithstanding the above schedule, the required date of compliance outside the Central Area for accessory vehicular use areas less than 30,000 square feet in size shall be June 15, 2016.

**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:

1. 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.
2. 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*.
3. Existing plant material may be counted towards satisfaction of this requirement.
4. 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.

5. 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 construction. 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.** 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.**

**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.**

**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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Buildings 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 17-11-0206-H only, “nonresidential parking garage” means any parking structure licensed or required to be licensed under Chapter 4-232 of this Code where 45% or more of the parking spaces are available to the public for a fee.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 1-11-06, p. 68368, § 1; Amend Coun. J. 9-13-06, p. 85599, § 1; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 4-14-10, p. 89065, § 1; Amend Coun. J. 5-9-12, p. 27485, § 194; Amend Coun. J. 6-6-12, p. 28858, § 1; Amend Coun. J. 11-8-12, p. 38872, §§ 253, 254; Amend Coun. J. 9-10-14, p. 88541, § 1)

Notes

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**17-11-0300 Trash storage area screening.**

**17-11-0301 Applicability.** 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.** 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.

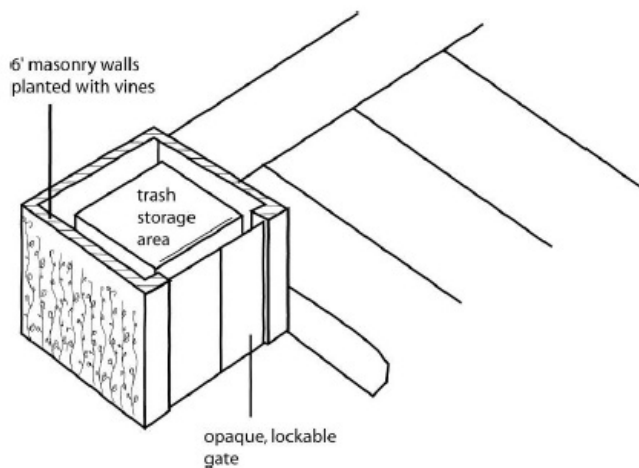
**17-11-0303 Screening Methods.**

**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.

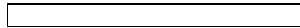
**17-11-0303-B** When trash storage areas are not enclosed within a *principal building* or *accessory structure*, they must be screened on all sides by masonry walls with a minimum height of 6 feet. One side of the storage area must be furnished with an opaque, lockable gate.

**Figure 17-11-0303-B**



**17-11-0303-C** The screening walls required by this section must be planted with vines.

(Added Coun. J. 5-26-04, p. 25275)



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#### **17-11-0400 Special (area-specific) landscaping standards.**

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.**

**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.

(Added Coun. J. 5-26-04, p. 25275)

#### Notes

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### 17-11-0500 Installation and maintenance.

**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** Reserved.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-15-21, p. 42674, § 8)

### 17-11-0600 Administrative adjustments.

**17-11-0601 Fencing Standards.** 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*.

**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 pre-existing *vehicular use areas* 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*.

#### 17-11-0602 Screening of Vehicular Use Areas from Streets.

**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.**

**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.**

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 1-11-06, p. 68368, §2; Amend Coun. J. 9-13-06, p. 85599, §2)

## CHAPTER 17-12

### SIGNS

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**17-12-0100 Purpose.**

**17-12-0200 Applicability.**

**17-12-0300 Noncommercial messages.**

**17-12-0400 Transitional provisions.**

**17-12-0500 Signs exempt from zoning regulation.**

**17-12-0600 Measurements.**

**17-12-0700 Prohibited signs.**

**17-12-0800 General standards.**

**17-12-0900 Signs in residential districts.**

**17-12-1000 Signs in business, commercial, downtown and manufacturing districts.**

**17-12-1100 Special sign districts.**

**17-12-1200 City digital signs.**

#### **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, and with the interests of the city and other units of government in communicating public service and emergency messages on a city-wide basis in a coordinated and timely manner through an integrated network of city digital signs. 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;

**17-12-0101-E** to ensure that the constitutionally guaranteed right of free speech is protected; and

**17-12-0101-F** to enable the city to establish an integrated network of city digital signs.

**17-12-0102** The regulations allow for a variety of *sign* types and sizes, based on zoning and *lot* sizes and requirements needed to establish an integrated network of city digital signs. They do not necessarily ensure every *property owner* or business owner's desired level of visibility.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-12-12, p. 44485, § 6)

#### **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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-12-0300 Noncommercial messages.**

Any *sign* allowed under this chapter may contain any lawful noncommercial message that does not directly advertise a specific business, proprietary product or service, or any other commercial activity, so long as the *sign* complies with the size, height, and other requirements of this chapter.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 7-19-23, p. 1992, § 2)

#### **17-12-0400 Transitional provisions.**

**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.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

**17-12-0500 Signs exempt from zoning regulation.**

The following are exempt from regulation under this Zoning Ordinance.

**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* that is inside a building and is *legible* only from the *lot* on which it is located and is not *legible* from the *public way* or adjoining *lot*;

**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*;

**17-12-0505** Holiday decorations with no *commercial message*; and

**17-12-0506** Any city digital sign; provided, however, that notwithstanding such exemption, city digital signs shall be subject to the regulations set forth in this Title 17, **Title 10** and **Title 13** that expressly refer to and regulate city digital signs.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 2-13-13, p. 47133, § 2; Amend Coun. J. 1-23-19, p. 94952, Art. I, § 29)

Notes

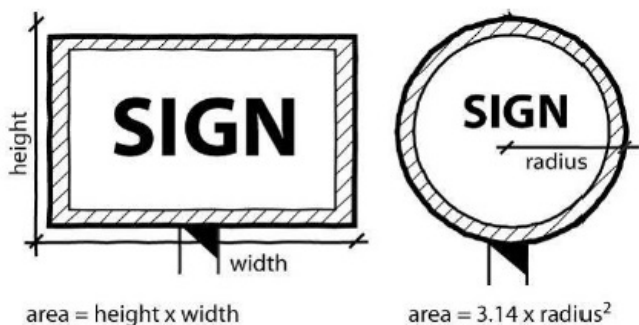
- Title 10** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).
- Title 13** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

**17-12-0600 Measurements.**

**17-12-0601 Sign Area.**

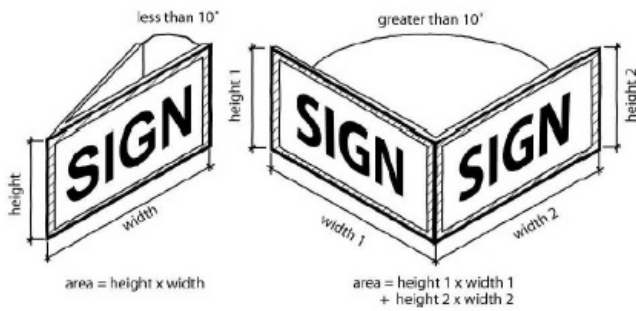
**17-12-0601-A Signs Enclosed in Frames or Cabinets.** The area of a *sign* enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the *sign* face.

Figure 17-12-0601-A



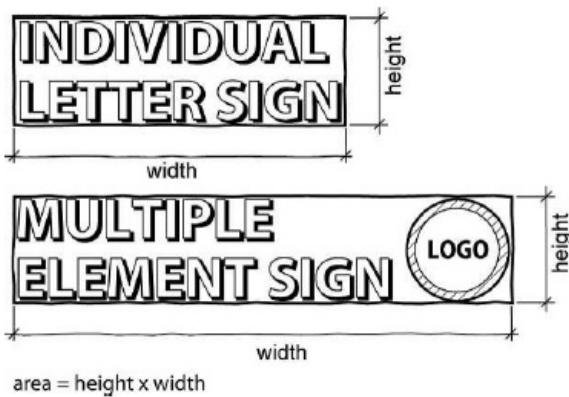
**17-12-0601-B Back-to-back Signs.** When the *sign* faces of a back-to-back *sign* are parallel or within 30 degrees of parallel, only one side is counted. If the *sign* faces are not parallel or within 30 degrees of parallel, each is considered one *sign* face and both faces are counted.

Figure 17-12-0601-B



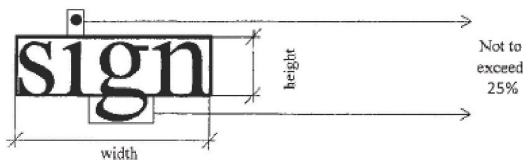
**17-12-0601-C Individual Letters or Elements.** The area of a *sign* comprised of individual letters or elements attached to a *building* wall is determined by calculating the area of the smallest square or rectangle that can be drawn around the letters and/or elements. *Signs* consisting of individual 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**



1. Exemption. For *high-rise building signs*, portions of individual letters and/or elements, which collectively form one *individual letter sign*, may extend beyond the dimensions of the smallest box that encapsulates all other *high-rise building sign* letters and/or elements; provided, (i) the total area of such extensions may not exceed 25% of the square footage contained within such box that encapsulates all other *high-rise building sign* letters and/or elements and (ii) the total square footage of such *individual letter sign* and any such extensions under (i) may not exceed the maximum *high-rise building sign* area square footage allowed at the corresponding *building height* at which the *high-rise building sign* is proposed.

**Figure 17-12-0601-C.1**



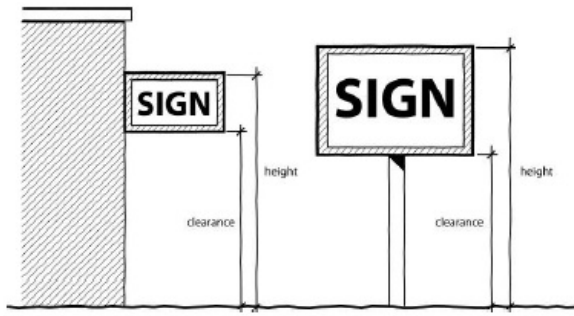
**17-12-0601-D Painted Wall Signs.** The area of a *painted wall sign* is determined by calculating the area of the smallest square or rectangle that can be drawn around all of the *sign* elements. *Sign* elements will be measured as one unit when the distance between the elements is less than two times 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 Dynamic Image Display Signs.** The area of a *dynamic image display 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 dynamic image display 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 4-30-14, p. 80382, § 5; Amend Coun. J. 10-31-18, p. 87780, § 1; Amend Coun. J. 3-24-21, p. 29061, § 1; Amend Coun. J. 7-19-23, p. 1992, § 2)

#### 17-12-0700 Prohibited signs.

The following are prohibited in all zoning districts:

**17-12-0701** strobe lights;

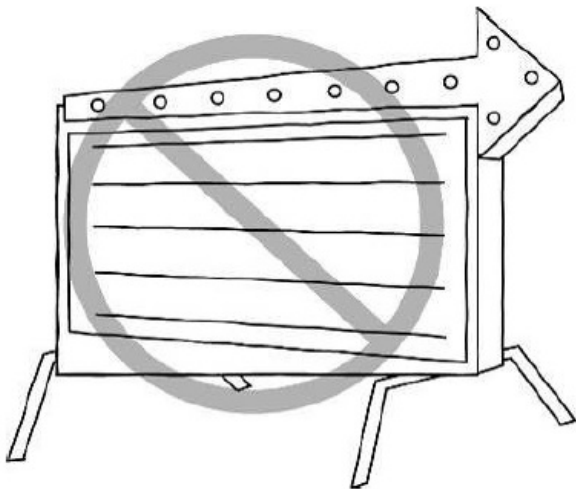
**17-12-0702** *roof signs*, except those allowed as *high-rise building signs* pursuant to the definition of *high-rise building signs* and the standards of Sec. 17-12-1005-D;

**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* (including city digital 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.

**17-12-0710** *signs* attached, erected, maintained or installed on a fence located on or near the perimeter of any surface parking lot.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 2-13-13, p. 47133, § 2)

**17-12-0711** video display *signs*; provided that this prohibition does not apply to any video display *sign* located within a *planned development* in which the principal use is: (1) a sports stadium; or (2) an exhibition or convention center.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 2-13-13, p. 47133, § 2; Amend Coun. J. 4-30-14, p. 80382, § 5)

#### 17-12-0800 General standards.

**17-12-0801 Applicability.** The regulations in this section apply to all *signs* regulated by this chapter.

**17-12-0802 Sign Placement.** 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 and provided further, however, that city digital signs and city digital sign structures may be located on public property and may be within, partially within, or outside the boundaries of the zoning lot.

**17-12-0803 Incidental Signs.**

**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. *Dynamic image display 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.**

**17-12-0804-A Sign Features and Characteristics.** *Temporary signs* may not be illuminated. *Dynamic image display 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 than 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-8-12, p. 38872, § 255; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 4-30-14, p. 80382, § 5)

**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.

For a printer-friendly PDF version of Table 17-12-0902, please click [here](#).

USE GROUP		Maximum Number	Maximum Sign Face Area (sq. ft.)	Allowed Sign Types	Maximum Height of Freestanding Sign (feet)
Use Category					
Use Type					
USE GROUP		Maximum Number	Maximum Sign Face Area (sq. ft.)	Allowed Sign Types	Maximum Height of Freestanding Sign (feet)
Use Category					
Use Type					
RESIDENTIAL					
Household Living					
	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
Group Living					
	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
PUBLIC AND CIVIC					
Colleges and Universities		1 per building + 1 per street frontage	Freestanding: 64 Wall: 10% of wall	Wall, Awning, Freestanding	6/20 <sup>(1)</sup>
Cultural Exhibits and Libraries		1 per street frontage	Wall: 10% of wall	Wall, Awning	NA
Day Care		1 per street frontage	16	Wall	NA
Hospital		1 per building + 1 per street frontage	Freestanding: 64 Wall: 10% of wall	Wall, Awning, Freestanding	6/20 <sup>(1)</sup>
Lodge or Private Club		1 per street frontage	16	Wall, Awning	NA
Parks and Recreation (except as more specifically regulated)		1 per building + 1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
Public Safety Services		1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6
Religious Assembly		1 per street frontage	Freestanding: 64 Wall: 10% of wall	Wall, Awning, Freestanding	6/20 <sup>(1)</sup>
School		1 per building + 1 freestanding	Freestanding: 64 Wall: 10% of wall	Wall, Awning, Freestanding	6/20 <sup>(1)</sup>
Utilities and Services		1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6

COMMERCIAL					
Funeral and Interment Service	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6	
Lodging					
Bed and Breakfast	1 per street frontage	Freestanding: 32 Wall: 10% of wall	Wall, Awning, Freestanding	6	
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	
(1) Maximum freestanding sign height of 20 feet when such sign is located along a through street, as classified by the Chicago Department of Transportation, otherwise a maximum height of 6 feet.					

### 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 *dynamic image display signs*.

**17-12-0903-B Dynamic Image Display Signs.** *Dynamic image display signs* are permitted in R and DR districts when such signs are *freestanding, on-premise signs* for public and civic uses that are located along a through *street* as classified by the Chicago Department of Transportation. *Flashing signs* are prohibited.

**17-12-0904 Off-premise Signs.** *Off-premise signs* are prohibited in R and DR districts. A city digital sign may be located in an R district, or portion thereof, which consists of land or public way owned by the city or a federal, state, local or other unit of government, in whole or in part, and which is not improved with any residential buildings, subject to the separation requirements in Section 17-12-1201-A.4.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 4-14-10, p. 89020, § 1; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 4-30-14, p. 80382, § 5)

### 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
Sign Type	B1, B2, M Districts	DC, DX Districts	B3, C3, DS Districts	C1, C2 Districts	Standards
On-premise					
Awning	P	P	P	P	
Freestanding [1]	P	P	P	P	
High-Rise Building					
Hotels/Hospitals	-	P	P	-	17-12-1005-D



Other buildings	-	S	S	-	17-12-1005-D
Marquee	P	P	P	P	
Projecting	P	P	P	P	
Wall	P	P	P	P	
<b>Off-premise [1]</b>					
Freestanding	P	- [2]	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] Except for city digital signs, which are permitted in DX and prohibited in DC, all other off-premises, freestanding signs are prohibited.

**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:

<b>Regulation</b>	<b>B1, B2 Districts</b>	<b>DC, DX Districts</b>	<b>B3, C1, C3, DS Districts</b>	<b>C2, M Districts</b>
Maximum Total Sign Area (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
For lots greater than 1 acre in area with multiple street frontages, the Maximum Total Sign Area standards of this section shall apply per <i>street</i> frontage.				
Max. Freestanding Sign Area	50% of Maximum Total Sign Area Limit (above)			
Maximum Freestanding Sign Height (feet)	24; or 35 if located on a <i>zoning lot</i> with more than 75 feet of street frontage on a single <i>street</i> that has a right-of-way width of more than 80 feet; or 50 feet if located on a <i>zoning lot</i> with more than 150 feet of frontage on a single <i>street</i> with a right-of-way width or more than 80 feet			
Minimum Guaranteed Wall Sign Area for Ground-floor Tenants	32			
Maximum Wall Sign Area	33% of <i>building</i> wall area			

**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:

	<b>B1, B2 Districts</b>	<b>DC, DX Districts</b>	<b>B3, C1, C3, DS Districts</b>	<b>C2, M Districts</b>
Allowed Lighting	Direct, Indirect or Internal			

Dynamic Image Display Signs	Allowed, subject to Sec. 17-12-1005-B (city digital signs are instead subject to Section 17-12-1200)	
Flashing Signs	Prohibited	Allowed, subject to Sec. 17-12-1005-C
Video Display Signs	Prohibited except as allowed in Section 17-12-0711	Prohibited except as allowed in Section 17-12-0711

#### 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 Dynamic Image Display Signs.** In B1 and B2 districts, *sign* face area devoted to *dynamic image display signs* may not exceed 25% of the maximum total *sign* area allowed under Sec. 17-12-1003 or 32 square feet, whichever is less. In all districts, *sign* face area devoted to *dynamic image display signs* may not exceed 25% of the maximum total *sign* area allowed under Sec. 17-12-1003 or 64 square feet, whichever is less.

#### 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 *designated expressway or toll road*; 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 *building*, unless the *building* is located within a *planned development* and the principal tenant of such *building*, as identified in 17-12-1005-D.9, also meets the criteria of 17-12-1005-D.10.
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)
Height of Sign (feet above grade at base of building)	Maximum Area (square feet)
150 – 199	200
200 – 299	300
300 – 399	400
400 – 499	500
500 – 599	600
600 – 649	700
650 – 699	800
700 – 749	900
750 – 799	1,000
800+	1,100

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. *High-rise building signs* must be located directly below the highest *roof line* of the *building* and may not exceed 50% of the wall width at the height the *high-rise building sign* is established, provided that any *high-rise building sign* installed on the exterior wall of any roof-top mechanical equipment penthouse or other roof-top feature that is integral to the *building* upon which it is located may not exceed 50% of the wall width of the exterior wall of the *building* immediately beneath the height at which the *high-rise building sign* is established.

6. *High-rise building signs* must be integrated into the total *building* design to avoid detracting from the visual character of the *building*.

7. *High-rise building signs* comprised of more than one individual letter or element shall not have a height measurement that exceeds their width.

8. No *projecting signs* are allowed as *high-rise building signs*.

9. *High-rise building signs* shall be limited to business identification for the principal tenant of the *building* or, if applicable, the alternate principal tenant. For purposes of this subsection, "principal tenant" means a tenant that occupies or has a signed lease to occupy at least the lesser of 51% of the *building's* total floor area or 350,000 square feet of the *building's* total floor area. If there is no principal tenant, or if the principal tenant informs the Zoning Administrator in writing that it does not wish to display a *high-rise building sign*, then an alternate principal tenant may apply to the City for approval of a *high-rise building sign* identifying said alternate principal tenant (in place of, and not in addition to, a *high-rise building sign* identifying the principal tenant). For purposes of this subsection, "alternate principal tenant" means a tenant which: (i) is the *building's* largest tenant, or next-largest tenant if there is no principal tenant, or, if there is a principal tenant, is the next-largest tenant; (ii) maintains the primary offices of its international, national or regional headquarters, or similarly publicly recognized significant business unit(s), in the *building*; and, (iii) either (a) maintains the primary offices of its chief executive or other executive officers in the *building* and employs 1,000 individuals nationally, or, (b) if those executive positions are not present in the *building* then employs at least 1,000 individuals in the *building*. Any principal or alternate principal tenant must provide the Zoning Administrator with *building* owner support for such *high-rise building sign*.

10. If a principal tenant, as identified in Section 17-12-1005-D.9, maintains, in the subject *building*: (i) its international headquarters, or if no international headquarters exists, its national headquarters; (ii) its chief executive officer; and (iii) occupies or has a signed lease to occupy at least the lesser of 60 percent of the *building's* total floor area or 450,000 square feet of the *building's* total floor area, then such principal tenant is eligible to place two *high-rise building signs* on the subject *building*.

11. *High-rise building sign* area does not count toward the Section 17-12-1003-E maximum total *sign* area permitted on a *zoning lot*.

#### **17-12-1005-E Reserved.**

**Editor's note** – Coun. J. 7-20-16, p. 29358, § 2, repealed § 17-12-1005-E, which pertained to marquee signs.

**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 Reserved.**

**Editor's note** – Coun. J. 4-30-14, p. 80832, § 5, repealed § 17-12-1005-G, which pertained to video display signs.

### **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*; except *off-premises dynamic image display signs* are prohibited entirely within 125 feet of any *residential district*. This prohibition does not apply to any *sign* located within a *planned development* in which the principal use is: (1) a sports stadium; or (2) an exhibition or convention center.

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)

#### **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.

#### **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 *designated expressway or toll road*;
- (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, except as allowed in section 17-12-0711.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 5-9-07, p. 105899, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 2-13-13, p. 47133, § 2; Amend Coun. J. 4-30-14, p. 80382, § 5; Amend Coun. J. 5-28-14, p. 82414, § 1; Amend Coun. J. 11-19-14, p. 98820, § 2; Amend Coun. J. 7-20-16, p. 29358, §§ 1, 2; Amend Coun. J. 11-16-16, p. 38287, § 1; Amend Coun. J. 10-31-18, p. 87780, § 2; Amend Coun. J. 3-24-21, p. 29061, § 2; Amend Coun. J. 7-19-23, p. 1992, § 2)

**17-12-1100 Special sign districts.**

**17-12-1101 Michigan Avenue Corridor Special Sign District.**

**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, Dynamic Image Display, Box or Cabinet Sign. No *flashing*, *dynamic image display*, *box* or *cabinet sign* is 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.

#### **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) *dynamic image display 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.**

**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 Dynamic Image Display Signs. Except for theater *signs* and *marquees*, no flashing or *dynamic image display 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 Zoning Administrator 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 complies 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.

## **17-12-1104 Chicago River Corridor Special Sign District.**

**17-12-1104-A Boundaries.** The Chicago River Corridor Special Sign District consists of: (i) all *lots* adjacent to the Chicago River from Roosevelt Road on the south to Kinzie Street on the north and Lake Shore Drive (extended) on the east, and (ii) all *lots* with *street frontage* on Wacker Drive from Lake Street to Lake Shore Drive (extended).

**17-12-1104-B Regulations and Standards.** The following standards apply to *signs* within the Chicago River Corridor Special Sign District. These *sign* regulations are supplemental standards that apply in addition to existing zoning regulations.

1. Maximum Area for Signs. The maximum area for all *signs* shall be in strict compliance with the maximum total sign area standard of the zoning district, or in the case of a *planned development*, the zoning district applicable to the subject property immediately before approval

of the *planned development*.

2. Limitation on Signs above a Certain Height. Except as provided for *high-rise building signs* in subsection 17-12-1105-D(2)\*, no *sign* shall be located more than two *stories* above *grade* on any *building* side that is adjacent to the Chicago River.

\* **Editor's note** – As set forth in Coun. J. 10-31-18, p. 87780, § 3; section does not currently exist.

3. Prohibited Signs. The following types of *signs* are prohibited within the Chicago River Corridor Special Sign District:

- (a) *banners*;
- (b) *neon signs* (neon tubing may be used as a source of light when completely shielded and not visible from the Chicago River, public streets, sidewalks or alleys);
- (c) *flashing signs*;
- (d) *dynamic image display signs*;
- (e) *roof signs*;
- (f) *painted wall signs*;
- (g) *off-premises signs*; and
- (h) *projecting signs*.

4. 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 and that is limited to information such as a *building's* address, hours of operation, product information, and logos will not be counted towards the percentage.

5. Awning Signs. *Signs* on *awnings* count 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 the *awning*. Letter size placed on any *awning* may not exceed 9 inches in height or width. 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 internally-lit *awning signs* are prohibited.

6. Temporary Signs. *Temporary signs*, such as 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 height. Reasonable 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.

7. In the event there is a conflict between this section and other provisions of the code, the more restrictive shall apply.

8. No member of the city council or other municipal officer shall introduce, and no committee of the city council shall consider or recommend, any ordinance or amendment thereto, including any council order pursuant to Section 13-20-680, that is contrary in any way to any of the requirements of this section.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-13-06, p. 84917, § 1; Amend Coun. J. 9-13-06, p. 84921, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-8-12, p. 38872, § 256; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 4-30-14, p. 80382, § 5; Amend Coun. J. 11-5-14, p. 96204, § 1; Amend Coun. J. 11-19-14, p. 98820, § 2; Amend Coun. J. 10-31-18, p. 87780, § 3)

Notes

13-20-680 The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

## 17-12-1200 City digital signs.

**17-12-1201-A Regulations and Standards.** The following regulations shall apply to city digital signs, which, except as regulated hereby, are exempt signs under Section 17-12-0506.

1. **Number, Area And Height Standards.** The provisions of Section 17-12-1003 shall not apply to city digital signs. The maximum height of a city digital sign shall be 100 feet, measured from the lowest point of the ground directly below the city digital sign structure to the highest point on the sign or sign structure.
2. **Dynamic Image Display Signs.** The sign face of a city digital sign may not exceed 1,200 square feet.
3. **Flashing Signs.** City digital signs must not be wall signs, awning signs, flashing signs, high-rise building signs, marquee signs or video display signs.
4. **Separation from R and DR Districts.** Subject to Section 17-12-0904, city digital signs are prohibited within 125 feet of any R and DR district, provided, however, that such separation requirement may be reduced by 25% if (a) the city digital sign is not operated from 12:00 A.M. to 5:00 A.M., except for emergency purposes, and (b) either (i) the sign face is not visible from the front yard of residences in the abutting R or DR district, or (ii) the sign face is angled to primarily face an expressway or toll road, as designated by the Chicago Department of Transportation. For purposes of testing such proximity restriction, property that is zoned as an R or DR district but which consists of land or



public way owned by the city or a federal, state, local or other unit of government, in whole or in part, and which is not improved with any residential buildings, shall not be regarded as an R or DR district for purpose of such proximity restriction.

5. **Separation from Residential Buildings in D Districts.** City digital signs are prohibited entirely within 100 feet of a residential building located in a D district.
  6. **Separation from Waterways.** City digital signs are prohibited within 100 feet of a waterway described in Section 17-12-1006-C.
  7. **Separation from Public Parks.** City digital signs are prohibited within 100 feet of a public park of two acres or more (other than a linear park that is more than one mile in length and is primarily located within the public way, as to which no proximity restriction shall apply) if the sign face is legible from the subject park.
  8. **Lakefront Protection District.** City digital signs are prohibited within the boundaries of the Lake Michigan and Chicago Lakefront Protection District.
  9. **Separation from Designated Major Streets and Roads.** City digital signs are prohibited within the following boundaries:
    - (a) within 500 feet of Lake Shore Drive;
    - (b) Michigan Avenue, between Oak Street on the north and Roosevelt Road on the south.
- For purposes of clarity, the proximity restriction in Section 17-12-1006-F.1(b) applicable to expressways or toll roads, as designated by the Chicago Department of Transportation, shall not apply to city digital signs, and the separation between sign requirements set forth in Section 17-12-1006-F.2 shall not apply to city digital signs, except as to signs described in Section 17-12-1201-A(10).
10. **Separation from Other Off-Premises Signs.** City digital signs shall be subject to the separation requirement in Section 17-12-1006-H, provided, however, that such separation requirement shall only apply to off-premises signs lawfully established with and operated pursuant to a current and valid permit, including, without limitation, the correct ownership information, the payment of all fees and other amounts due the city, and the operation of the sign within the limitations (e.g., size, height, type of sign) included in the approved permit for such signs, or otherwise applicable.
  11. **Flashing and Video Display Elements.** City digital signs may not contain flashing elements or video displays.
  12. **Overlay Districts.** City digital signs are prohibited in overlay districts established pursuant to Chapter 17-7.
  13. **Special Sign Districts.** City digital signs are prohibited in special sign districts established pursuant to Section 17-12-1100.
  14. **Planned Developments and Planned Manufacturing Developments.** City digital signs may be located on land or public way owned by the City and located within planned developments, so long as the underlying zoning for such planned development is not predominantly residential, and, notwithstanding Section 17-6-0403-F, on land or public way owned by the city and located within a planned manufacturing district.

(Added Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 4-30-14, p. 80382, § 5)

## CHAPTER 17-13

### REVIEW AND APPROVAL PROCEDURES

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- 17-13-0100 General.
- 17-13-0200 Zoning Ordinance text amendments.
- 17-13-0300 Zoning map amendments (rezonings).
- 17-13-0400 Zoning map amendments within industrial corridors.
- 17-13-0500 Establishment of Special Character Overlay District.
- 17-13-0600 Planned developments.
- 17-13-0700 Planned manufacturing districts.
- 17-13-0800 Site plan review.
- 17-13-0900 Special uses.
- 17-13-1000 Administrative adjustments.
- 17-13-1100 Variations.
- 17-13-1200 Appeals.
- 17-13-1300 Zoning certification.
- 17-13-1400 Additional procedures.

#### 7-13-0100 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 Application Fees.**

**17-13-0103-A** Applications must be accompanied by the following fees:

Application Type	Fee
Application Type	Fee
Applications filed by Mayor, Council members, City Departments, Public Bodies/Agencies	None
Plats	
New Construction and Additions to Existing Construction	
Any floor area	Electronic review: \$75 In-person review: \$1,500
Repairs / Alterations to Existing Construction	
Residential construction, 5 units or less	Electronic review: \$75 In-person review: \$1,500
Residential construction, exceeding 5 units	Electronic review: \$75 In-person review: \$1,500
Nonresidential construction	Electronic review: \$75 In-person review: \$1,500
No plans required	\$50
Public Notice	\$25
Zoning Map Amendments (Rezoning)	\$1,000
Special Use	\$1,000
Planned Development	\$1,500
Air Rights Planned Development	\$1,000 + \$200/net developable acre as measured at the established air rights plane
Lake Michigan and Lakefront Protection Ordinance Application Fee	\$1,500
Variation	\$500
Administrative Adjustment	\$500
Advisory Opinion	\$150
Reinspection	\$100
Inspection of Motor Vehicle Repair Shop	\$75 annually
Sign Permit – on premises	\$200
Sign Permit – off premises	\$500
Appeal	\$500

**17-13-0103-B** Application fees are nonrefundable.

**17-13-0103-C Failure to Attend In-Person Review or Provide Documentation.** If an applicant who has requested in-person review fails to attend the in-person review at the designated appointment time for a third time, or fails to provide all the necessary documents to complete the application by the third in-person review, the application shall be considered incomplete and expired. If the application expires or is withdrawn, the person may file a new application, accompanied by the appropriate fee, and all documentation required to complete the application.

**17-13-0103-D Additional In-Person Review Fee.** Each additional in-person review shall require payment of an additional fee of \$1,500.

**17-13-0103-E Review Fees.** Additional zoning review fees, based on area of work, shall be due and paid to the City of Chicago in the same manner provided in Section 14A-4-412 as follows:

Application Type	Fee
Application without plans required	None
Area of work less than 10,000 square feet	None
Area of work between 10,000 and 100,000 square feet	Electronic review: \$175 plus \$25 per 1,000 square feet or fraction thereof  In-person: \$3,500 plus \$50 per 1,000 square feet or fraction thereof
Area of work exceeding 100,000 square feet	Electronic review: \$2,425 plus \$25 per 2,500 square feet or fraction thereof  In-person: \$5,000 plus \$50 per 1,000 square feet or fraction thereof

For purposes of calculating the fee due under this subsection, “area of work” shall be determined in the same manner as in Chapter 14A-4 .

#### **17-13-0104 Application Completeness.**

##### **17-13-0104-A**

1. 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.
2. No application for a zoning amendment, planned development, special use, variation or appeal shall be deemed to be complete if the applicant or owner of the property identified in the application or any person owning, directly or indirectly, more than 7.5 percent of the interest in such applicant or owner has any outstanding debt, as defined in Section 2-32-094 , unless and until each applicable person owing such debt satisfies or otherwise resolves the debt within the meaning of Section 2-32-094. Provided, however, that this requirement shall not apply to any federal, state or local government agency. For purposes of this paragraph (2), “more than 7.5. percent” shall mean more than 7.5 percent of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or property owner or the right to receive at any time the distribution of more than 7.5 percent of the income or profits of the applicant or property owner.

3. 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.** 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.** 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.**

**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* as well as the Alderman of the ward in which the administrative adjustment is proposed.

(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, as well as, in the case of special use applications, to the Alderman of the ward(s) in which the special use is proposed.

(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, Landmarks and Building Standards 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 Zoning Administrator, 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, Landmarks and Building Standards must be given by the City Council Committee on Zoning, Landmarks and Building Standards.

(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.

(b) 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.

10. In the case of *special use* applications for *sanitary landfills*, *hazardous waste treatment or storage facilities*, *liquid solid waste handling facilities*, *resource recovery facilities*, *reprocessable 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.

**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, Landmarks and Building Standards 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.**

**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.

**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.

**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.

**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, Landmarks and Building Standards	City Council	(N)ewspaper (M)ailed (P)osted
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, Landmarks and Building Standards	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)

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 5-11-05, p. 48500; Amend Coun. J. 7-27-05, p. 54242; Amend Coun. J. 11-13-07, p. 15810, § 2; Amend Coun. J. 11-13-07, p. 15814, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 12-2-09, p. 78837, Art. 6, § 4; Amend Coun. J. 9-8-11, p. 7564, § 1; Amend Coun. J. 11-16-11, p. 13798, Art. I, § 12; Amend Coun. J. 11-8-12, p. 38872, §§ 257 – 259; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 11-26-13, p. 67528, § 5; Amend Coun. J. 11-26-19, p. 11514, Art. III, § 1; Amend Coun. J. 3-24-21, p. 29065, § 9)

Notes

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**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, or the Zoning Administrator.

#### **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.

**17-13-0202 Recommendations – Zoning Administrator.** The Zoning Administrator must review each proposed text amendment application and forward a recommendation on the proposal to the City Council Committee on Zoning, Landmarks and Building Standards before the Committee's public hearing. The recommendation of the Zoning Administrator 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, Landmarks and Building Standards.** The City Council Committee on Zoning, Landmarks and Building Standards must hold a hearing on all Zoning Ordinance text amendments. Published Notice of the City Council Committee on Zoning, Landmarks and Building Standards' public hearing must be provided in accordance with Sec. 17-13-0107-B.

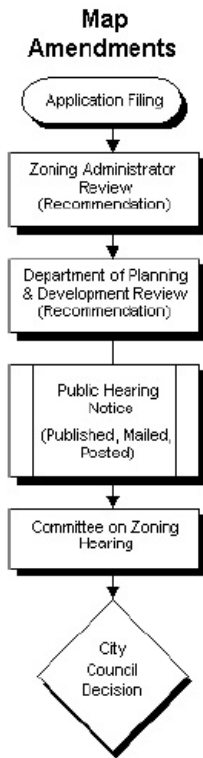
**17-13-0204 Final Action – City Council.** The City Council is the final decision-making body on Zoning Ordinance text amendments. The City Council may act by simple majority vote.

**17-13-0205 Exception.** Any proposed text amendment involving the establishment of a *casino* in the City of Chicago which is referred to the City Council Special Committee on the Chicago Casino is excepted from the procedures outlined in Sections 17-13-0201, 17-13-0202, and 17-13-0203.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-8-12, p. 38872, §§ 260, 261; Amend Coun. J. 5-25-22, p. 48413, § 11)

#### **17-13-0300 Zoning map amendments (rezonings).**





**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:

- (a) to rezone property 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) to rezone property from a zoning district that does not impose maximum height limits to a zoning district that does impose maximum height limits;
- (c) to rezone property 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); or
- (d) to reduce the minimum *lot area* per unit standards or increase the maximum height limits as allowed in Sections 17-3-0402-B , 17-3-0408-B and 17-4-0404-C .
- (e) to rezone property in order to establish a *residential, day care, hospital, parks and recreation, school, eating and drinking establishment* with an *outdoor* patio or outdoor assembly use that is proposed to be established in any R, B, C or POS zoning district and within 660' of any (i) *windrow composting* facility, (ii) *intensive manufacturing, production and industrial service* use, (iii) *Class III, Class IVA, Class IVB and Class V recycling* facility, (iv) *warehousing, wholesaling, and freight movement* use, (v) *container storage*, (vi) *freight terminal*, (vii) *outdoor storage of raw material as a principal use*, (viii) *waste-related use*, or (ix) *manganese-bearing material operation use*.

2. Any other applicant may elect to submit a Type 1 application.

**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.

**17-13-0303 Applications.**

**17-13-0303-A Authority to File.** Zoning Map Amendments may be proposed by the Mayor, City Council, Zoning Administrator, 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.

**17-13-0303-D Optional Administrative Adjustment and Variation.** In addition to the information required to be submitted with all Zoning Map Amendment applications, pursuant to other applicable portions of Section 17-13-0300, Type I applications may include relief available pursuant to Sections 17-13-1000 or 17-13-1100; in such instances, City Council approval of a Type I application containing said elements shall preclude subsequent review otherwise required pursuant to Sections 17-13-1000 or 17-13-1100, provided that no Type I application permits issued may be in violation of Section 17-13-0310.

**17-13-0304 Disclosures.** 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.** The Zoning Administrator must review each proposed zoning map amendment application and forward a recommendation on the proposal to the City Council Committee on Zoning, Landmarks and Building Standards before the Committee's public hearing. The recommendation of the Zoning Administrator must also be forwarded to the City Council when the report of the City Council Committee on Zoning, Landmarks and Building Standards is initially submitted to the City Council.

**17-13-0306 Hearing – City Council Committee on Zoning, Landmarks and Building Standards.** The City Council Committee on Zoning, Landmarks and Building Standards must hold a hearing on all zoning map amendments. Written, Published and Posted Notice of the City Council Committee on Zoning, Landmarks and Building Standards' 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.** 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.** 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.** If the City Council does not take action on a proposed zoning map amendment within 180 days of the day the application is filed by the City Clerk with the City Council, the application will be considered to have been denied, unless the application meets the definition of an *inclusionary application*.

**17-13-0309-A City Council Committee on Zoning, Landmarks and Building Standards Approval of Inclusionary Applications.** Except for planned development amendment *inclusionary applications* addressed in Section 17-13-0608-A, if the City Council Committee on Zoning, Landmarks and Building Standards fails to vote within 300 days of the filing of a complete *inclusionary application* with said Committee, as determined jointly by the Zoning Administrator and the Commissioner of Housing, the applicant may submit a written notification to the Chairman of the Committee on Zoning, Landmarks and Building Standards requesting that the Committee act on the *inclusionary application*. If the Committee on Zoning, Landmarks and Building Standards fails to vote within 60 days of the receipt of such written notification and the requirements of Section 17-13-0309-B have been satisfied, the Committee shall report the application to the City Council for consideration at the next regular City Council meeting with a "do pass" recommendation.

**17-13-0309-B Community Meetings for Inclusionary Applications.** Before any applicant may submit a written notification to the Chairman of the Committee on Zoning, Landmarks and Building Standards requesting that the Committee act on the *inclusionary application* pursuant to Section 17-13-0309-A, the applicant must hold at least one community meeting in the ward in which the project is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Notice for such community meeting must be issued, pursuant to this Section, no later than two weeks prior to such community meeting. The applicant must notify the Alderman of the ward in which the project is proposed to be located in writing of the time, place and purpose of the community meeting.

**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.** 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 Zoning Administrator 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun J. 5-14-07, p. 106483, § 3; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-8-12, p. 38872, §§ 262 – 264; Amend Coun. J. 9-11-13, p. 60173, § 8; Amend Coun. J. 3-18-15, p. 105476, § 9; Amend Coun. J. 3-24-21, p. 29065, § 10; Amend Coun. J. 7-20-22, p. 50878, § 7; Amend Coun. J. 12-13-23, p. 7823, § 1)

Notes

**17-3-0402-B** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

17-4-0404-C The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

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### **17-13-0400 Zoning map amendments within industrial corridors.**

**17-13-0401 Procedure.** Except as expressly modified by this section (Section 17-13-0400), requests to rezone land within an *industrial corridor* from an M district classification to another M, or a P.M.D., P.O.S. or T zoning district classification must be processed in accordance with the Zoning Map Amendment procedures of Section 17-13-0300.

**17-13-0402 Hearing – Plan Commission.** 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, Landmarks and Building Standards'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.

**17-13-0403 Review and Decision-Making Criteria.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 7-26-06, p. 82612, § 1; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 5-14-07, p. 106483, § 3; Amend Coun. J. 11-8-12, p. 38872, § 265)

### **17-13-0500 Establishment of special character overlay district.**

**17-13-0501 Initiation of Special Character Overlay District Amendment.** 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.**

**17-13-0502-A** Applications to establish a *special character overlay district* must include the following: 1) an in-depth written description of the physical characteristics and criteria eligibility of the neighborhood that necessitate the establishment of an *overlay district*; 2) a map of the proposed district boundary; 3) a list of all of the PINs, property addresses, and *property owners* within the area; 4) a letter from the Department of Planning and Development supporting the proposed *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 Zoning Administrator, 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, Landmarks and Building Standards.

**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.** Before a public hearing is held by the City Council Committee on Zoning, Landmarks and Building Standards, 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 or Aldermen of the ward(s) 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(s). The Department of Planning and Development shall make all of the information presented at the meeting available to the public and shall provide a meeting

summary of public input received.

**17-13-0504 Report and Recommendation.** 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, Landmarks and Building Standards before the date scheduled for a formal public hearing before that Committee.

**17-13-0505 Factors to be Considered.** In reviewing an application for a *special character overlay district* amendment, the City Council Committee on Zoning, Landmarks and Building Standards 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;

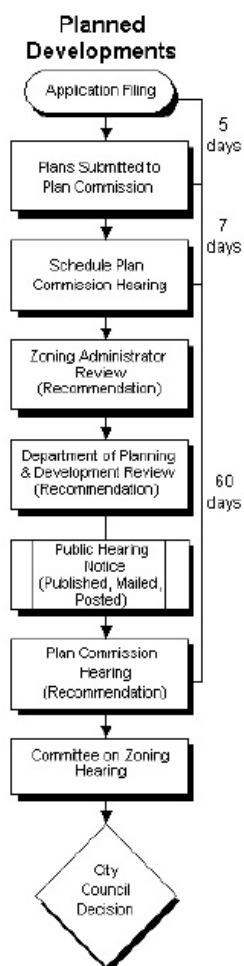
**17-13-0505-D** the area's importance to the city's heritage or identity, whether comprehensive plans exist for the area and the nature of recent and planned public and private investment within the area;

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-8-12, p. 38872, §§ 266 – 269; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 10-7-20, p. 21785, § 1)

### 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, Zoning Administrator 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 Plan Commission.

**17-13-0603 Recommendations – Zoning Administrator.** The Zoning Administrator 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 must also be forwarded to the City Council Committee on Zoning, Landmarks and Building Standards.

**17-13-0604 Hearing – Plan Commission.**

**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*.

**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.** 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, Landmarks and Building Standards.

**17-13-0606 Hearing – City Council Committee on Zoning.** The City Council Committee on Zoning, Landmarks and Building Standards 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, Landmarks and Building Standards' public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

**17-13-0607 Final Action – City Council.** 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 application within 180 days of the day the Plan Commission recommendation is filed with the City Council Committee on Zoning, Landmarks and Building Standards, the application will be considered to have been denied, unless the application meets the definition of an *inclusionary application*.

**17-13-0608-A City Council Committee on Zoning, Landmarks and Building Standards Approval of Inclusionary Applications.** If the City Council Committee on Zoning, Landmarks and Building Standards fails to vote on a proposed *planned development* amendment *inclusionary application* within 300 days of the day the Plan Commission recommendation is filed with the City Council Committee on Zoning, Landmarks and Building Standards, the applicant may submit a written notification to the Chairman of the Committee on Zoning, Landmarks and Building Standards requesting that the Committee act on the *inclusionary application*. If the Committee on Zoning, Landmarks and Building Standards fails to vote within 60 days of the receipt of such written notification and the requirements of Section 17-13-0608-B have been satisfied, the Committee shall report the application to the City Council for consideration at the next regular City Council meeting with a "do pass" recommendation.

**17-13-0608-B Community Meetings for Inclusionary Applications.** Before any applicant may submit a written notification to the Chairman of the Committee on Zoning, Landmarks and Building Standards requesting that the Committee act on the *inclusionary application* pursuant to Section 17-13-0608-A, the applicant must hold at least one community meeting in the ward in which the project is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Notice for such community meeting must be issued, pursuant to this Section, no later than two weeks prior to such community meeting. The applicant must notify the Alderman of the ward in which the project is proposed to be located in writing of the time, place and purpose of the community meeting.

**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.** 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 Zoning Administrator for a determination that the proposed *use, building* or structure complies with all provisions of the *planned development* ordinance ("Part II review"). A Part II review fee shall be assessed by the Department of Planning and Development and paid by the Applicant as set forth in this section. The Part II review fee is \$0.50 per square foot of buildable floor area, as identified in the *planned development* Bulk and Density Table. One-half of the permit review fee is due at the time of filing the *planned development* application (the "first installment"), and one-half of the review fee is due at the time of the Part II review (the "second installment"); provided, however, if the *planned development* is constructed in phases or subareas, and

each phase or subarea is identified separately in the Bulk and Density Table and is subject to separate site plan approval or Plan Commission review, the permit review fee may be paid in phases. The fee for each phase shall continue to be paid in installments, with the first installment due at the time of filing the *planned development* application (for the initial phase) or at the time of filing for site plan review pursuant to Section 17-13-0800 (for subsequent phases), and with the second installment due at the time of Part II review for such phase. If the buildable floor area square footage changes between payment of the first installment and payment of the second installment, the second installment will be adjusted accordingly. Zoning certifications may be issued by the Zoning Administrator for *uses, buildings* or structures within the *planned development* only upon the Zoning Administrator's written approval. Any permit, license or certificate issued in conflict with the *planned development* ordinance may be revoked in accordance with Section 17-16-0505.

#### **17-13-0611 Minor Changes and Amendments.**

**17-13-0611-A** Minor changes to approved *planned developments* may be permitted by the Zoning Administrator 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.

**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.

**17-13-0611-C** An approved minor change is valid for 12 months from the date of the letter granting such approval unless action to implement the minor change is commenced within such time period and thereafter diligently pursued to completion, including, if applicable, construction consistent with the minor change as authorized by a building permit. If action to implement the minor change, including construction, does not begin within the time set forth, or does not proceed with reasonable diligence, then the approval will lapse and become null and void.

**17-13-0611-D** The fee to review and process a request for minor change approval is \$1,500.00.

#### **17-13-0612 Lapse of Approval.**

**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 Zoning Administrator receives a written request from the applicant stating the reasons for the proposed extension, and the Zoning Administrator 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.

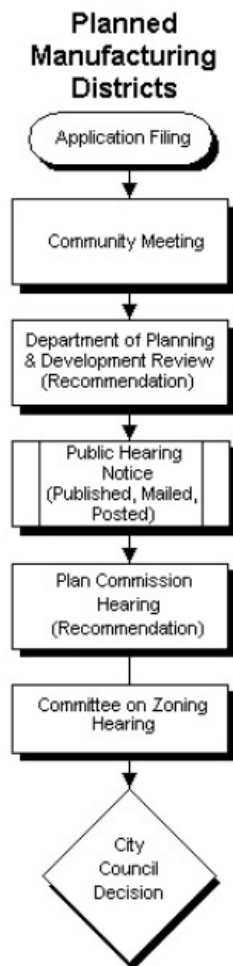
**17-13-0612-E** Should a *planned development* ordinance lapse, as provided in this section, the Zoning Administrator must initiate a Zoning Ordinance Map Amendment to rezone the subject property to the zoning classification that applied to the subject property before approval of the *planned development*, in accordance with the procedures of Sec. 17-13-0300.

**17-13-0613 Special rule— Property within Airport Layout Plan.** Upon annexation, land located within the Airport Layout Plan shall be deemed to be included within, and subject to all the applicable provisions of, the “Airport Planned Development,” as defined in an ordinance passed by the City Council on January 23, 1964, and appearing in the Journal of Proceedings of that date at page 2203. Such inclusion shall not be subject to the review and approval requirements contained in Section 17-13-0602 through Section 17-13-0610 to be effective. For the purposes of this section, the term “Airport Layout Plan” shall mean the future airport layout plan for Chicago O'Hare International Airport approved by the Federal Aviation Administration in a Record of Decision issued in September 2005, and as amended from time to time.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun J. 5-14-07, p. 106483, § 3; Amend Coun. J. 11-13-07, p. 15814, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 2-9-11, p. 112461, § 2; Amend Coun. J. 12-14-11, p. 18122, § 1; Amend Coun. J. 11-8-12, p. 38872, §§ 270 – 273; Amend Coun. J. 11-19-14, p. 98037, § 15; Amend Coun. J. 3-18-15, p. 105476, § 10; Amend Coun. J. 11-26-19, p. 11514, Art. III, § 2; Amend Coun. J. 9-9-20, p. 20676, § 1; Amend Coun. J. 12-15-21, p. 42674, § 9; Amend Coun. J. 7-20-22, p. 50878, § 7)

#### **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 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.** The Zoning Administrator must review each PMD proposal and forward a recommendation on the proposal to the Commissioner of Planning and Development and the Plan Commission before the Plan Commission's public hearing (See Sec. 17-13-0705). The recommendation of the Zoning Administrator 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.** 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.** 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, Landmarks and Building Standards.

**17-13-0707 Hearing – City Council Committee on Zoning, Landmarks and Building Standards.** The City Council Committee on

Zoning, Landmarks and Building Standards 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, Landmarks and Building Standards' public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

**17-13-0708 Final Action – City Council.** 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.** 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.**

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-8-12, p. 38872, §§ 274, 275; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30)

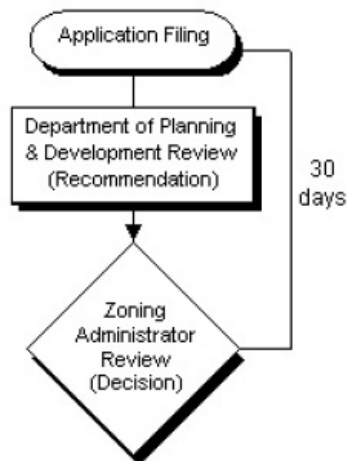
**17-13-0800 Site plan review.**

**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.

**Site Plan Review**



**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 – Zoning Administrator.** The Zoning Administrator must review the Site Plan application and determine 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.** 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.**

**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.

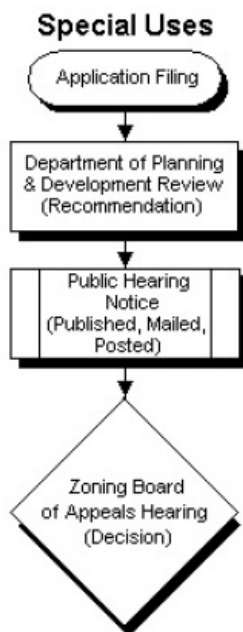
**17-13-0805-B** In the event a written appeal is received within the time required, the Zoning Administrator must transmit to the City Clerk the appeal request and the resolution disapproving the Site Plan application. The City Clerk must file the appeal with the City Council at its next regular meeting.

**17-13-0805-C** The City Council Committee on Zoning, Landmarks and Building Standards 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, Landmarks and Building Standards 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-8-12, p. 38872, § 276)

**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. Applications for *special use* approval must include such information required by the Zoning Board of Appeals.
2. 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.
3. Business live/work units. 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 a business live/work unit:
  - (a) Description of the nature of the work activities to be performed in the business live/work unit.
  - (b) Floor plan that identifies those areas to be used as living space and those areas to be used as work space and a table showing the square footage devoted to each.

**17-13-0903 Recommendation – Zoning Administrator.** The Zoning Administrator 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.** 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.

### **17-13-0905 Approval Criteria.**

**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.

**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.

**17-13-0905-E Business live/work units.** No special use application for a business live/work unit may be approved unless the Zoning Board of Appeals finds that the special use meets the general criteria of Section 17-13-0905 and all of the following specific criteria:

1. The floor plan for the business live/work unit provides a functional and open area for a bona fide commercial use.
2. The business live/work unit is easily identified as a business and conveniently accessible by clients, employees and other business visitors.

3. The establishment of the business live/work unit will not impair the retention or creation of commercial uses in the surrounding neighborhood.

4. Each business live/work unit has been designed to ensure that the residential space meets basic habitability requirements in compliance with Section 14B-4-419 of the Municipal Code and any other applicable codes, ordinances, laws, rules, and regulations.

5. The residents of the business live/work unit will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.

#### 17-13-0905-F Reserved.

**17-13-0905-G Community Meeting.** Before a public hearing is held by the Zoning Board of Appeals, as provided for in Section 17-13-0904, to consider a *special use* application for a *cannabis business establishment*, the applicant must hold at least one community meeting in the ward in which the *cannabis business establishment* is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated *special use* hearing before the Zoning Board of Appeals; notice for such community meeting must be issued, pursuant to this Section, no later than two weeks prior to such community meeting. The applicant must notify the Chairman of the Zoning Board of Appeals and the Alderman of the ward in which the *cannabis business establishment* is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish notice of the community meeting in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the *property owner* of the subject property and to all *property owners* within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the Zoning Board of Appeals on or before the public hearing is held by the Zoning Board of Appeals, in a form prescribed by the Commissioner of the Department of Planning and Development. No *special use* application for a *cannabis business establishment* may be approved unless the Zoning Board of Appeals finds that the *special use* criteria of this Section has been satisfied.

**17-13-0906 Conditions of Approval.** 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 Zoning Administrator 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.** 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.** If the Zoning Board of Appeals does not render a final decision on a *special use* application for an *adult use*, *firearms dealer*, 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.

**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.

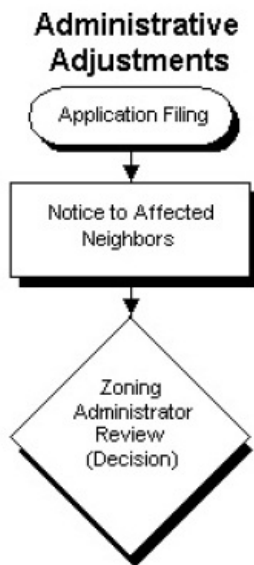
(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 6-27-12, p. 30744, §§ 5, 6; Amend Coun. J. 6-25-14, p. 83727, § 15; Amend Coun. J. 9-24-15, p. 7499, § 9; Amend Coun. J. 4-10-19, p. 100029, Art. II, § 113; Amend Coun. J. 10-16-19, p. 7854, § 8; Amend Coun. J. 10-7-20, p. 21791, Art. VII, § 29; Amend Coun. J. 7-20-22, p. 50878, § 7)

#### Notes

**11-4** The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).

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#### 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.** 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 4 *administrative adjustments* must be reviewed as *variations*, in accordance with Sec. 17-13-1100.

**17-13-1003 Authorized Administrative Adjustments.** 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 a *detached house* in an RS1 or RS2 district, provided that the increase does not result in a *floor area ratio* of more than 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.

**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 Floor Area Ratio Bonuses.**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to award a floor area bonus under Sec. 17-4-1000 to any existing development in a DC-16 or DX-16 district, which is *nonconforming* with respect to the applicable *floor area ratio* standards, provided such floor area bonus does not exceed 5% of the floor area in existence as of the effective date of this amendatory ordinance.



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-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 a *Type A unit*; 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*.

1.5. 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.

2. 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.

#### **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.

#### **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 Shared housing units.**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow the establishment of a shared housing unit in a *nonconforming dwelling unit* in a C, M or DS district.
2. Such *administrative adjustment* may be approved only when the Zoning Administrator determines, upon submission of proof by the shared housing host that:
  - (a) the *nonconforming dwelling unit* is a lawfully established *dwelling unit*, which contains 6 or fewer sleeping rooms; and
  - (b) prior to June 22, 2016, such *nonconforming dwelling unit*, or any portion therein, was listed on a platform, as defined in Sec. 4-13-100 , for rental for transient occupancy by guests; and
  - (c) such *nonconforming dwelling unit* is otherwise eligible under Chapter 4-14 of the Municipal Code of Chicago to be registered as a shared housing unit; and
  - (d) the proposed adjustment meets the general approval criteria of Sec. 17-13-1007-B.

#### **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 , Sec. 17-4-0700, and Sec. 17-7-0413-A1.

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.

#### **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.

#### **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. 17-9-0117-E5 or Sec. 17-9-0117-F6\*.

\* Editor's note – Coun. J. 9-13-06, p. 84870, § 1, renumbered § 17-9-0117 as § 17-2-0500.

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-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. 17-9-0117\*.

\* Editor's note – Coun. J. 9-13-06, p. 84870, § 1, renumbered § 17-9-0117 as § 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. 17-9-0117-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.

\* Editor's note – Coun. J. 9-13-06, p. 84870, § 1, renumbered § 17-9-0117 as § 17-2-0500.

#### **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*.

#### **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 Chapter 17-15.

2. Such an *administrative adjustment* will not become effective without a hearing before the City Council Committee on Zoning, Landmarks and Building Standards 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, Landmarks and Building Standards must hold a hearing on the resolution at such time and place as determined by the Committee on Zoning, Landmarks and Building Standards. 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, Landmarks and Building Standards.

(c) If the *administrative adjustment* is denied by the Zoning Administrator, the applicant may appeal the decision to the Committee on Zoning, Landmarks and Building Standards 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, Landmarks and Building Standards must hold a hearing on the resolution at such time and place as determined by the Committee on Zoning, Landmarks and Building Standards. 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, Landmarks and Building Standards.

#### **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 Existing Density.** In the case of building permit applications for the repair, remodeling, or alteration of a *residential building* that has been in lawful existence for 20 or more years and in which there is sufficient documentary evidence provided to the Zoning Administrator that the *residential building* has been converted, altered or used for at least the previous 20 years from the date of application pursuant to this Section for a greater number of *dwelling units* than existed at the time of construction of the *residential building*, the Zoning Administrator is authorized to approve an *administrative adjustment* to make zoning certification for the total *density* not to exceed more than 1 unit above its original construction.

#### **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 Parking Reduction for Transit-Served Locations.**

1. The Zoning Administrator is authorized to approve an *administrative adjustment* reducing off-street parking requirements from the otherwise applicable standards by more than 50% as expressly authorized in Section 17-10-0102-B.

2. For *residential buildings*, the Zoning Administrator is authorized to approve an *administrative adjustment* increasing the number of off-street parking spaces permitted from the otherwise applicable standards up to 100% of the Minimum Automobile Parking Ratio for the applicable district listed in Section 17-10-0207 as expressly authorized in Section 17-3-0308.

3. For *residential buildings*, the Zoning Administrator is authorized to approve an *administrative adjustment* increasing the number of off-street parking spaces permitted from the otherwise applicable standards up to 100% of the Minimum Automobile Parking Ratio for the applicable district listed in Section 17-10-0208 as expressly authorized in Section 17-4-0301.

4. Such *administrative adjustments* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the general approval criteria of Section 17-13-1007-B.

#### **17-13-1003-FF 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-GG 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-HH 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-II 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-JJ 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-KK 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.

**17-13-1003-LL Reduction of EVSE Requirements for Affordable Housing.** The Zoning Administrator is authorized to approve an *administrative adjustment* to reduce the percentage of *EVSE-ready spaces* or *EVSE-installed spaces* required by Section 17-10-1011-A(2) to the applicable value specified below for "affordable housing" as defined in the Illinois Electric Vehicle Charging Act.

Permit Application Date	Minimum Percentage Required
Before November 1, 2025	At least 20 percent
November 1, 2025, through October 31, 2028	At least 40 percent
November 1, 2028, through October 31, 2033	At least 50 percent
November 1, 2033, or after	At least 70 percent

**17-13-1004 Applications.** An application for an *administrative adjustment* must be filed with the Zoning Administrator.

**17-13-1005 Public Notice.** 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.** 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.**

**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.

**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.

**17-13-1008 Conditions of Approval.** 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).

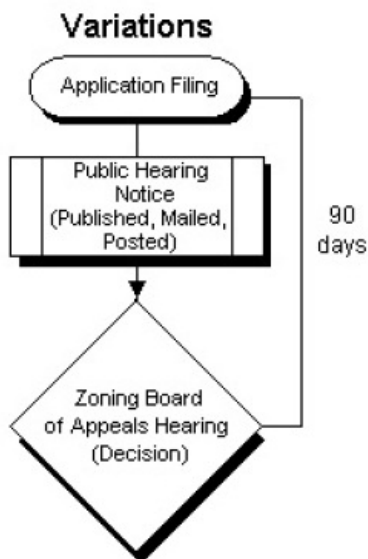
(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 4-9-08, p. 25656, § 2; Amend Coun. J. 11-8-12, p. 38872, §§ 277, 278; Amend Coun. J. 9-11-13, p. 60173, § 9; Amend Coun. J. 11-5-14, p. 96201, § 2; Amend Coun. J. 3-18-15, p. 105476, § 11; Amend Coun. J. 5-18-16, p. 24993, § 12; Amend Coun. J. 6-22-16, p. 27712, § 16; Amend Coun. J. 7-26-17, p. 53898, § 8; Amend Coun. J. 7-20-22, p. 50878, § 7; Amend Coun. J. 9-14-23, p. 2842, § 3)

Notes

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### 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** The Zoning Board of Appeals is authorized to grant a *variation* to permit a reduction in any setback required by applicable regulations or to permit a building or structure to be erected, converted or located within a Special Transportation Corridor Overlay District, as described in Sec. 17-7-0400\*.

\* Editor's note – Coun. J. 11-30-05, p. 62727, deleted § 17-7-0400.

**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.

**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*.

**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%.

**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 under Article III of Chapter 4-156 of this Code to locate within 125 feet of any RS1, RS2 or RS3 district.

**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.

**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*.

**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.

**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*.

**17-13-1101-U** The Zoning Board of Appeals is authorized to grant a *variation* allowing direct *street* access to off-street parking for parcels for when *alley* access for such parking is prevented by a utility pole or other public appurtenance.

**17-13-1102 Applications.** An application for a *variation* must be filed with the Zoning Board of Appeals.

**17-13-1103 Hearing.** 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.

**17-13-1104 Action by Zoning Board of Appeals.** 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.** 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.** 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.

**17-13-1107 Approval Criteria and Review Factors.**

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 4-6-05, p. 46179; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 12-12-07, p. 17737, § 2; Amend Coun. J. 4-19-17, p. 48180, Art. V, § 41)

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#### Notes

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### 17-13-1200 Appeals.

**17-13-1201 Authority.** 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.** 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.

**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.

**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.

**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.

**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.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

### 17-13-1300 Zoning certification.

**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 the Office of the Zoning Administrator has certified in writing that the proposed *building* or structure complies with all the provisions of this Zoning Ordinance. Any zoning certification issued in conflict with the provisions of this Zoning Ordinance may be revoked in accordance with Section 17-16-0500.

### **17-13-1302 Applications.**

**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 certification and must be accompanied by:

1. A plat 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 professional land surveyor or professional 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 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 Planning and Development, 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*.

**17-13-1303 Performance Bonds.** At the time the Zoning Administrator issues a zoning certification for a land use, *building* or parking lot that requires the submission of a landscape plan or the planting of *parkway trees*, the Zoning Administrator must require the posting of a performance bond or other form of financial security approved by the Zoning Administrator. The performance 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.

**17-13-1303-A** The Zoning Administrator may not require a performance bond or other form of financial security for a property that contains a *detached house, two-flat* or three-flat (multi-unit building containing only 3 *dwelling units*).

**17-13-1303-B** Failure to install required landscape materials or *parkway trees* may not be relied upon as the basis for denying or withholding a certificate of occupancy provided that a performance bond or other form of financial security has been posted with the City in accordance with this section.

**17-13-1303-C** The performance bond or other form of financial security must be released by the City after the premises have been inspected by the City and the owner has certified that all landscaping, including *parkway trees*, has been installed in accordance with the approved plans and specifications.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 12-15-21, p. 42674, § 10)

### **17-13-1400 Additional procedures.**

**17-13-1401 [Reserved.]**

**17-13-1402 [Reserved.]**

**17-13-1403 [Reserved.]**

**17-13-1404 [Reserved.]**

**17-13-1405 Wagering Facility.**

**17-13-1405-A** Upon receipt of an application for the establishment of a *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 Commissioner of the Department of Buildings;
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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 5-9-12, p. 27485, § 195; Amend Coun. J. 5-18-16, p. 24131, § 161; Amend Coun. J. 12-15-21, p. 42674, § 11; Amend Coun. J. 12-15-21, p. 42922, § 12)

## CHAPTER 17-14

### ADMINISTRATION

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**17-14-0100 General.**

**17-14-0200 Department of Planning and Development.**

**17-14-0300 Zoning Board of Appeals.**

**17-14-0400 Reserved.**

**17-14-0500 Duties of the Commissioner of Buildings.**

#### **17-14-0100 General.**

**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 Planning and Development; and

**17-14-0101-B** the Zoning Board of Appeals; and

**17-14-0101-C** the Department of Buildings.

**Editor's note** – Council J. 11-19-08, p. 47220, Art. VII, § 1, deleted a former § 17-14-0101-C, which pertained to 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30)

#### **17-14-0200 Department of Planning and Development.**

**17-14-0201 Creation.** The Department of Planning and Development is created under Chapter 2-45 of the Municipal Code of Chicago and is under the direction of the Commissioner of Planning and Development. The Commissioner of Planning and Development is authorized to administer Section 17-17-02164. This authority includes the power to promulgate any rules, regulations, and procedures necessary to administer that section.

**17-14-0202 Duties of the Office of Zoning Administrator.** 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 certifications;

**17-14-0202-B** [*Reserved*];

**17-14-0202-C** requesting the Commissioner of Buildings to conduct 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 and making investigations relative thereto;

**17-14-0202-G** transmitting to the City Council Committee on Zoning, Landmarks and Building Standards recommendations 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 special 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 issue a zoning certification for 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 Buildings 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.

**17-14-0202-P** In connection with land located within the Airport Layout Plan that has been acquired by the city, the Zoning Administrator is authorized to examine and approve all building plans as required by subsection 17-14-0202-O as if the land was part of the Airport Planned Development. For the purposes of this section, the terms "Airport Layout Plan" and "Airport Planned Development" shall have the same meaning as set forth in Section 17-13-0613;

**17-14-0202-Q** receiving from the City Council Committee on Zoning all applications for an amendment for a *planned development*, making an investigation relative thereto and making recommendations thereon to the City Council Committee on Zoning;

**17-14-0202-R** receiving from the Zoning Board of Appeals all applications for *special uses*, making an investigation relative thereto and making recommendations thereon and forwarding such recommendations to the Zoning Board of Appeals;

**17-14-0202-S** promulgating 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.

(Added Coun. J. 5-26-04, p. 25275; Amended Coun. J. 3-1-06, p. 71981, § 4; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 2-9-11, p. 112461, § 3; Amend Coun. J. 5-9-12, p. 27485, § 196; Amend Coun. J. 11-8-12, p. 38872, §§ 279, 280; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 11-12-14, p. 97375, § 3; Amend Coun. J. 12-15-21, p. 42674, § 12)

## Notes

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## 17-14-0300 Zoning Board of Appeals.

### 17-14-0301 Creation and Membership.

**17-14-0301-A** The Zoning Board of Appeals consists of 5 members and up to 2 alternate members, all appointed by the Mayor, with the consent of the City Council, provided, however that a majority of said members at the time of appointment shall be members of the Illinois Society of Architects, the Western Society of Engineers, the Chicago Real Estate Board, the Illinois Society of Professional Engineers, the Cook County Real Estate Board, the Building Manager's Association of Chicago, the Building Construction Employer's Association or the Chicago Building Trades Council, or shall be the incumbent of the office of Commissioner of Planning and Development, City Architect, Superintendent of Police, or Corporation Counsel, or shall be a City resident who has had outstanding experience in zoning administration.

If a regular member of the Zoning Board of Appeals is unable to attend a meeting, the chairman or acting chairman of the Zoning Board of Appeals may designate an alternate member to take that regular member's place. Alternates shall be called on a rotating basis, as they are available.

Alternate members designated to sit in place of regular members shall have the same powers and duties and be subject to the same pertinent Code provisions as regular members. When an alternate member has been appointed to fill the position of a regular member, the alternate member shall continue to sit on any continued applications started at that meeting, in the place of the full member, at subsequent meetings until the applications are decided. In no event shall the Zoning Board of Appeals hear any matter within its jurisdiction with more than 5 members.

The Board shall promulgate rules addressing participation in Zoning Board of Appeals meetings by alternate members.

**17-14-0301-B** Zoning Board of Appeals regular and alternate members serve 5-year terms.

**17-14-0301-C** One of the regular members of the Zoning Board of Appeals must be designated by the Mayor, with the consent of the City Council, to serve as chairman at the time of his or her appointment. The chairman will hold the office of chairman until a successor is appointed. The chairman may designate an acting chairman to serve as chairman in his or her absence.

**17-14-0301-D** The Mayor is authorized to remove any regular or alternate 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 regular or alternate member whose place has become vacant. The salaries of the regular and alternate members of the Zoning Board of Appeals will be determined and fixed by the City Council in the annual appropriation ordinance.

**17-14-0301-F** The Zoning Board of Appeals shall designate one of its staff to act as its secretary who has had experience in zoning matters and whose duty it shall be to keep a full and detailed record on file in the office of the Zoning Board of Appeals of all its proceedings.

**17-14-0302 Jurisdiction.** 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.**

**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.

**17-14-0303-F** In addition to the requirements of Chapter 2-154 of this Code, the Chairman of the Zoning Board of Appeals may required any such additional information from the applicant which is reasonably intended to achieve full disclosure relevant to their associated application under consideration by the Zoning Board of Appeals.

**17-14-0303-G** Subject to applicable law, *cannabis business establishments* shall include, as a part of any *special use* application to the Zoning Board of Appeals, copies of all information submitted to the State of Illinois in application for a license to operate under the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).

**17-14-0303-H** In addition to all other applicable legal requirements, any *special use* application for a *cannabis business establishment* shall be processed in compliance with Section 55-28 of the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/55-28).

**17-14-0304 Finality of Decisions of the Zoning Board of Appeals.** 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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 5-25-18, p. 78316, § 2; Amend Coun. J. 10-16-19, p. 7854, § 9; Amend Coun. J. 1-15-20, p. 13417, § 3; Amend Coun. J. 1-27-21, p. 26741, Art. II, § 17; Amend Coun. J. 9-20-21, p. 36844, § 7)

Notes



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#### **17-14-0400 Reserved.**

**Editor's note** – Coun. J. Coun. J. 11-19-08, p. 47220, Art. VII, § 1, deleted § 17-14-0400, which pertained to the Department of Planning and Development.

#### **17-14-0500 Duties of the Commissioner of Buildings.**

**17-14-0501 Zoning-Related Jurisdiction.** The Commissioner of Buildings has the following powers and duties under this Zoning Ordinance:

**17-14-0501-A** conducting inspections of buildings, structures, and uses of land to determine compliance with the terms of this Zoning Ordinance.

(Added Coun. J. 11-17-10, p. 106597, Art. IX, § 11)

## **CHAPTER 17-15**

### **NONCONFORMITIES**

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#### **17-15-0100 General.**

##### **17-15-0200 Nonconforming lots.**

##### **17-15-0300 Nonconforming uses.**

##### **17-15-0400 Nonconforming developments.**

##### **17-15-0500 Nonconforming signs.**

##### **17-15-0600 Vintage signs.**

#### **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.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

#### **17-15-0200 Nonconforming lots.**

**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.

#### **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.

**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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-15-0300 Nonconforming uses.**

**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.

#### **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 the 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.**

**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.

**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.

**17-15-0303-F** *Dwelling units* that are a *nonconforming use* in a C, M or DS district may be registered under Chapter 4-14 of the Municipal Code of Chicago and used as a shared housing unit subject to review and approval by the Zoning Administrator in accordance with the *administrative adjustments* process set forth in Section 17-13-1003-LL\*.

\* **Editor's note** – As provided in Coun. J. 6-22-16, p. 27712, § 15; reference should likely be Section 17-13-1003-M.

#### **17-15-0304 Loss of Nonconforming Use Status.**

##### **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.**

**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.** 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.

##### **17-15-0307 Vacation rentals – Nonconforming use.**

(a) Notwithstanding any other provision of this Zoning Ordinance, any vacation rental located in a RS3, RT3.5 or RT4 District shall be a considered as a legal *nonconforming use* for purposes of this Zoning Ordinance if the Zoning Administrator determines that the vacation rental was in existence and operating for more than one year prior to the effective date of this 2010 ordinance. The owner of the vacation rental shall have the burden to prove that the vacation rental meets the qualifications of this section. Proof of existence and operation shall include payment of any hotel tax, or similar tax, if applicable, and any other evidence required by the Zoning Administrator which demonstrates the existence and operation of the vacation rental. The owner of any vacation rental seeking a determination under this section shall provide such proof no later than 90 days after the effective date of this 2010 ordinance.

(b) Notwithstanding subsection (a), any expansion of the vacation rental shall be considered a new *use*.

Nothing in this section shall be construed as authorizing the operation of a vacation rental without any license required by the Municipal Code. If an owner of a vacation rental fails to obtain a vacation rental license pursuant to Section 4-6-300 within 180 days after the effective date of this 2010 ordinance, the vacation rental shall no longer be deemed as a legal nonconforming use.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 11-3-10, p. 104527; Amend Coun. J. 5-9-12, p. 27485, § 197; Amend Coun. J. 11-8-12, p. 38872, § 281; Amend Coun. J. 6-22-16, p. 27712, § 15)

#### Notes

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## 17-15-0400 Nonconforming developments.

**17-15-0401 Definition.** 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.** *Nonconforming developments* may remain, subject to the regulations of this section.

### 17-15-0403 Alterations and Enlargements.

**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*.

**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.

### 17-15-0404 Damage or Destruction.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84923, § 1)

## 17-15-0500 Nonconforming signs.

**17-15-0501 Policy.** 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 Reserved.

**17-15-0503 Continuation of Nonconforming Signs.** *Nonconforming signs* may remain in use, subject to the regulations of this Section 17-15-0500, Section 13-20-565, Section 17-15-0600, and all other applicable requirements of this Code. *Nonconforming signs*, including *vintage signs*, must be maintained in good repair, and must comply with all other requirements of this Zoning Ordinance.

**17-15-0504 Alterations.** Change of message or the substitution of panels or faces on *nonconforming signs*, except for *high-rise building 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, and as otherwise provided for *vintage signs* by Sections 17-15-0640 and 17-15-0650.

The alteration of any *nonconforming sign*, other than for: (i) routine maintenance and repair; (ii) change of message, or the substitution of panels or faces on non-*high-rise building signs*; or (iii) as otherwise provided for *vintage signs* by Sections 17-15-0640 and 17-15-0650, shall cause the *sign* to lose its status as a legal *nonconforming sign* and such status shall not be re-established. The language added to this Section by this 2013 amendatory ordinance is intended to clarify rather than change existing law.

### 17-15-0505 Nonconforming Flashing Signs.

#### 17-15-0505-A Amortization or Altered to Comply.

1. Nonconforming *flashing signs*, except for *vintage signs*, that existed on the effective dates specified in Section 17-1-0200 must be removed or altered to comply with the standards of Sections 17-12-1004 and 17-12-1005-C no later than November 1, 2009.

2. *Flashing signs*, except for *vintage 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 five 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, unless the nonconforming *flashing sign* is a *vintage sign*. 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, except pursuant to an application for *vintage sign* designation made pursuant to Section 17-15-0620.

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, unless such *nonconforming flashing sign* is a *vintage sign*.

#### **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.**

**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**

1. Any nonconforming *off-premise sign* that is not used or for which a valid permit does not exist for a continuous period of 12 months or more will be deemed to have been abandoned.
2. A *sign structure* that is removed, except as a result of criminal vandalism, such that a *nonconforming sign* for which a valid permit existed can no longer be displayed, will be deemed to have been abandoned. The remaining presence of in-ground or above-ground footings or portions of the poles or bracing, wiring or other apparatus shall not be grounds for retention of the nonconforming status or revival of the permit.

**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, unless such signs are designated as a *vintage sign* pursuant to Section 17-15-0600.

**17-15-0506-D** No zoning permits or approvals may be issued for buildings occupied by nonconforming abandoned *signs* until such *signs* are removed, except pursuant to an application for *vintage sign* designation made pursuant to Section 17-15-0620.

**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, unless said *nonconforming sign* is a *vintage sign*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 2-15-12, p. 20906, § 2; Amend Coun. J. 2-13-13, p. 47133, § 2; Amend Coun. J. 7-24-13, p. 58318, § 2; Amend Coun. J. 1-23-19, p. 94952, Art. I, § 30; Amend Coun. J. 7-19-23, p. 1992, § 3)

#### **Notes**

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#### **17-15-0600 Vintage signs.**

**17-15-0610 Purpose.** The intent of the *vintage sign* designation is to promote the public safety, health, and general welfare by providing a pathway for legalizing and maintaining *nonconforming signs*, including abandoned *nonconforming signs*, that represent important elements of the City's heritage, enhance the character of the community, and assist owners in the preservation and restoration of their *signs*.

#### **17-15-0620 Application Procedure.**

**17-15-0620-A** An application for *vintage sign* designation must be submitted jointly by the *nonconforming sign* owner and the *property owner* to the Zoning Administrator on a form prescribed by the Zoning Administrator.

**17-15-0620-B** An application for *vintage sign* designation shall include:

1. Detailed drawings and or photographs of the *nonconforming sign* in its current condition;
2. A written narrative and supporting documentation demonstrating how the *nonconforming sign* meets the designation criteria of Section 17-15-0630-B;
3. Evidence that the *nonconforming sign* is structurally safe or a detailed plan on how it can be made safe without substantially altering its iconic or cultural significance;
4. A detailed maintenance plan for the upkeep of the *nonconforming sign*; and

5. Detailed drawings of any restoration or repair currently being planned or sought.

**17-15-0620-C** *Nonconforming signs* located on landmark *buildings* or within the boundaries of a Chicago Landmark District must also apply to the Commission on Chicago Landmarks for review pursuant to the Chicago Landmarks Ordinance.

**17-15-0620-D** Notwithstanding any provision of the Chicago Zoning Ordinance to the contrary, abandoned *nonconforming signs* and associated *sign structures* may remain in place while the application for vintage designation is pending. If the application is denied, the abandoned *nonconforming sign* may remain in place until the exhaustion of, or the failure to exhaust, any applicable judicial review.

**17-15-0630 Vintage Sign Designations.**

**17-15-0630-A** The Zoning Administrator, upon consultation with the Department of Planning and Development's Historic Preservation Division, may designate a *nonconforming sign* as a *vintage sign* based upon a review of the criteria listed in Section 17-15-0630-B.

**17-15-0630-B** In evaluating whether a *nonconforming sign* should be designated as a *vintage sign*, the Zoning Administrator shall apply the following criteria:

1. The proposed *vintage sign* must be an existing *nonconforming sign* that has remained in place for at least the previous 30 years at the time of application;
2. The *nonconforming sign* possesses significant iconic or cultural value that contributes to the distinct visual identity and character of the neighborhood, community, or City as a whole;
3. The *nonconforming sign* possesses a significant portion of its original design character, such as its original configuration, message, color, texture, materials, or illumination; and
4. The *nonconforming sign* is structurally safe or can be made safe without substantially altering its iconic or cultural significance.

**17-15-0630-C** Within 90 days of a *nonconforming sign's* designation as a *vintage sign*, the owner of the *vintage sign* shall apply to obtain all permits, orders, or other authorizations required under this Code.

**17-15-0640 Repair and Maintenance of Vintage Signs.** A *vintage sign* owner may undertake *sign maintenance* or *sign repair*, provided they comply with all requirements of this Code.

**17-15-0650 Modifications of Vintage Signs.**

**17-15-0650-A** A *vintage sign's* message may be modified, provided that its character-defining features are repaired to the *vintage sign's* previous appearance established no less than 30 years prior to its designation as a *vintage sign*. A *vintage sign's* message may also be modified in a manner authorized by rules adopted by the Commissioner of Planning and Development or as otherwise permitted by law.

**17-15-0650-B** The message of a *vintage sign* may only be modified without losing the *sign's* legal status as a *vintage sign*, as follows: i) an existing *sign* that was initially established as an *on-premise sign* cannot be converted to an *off-premise vintage sign*; ii) an existing *off-premise sign* may be converted to an *on-premise vintage sign*, however, the *sign* shall lose its *off-premise* status and such status may not be re-established.

**17-15-0660 Total Sign Area Exemption.** A *vintage sign* does not count toward the limitations or restrictions of Sections 17-12-0902, 17-12-1002-F, or 17-12-1003-E.

**17-15-0670 Term of Vintage Sign Designations.** The designation of a *nonconforming sign* as a *vintage sign* shall be effective for five years, subject to renewal pursuant to Section 17-15-0680. Any *vintage sign* which is not appropriately renewed, pursuant to Section 17-15-0680, or which violates Section 17-15-0600 loses its *vintage sign* status.

**17-15-0680 Renewal of Vintage Sign Designations.** All *vintage sign* designations may be renewed by reapplying to the Zoning Administrator in the manner described in Section 17-15-0620.

**17-15-0690 Rulemaking Authority.** The Commissioner of Planning and Development is authorized to promulgate rules necessary for the proper implementation, administration and enforcement of Section 17-15-0600, including rules related to the application process for the designation and renewal of, and maintenance of, *vintage signs*.

(Added Coun. J. 7-19-23, p. 1992, § 3)

## CHAPTER 17-16

### ENFORCEMENT AND PENALTIES

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**17-16-0100 Responsibility for enforcement.**

**17-16-0200 Violations.**

**17-16-0300 Liability.**

**17-16-0400 Reserved.**

**17-16-0500 Remedies and enforcement powers.**

**17-16-0600 Continuation of previous enforcement actions.**

**17-16-0700 Reserved.**

### **17-16-0100 Responsibility for enforcement.**

It is the duty of the Zoning Administrator to enforce this Zoning Ordinance.

(Added Coun. J. 5-26-04, p. 25275)

### **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.

(Added Coun. J. 5-26-04, p. 25275)

### **17-16-0300 Liability.**

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391)

### **17-16-0400 Reserved.**

(Deleted Coun. J. 3-9-05, p. 44391)

### **17-16-0500 Remedies and enforcement powers.**

**17-16-0501 Applicability.** The City may use any lawful remedy or enforcement powers, expressly including those described in this section.

**17-16-0502 Remedies Cumulative.** 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.**

**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.** Instead of withholding, denying or revoking 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.**

**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 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.** 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 or Commissioner of Buildings 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.** Any *sign* installed or placed on public property, except in compliance with the regulations of Chapter 17-15, 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.** The City may seek an injunction or other equitable relief in court to stop any violation of this Zoning Ordinance.

**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.

**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.

**17-16-0511 Penalties.** Any violation of Section 17-12-0709 is subject to a fine in the same amount set forth in Section 13-20-520 ; except that if the violation is for failing to have a public way use permit, the fine shall be in the same amount set forth in Section 10-28-010 (h). In all other cases where no specific fine or penalty is provided, 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.

**17-16-0512 Other Remedies and Enforcement Powers.** The City may seek such other remedies and use other enforcement powers, as allowed by law.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 12-17-08, p. 51294, § 2; Amend Coun. J. 4-24-12, p. 25060, § 4; Amend Coun. J. 12-15-21, p. 42674, § 13)

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#### **17-16-0600 Continuation of previous enforcement actions.**

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.

(Added Coun. J. 5-26-04, p. 25275)

#### **17-16-0700 Reserved.**

(Deleted Coun. J. 3-9-05, p. 44391)

## **CHAPTER 17-17**

### **TERMINOLOGY AND MEASUREMENTS**

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**17-17-0100 Use group and category descriptions.**

**17-17-0200 General terms.**

**17-17-0300 Measurements.**

## 17-17-0400 Public transit tables.

### 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: (1) an “assisted living establishment” or (2) a “shared housing establishment” as those terms are defined in the Assisted Living and Shared Housing Act, 210 ILCS 9/1, *et seq.*, as amended.

2. Convents and Monasteries. A *residential building* housing persons (such as nuns or monks) under religious vows.

3. Community Home. An adult family care home or adult family care center, as those terms are defined in Sections 4-6-110 and 4-6-080 (a), respectively; or a single *dwelling unit* 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.

(i) An adult family care home, as that term is defined in Section 4-6-110; or

(ii) 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.

(i) An adult family care center, as that term is defined in Section 4-6-080 (a); or

(ii) 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 “skilled care facility,” “intermediate care facility,” “sheltered care facility” or similar “long-term care facility,” as those terms are defined in the Illinois Nursing Home Care Act (210 ILCS 45/) and/or Title 77 Ill. Adm. Code Part 300.

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.



**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.** 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.

**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.

1. Community Garden. A neighborhood- based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution or personal use. Sites are typically managed by public or civic entities, nonprofit organizations or other community-based organizations that are responsible for maintenance and operations. Processing and storage of plants or plant products, other than for purposes of composting as provided in Section 17-9-0103.5-C, are prohibited on site. Gardening tools and supplies may be stored within an accessory building that is in compliance with Section 17-9-0103.5-B of the Municipal Code.

**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. Learning, healthcare and social support centers less than 5,000 square feet in size, and which be accessible to the community at large and may provide a separate entrance directly to a public way or street, are permitted as an accessory use within a school, provided that the center is approved by the Chicago Public Schools.

**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 community-wide 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*.

**17-17-0103-L Utilities and Services, Minor.** Infrastructure services that need to be located in an 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.

**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”.

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.

**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 Urban Farm.** Growing, washing, packaging and storage of fruits, vegetables and other plant products for wholesale or retail sales.

- 1. Indoor Operation. All allowed activities must be conducted within completely enclosed buildings. Typical operations include greenhouses, vertical farming, hydroponic systems and aquaponic systems.
- 2. Outdoor Operation. Allowed activities are conducted in unenclosed areas or partially enclosed structures. May include indoor operations in conjunction with outdoor operations. Typical operations include growing beds, growing fields, hoopouses and orchards.
- 3. Rooftop Operation. All allowed activities occur on the roof of a principal building as a principal use or accessory use. Typical operations include growing beds and growing trays.

**17-17-0104-I 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-J 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-K 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.

3. Outdoor patio. Outdoor patio shall have the meaning ascribed to it in Section 4-60-010 of this Code. For the purposes of the *special use* provisions of Section 17-3-0200 of this zoning ordinance, any outdoor patio located on or above the roof or above the first story of any *building* or any other structure shall be considered to be located on a rooftop. For the purposes of the *permitted use* provisions of Section 17-3-0200 of this zoning ordinance, any outdoor patio located adjacent to the grade-level floor, or below the surface of the floor next above the grade-level floor, of any *building* or any other structure shall be considered to be located at grade level. The provisions of Section 17-3-0200 of this zoning ordinance regarding outdoor patios do not apply to any location subject to a special club license pursuant to Chapter 4-388 of this Code.

**17-17-0104-L 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 or Sports Wagering Facility. A facility other than a race track at which wagering is conducted: (i) 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, or (ii) with respect to the outcome of a professional sport or athletic event, a collegiate sport or athletic event, a motor race event, or other event or competition of skill upon which wagering is permitted under the Sports Wagering Act.

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.

**17-17-0104-M 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-N 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/Title Secured Loan Store. An establishment that engages in the business of offering payday or title secured loans. A “payday loan” means a loan with a finance charge exceeding an annual percentage rate of 36% and with a term that does not exceed 120 days, including any transaction conducted via any medium whatsoever, including, but not limited to, paper, facsimile, Internet, or telephone, in which:

(i) A lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit;

(ii) A lender accepts one or more authorizations to debit a consumer's bank account; or

(iii) A lender accepts an interest in a consumer's wages, including, but not limited to, a wage assignment.

The term “payday loan” also includes any installment loan otherwise meeting the definition of payday loan, but that has a term agreed to by the parties of not less than 112 days and not exceeding 180 days.

A “title-secured loan” means a loan upon which interest is charged at an annual percentage rate exceeding 36%, in which, at commencement, an obligor provides to the lender, as security for the loan, physical possession of the obligor's title to a motor vehicle, and upon which a lender may charge, contract for, and receive thereon interest at the rate agreed upon by the licensee and borrower.

For purposes of these definitions, the annual percentage rate shall be calculated in accordance with the federal Truth in Lending Act.

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 pawnor 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-O 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-P 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-Q Funeral and Interment Services.** Provision of services involving the care, preparation or disposition of the dead. The following are *funeral and interment services* use types:

1. Cemetery / Mausoleum / Columbarium. Land or facilities used for burial of human dead.
2. Cremating. Crematory services involving the purification and reduction of the human or companion animal body by fire. For purposes of this subsection, the term "companion animal" shall be defined as in 815 ILCS 318/5. Typical *uses* include crematories and crematoriums.
3. Undertaking. Undertaking services for human dead such as preparing the dead for burial and arranging and managing funerals. Typical *uses* include funeral homes and mortuaries.

**17-17-0104-R 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-S 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 or 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* will be considered to be part of the establishment.
2. Hotel/Motel. An establishment containing 7 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. For purposes of this definition, the term "hotel/motel" does not include *single-room occupancy buildings* or *bed and breakfast* establishments.
3. Vacation Rental. A *dwelling unit* that contains 6 or fewer sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term "guests" does not include members of the owner's *household*. The term "vacation rental" shall not include: (i) *single-room occupancy buildings*; (ii) *bed and breakfast* establishments; (iii) *hotels/motels*; (iv) any *dwelling unit* for which a tenant has a month-to-month rental agreement as defined in Section 5-12-030 and the rental payments are paid on a monthly basis; (v) corporate housing, as defined in Section 4-14-010 ; (vi) guest suites, as defined in Section 4-6-300 ; (vii) *shared housing units* registered pursuant to Chapters 4-13 and 4-14 of this Code; (viii) *conversion units*; or (ix) *coach houses* lawfully established after May 1, 2021.
4. Shared Housing Unit. "Shared housing unit" means a *dwelling unit* containing 6 or fewer sleeping rooms that is rented, or any portion therein is rented, for transient occupancy by guests. The term "shared housing unit" does not include: (1) *single-room occupancy buildings*; (2) *hotels/motels*; (3) corporate housing, as defined in Section 4-14-010 ; (4) guest suites, as defined in Section 4-6-300 ; (5) *bed and breakfast* establishments; (6) vacation rentals; (7) *conversion units*; or (8) *coach houses* lawfully established after May 1, 2021.

**17-17-0104-T 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-U 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*.

**17-17-0104-V 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*.

**17-17-0104-W Personal Service.** Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical *uses* include hair salons, barber shops, beauty shops, massage establishments, nail salons, yoga or dance studios, driving schools and martial arts studios.

**17-17-0104-X 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.

**17-17-0104-Y 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/title secured 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-Z 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-AA 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 devices as defined in Section 4-6-120, “Automatic amusement operator” 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, shooting range facilities, physical fitness centers, and *casinos*.
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, swimming pools, and marinas.
5. Children's Play Center. “Children's play center” means an institution or place, regardless of nomenclature, where the primary business activity is to provide recreational activities to children who are apart from their parent or guardian. A “Children's activities play center” does not include the following:
  - (1) any programs operated by private entities on the grounds of public or private elementary schools or secondary schools;
  - (2) any programs operated by a public or private schools or secondary level schools;
  - (3) any programs operated by the State Board of Education or the Board of Education of Chicago;
  - (4) any programs operated by government agencies or conducted on government premises;
  - (5) any programs operated by or conducted on the premises of a college or university;
  - (6) any programs operated primarily for religious instruction;
  - (7) any programs operated by hospitals or other health care facility;
  - (8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to Article III of Chapter 4-156 of this Code; or
  - (9) any person providing one-on-one recreational, cognitive or educational activities to a child in a dwelling unit, as defined in Section 17-17-0248, in which the person or child resides.

**17-17-0104-BB Valuable Objects Dealer.** Any person, other than those excluded from the definition of a secondhand dealer pursuant to Section 4-264-005 of the Municipal Code of Chicago, who engages in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring for value, any previously owned precious metal, stone or gem or any jewelry, as said terms are defined in Section 4-264-005 of the Municipal Code.

**17-17-0104-CC 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 shops, where the business of doing repair work on or for *motor vehicles*, replacing motor vehicle parts, or diagnosing malfunctions of a *motor vehicle* is conducted in any facility, shop, drive-in station or garage which 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* shall also include any business, establishment or location where tires are collected, stored, maintained, altered, refabricated, disposed of, replaced, changed or repaired; provided, however, this definition shall not include any business operated under a certificate of authority issued under Chapter 215 of the Illinois Compiled Statutes, nor any person set forth in subsection (c) of Section 4-228-020.
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.** 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 Reserved.**

**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: shared kitchens; 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.

**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 *Type A, Type B, Type C or Type D 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. No recycling facility shall engage in the recovery of materials for fuel in combustion or energy production processes. However, this section shall not prohibit any such recycling facility from recovering and using biogas or other fuel generated as a byproduct of a recycling activity, as approved by the commissioner of health, while the facility is otherwise primarily engaged in recycling.

1. Recycling Facility, Class I. A *recycling facility* which contains receptacles for the collection of *Type A and Type B recyclable materials* only. Manual separation only of *Type A and Type B recyclable materials* shall be permitted at a Class I facility. (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* for the collection of *Type A and Type B recyclable materials* only. Class II facilities may perform any activity permitted in a Class I facility and may also perform *processing*, such as cleaning, bundling, compacting, cutting or packing of *recyclable materials*.

3. Recycling Facility, Class III. A *recycling facility* for the collection of *Type A and Type B recyclable materials* only. Class III facilities may perform any activity permitted in a Class II facility and may also engage in *composting*.

4. Recycling Facilities, Class IVA and Class IVB. *Class IVA facilities* are *recycling facilities* for the collection of *Type A and Type C recyclable materials* only. Class IVA facilities may engage in processing, such as cleaning, bundling, compacting or packing of *recyclable materials*, and may also dismantle, either manually or with the use of small power tools, used vehicles and used vehicle parts for resale. *Class IVB facilities* are facilities for the collection of *Type A and Type C recyclable materials* only. Class IVB facilities may perform any activity permitted in a Class IVA facility and may also engage in the shredding, crushing or other large-scale processing or vehicles.

5. Recycling Facilities. Class V. A *recycling facility* for the collection of *Type D recyclable materials* only. Manual sorting and temporary storage only of *Type D recyclable material* shall be permitted at a Class V facility.

**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, fulfillment centers, 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.

#### **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. As defined in Chapter 11-4 of the Municipal Code (Environmental Protection and Control)
4. 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.
9. Modified Transfer Stations. A *transfer station* that accepts only *landscape waste* and/or *construction and demolition debris*.

**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.

#### **17-17-0106-B\* Coke & Coal Bulk Material and Related Terms.**

\* **Editor’s note** – Coun. J. 10-16-19, p. 7854, § 10, renumbered this as 17-17-0106-B, but that section number already exists; future legislation will correct if needed.

1. Coke & coal bulk material. Any *coke*, *coal*, or combination thereof. *Coke & coal bulk material* does not include any *coal* material stored at a location in an amount equal to or less than 25 cubic yards at any one time.
2. Coal. Any solid, brittle, carbonaceous rock classified as anthracite, bituminous, subbituminous. or lignite by ASTM Designation D388-77.
3. Coke. Any solid carbonaceous material derived from the distillation of *coal* (including metallurgical *coke*) or from oil refinery coker units or other cracking processes (including petroleum *coke*).
4. Coke & coal bulk material processing. Any chemical, industrial, commercial, or manufacturing operation, or activity, including, but not limited to, blending, mixing, crushing, and screening, breaking, wet or dry cleaning, thermal drying, or chemically treating, that causes, or has the potential to cause, the emission of airborne particles of *coke* or *coal*. Notwithstanding anything to the contrary in subsection 17-17-02127 of this zoning ordinance, for purposes of this definition, the term “processing” shall have the meaning described in this subsection 17-17-0105-G4.\*

\* **Editor’s note** – Coun. J. 10-16-19, p. 7854, § 10, did not renumber this internal reference; future legislation will correct if needed.

**17-17-0106-C Firearms Dealer.** A firearms dealer means a person issued a weapons dealer-firearms dealer license pursuant to Article VII of Chapter 4-144 .

#### **17-17-0106-D Manganese-bearing material and related terms.**

1. Manganese-bearing material. Ferrous manganese, manganese silicate, manganese alloy, manganese ore, or any other material from which manganese is extracted or emitted or otherwise becomes airborne. The term “manganese-bearing material” does not include any material which contains an amount of manganese that is less than 1 percent by weight.
2. Manganese. A hard, brittle, grayish-white, metallic element, whose symbol is Mn, atomic weight is 54.938 and atomic number is 25, and which is used chiefly as an alloying agent in steel.
3. Manganese-bearing material operation use. Any activity, including, but not limited to, the storing, loading, unloading, stockpiling, handling on-site, blending, mixing, crushing, screening, breaking, wet or dry cleaning, thermal drying, chemically treating or any other processing of *manganese-bearing material*, or any improvement or development associated therewith.
4. Non-packaged. Not fully enclosed to prevent the possibility of any dust escaping from the package the entire time the material is in



the possession of the owner or operator.

#### 17-17-0106-E Cannabis business establishments.

1. Cannabis Business Establishment. A *cannabis craft grower, cannabis cultivation center, adult use cannabis dispensary, medical cannabis dispensary, cannabis infuser or cannabis processor* licensed by the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) and administrative rules promulgated thereunder.

2. Cannabis Cultivation Center. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport or perform other necessary activities to provide cannabis and cannabis-infused products to *cannabis business establishments*.

3. Adult Use Cannabis Dispensary. A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire adult use cannabis from *cannabis business establishments* for the purpose of dispensing cannabis pursuant to and in accordance with the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and administrative rules promulgated thereunder.

4. Medical Cannabis Dispensary. A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from *cannabis cultivation centers*, or, subject to applicable law, any *cannabis business establishment*, for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational material to registered qualifying patients. For purposes of this definition, "qualified patient" has the meaning ascribed to that term in the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).

5. [Reserved.]

6. Cannabis Craft Grower. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to perform necessary activities to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a registered *cannabis dispensary* or for use at a *cannabis processing facility*.

7. Cannabis Infuser. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product for sale at a registered *cannabis dispensary*.

8. Cannabis Processor. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product for sale at a registered *cannabis dispensary*.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 9-1-04, p. 30490; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 9-13-06, p. 84912, § 3; Amend Coun. J. 12-13-06, p. 95363, § 1; Amend Coun. J. 9-27-07, p. 9539, § 3; Amend Coun. J. 9-27-07, p. 9546, § 3; Amend Coun. J. 10-31-07, p. 12062, § 1; Amend Coun. J. 12-12-07, p. 17742, § 1; Amend Coun. J. 4-9-08, p. 24657, § 7; Amend Coun. J. 5-14-08, p. 28180, § 1; Amend Coun. J. 5-13-09, p. 62736, § 1; Amend Coun. J. 5-12-10, p. 91343, § 4; Amend Coun. J. 6-30-10, p. 96060, § 4; Amend Coun. J. 11-3-10, p. 104527; Amend Coun. J. 11-3-10, p. 104833, § 2; Amend Coun. J. 2-9-11, p. 112149, §§ 25 – 27; Amend Coun. J. 5-4-11, p. 117699, § 10; Amend Coun. J. 6-8-11, p. 1725, § 6; Amend Coun. J. 7-6-11, p. 3073, § 12; Amend Coun. J. 9-8-11, p. 7541, § 9; Amend Coun. J. 5-9-12, p. 27485, §§ 198 – 201; Amend Coun. J. 11-8-12, p. 38872, §§ 282, 283; Amend Coun. J. 1-17-13, p. 45622, § 1; Amend Coun. J. 2-13-13, p. 47140, § 1; Amend Coun. J. 2-13-13, 47141, § 1; Amend Coun. J. 10-16-13, p. 61664, § 2; Amend Coun. J. 4-30-14, p. 80394, § 8; Amend Coun. J. 7-29-15, p. 4110, § 5; Amend Coun. J. 6-22-16, p. 27712, § 17; Amend Coun. J. 4-19-17, p. 48180, Art. V, § 42; Amend Coun. J. 7-26-17, p. 53898, § 9; Amend Coun. J. 3-28-18, p. 74512, § 8; Amend Coun. J. 4-10-19, p. 100029, Art. II, § 114; Amend Coun. J. 10-16-19, p. 7854, § 10; Amend Coun. J. 1-15-20, p. 13417, § 4; Amend Coun. J. 12-16-20, p. 26066, § 15; Amend Coun. J. 3-24-21, p. 29065, § 11; Amend Coun. J. 12-15-21, p. 42922, § 13; Amend Coun. J. 5-25-22, p. 48413, § 12)

#### Notes

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- [illegible]

- 11-4 The hyper-linked material is not part of the Chicago Land Use and Zoning infobase and therefore is not included herein. The material is included in other provisions of the Chicago Municipal Code. The complete Chicago Municipal Code is available for purchase from American Legal Publishing in both print and Folio® versions. Please click here for the appropriate American Legal order form in printable Adobe® PDF format. For additional information, you may visit American Legal's website by clicking [here](#).
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## 17-17-0200 General terms.

**17-17-0201 Abandoned Sign Structure.** A *sign structure* that has had no *sign* in place for a continuous period of 6 months or more.

**17-17-0201.1 Abutting Property Line.** A border, boundary or property line with no intervening public way or other land.

**17-17-0202 Accessible Dwelling Unit.** See "*Type A unit*," Section 17-17-02184.5.

**17-17-0203 Accessory Building.** 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).

**17-17-0204 Accessory Parking.** 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.

**17-17-0205 Accessory Structure.** 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.** 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*.

**17-17-0207 Administrative Adjustment.** Modification of an otherwise applicable standard, approved in accordance with Sec. 17-13-1000.

**17-17-0207.5 Inclusionary Application.** An application for approval of a residential or mixed use *planned development* or Type 1 zoning map amendment, in an *inclusionary housing* area that is located within 2,640 feet of a CTA or METRA rail station entrance or exit or within 1,320 feet of a CTA bus line corridor roadway segment listed in Table 17-17-0400-B in which the application has: (i) all affordable *dwelling units* required by Section 2-44-085 located on-site, or (ii) 20% or more of the on-site *dwelling units* are subject to recorded covenant, lien, regulatory agreement, deed restriction, or similar instrument approved by the Department of Housing.

**17-17-0208 Agent.** A person duly authorized to act on behalf of a *property owner*.

**17-17-0209 Air Rights.** 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.

**17-17-0210 Alley.** A public right-of-way that affords a secondary means of access to abutting property.

**17-17-0211 Allowed Use.** A *permitted use* or *special use* in the subject zoning district.

**17-17-0212 Artist Live/Work Space.** A *dwelling unit* in which up to 50% of the floor area is used for the production, showing, and sale of art.

**17-17-0213 Attic.** Unfinished floor space located immediately below a gabled roof or other form of sloped roof.

**17-17-0214 Automated Teller Machine.** An electronically powered machine activated by means of a coded celluloid card or other similar device that permits banking transactions.

**17-17-0214.3 Automated Teller Machine Facility.** 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.

**17-17-0214.5 Automotive Lift.** 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 frame or designated support points in place while the vehicle is being moved vertically.

**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.

**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*".

**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.

**17-17-0221 Block Face.** All *lots* abutting one side of a *street* between the two nearest intersecting *streets*.

**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.

**17-17-0224 Building, Completely Enclosed.** See “*completely enclosed building*”.

**17-17-0225 Building Coverage.** The amount of a *lot* covered by buildings.

**17-17-0226 Building, Detached.** See “*detached building*”.

**17-17-0227 Building Height.** 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.** An imaginary line representing the actual location of an exterior building wall.

**17-17-0229 Building, Principal.** See “*principal building*”.

**17-17-0230 Building, Residential.** See “*residential building*”.

**17-17-0230.5 Business live/work unit.** A space within a building (a) that combines a commercial use with a living space for the owner of the commercial establishment and that person's household, (b) where the resident owner of the commercial establishment is responsible for the commercial use on the premises; and (c) where the commercial use takes place subject to a valid business license, if applicable, associated with the premises and based on the commercial activity conducted therein.

**17-17-0231 Bulk.** 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.** A planned, unified, campus-like development consisting primarily of *office*, research and limited manufacturing uses.

**17-17-0233 Canopy.** A roof like structure of a permanent nature that projects from the wall of a building and overhangs the *public way*.

**17-17-0234 Casino.** A facility at which gambling is authorized as provided in the Illinois Gambling Act as in effect on May 4, 2022.

**Editor's note** – Coun. J. 4-30-14, p. 80832, § 6, repealed former § 17-17-0234, which defined changing-image signs.

**17-17-0234.5 City Digital Sign** shall mean a sign that satisfies all of the following conditions:

(a) the *city digital sign* is installed at the city's express direction and is located on land or public way owned by the city, or controlled by the city pursuant to an intergovernmental agreement approved by the city council, that is located within 660 feet of any *designated expressway or toll road*;

(b) the sign is capable of receiving and transmitting both programmed and real-time digital images and messages and is operated as a *dynamic image display sign*;

(c) the sign is integrated into the city's emergency response network, and to other city digital signs in an integrated network, so as to enable the city to interrupt and override, on either a city-wide or localized basis, any regularly programmed messaging in order to communicate city emergency information (or emergency information from a federal, state, Cook County, local or other unit of government);

(d) the sign is integrated with other city digital signs in an integrated network so as to enable the city to communicate, on either a city-wide or a localized basis, both programmed and real-time city public service messages, information or content (or public service messages, information or content from a federal, state, Cook County, local or other unit of government);

(e) the city has a legal right to both (i) not less than ten percent (10%) of the regularly scheduled programmable time for such sign (for example, one rotation during each eight rotation loop) for the city's (or another governmental unit's) public service messages, information or content, (ii) other available programmable time (or a portion thereof) when the operator of the integrated network of city digital signs otherwise has no advertising commitments, and (iii) the emergency information override and broadcast rights described in subparagraph (c) above; and

(f) the operator of the integrated network of city digital signs has entered into a written agreement with the city setting forth the operational requirements for such city digital signs and network, including, without limitation, requirements regulating sign design, light intensity, mitigating light pollution, energy conservation, and similar environmental and public health and safety concerns, which agreement has been approved by the city council.

**17-17-0234.6 Coach House.** An *accessory building* meeting the requirements of Section 17-9-0201-F and containing one *dwelling unit*.

**17-17-0235 Commercial Establishment.** 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.

**17-17-0236 Commercial Message.** Any *sign*, wording, or logo that directly advertises a specific business, proprietary product or service, or other commercial activity.

**17-17-0237 Common Open Space.** An outdoor area designated and intended for the common use and enjoyment of residents or other members of the controlling association.

**17-17-0238 Common Parking Area.** An off-street parking area containing parking spaces that serve two or more *dwelling units* or uses.

**17-17-0239 Completely Enclosed Building.** 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.

**17-17-0240 Composting.** A controlled process that transforms organic waste and/or livestock waste into products useful as soil amendments. *Composting* shall include windrow *composting*, in-vessel aerobic composting and anaerobic digestion *composting* technologies.

**17-17-0240.3 Construction and demolition debris.** Materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring; and piping or metals incidental to any of those materials.

**17-17-0240.5 Conversion, illegal or unlawful.** 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.

**17-17-0240.6 Conversion Unit.** A *dwelling unit* that is: (i) either newly constructed or rehabilitated for reuse, and (ii) located within a *principal residential building* that has been in lawful existence for 20 or more years, and (iii) established in accordance with Sections 17-2-0303-C and 17-9-0131.

**17-17-0241 Corner Lot.** A *lot* situated at the intersection of two *streets*, the interior angle of such intersection not exceeding 135 degrees.

**17-17-0242 Curb Level.** 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.** 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.

**17-17-0244 Density.** 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*).

**17-17-0244.5 Designated Expressway or Toll Road.** A *designated expressway* or *toll road* means any of the following and shall include any access ramp thereto:

- (A) Bishop Ford Expressway;
- (B) Chicago Skyway;
- (C) Dan Ryan Expressway;
- (D) Edens Expressway;
- (E) Eisenhower Expressway;
- (F) Interstate 57;
- (G) Interstate 90;
- (H) Interstate 190;
- (I) Kennedy Expressway;
- (J) Stevenson Expressway; or
- (K) Tri-State Tollway.

**17-17-0245 Detached Building.** A building surrounded by open space on the same *lot*.

**17-17-0246 Detached House.** A *dwelling unit* that is located on its own *lot* and that is not attached to any other *dwelling unit*.

**17-17-0247 Development Application.** Any application or petition for approval in accordance with the procedures of Chapter 17-13.

**17-17-0247.5 Drive-through Facility.** Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle.

**17-17-0248 Dwelling Unit.** 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*.

**17-17-0248.5 Dynamic image display sign.** Any *sign*, or portion thereof, with characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the *sign* or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the *sign*. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the *sign* face or its components. This also includes any rotating, revolving, moving, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the *sign* face to present a series of images or displays.

**17-17-0249 Efficiency.** 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.

**17-17-0250 Elderly Housing.** *Dwelling units* specially designed and marketed for persons who are 55 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.

**17-17-0251 Electric Sign.** Any *sign* containing electrical wiring, lighting or other electrical components, but not including *signs* illuminated by a detached exterior light source.

**17-17-0251.5-A Electric Vehicle.** Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery to propel the vehicle.

**17-17-0251.5-B Electric Vehicle Supply Equipment or EVSE.** The equipment, as defined by the National Electrical Code and adopted in Section 14E-6-625 of the Municipal Code of Chicago, that includes the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and an *electric vehicle*.

**17-17-0251.5-C Electric Vehicle Supply Equipment Infrastructure.** The electrical infrastructure necessary to support installation of *electric vehicle supply equipment*, including, but not be limited to, the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder/branch circuits, raceways, and wiring.

**17-17-0251.5-D EVSE-Ready Space.** A parking space having *electric vehicle supply equipment infrastructure* installed so as to provide conduit and wiring for a 40-ampere, 208- or 240-volt dedicated branch circuit terminating at a receptacle or junction box within 3 feet of the parking space. For two adjacent parking spaces, a single branch circuit is allowed. The electrical panel directory and receptacle or junction box must both be permanently marked "For future electric vehicle supply equipment".

**17-17-0251.5-E EVSE-Installed Space.** A parking space having such *electric vehicle supply equipment infrastructure* installed so as to be an *EVSE-ready space* and with *electric vehicle supply equipment* installed within 3 feet of the parking space.

**17-17-0251.5-F EVSE Energy Management System.** Equipment that automatically balances the amount of electricity drawn by multiple *electric vehicles* simultaneously connected to *electric vehicle supply equipment* in the same parking facility based on the capacity of the electrical infrastructure serving the premises. This may also be referred to as an "automatic load management system".

**17-17-0252 End Wall.** An exterior wall that is generally perpendicular to *front walls* and *rear walls*.

**17-17-0253 Façade.** The exterior plane or “face” of a building.

**17-17-0254 FAR.** An abbreviation for “*floor area ratio*”. See “*floor area ratio*” definition.

**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*)

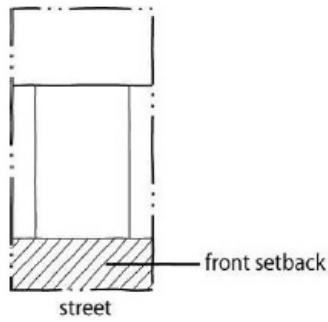
**17-17-0258 Freight Container.** A non-wheeled, enclosed storage container designed to be integrated into the frame of a train car or truck bed.

**17-17-0259 Freestanding Sign.** A *sign* on a frame, pole, or other support structure that is not attached to any building.

**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*.

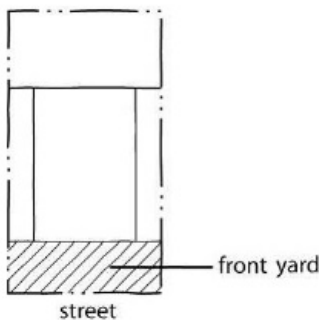
**Figure 17-17-0261**



**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 financial assistance or a *dwelling unit* otherwise provided in order to satisfy a public benefit obligation.

**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*”.

**17-17-0267.1 Heliport.** A landing facility for one or more helicopters that may include fueling stations, helicopter storage or other service-related functions, such as, but not limited to, service or maintenance hangers. Heliports may only be located at ground level.

**17-17-0267.2 Helistops.** A landing pad for helicopters that does not typically include fueling stations, helicopter storage or other service or maintenance facilities for routine use. Helistops may be located at ground level or be elevated on a building rooftop or other structure.

**17-17-0267.3 Vertiport.** A landing facility for one or more tiltrotors or helicopters that may include fueling stations, helicopter or tiltrotor storage or other service-related functions, such as, but not limited to, service or maintenance hangers. Vertiports may only be located at ground level.

**17-17-0268 High-Rise Building Sign.** 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.

**17-17-0269 Home Occupation.** An *accessory use* of a *dwelling unit* for business or commercial purposes. *Home occupations* are subject to the standards of Sec. 17-9-0202.

**17-17-0269.5 Hookah bar.** An establishment where patrons share flavored tobacco from a communal hookah or similar type water pipe, smoking device while seated at a table or bar.

**17-17-0270 Household.** 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 a 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.

**17-17-0270.5 Hydroponic system.** Propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media.

**17-17-0270.6 Aquaponic system.** The symbiotic propagation of plants and fish in an indoor, constructed and recirculating environment.

**17-17-0270.7 Apiary.** Keeping or propagation of honeybee colonies for collection of honey or other bee products. Up to five (5) colonies may be kept as an accessory use to the primary activity on the site.

**17-17-0270.8 Indoor Special Event.** “Indoor special event” means any temporary amusement or planned temporary aggregation of



attractions or amusements, including public entertainment, food and beverage facilities, or sales of souvenirs or other merchandise or similar attractions, that is: (1) conducted primarily indoors; and (2) conducted or held pursuant to a valid special events license issued pursuant to Article IV of Chapter 4-156 .

**17-17-0271 Incidental Sign.** 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*.

**17-17-0271.5 Inclusionary Housing Area.** *Inclusionary housing area* has the same meaning ascribed to that term in Section 2-44-085 (B).

**17-17-0272 Indirect Lighting.** Illumination from a light source that is not contained within a *sign* or *awning*.

**17-17-0273 Individual Letter Sign.** 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.

**17-17-0274 Industrial Corridor.** 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.** 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.

**17-17-0276 Industrial Park.** A planned, unified, campus-like development consisting primarily of manufacturing, industrial and warehousing uses.

**17-17-0276.5 Industrial Private Event Venue.** Industrial Private Event Venue means an establishment issued an industrial private event venue license under Article VI of Chapter 4-156 where an industrial venue event, such as fundraising event or a private event, is held in compliance with that Article. For purposes of this definition, the terms “fundraising event”, “industrial venue event” and “private event” have the meaning ascribed to those terms in section 4-156-800 .

**17-17-0277 Interior Side Property Line.** A *side property line* that does not abut a *street* or *alley*.

**17-17-0278 Internal Lighting.** Illumination from a light source that is contained within a *sign* or *awning*.

**17-17-0278.5 Kennel.** The term “kennel” shall mean an animal care facility as that term is defined in Section 4-384-010 .

**17-17-0278.7 Landscape waste.** Grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, and includes any discarded fruits, vegetables and other vegetative material or crop residue generated in the care of a garden. The term “landscape waste” does not include soil other than incidental soil (e.g., soil attached to sod or attached to other materials accumulated as a result of the care of lawns, shrubbery, vines, trees or a garden).

**17-17-0279 Landscaped.** Substantially covered with grass, ground cover, shrubs, trees or other living plant material.

**17-17-0280 Legible.** 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).

**17-17-0281 Lighting, Direct.** 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.

**17-17-0282 Lighting, Indirect.** A light source that is separate from the *sign* face and that is directed to shine onto the *sign*.

**17-17-0283 Lighting, Internal.** A light source that is concealed within a *sign*.

**17-17-0284 Lot.** 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.

**17-17-0285 Lot Area.** The total horizontal land area contained within the *property lines* of a *lot*.

**17-17-0286 Lot Coverage.** 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.

**17-17-0287 Lot Depth.** The mean horizontal distance between the *front property line* and the *rear property line* of a *lot* measured within the *lot's* boundaries.

**17-17-0288 Lot Frontage.** The horizontal distance between *side property lines* on a *lot*, as measured along the *front property line*.

**17-17-0289 Lot of Record.** 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.

**17-17-0290 Lot Width.** The mean horizontal distance between the *side property lines* of a *lot* measured within the *lot's* boundaries.

**17-17-0291 Lot, Corner.** See “*corner lot*”.

**17-17-0292 Lot, Reversed Corner.** See “*reversed corner lot*”.

**17-17-0293 Lot, Through.** See “*through lot*”.

**17-17-0294 Lot, Zoning.** See “*zoning lot*”.

**17-17-0294.5 Marina.** A facility located on a body of water that provides for the storage (wet and dry), launching, and mooring of pleasure boats together with one or more accessory retail and service uses, such as marine equipment sales, showers, private clubs and restaurants.

- 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.** 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.
- 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.
- 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. 17-13-0700.
- 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
Street	From	To
31st Boulevard	Western	California
67th Street	Yates	Stony Island
California Boulevard	24th Boulevard	31st Boulevard
Central Park Boulevard	Garfield Park	Franklin Boulevard
Diversey Parkway	Logan	Lake Shore Drive
Douglas Boulevard	Independence	Douglas Park
Drexel Boulevard	Oakwood	Drexel Square (51st)
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	24th Boulevard	California Boulevard
Martin Luther King Drive	25th Street	60th Street
Midway Plaisance		
59th Street	Washington Park	Jackson Park
60th Street		
Oakwood Boulevard	Drexel	Martin Luther King Drive
Sacramento Boulevard	Sacramento Square	Augusta
Stony Island	56th Street	67th Street
Western Boulevard	55th Street	31st Street
Yates Boulevard	67th Street	71st 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.

**17-17-02128 Product Display Window.** 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.** 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.** 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.

**17-17-02130.1 Property Line, Abutting.** See “*abutting property line*”.

**17-17-02131 Property Line, Front.** See “*front property line*”.

**17-17-02132 Property Line, Rear.** See “*rear property line*”.

**17-17-02133 Property Line, Side.** See “*side property line*”.

**17-17-02134 Property Owner.** The legal or beneficial owner of an improved or unimproved parcel of real estate.

**17-17-02135 Public Open Space.** Any publicly- owned open area, including, but not limited to parks, playgrounds, beaches, waterways, parkways and *streets*.

**17-17-02136 Public Parkway.** That portion of the *public way* between a *street* and the nearest parallel *property line*, including sidewalk areas.

**17-17-02137 Public Way.** Any sidewalk, *street*, *alley*, highway, or other public thoroughfare.

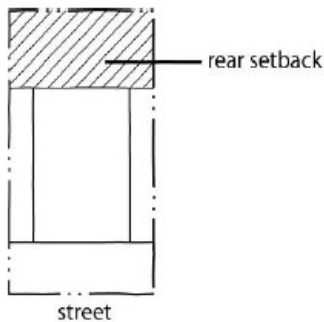
**17-17-02138 Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots

or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**17-17-02139 Rear Property Line.** 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*.

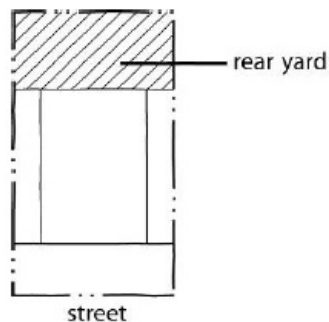
**Figure 17-17-02140**



**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.** Recyclable material shall be categorized as Type A, Type B, Type C or Type D recyclable material and shall have the meaning ascribed to each such type, as follows:

1. Type A recyclable material. Any aluminum or ferrous or non-ferrous scrap metal; bi-metal or tin cans; glass products; paper products; rubber; textiles; plastic products, such as polyethylene terephthalate, high density polyethylene, low density polyethylene, polystyrene or polypropylene; and any other material designated as Type A recyclable material by the commissioner of health in duly promulgated rules and regulations.
2. Type B recyclable material. Organic waste and any other material designated as Type B recyclable material by the commissioner of health in duly promulgated rules and regulations.
3. Type C recyclable material. Used motor vehicles or motor vehicle parts, and any other material designated as Type C recyclable material by the commissioner of health in duly promulgated rules and regulations.
4. Type D recyclable material. Construction and demolition debris that does not contain lead, asbestos or any other hazardous material in such a way as to render recycling of such material illegal or impossible and that has been rendered reusable and is reused, or that would otherwise be disposed of or discarded but is collected or separated and returned to the economic mainstream in the form of raw materials or product; and any other material designated as Type D recyclable material by the commissioner of health in duly promulgated rules and regulations.

**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 materials* from other materials; separation of *recyclable materials* from each other; cleaning, bundling, compacting, cutting or packing of *recyclable material(s)*. “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.** Broken concrete, bricks, rock, stone or paving asphalt generated from construction or demolition activities.

**17-17-02146 Residential Building.** A building that is arranged, designed, used or intended to be used:

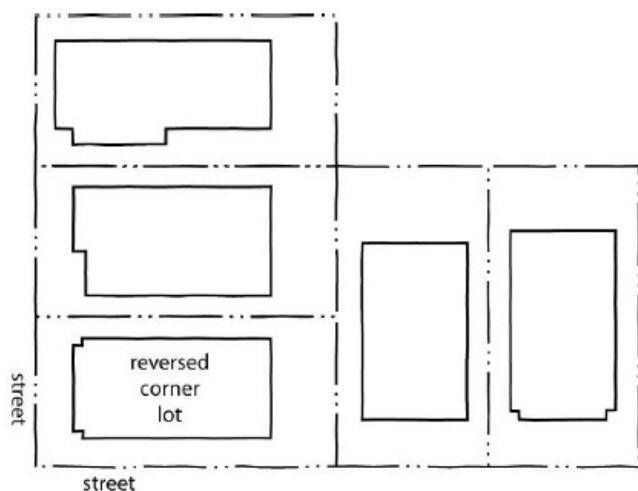
**17-17-02146-A** exclusively for residential occupancy by one or more families; or

**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.

**17-17-02147 Residential District.** Any R or DR zoning district or residential *planned development*.

**17-17-02148 Reversed Corner Lot.** 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.** 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.

**17-17-02150.1 Rooftop gravity tank.** Any wooden or metal container, which was originally designed or converted (i) to hold water to supply a sprinkler system at gravity pressure, or to support a building's manufacturing system at gravity pressure, or to support a building's domestic water system at gravity pressure, regardless of whether the container is holding water; and (ii) is elevated on a rooftop or is free-standing.

**17-17-02150.5 Rooftop gravity tank supporting structure.** Any structure used to support a rooftop gravity tank regardless of whether a tank is affixed to such supporting structure. The term "supporting structure" shall be construed broadly to include anchors, guides, tracks, mounting brackets, mounting hardware of any type and all other forms of tank support.

**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*".

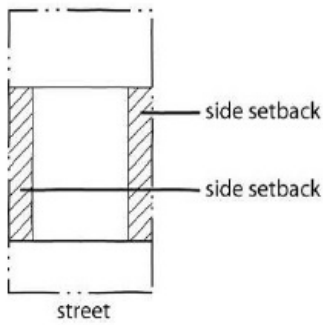
**17-17-02155.1 Shared kitchen.** Any (1) food establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its kitchen space to individuals or entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; or (2) retail or wholesale food establishment that leases, rents or otherwise makes kitchen space available at such establishment for utilization by individuals or entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose that is secondary or incidental to the establishment's primary business activity of retail or wholesale food establishment.

**17-17-02155.5 Shooting range facility.** "Shooting range facility" means a public or private shooting range and the premises on which the shooting range is located and includes all the buildings, structures, parking areas, and other associated improvements located on the premises. A "shooting range facility" includes any shooting range facility operated or managed by members of a private club or organization for the benefit of its members. A "shooting range facility" shall not include any shooting range facility operated by any federal, state or local law enforcement agency or by the armed forces of the United States, including the Reserves.

**17-17-02156 Side Property Line.** Any *property line* that is not a *front property line* or a *rear property line*.

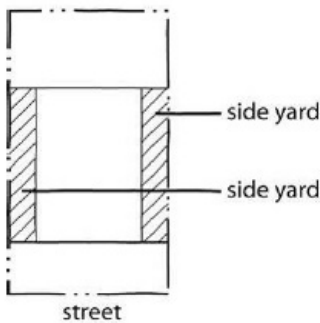
**17-17-02157 Side Setback.** The setback required between a building and the *side property line* of the *lot* on which the building is located, extending along a *side property line* from the point of the minimum *front setback* to the point of the minimum *rear setback*.

**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**



**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.

**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 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; provided, however, the size and room limits of this section do not apply to single-room occupancy buildings to the extent necessary for the building to: i) remain in conformance with Chapter 5-15 of the Code (Single-Room Occupancy Preservation Ordinance); or ii) qualify for a government subsidy as determined by the City's Department of Housing.

**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.** A *temporary sign* announcing an event at stadium, auditorium or public or civic facility.

**17-17-02167 Special Use.** 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.** See “single-room occupancy”.

**17-17-02169 Story.** 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.** 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.** 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).** 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.** Lot depth of less than 125 feet.

**17-17-02175 Temporary Overnight Shelter.** 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.** 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*.

**17-17-02176.5 Temporary Storage Container.** A temporary storage container means any portable container, storage unit, shed-like container or other portable receptacle designed and used primarily for the temporary outside storage of *building* materials, household goods, personal items and other materials; provided that a “temporary storage container” does not include a refuse container or dumpster.

**17-17-02177 Through Lot.** 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.** 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.** 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*.

**17-17-02180 Townhouse Development.** Two more *townhouse* units.

**17-17-02181 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 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.** 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.

**17-17-02184.5 Type A Unit.** A *dwelling unit* that complies with the Type A unit requirements of Chapter 14B-11 of the Municipal Code.

**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*.

**17-17-02187 Use, Principal.** See “*principal use*”.

**17-17-02188 Variation.** Modification of an otherwise applicable standard, approved in accordance with Sec. 17-13-1100.

**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 *video display sign* is a type of *dynamic image display sign* that has text, images or graphics on the face of the sign that: (1) depict motion; (2) change more than once every 10 seconds; or (3) have a twirl time that exceeds 0.25 seconds. For purposes of this section, “motion” and “twirl time” have the meanings ascribed to those terms in Section 13-20-510.

**17-17-02190.5 Vintage Sign.** A *nonconforming sign*, including abandoned *nonconforming signs*, designated as a *vintage sign* pursuant to the procedures and criteria established in Section 17-15-0600.

**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*”.

**17-17-02194 Yard, Rear.** See “*rear yard*”.

**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.

**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.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 6-29-05, p. 52355, § 2; Amend Coun. J. 6-28-06, p. 79813, § 3; Amend Coun. J. 7-26-06, p. 81829, § 4; Amend Coun. J. 9-13-06, p. 84870, § 2; Amend Coun. J. 2-7-07, p. 98109, § 2; Amend Coun. J. 4-11-07, p. 103484, § 1; Amend Coun. J. 12-12-07, p. 17742, § 2; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 6-9-10, p. 93530, §§ 7, 8; Amend Coun. J. 7-28-10, p. 97810, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 11; Amend Coun. J. 2-9-11, p. 112149, §§ 28 – 31; Amend Coun. J. 5-4-11, p. 117699, § 11; Amend Coun. J. 7-6-11, p. 3073, § 12; Amend Coun. J. 9-8-11, p. 7541, § 10; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 1-18-12, p. 19185, §§ 4 – 6; Amend Coun. J. 6-27-12, p. 30744, § 3; Amend Coun. J. 11-8-12, p. 38872, §§ 284 – 287; Amend Coun. J. 12-12-12, p. 44485, § 6; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 30; Amend Coun. J. 4-30-14, p. 80382, § 6; Amend Coun. J. 6-25-14, p. 84153, § 2; Amend Coun. J. 6-25-14, p. 83727, § 16; Amend Coun. J. 7-30-14, p. 86194, § 8; Amend Coun. J. 7-30-14, p. 86203, §§ 19, 20; Amend Coun. J. 11-12-14, p. 97375, § 4; Amend Coun. J. 2-10-16, p. 18766, § 16; Amend Coun. J. 11-14-18, p. 90308, Art. I, § 37; Amend Coun. J. 10-16-19, p. 7854, §§ 10, 11; Amend Coun. J. 10-16-19, p. 7867, § 2; Amend Coun. J. 2-19-20, p. 14473, Art. VI, § 27; Amend Coun. J. 4-24-20, p. 16148, § 1; Amend Coun. J. 12-16-20, p. 26066, § 16; Amend Coun. J. 5-25-22, p. 48413, § 12; Amend Coun. J. 7-20-22, p. 50878, § 8; Amend Coun. J. 7-19-23, p. 1992, § 4; Amend Coun. J. 9-14-23, p. 2842, § 4)

## Notes

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## 17-17-0300 Measurements.

**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; provided, however, divisions or sales that do not further increase the extent of any existing *nonconformity*, including a nonconforming *setback* that is not impacted by the proposed division or sale, shall be allowed.

**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*.

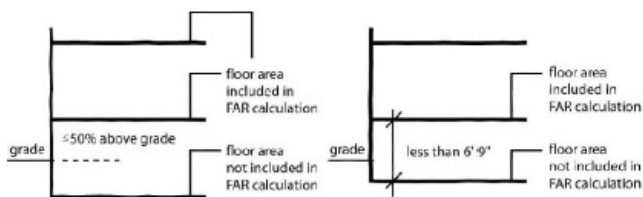
**17-17-0304 Lot Area per Unit.** Lot area per unit refers to the amount of *lot area* required for each *dwelling unit* on the property. For example, if a minimum lot-area-per-unit standard of 1,000 square feet is applied to 3,125 square foot *lot*, a maximum of 3 *dwelling units* would be allowed on the property.

**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:

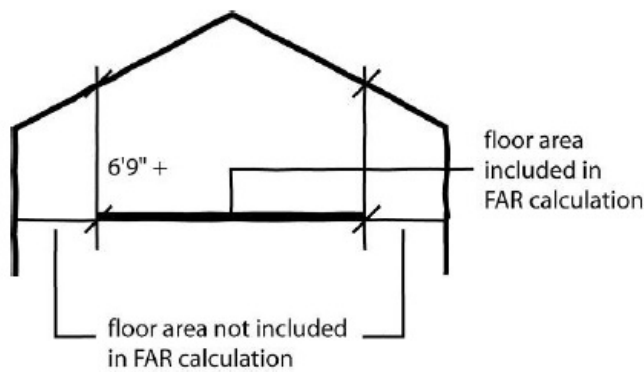
1. floor area of any floor located below *grade* or partially below *grade* when more than one-half the floor-to-ceiling height of the below-*grade* (or partially-below-*grade*) floor is above *grade* level, provided that below-*grade* or partially below-*grade* floors with a clear height of less than 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”.

**17-17-0305-C Stairway and Elevator Enclosures and Elevator Equipment Penthouses.** For the purpose of calculating *floor area ratio*, the floor area of stairway and elevator enclosures and elevator equipment penthouses shall not be counted as “floor area” in accordance with Section 17-17-0311-C.

#### **17-17-0306 Front Setbacks.**

**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.

**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*.

#### **17-17-0307 Rear Setbacks.**

**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.

#### **17-17-0308 Side Setbacks.**

**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.

**17-17-0309 Features Allowed to Encroach in Required Setbacks.** Required setbacks in all 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
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
<i>Coach houses</i> meeting the requirements of Section 17-2-201-F.* <i>Coach houses</i> that are constructed adjacent to a public <i>alley</i> must be set back at least two feet from the <i>rear property line</i> ; provided, however, that this two-foot setback is not required if the <i>coach house</i> is located at least ten feet from the centerline of the <i>alley</i> , as evidenced by a survey or other similar evidence provided by the applicant and deemed acceptable by the Zoning Administrator * <b>Editor's note</b> – as set forth in Coun. J. 4-21-21, p. 29942, § 3; intended reference is likely Section 17-9-0201-F. Future legislation will correct if needed.	No	No	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes [1]	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 <i>alleys</i> must be set back at least two feet from the <i>rear property line</i> (this two-foot setback is not required if the garage is located at least 10 feet from the centerline of the <i>alley</i> , as evidenced by a survey or other similar evidence provided by the applicant and deemed acceptable by the Zoning Administrator) provided further, however, that additions following the <i>rear wall</i> of existing garages shall be permitted regardless of the proximity of the existing garage's <i>rear wall</i> to the <i>rear property line</i>	No	No	Yes
Parking spaces, unenclosed in RS districts	No	Yes [2]	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 access to a rooftop deck on an <i>accessory building</i> , with a staircase width not exceeding 4 feet, so long as the entire staircase abuts and is parallel to the wall of the <i>accessory building</i>	No	Yes	Yes
Stairs (unenclosed) providing secondary egress required by the Building Code	No	Yes[3]	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] Subject to the restrictions of Section 17-9-0203-A.

[2] Permitted only when the parking is accessed from a public *street* where no *alley* exists.

[3] Permitted only for *townhouse developments*.

#### **17-17-0310 Building Wall Separation.**

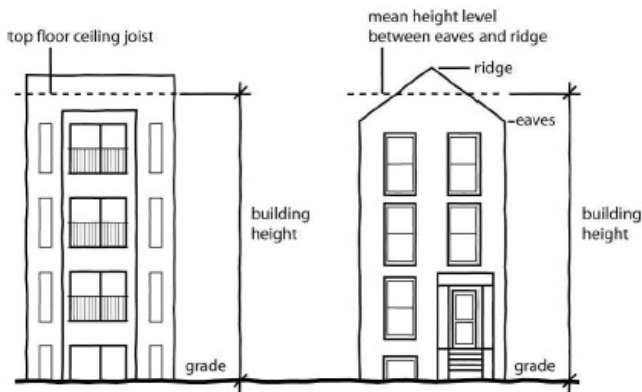
**17-17-0310-A Measurement.** Required building separations are to be measured between the furthestmost projection of the structures, not including those projections and features allowed within such setback pursuant to Sec. 17-17-0309.

**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**



**17-17-0311-B Rooftop Features.**

1. Stairway and elevator enclosures providing access to occupiable rooftops and elevator equipment penthouses are allowed to exceed the maximum *building height* in accordance with Section 17-17-0311-C.
2. Solar photovoltaic or solar thermal panels in all districts are allowed to exceed the maximum *building height* on a *building* with a flat roof, provided that the panels and supporting structures do not extend beyond the edge of the roof and do not exceed 9 feet in overall height or extend more than 5 feet above the *parapet*, whichever results in a lesser height.
3. Solar photovoltaic or solar thermal panels in all districts are not considered when determining *building height* of a *building* with a gable, hip, mansard, or gambrel roof, provided that the panels and supporting structures do not extend beyond the edge of the roof, do not extend further than 12 inches vertically above the roof surface at any point, and do not extend vertically above the highest ridgeline of the roof.
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* facing a *street*.
  - (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.
5. Pergolas, arbors and trellises located on rooftops of *principal buildings* or private garages are allowed to exceed the maximum *building height*, provided that:
  - (a) on *principal buildings* less than 80 feet tall, they 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 *building line* and side *building line* facing a *street*.
  - (b) on *principal buildings* and private garages, they do not exceed 11 feet in overall height above the rooftop deck or extend more than 8 feet above the *parapet*, whichever is greater.

**17-17-0311-C Stairway and Elevator Enclosures and Elevator Equipment Penthouses.**

1. Stairway and elevator enclosures providing access to occupiable rooftops and elevator equipment penthouses in R, B, C and D districts are allowed to exceed the maximum *building height* or mandatory *planned development* height threshold and will not be counted as floor area for the purpose of calculating *floor area ratio* to the extent indicated in the following table:

District	Enclosure contains	Setback <sup>1</sup>	Maximum Floor Area per enclosure exceeding building height <sup>2</sup>	Maximum Height <sup>3</sup>
District	Enclosure contains	Setback <sup>1</sup>	Maximum Floor Area per enclosure exceeding building height <sup>2</sup>	Maximum Height <sup>3</sup>
R	Stairway only	20'-0"	200 square feet	13'-0"
	Elevator only	20'-0"	275 square feet	19'-6"
	Elevator and Stairway	20'-0"	500 square feet	19'-6"

	Elevator Equipment Penthouse	20'-0"	200 square feet	13'-0"
B, C or D	Stairway only	15'-0"	300 square feet	13'-0"
	Elevator only	15'-0"	275 square feet + 175 square feet per elevator car exceeding 1	22'-6"
	Elevator and Stairway	15'-0"	575 square feet + 175 square feet per elevator car exceeding 1	22'-6"
	Elevator Equipment Penthouse	20'-0"	200 square feet + 175 square feet per elevator car exceeding 1	13'-0"

[1] Measured from the front *building line* to the nearest outside face of the enclosure.

[2] Measured in accordance with Section 17-17-0305-A.

[3] Measured from the underside of the top floor's ceiling joist to the highest point of the enclosure structure.

2. Stairway and elevator enclosures allowed by this section may only contain stairways, elevator shafts, elevator vestibules, landings, and elevator, mechanical, or fire protection equipment. Enclosures for any other purpose may not exceed the *maximum building height* for the district and must be included in floor area for the purpose of calculating *floor area ratio*.

3. In the case of *corner lots*, in addition to the setback required from the front *building line* a setback equal to one half the distance between side *building lines* is required from the side *building line* facing a *street* to the nearest outside face of the enclosure.

(Added Coun. J. 5-26-04, p. 25275; Amend Coun. J. 3-9-05, p. 44391; Amend Coun. J. 3-29-06, p. 73934, § 1; Amend Coun. J. 9-13-06, p. 84870, §§ 2, 3; Amend Coun. J. 10-31-07, p. 12065, § 1; Amend Coun. J. 10-8-08, p. 40951, § 1; Amend Coun. J. 5-12-10, p. 92103, § 1; Amend Coun. J. 4-13-11, p. 115858, § 1; Amend Coun. J. 11-2-11, p. 12143, § 1; Amend Coun. J. 3-14-12, p. 23152, § 2; Amend Coun. J. 3-29-17, p. 45477, §§ 7, 8; Amend Coun. J. 2-19-20, p. 14473, Art. VI, § 28; Amend Coun. J. 4-21-21, p. 29942, § 3; Amend Coun. J. 7-20-22, p. 50878, § 8; Amend Coun. J. 12-14-22, p. 58278, Art. V, § 2)

#### 17-17-0400 Public transit tables.

**Table 17-17-0400-A - CTA and Pace Bus Routes Included**

(Bus route names are included only for reference purposes and are subject to change.)

Route Name	Corridor
Route Name	Corridor
Hyde Park Express / 2	South DuSable Lake Shore Drive
King Drive / 3	King Drive
Cottage Grove / 4	Cottage Grove
Jackson Park Express / 6	South DuSable Lake Shore Drive
Harrison / 7	Harrison
Halsted / 8	Halsted
Ashland / 9	Ashland
Lincoln / 11	Lincoln
Roosevelt / 12	Roosevelt
Jeffery Local / 15	Jeffery
Madison / 20	Madison
Cermak / 21	Cermak
Clark / 22	Clark
South Shore Express / 26	South DuSable Lake Shore Drive
Stony Island / 28	South DuSable Lake Shore Drive
State / 29	State
South Michigan / 34	South Michigan
Broadway / 36	Broadway
Pershing / 39	Pershing
43rd / 43	43rd
47th / 47	47th
Western / 49	Western
Pulaski / 53	Pulaski
Pulaski / 53A	South Pulaski
Cicero / 54	Cicero
Garfield / 55	Garfield

Milwaukee / 56	Milwaukee
Blue Island/26th / 60	Blue Island
Archer / 62	Archer
63rd / 63	63rd
Chicago / 66	Chicago Ave.
67th-69th-71st / 67	67th / 69th / 71st
Northwest Highway / 68	North Milwaukee
Division / 70	Division
71st/South Shore / 71	71st / South Shore
North / 72	North
Armitage / 73	Armitage
Fullerton / 74	Fullerton
74th-75th / 75	74th / 75th
Diversey / 76	Diversey
Belmont / 77	Belmont
Montrose / 78	Montrose
79th / 79	79th Street
Irving Park / 80	Irving Park
Lawrence / 81	Lawrence
Kimball-Homan / 82	Kimball-Homan
Peterson / 84	Bryn Mawr
Central / 85	Central
87th / 87	87th
Higgins / 88	North Milwaukee
Austin / 91	North Milwaukee
Foster / 92	Foster
95th / 95	95th
Pulse Milwaukee Line / Pace	Milwaukee Ave
East 103rd / 106	103rd
Halsted/95th / 108	South Halsted
111th/King Drive / 111	111th / King
Pullman/115th / 115	115th / Cottage Grove
Michigan/119th / 119	119th / Michigan
Stockton/LaSalle Express / 134	North DuSable Lake Shore Drive
Clarendon/LaSalle Express / 135	North DuSable Lake Shore Drive
Sheridan/LaSalle Express / 136	North DuSable Lake Shore Drive
Stockton/Michigan Express / 143	North DuSable Lake Shore Drive
Inner Drive/Michigan Express / 146	North DuSable Lake Shore Drive
Outer Drive Express / 147	North DuSable Lake Shore Drive
Clarendon/Michigan Express / 148	North DuSable Lake Shore Drive
Sheridan / 151	Sheridan
Devon / 155	Devon
Streetsville/Taylor / 157	Ogden Ave
U. of Chicago/Kenwood / 172	Hyde Park
North Western / 49B	North Western
South Cicero / 54B	South Cicero
North Central / 85A	North Milwaukee
South Halsted / 8A	South Halsted
Jeffery Jump / J14	Jeffery / South DuSable Lake Shore Drive
Western Express / X49	Western
Ashland Express / X9	Ashland

**Table 17-17-0400-B - Bus Line Corridor Roadway Segments**



Street Name	Segment		Served by CTA or Pace Route(s)
	From	To	
Street Name	Segment		Served by CTA or Pace Route(s)
	From	To	
100th St	Torrence Ave	Van Vlissingen Rd	15, J14
103rd St	Michigan Ave	Torrence Ave	15, J14, 106
104th St	Torrence Ave	Commercial Ave	71
111th St	Vincennes Ave	Cottage Grove Ave	111, 115
115th St	Vincennes Ave	King Dr	111, 115
119th St	Western Ave	Michigan Ave	111, 115, 119
127th St	Indiana Ave	Michigan Ave	34
130th St	Eberhart Ave	Indiana Ave	34
131st St	Ellis Ave	Eberhart Ave	34
133rd St	Langley Ave	Ellis Ave	34
16th St	Indiana Ave	Michigan Ave	12
25th St	Michigan Ave	King Dr	21
25th St	Lawndale Ave	Central Park Ave	82
26th St	King Dr	Michigan Ave	21
26th St	Ogden Ave	Blue Island Ave	60
31st St	Komensky Ave	Pulaski Rd	53
31st St	Central Park Ave	Lawndale Ave	82
32nd St	Lawndale Ave	Central Park Ave	82
35th St	Cottage Grove Ave	Michigan Ave	4
41st Street	Prairie Ave	Michigan Ave	39
43rd St	Cottage Grove Ave	Prairie Ave	43
43rd St	LaSalle St	State St	43
47th St	Kedzie Ave	S DuSable Lake Shore Dr	6, 15, 43, 47
50th St	S Lake Shore Dr	Cornell Ave	172
51st St	Wells St	Cottage Grove Ave	15
53rd St	Woodlawn Ave	Ellis Ave	172
55th St	Cicero	Morgan St	55
55th St	Rainey Dr	S Hyde Park Blvd	55
56th St	Stony Island Ave	S Lake Park Ave	15
57th Dr	57th St	S Everett Ave	6, 55
57th St	Stony Island Ave	57th Dr	6
59th St	Dorchester Ave	Woodlawn Ave	172
60th St	Stony Island Ave	Cottage Grove Ave	2, 172
63rd St	Cicero Ave	Stony Island Ave	63
64th St	Stony Island Ave	Blackstone Ave	63
67th St	S South Shore Dr	Rhodes Ave	6, 15, 26, 67
69th St	Western Ave	Keefe Ave	67, 71
71st St	Western Ave	Kedzie Ave	67
71st St	S South Shore Dr	Vincennes Ave	6, 26, 71
73rd St	Exchange Ave	Yates Blvd	71
74th St	Damen Ave	Loomis Blvd	75
74th St	Racine Ave	Eggleston Ave	75
75th St	S South Shore Dr	Eggleston Ave	71, 75
76th St	Loomis Blvd	Racine Ave	75
76th St	Kostner Ave	Cicero Ave	79
79th St	Cicero Ave	S South Shore Dr	79
83rd St	Exchange Ave	S South Shore Dr	26, 71
87th St	Western Ave	Buffalo Ave	87, 95
91st St	Mackinaw Ave	Commercial Ave	26, 87, 95

92nd St	Commerical Ave	Buffalo Ave	95
93rd St	Stony Island Ave	Exchange Ave	95
93rd St	Cottage Grove Ave	Woodlawn Ave	95
95th St	Woodlawn Ave	Stony Island Ave	95
95th St	Western Ave	Cottage Grove Ave	3, 4, 95, 106, 111, 115, 119
Adams St	Michigan Ave	Clinton St	7, 151
Archer Ave	Harlem Ave	State St	62
Armitage Ave	Pulaski Rd	Kostner Ave	73
Ashland Ave	95th St	Irving Park Rd	9, X9, 63
Ashland Ave	119th St	115th St	111, 115
Ashland Blvd	Pratt Blvd	Morse Ave	155
Balbo Dr	Columbus Dr	Michigan Ave	6,26, J14
Belmont Ave	Cumberland Ave	N Lake Shore Dr W	77
Blackstone Ave	64th St	63rd St	63
Blue Island Ave	26th St	Cermak Rd	60
Blue Island Ave	Loomis St	Racine Ave	60
Bradley Pl	Broadway	Halsted St	8
Broadway	Clark St	Devon Ave	8, 36, 80, 90
Bryn Mawr Ave	Broadway	Lake Shore Dr	92, 84
Bryn Mawr Ave	Central Ave	Elston Ave	85
Buffalo Ave	87th St	92nd St	87, 95
Burley Ave	92nd St	91st St	95
Canal St	Harrison St	Washington St	7, 60
Cannon Dr	Stockton Dr	Sheridan Rd	151
Central ave	Milwaukee Ave	Elston Ave	85
Central Ave	Harrison St	Higgins Ave	12, 85
Central Park Ave	25th St	Douglas Blvd	82
Central Park Ave	32nd St	31st St	82
Cermak Rd	Cicero Ave	Michigan Ave	3, 21, 60
Chicago Ave	Austin Blvd	Fairbanks Ct	3, 26, 66
Cicero Ave	I-55	79th St	54B, 55, 63, 79
Cicero Ave	Montrose Ave	Roosevelt Rd	54, 60
Clarendon Ave	Lawrence Ave	Irving Park Ave	135, 148
Clark St	Polk St	Howard St	22, 36, 70
Clinton St	Madison St	Harrison St	7, 60, 151
Columbus Dr	S DuSable Lake Shore Dr	Balbo Dr	6, 26, J14, 146
Columbus Dr	Randolph St	South Water	4
Commercial Ave	104th St	Exchange Ave	26, 71, 87
Congress Plaza Dr	Michigan Ave	Ida B Wells Dr	7
Cornell Ave	50th St	E Hyde Park Blvd	172
Cottage Grove Ave	111th St	35th St	4, 95, 115
Damen Ave	Taylor St	Roosevelt Rd	12
Dearborn St	Polk St	Division St	22, 36, 62, 70, 151
Devon Ave	Broadway	Kedzie Ave	36, 155
Diversey Ave	Kedzie Ave	N Lake Shore Dr W	76, 77
Diversey Ave	Natchez Ave	Milwaukee Ave	76
Division St	Austin Blvd	State St	36, 70
Dorchester Ave	60th St	59th St	172
Douglas Blvd	Central Park Ave	Homan Ave	82
E Hyde Park Blvd	S Lake Shore Dr	Cottage Grove Ave	2, 6, 15, 28, 172
Eberhart Ave	131st St	130th St	34
Ellis Ave	133rd St	131st St	34
Ellis Ave	53rd St	60th St	172
Elston Ave	Byrn Mawr Ave	Central Ave	85

Ewing Ave	91st St	106th St	26
Exchange Ave	Commercial Ave	83rd St	26, 71
Exchange Ave	93rd St	92nd St	95
Exchange Ave	75th St	73rd St	71
Fairbanks Ct	Chicago Ave	Illinois St	66
Fifth Ave	Kostner Ave	Harrison St	7
Foster Ave	Lake Shore Dr	Milwaukee Ave	92, 147
Fullerton Ave	Grand Ave	Halsted St	74
Gale St	Higgins Ave	Milwaukee Ave	85
Grand Ave	Streeter Dr	State St	29, 66
Grand Ave	Nordica Ave	Fullerton Ave	74
Halsted St	79th St	Waveland Ave	8, 20, 74
Halsted St	127th St	95th St	8A, 108
Harrison St	Paulina St	Canal St	7, 60
Harrison St	Central Ave	Kostner Ave	7
Harrison St	Fifth Ave	Wood St	7
Harrison St	Wells St	Financial Pl	36
Higgins Ave	Central Ave	Gale St	85
Homan Ave	Douglas Blvd	North Ave	82
Howard St	Paulina St	Clark St	22
Ida B Wells Dr	Financial Pl	Dearborn St	36
Ida B Wells Dr	Congress Plaza Dr	State St	7, 147
Illinois St	Dearborn St	Streeter Dr	29, 36, 66
Indiana Ave	41st St	Pershing Rd	39
Indiana Ave	35th St	Michigan Ave	4
Indiana Ave	Roosevelt Rd	16th St	12
Indiana Ave	130th St	127th St	34
Inner Lake Shore Dr	Belmont Ave	W Sheridan Rd	135, 146
Irving Park Rd	Cumberland Ave	Lake Shore Dr (local)	9, 80, 135, 148
Jackson Blvd	Clinton St	Michigan Ave	7, 151
Jeffery Blvd	Van Vliissingen Rd	67th St	15, J14
Justine St	63rd St	Ashland/63rd CTA Station	63
Kedzie Ave	48th Pl	47th St	47
Kedzie Ave	Milwaukee Ave	Diversey Ave	76
Keefe Ave	69th St	Rhodes Ave	67
Kimball Ave	North Ave	Lincoln Ave	82
King Dr	115th St	26th St	3, 21, 111, 115
Kinzie St	Dearborn St	State St	62
Kostner Ave	Harrison St	Fifth Ave	7
Lafayette Ave	69th St	95th St	29, 75
Lake St	State St	Michigan Ave	146
LaSalle Dr	Lake Shore Dr	Stockton Dr	151
LaSalle St	Pershing Road	35th Street	39
LaSalle St	47th St	43rd St	43
Lawndale Ave	32nd Ave	25th St	82
Lawrence Ave	Milwaukee Ave	N Lake Shore Dr W	81
Lincoln Ave	Bryn Mawr Ave	Leland Ave	11
Lincoln Ave	Webster Ave	Fullerton Ave	37, 74
Lipps Ave	Jefferson Park Blue Line Station	Lawrence Ave	81
Loomis Blvd	74th St	76th St	75
Loomis St	Cermak Rd	Blue Island Ave	60
Madison St	Austin Blvd	Michigan Ave	20, 60, J14
Marine Dr	Foster Ave	Irving Park Rd	81, 136, 146, 148

Marquette Rd	67th St	Promontory Dr	67
Marshfield Ave	117th St	119th St	111, 115
McCormack Blvd	Lincoln Ave	Devon Ave	82
McFetridge Dr	Museum Campus Dr	Columbus Dr	146
Michigan Ave	127th St	95th St	34, 39, 106, 119
Michigan Ave	35th St	Lake Shore Dr	3, 4, 6, 7, 12, 20, 21, 26, 60, J14, 146, 147, 151
Milwaukee Ave	Division St	Foster Ave	56, 68, 76, 85/85A, 81, 88, 91, 92
Milwaukee Ave	W Veterans Place	Albion Ave	Pulse Milwaukee
Montrose Ave	Kimball Ave	California Ave	78
Morgan St	Garfield Blvd	Rainey Dr	55
Morse Ave	Ashland Blvd	Sheridan Rd	155
N Lake Shore Dr W	Belmont Ave	Diversey Pkwy	77
North Ave	Harlem Ave	Clark St	72
Ogden Ave	Pulaski Rd	Western Ave	157
Ogden Ave	Roosevelt Rd	Polk St	12, 157
Museum Campus Dr	Solidarity Dr	McFetridge Dr	146
Paulina St	Rogers Ave	Howard St	22
Paulina St	Polk St	Harrison St	7
Pershing Rd	Cottage Grove Ave	LaSalle St	39
Polk St	Wood St	Paulina St	7
Polk St	Clark St	State St	22, 62
Prairie Ave	Pershing Road	41st Street	39
Pratt Blvd	Sheridan Rd	Ashland Blvd	155
Pulaski Rd	31st St	Peterson Ave	53
Pulaski Rd	36th St	87th St.	53A
Pulaski Rd	99th St	115th St	53A
Racine Ave	Blue Island Ave	Harrison St	60
Racine Ave	76th St	74th St	75
Rainey Dr	Morgan St	55th St	55
Randolph St	Michigan Ave	Harbor Dr	4, 6, 60
Rhodes Ave	Keefe Ave	67th St	67
Rogers Ave	Clark St	Paulina St	22
Roosevelt Rd	Central Ave	Ogden Ave	12
Roosevelt Rd	Damen Ave	Columbus Dr	12, 146
S Hyde Park Blvd	57th Dr	E Hyde Park Blvd	6, 28, 55
S Lake Park Ave	56th St	47th St	2, 6, 15, 28
S Lake Shore Dr (local)	E Hyde Park Blvd	50th St	172
S South Shore Dr	83rd St	67th St	6, 26, 71
Sheridan Rd	Foster Ave	Howard St	92, 136, 147, 155
Sheridan Rd	Diversey Pkwy	Melrose St	77, 134, 143, 151
Solidarity Dr	Planetarium	Museum Campus Dr	146
South Water	Columbus Dr	Michigan Ave	4
Southport Ave	Clark St	Irving Park Rd	9
State St	95th St	Division St	6, 29, 36, 62, 71, 75, 142, 147
Stetson Ave	Randolph St	Wacker Dr	6
Stockton Dr	LaSalle Dr	Cannon Dr	151
Stony Island Ave	56th St	95th St	2, 6, 15, 26, 28, 63, 95
Streeter Dr	Illinois St	Grand Ave	66
Taylor St	Ogden Ave	Damen Ave	12
Trumbull Ave	Cermak Rd	Cermak Rd	21
Torrence Ave	112th St	100th St	71, J14

Van Vlissingen Rd	100th St	Jeffery Blvd	15, J14
Vincennes Ave	69th Red Line Station	71st St	71
Vincennes Ave	115th St	111th St	111
W Sheridan Rd	Lake Shore Dr	N Sheridan Rd	80, 151
Wacker Dr	State St	Columbus Dr	6
Walton St	Dearborn St	Clark St	22, 70
Washington St	Halsted St	Michigan Ave	20, 60, J14, 147, 151
Waveland Ave	Halsted St	Broadway	8
Webster Ave	Halsted St	Lincoln Ave	74
Wells St	47th St	51st St	15
Wentworth Ave	51st St	47th St	15
Western Ave	79th St	Howard St	49, X49, 49B
Western Ave	95th St	87th St	95
Wood St	Harrison St	Polk St	7
Woodlawn Ave	93rd St	95th St	95
Woodlawn Ave	59th St	E Hyde Park Blvd	172
Yates Ave	103rd St	100th St	15
Yates Ave	73rd St	71st St	71

(Added Coun. J. 7-20-22, p. 50878, § 8)

## LAND USE AND ZONING TABLES

### Prior Code Reference Table

Prior Code Section	Current Code Section
Prior Code Section	Current Code Section
194B-1	16-4-020
194B-2	16-4-010
194B-3	16-4-030
194B-4.1	16-4-040
194B-4.2	16-4-050
194B-5.1	16-4-150
194B-5.2	16-4-060
194B-5.3	16-4-070
194B-6.1	16-4-100
194B-6.2	16-4-110
194B-6.3	16-4-120
194B-6.4	16-4-130
194B-6.5	16-4-140
194B-7.1	16-4-160
194B-7.2	16-4-170
194B-8	16-4-180
194B-9.1	16-4-080
194B-9.2	16-4-090
194C-1	16-16-010
194C-2	16-16-020

194C-3	16-16-030
194C-4	16-16-040
194C-4.1	16-16-050
194C-5	16-16-060
194C-5.1	16-16-070
194C-5.2	16-16-080
194C-6	16-16-090
194C-6.1	16-16-100
194C-6.2	16-16-110
194C-7	16-16-120
194C-7.1	16-16-130
194D-1	16-8-010
194D-1.1	16-8-020
194D-2	16-8-030
194D-3	16-8-040
194D-3.1	16-8-050
194D-3.2	16-8-060
194D-3.3	16-8-070
194D-4	16-8-080
194D-5	16-8-090
194D-6	16-8-100
201-1	16-12-010
201-2	16-12-020
201-3	16-12-030
201-4	16-12-040
201-5	16-12-050
201-6	16-12-050
201-7	16-12-070
201-8	16-12-080
201-9	16-12-090
201-10	16-12-100
201-11	16-12-110
201-12	16-12-120

Ordinance Reference Table

Date	Page	Section	Code Section
Date	Page	Section	Code Section
7-29-87	3030		16-16-010 – 16-16-130
4-13-88	12144		16-8-010, 16-6-020
6-28-91	2433		16-12-070
6-28-91	2766		16-6-010 – 16-6-170

12-11-91	10936		16-4-100 – 16-4-120, 16-8-030, 16-8-050, 16-8-060, 16-12-020, 16-12-060, 16-12-070
12-11-91	10978		16-4-110, 16-4-130, 16-6-030, 16-6-040, 16-6-080, 16-6-090, 16-6-105, 16-6-110, 16-6-140
1-14-92	11419		16-12-070
12-15-92	27387		16-12-070
2-10-93	28689		16-16-030
8-3-94	55154		16-8-120
11-10-94	59125	27	16-12-070
10-1-97	53200		16-16-110, 16-16-130
12-10-97	58159	2	16-12-020
		3	16-12-070
3-1-98	63754	3	16-4-105
4-1-98	65269		16-18-010 – 16-18-120
4-1-98	65920		16-8-110, 16-8-120
5-17-00	33837	1	16-8-030
5-29-02	85301		16-12-050
9-4-02	92162	2	16-12-050
3-5-03	104558	1	16-12-070
3-5-03	104990	45	16-4-110, 16-4-120
		46	16-6-090
2-11-04	18592	1	16-8-060
3-31-04	21667	1	16-8-030
5-26-04	25275	1 Repeals	Former Title 17
		Adds	New Title 17
5-26-04	25277	2	17-6-0400
5-26-04	25287	2	17-6-0400
5-26-04	25299	2	17-6-0400
7-21-04	28848	1	17-1-0200, 17-1-1400
7-21-04	28850	1	Figure 17-1-1406-B
9-1-04	30490	1	17-17-0100
		2	17-17-0100
		3	17-2-0200
		4	17-3-0200
		5	17-4-0200
12-15-04	39840	1 Adds	16-19-010 – 16-19-090
1-11-05	41231	2	17-6-0400
2-9-05	42415	1	17-3-0200
		2	17-3-0500
		3	17-3-0500
		4	17-3-0500
3-9-05	44353	2	17-6-0400
3-9-05	44367	2	17-6-0400
3-9-05	44381	1	17-4-0100
		2	17-4-1000



		3	17-8-0500
		4	17-10-0200
3-9-05	44391	3	17-1-0600, 17-1-1400, 17-2-0100, 17-2-0200, 17-2-0300, 17-2-0400, 17-3-0300, 17-3-0400, 17-3-0500, 17-4-0200, 17-4-0400, 17-4-0500, 17-4-0600, 17-4-0700, 17-5-0200, 17-5-0600, 17-6-0200, 17-6-0400, 17-8-0500, 17-8-0600, 17-8-0700, 17-8-0900, 17-9-0100, 17-10-0100, 17-10-0200, 17-10-0400, 17-10-0600, 17-10-0900, 17-10-1000, 17-10-1100, 17-11-0050, 17-12-0400, 17-12-1000, 17-13-0100, 17-13-0300, 17-13-0600, 17-13-0700, 17-13-0900, 17-13-1000, 17-13-1100, 17-13-1200, 17-15-0100, 17-15-0300, 17-15-0400, 17-15-0500, 17-16-0300, 17-16-0500, 17-17-0100, 17-17-0200, 17-17-0300
		Repeals	17-6-0402, 17-7-1200, 17-13-0205, 17-16-0302, 17-16-0400, 17-16-0700
4-6-05	46179	1	17-9-0100
		2	17-13-1100
5-11-05	48500	1	17-13-0100
6-29-05	51811	1	16-6-010, 16-6-040, 16-6-050, 16-6-060, 16-6-070, 16-6-080, 16-6-090, 16-6-105
		Adds	16-6-075, 16-6-100
		Rnmbrs	16-6-100 as 16-6-105
6-29-05	52355	1 Adds	17-10-1010
		2 Adds	17-17-0214.5
7-27-05	53211	1	16-16-060, 16-16-080
7-27-05	54238	1	17-6-0400
7-27-05	54242	1	17-13-0100
9-14-05	55912	1	17-6-0400
9-14-05	55914	1	17-6-0400
9-14-05	55917	1	17-9-0100
9-14-05	56223	1	17-1-1000
11-1-05	59722	2 Repeals	Ch. 16-19
11-1-05	60274	1	17-6-0400
11-30-05	62481	5	17-3-0300
11-30-05	62716	1	17-2-0300
11-30-05	62719	1	17-3-0200, 17-4-0200, 17-5-0200, 17-6-0400
		2	17-10-0200
11-30-05	62724	1	17-3-0500
11-30-05	62727	1 Repeals	17-7-0400
11-30-05	62732	2	17-6-0400
		3	17-6-0400
		4	17-6-0400
1-11-06	67927		17-6-0400
1-11-06	68318	1	17-7-0500
1-11-06	68321	1	17-8-0400
1-11-06	68368	1	17-11-0200
		2	17-11-0600
2-8-06	70306	1	17-9-0100
3-1-06	71981	4	17-14-0200
3-29-06	73934	1	17-17-0300
3-29-06	74330	1	17-4-1000

		2	Adds	17-4-1023
6-28-06	79813	1		17-3-0200
		2		17-3-0500
		3	Adds	17-17-0214.3
7-26-06	81829	4	Adds	17-17-0278.5
7-26-06	82605	1		17-4-1000
7-26-06	82607	1		17-4-1000
		2		17-4-1000
7-26-06	82612	1		17-13-0400
9-13-06	84870	1		17-9-0100
		2		17-1-1300, 17-2-0200, 17-2-0300, 17-2-0400, 17-3-0200, 17-3-0300, 17-3-0400, 17-3-0500, 17-4-0200, 17-4-0400, 17-4-0500, 17-4-0600, 17-4-0700, 17-4-1000, 17-5-0200, 17-6-0200, 17-6-0400, 17-8-0500, 17-9-0100, 17-9-0200, 17-9-0300, 17-10-0200, 17-10-0500, 17-10-0600, 17-10-1000, 17-12-1000, 17-13-0400, 17-13-1000, 17-13-1100, 17-15-0500, 17-17-0100, 17-17-0200, 17-17-0300
		3		17-2-0300
9-13-06	84912	1		17-5-0200
		2		17-9-0100
		3		17-17-0100
9-13-06	84917	1		17-12-1100
9-13-06	84921	1		17-12-1100
9-13-06	84923	1		17-15-0400
9-13-06	85599	1		17-11-0200
		2		17-11-0600
10-4-06	88405	1		16-4-100
		2		16-4-150
12-13-06	95360	1		17-8-0600
12-13-06	95363	1		17-17-0100
1-11-07	97055	1		17-3-0500
1-11-07	97057	1		17-3-0500
1-11-07	97059	1		17-3-0500
2-7-07	98109	5	Adds	17-17-0278.5
2-7-07	98529	1		17-4-1000
		2		17-4-1000
2-7-07	98536	1		17-6-0200
4-11-07	103484	1		17-17-0200
4-11-07	103486	1		17-8-0500
5-9-07	105899	1		17-12-1000
5-14-07	106483	3		17-4-1004, 17-13-0300
			Adds	17-13-0613
7-19-07	5248	1		17-3-0500
9-27-07	9539	3		17-17-0100
9-27-07	9546	3		17-17-0100
10-31-07	12062	1		17-3-0200, 17-17-0100
10-31-07	12065	1		17-17-0300

11-13-07	14999	Art. 2	1	16-4-110, 16-4-120, 16-6-090, 17-4-1004, 17-11-0200, 17-14-0200
11-13-07	15810		2	17-13-0100
11-13-07	15814		1	17-13-0100, 17-13-0600
12-12-07	17737		1	17-2-0400
			2	17-13-1100
12-12-07	17740		1	17-3-0200, 17-5-0200
12-12-07	17742		1	17-17-0100
			2	17-17-0200
4-9-08	24657		7	17-5-0200, 17-6-0400, 17-9-0100, 17-17-0100
4-9-08	25656			17-13-1000
5-14-08	28180		1	17-17-0100
10-8-08	40951		1	17-17-0300
11-5-08	45002		1	17-2-0300
11-19-08	47220	Art. V	5	16-16-060, 16-16-080
	Art. VII		1	16-4-100, 16-4-110 – 16-4-130, 16-6-040, 16-8-030, 16-8-050, 16-8-060, 16-18-110, 17-1-0700, 17-1-0800, 17-4-1000, 17-8-0500, 17-9-0100, 17-10-0100, 17-10-0200, 17-10-1100, 17-11-0200, 17-12-1000, 17-12-1100, 17-13-0100 – 17-13-0300, 17-13-0500 – 17-13-0900, 17-13-1300, 17-14-0100, 17-14-0200
		Repeals		17-14-0400
	Art. VIII		1	16-12-020, 16-12-060, 16-12-070, 16-18-040, 17-4-1000, 17-13-0300, 17-13-0600, 17-17-0200
12-17-08	51294		2	17-16-0500
1-13-09	54378		1	17-5-0200
1-13-09	54380		4	17-6-0400
2-11-09	55336		4	17-6-0400
4-22-09	59710		1	17-9-0100
5-13-09	62733		1	17-9-0100
			2	17-9-0100
5-13-09	62736		1	17-9-0100, 17-17-0100
6-30-09	66111		1	17-3-0500
7-29-09	68784		1	17-4-0600
9-9-09	71111		1	17-8-0600
			2	17-8-0911
12-2-09	78837	Art. 6	4	17-13-0100
12-2-09	80791		1	17-3-0200, 17-3-0500
4-14-10	89020		1	17-12-0900
4-14-10	89065		1	17-11-0200
5-12-10	91343		4	17-3-0200, 17-4-0200, 17-10-0200, 17-17-0100
5-12-10	92101		1	17-9-0100
5-12-10	92103		1	17-17-0300
5-12-10	92105		1	17-7-1100
5-12-10	92107		1	17-6-0400
5-12-10	92109		1	17-6-0400
6-9-10	93530		6	17-9-0100
			7	17-17-0200

		8	17-17-0200
6-9-10	94410	1	17-3-0200, 17-9-0100
6-30-10	95597	1	17-3-0503-D
6-30-10	95599	1	17-3-0503-D
6-30-10	95601	1	17-3-0503-D
6-30-10	95603	1	17-3-0503-D
6-30-10	96060	4	17-2-0200, 17-3-0200, 17-4-0200, 17-17-0100
7-28-10	97810	1	17-3-0200, 17-17-0200
11-3-10	104527		17-2-0200, 17-3-0200, 17-4-0200, 17-17-0100
		Adds	17-15-0300
11-3-10	104833	2	17-3-0200, 17-4-0200, 17-17-0100
11-17-10	106597	10	16-4-100, 16-4-110, 16-4-120, 16-6-040, 16-8-050, 16-8-060, 16-12-020, 16-12-060, 16-18-040, 16-18-110
		11	17-1-0700, 17-4-1000, 17-9-0300, 17-10-0200, 17-10-1100, 17-13-0500, 17-13-0700, 17-13-1300, 17-14-0100, 17-14-0200, 17-17-0200
		Adds	17-14-0500
2-9-11	112149	22	17-5-0200
		23	17-6-0400
2-9-11	112461	2	17-13-0600
		3	17-14-0200
2-9-11	112463	1	17-3-0500
4-13-11	115858	1	17-17-0300
5-4-11	117699	8	17-3-0200
		9	17-9-0200
		10	17-17-0100
		11	17-17-0200
6-8-11	1725	1	17-3-0200
		2	17-4-0200
		3	17-5-0200
		4	17-6-0400
		5	17-9-0100
		6	17-17-0100
7-6-11	3073	10	17-3-0200
		11	17-5-0200
		12	17-17-0100, 17-17-0200
9-8-11	7541	1	17-2-0200
		2	17-3-0200
		3	17-4-0200
		4	17-5-0200
		5	17-6-0200
		6	17-6-0400
		7	17-9-0100
		8	17-10-0200
		9	17-17-0100
		10	17-17-0200

9-8-11	7559	3	17-4-0500
9-8-11	7562	1	17-4-0200, 17-9-0100
9-8-11	7564	1	17-13-0100
11-2-11	12140	1	17-9-0100
11-2-11	12143	1	17-17-0300
11-16-11	13798 Art. I	12	17-13-0100
	Art. II	6	16-6-010, 16-6-030, 16-6-040, 16-6-080, 16-6-100, 16-6-110, 16-6-140, 17-4-0100, 17-17-0200
11-16-11	17064	1	17-9-0100
		2	17-3-0200
12-14-11	18117	1	17-3-0500
12-14-11	18120	2 Adds	17-7-1200
12-14-11	18122	1	17-13-0600
1-18-12	19185	4	17-17-0200
		5	17-17-0200
		6	17-17-0200
2-15-12	20906	2	17-15-0500
2-15-12	20910	1	17-2-0400
3-14-12	23152	1	17-9-0200
		2	17-17-0300
4-24-12	25060	4	17-16-0500
4-24-12	25071	2	17-3-0500
5-9-12	27485	188	17-1-1405
		189	17-3-0200
		190	17-4-0200
		191	17-9-0100
		192	17-9-0200
		193	17-10-0200
		194	17-11-0200
		195	17-13-1400
		196	17-14-0200
		197	17-15-0300
		198	17-17-0100
		199	17-17-0100
		200	17-17-0100
		201	17-17-0100
6-6-12	28356	46 Repeals	16-6-105
6-6-12	28654	4	17-3-0300
6-6-12	28855	1	17-4-1000
6-6-12	28858	1	17-11-0200
6-27-12	30538	2	17-3-0500
6-27-12	30540	2	17-3-0500
6-27-12	30542	1	17-10-0200
6-27-12	30744	1	17-3-0200

		2	17-10-0200
		3	17-17-0200
		4	17-9-0100
		5	17-13-0900
		6	17-13-0900
7-25-12	31326	3	17-3-0300
7-25-12	31627	1	17-3-0200, 17-4-0200, 17-9-0100
7-25-12	31632	1	17-3-0500
10-3-12	35865	1	17-3-0200
11-8-12	38872	242	17-1-0800
		243	17-3-0400
		244	17-4-1000
		245	17-4-1000
		246	17-7-0600
		247	17-9-0100
		248	17-10-0100
		249	17-10-0200
		250	17-10-0200
		251	17-10-0300
		252	17-10-0700
		253	17-11-0200
		254	17-11-0200
		255	17-12-0800
		256	17-12-1100
		257	17-13-0100
		258	17-13-0100
		259	17-13-0100
		260	17-13-0200
		261	17-13-0200
		262	17-13-0300
		263	17-13-0300
		264	17-13-0300
		265	17-13-0400
		266	17-13-0500
		267	17-13-0500
		268	17-13-0500
		269	17-13-0500
		270	17-13-0600
		271	17-13-0600
		272	17-13-0600
		273	17-13-0600
		274	17-13-0700
		275	17-13-0700
		276	17-13-0800

		277	17-13-1000
		278	17-13-1000
		279	17-14-0200
		280	17-14-0200
		281	17-15-0300
		282	17-17-0100
		283	17-17-0100
		284	17-17-0200
		285	17-17-0200
		286	17-17-0200
		287	17-17-0200
12-12-12	44399	2	17-3-0500
12-12-12	44485	6	17-1-0500, 17-12-0100, 17-12-0500, 17-12-0700 – 17-12-1000 17-17-0200
		Adds	17-12-1200
1-17-13	45291	1	17-4-0207
1-17-13	45370	7	17-5-0200, 17-9-0100
1-17-13	45622	1	17-3-0200, 17-4-0200, 17-5-0200, 17-6-0400, 17-9-0100, 17-17-0100
2-13-13	47133	2	17-12-0500, 17-12-0700, 17-12-1000, 17-15-0500
2-13-13	47140	1	17-17-0100
2-13-13	47141	1	17-3-0200, 17-4-0200, 17-5-0200, 17-6-0400, 17-9-0100, 17-17-0100
4-10-13	51227	1	17-3-0300
4-10-13	51743	2	17-3-0500
5-8-13	53468	2	17-3-0500
6-5-13	55448	1	17-6-0400
7-24-13	58315	1	17-4-0800
		2	17-4-0800
		3	17-8-0500
		4	17-8-0900
7-24-13	58318	2	17-15-0500
7-24-13	58321	1	17-6-0400
7-24-13	58324	1	17-6-0400
9-11-13	59869	9	17-3-0200, 17-4-0200, 17-17-0100
9-11-13	60173	1	17-3-0400
		2	17-3-0400
		3	17-3-0400
		4	17-4-0400
		5	17-4-0400
		6	17-8-0500
		7	17-10-0100
		8	17-13-0300
		9	17-13-1000
		10	17-10-0600
		11	17-10-0300



		12	17-10-0700
		13	17-10-0800
9-11-13	60183	1	17-3-0500
10-16-13	61664	2	17-17-0100
11-26-13	67481	Art. I 30	17-1-0700, 17-1-0800, 17-4-1000, 17-8-0900, 17-9-0100, 17-10-0200, 17-10-1100, 17-13-0100, 17-13-0500, 17-13-0700, 17-13-1300, 17-14-0100, 17-14-0200, 17-17-0200
11-26-13	67528	5	17-13-0100
12-11-13	71143	1	17-4-0801-A
12-11-13	71898	1	17-6-0400
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1-5-14	73274	2	17-3-0500
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4-30-14	80382	5	17-12-0600, 17-12-0700, 17-12-0800, 17-12-0900, 17-12-1000, 17-12-1100, 17-12-1200
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		3	17-4-0200
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4-30-14	80409	1	17-4-1000
5-28-14	82412	2	17-3-0500
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6-25-14	83727	11	17-3-0200
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6-25-14	84153	1	17-10-0500
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7-30-14	86194	2	17-3-0200
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		4	17-5-0200
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		8	17-17-0200

		9	17-3-0200, 17-4-0200
7-30-14	86203	15	17-9-0100
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9-10-14	88538	1	17-6-0400
9-10-14	88541	1	17-11-0200
10-8-14	93150	1	17-6-0400
11-5-14	96196	3	17-3-0500
11-5-14	96199	4	17-3-0500
11-5-14	96201	1	17-10-0100
		2	17-13-1000
11-5-14	96204	1	17-12-1100
11-5-14	96205	3	17-6-0400
		4	17-8-0500
11-12-14	97375	3	17-14-0200
		4	17-17-0200
11-19-14	98037	15	17-13-0610
11-19-14	98820	2	17-12-1000, 17-12-1100
11-19-14	98825	2	17-3-0500
12-10-14	100859	1	17-4-1000
12-10-14	100862	2	17-3-0500
12-10-14	101210	2	17-9-0100
1-21-15	102086	1	17-6-0400
1-21-15	102089	1	17-9-0100
3-18-15	105476	3	17-3-0400
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		9	17-13-0300
		10	17-13-0600
		11	17-13-1000
4-15-15	106130	14	17-2-0300
		15	17-8-0400
		16	17-8-0500
		17	17-9-0100
		18	17-9-0100
4-15-15	106578	5	17-3-0300
7-29-15	4110	4	17-9-0100
		5	17-17-0100

7-29-15	4122	1	17-3-0200
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9-24-15	7499	1	17-3-0400
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		9	17-13-0900
9-24-15	7508	4	17-3-0500
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9-24-15	7511	1	17-3-0500
2-10-16	18766	10	17-3-0200
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		16	17-17-0200
2-10-16	18795	1	17-9-0100
5-18-16	24131	161	17-13-1400
5-18-16	24993	2	Adds 16-14-010 - 16-14-080
		3	Rnmbrs 17-1-1500 as 17-1-1600
		Adds	17-1-1500
		4	17-4-0100
		5	17-4-0400
		6	17-4-0400
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		11	17-8-0900
		12	17-13-1000
5-18-16	25016	2	17-3-0500
5-18-16	25018	1	17-6-0400
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6-22-16	27712	12	17-2-0200
		13	17-3-0200
		14	17-4-0200
		15	17-15-0300
		16	17-13-1000

		17	17-17-0100
7-20-16	29358	1	17-12-1000
		2	17-12-1000
9-14-16	31756	1	17-6-0400
11-16-16	38285	1	17-3-0500
11-16-16	38287	1	17-12-1000
12-14-16	40360	1	17-4-0400
2-22-17	43916 Art. I	2	17-9-0200
3-29-17	45471	2	17-3-0500
3-29-17	45473	2	17-3-0500
3-29-17	45475	1	17-6-0400
3-29-17	45477	7	17-17-0300
		8	17-17-0300
4-19-17	48180 Art. V	39	17-1-1400
		40	17-3-0300
		41	17-13-1100
		42	17-17-0100
5-24-17	49766	2	17-3-0500
5-24-17	50364	2	17-3-0200, 17-4-0200, 17-6-0400, 17-9-0100
7-26-17	53898	1 Repeals	Ch. 16-8
			Adds Ch. 16-8
		2	17-1-1500
		3	17-3-0200
		4	17-4-1000
		5	17-5-0200
		6	17-6-0400
		7	17-7-0400
		8	17-13-1000
		9	17-17-0100
9-6-17	54823	2	16-14-080
11-21-17	62501	1	16-8-030
		2	17-1-1500
		3	17-6-0400
		4	17-7-0450
3-28-18	74512	1	17-2-0200
		2	17-3-0200
		3	17-4-0200
		4	17-5-0200
		5	17-6-0200
		6	17-6-0400
		7	17-9-0100
		8	17-17-0100

3-28-18	74521	2	17-3-0500
4-18-18	76897	1	17-3-0500
4-18-18	76900	2	17-3-0500
4-18-18	76902	2	17-3-0500
5-25-18	78316	2	17-14-0300
6-27-18	80808	1	17-6-0400
9-20-18	84905	2	17-3-0500
9-20-18	84907	2	17-3-0500
9-20-18	84908	1	17-6-0400
10-31-18	87780	1	17-12-0600
		2	17-12-1000
		3	17-12-1100
11-14-18	90308 Art. I	37	17-17-0200
1-23-19	94952 Art. I	29	17-12-0500
		30	17-15-0500
1-23-19	94979	2	17-3-0500
1-23-19	94981	1	17-3-0400
		2	17-4-0400
		3	17-10-0100
3-13-19	97359	2	17-6-0400
4-10-19	100029 Art. II	107	16-12-070
		108	17-6-0400
		109	17-9-0100
		110	17-9-0100
		111	17-9-0100
		112	17-10-1000
		113	17-13-0900
		114	17-17-0100
4-10-19	100807	1	17-6-0400
4-10-19	100809	1	17-9-0100
9-18-19	6224	2	17-6-0400
		3	17-6-0400
10-16-19	7854	1	17-3-0200
		2	17-4-0200
		3	17-5-0200
		4	17-6-0400
		5 Adds	17-7-0560
		6	17-9-0100
		7	17-10-0200
		8	17-13-0900
		9	17-14-0300
		10	17-17-0100, 17-17-0200
		11	17-17-0200

10-16-19	7867	2	17-17-0200
		3	17-10-1000
11-20-19	9510 Art. I	12	17-8-0900
11-26-19	11514 Art. III	1	17-13-0100
		2	17-13-0600
1-15-20	13417	1	17-3-0200
		2	17-4-0200
		3	17-14-0300
		4	17-17-0100
2-19-20	14012	1	Ch. 16-14 (title)
		2	16-14-010
		3	16-14-020
		4	16-14-030
		5	16-14-040
		6	16-14-050
		7	16-14-060
		8	16-14-070
		9	16-14-080
2-19-20	14473 Art. VI	27	17-17-0200
		28	17-17-0300
2-19-20	14592	2	17-3-0500
4-24-20	16146	1	17-3-0500
4-24-20	16148	1	17-17-0200
		2	17-10-1000
7-22-20	19501	1	17-4-1100
9-9-20	20676	1	17-13-0600
10-7-20	21782	2	17-3-0500
10-7-20	21785	1	17-7-0600, 17-13-0500
10-7-20	21791 Art. VII	26	17-6-0400
		27	17-9-0100
		28	17-9-0100
		29	17-13-0900
12-16-20	25562	1	16-8-070
12-16-20	26066	10	17-2-0200
		11	17-2-0300
		12 Adds	17-7-0570
		13	17-9-0100
		14	17-9-0200
		15	17-17-0100
		16	17-17-0200
1-27-21	26741 Art. II	16	16-6-080
		17	17-14-0300
1-27-21	27049	1 Adds	17-7-0580

1-27-21	27053	2 Adds	17-7-0590
2-26-21	28054	1	17-6-0400
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3-24-21	29061	1	17-12-0600
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3-24-21	29065	1	17-2-0300
		2	17-3-0200
		3	17-3-0300
		4	17-5-0200
		5	17-6-0200
		6	17-6-0400
		7	17-8-0500
		8	17-9-0100
		9	17-13-0100
		10	17-13-0300
		11	17-17-0100
4-21-21	29627	6	17-3-0400
		7	17-4-0400
4-21-21	29936	1	17-7-0450
4-21-21	29939	1	17-7-0580
4-21-21	29942	1	17-2-0300
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		3	17-17-0300
7-21-21	33505	1	16-6-010
		2 Adds	16-6-045
		3	16-6-050
		4 Adds	16-6-055
		5	16-6-060
		6	16-6-070
		7 Adds	16-6-071
		8	16-6-075
		9	16-6-140
7-21-21	33513	2	17-3-0500
9-14-21	35946	2	17-3-0500
9-20-21	36844	1	17-3-0200
		2	17-4-0200
		3	17-5-0200
		4	17-7-0560
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		6	17-9-0100
		7	17-14-0300
10-14-21	37719	2	17-3-0500
11-17-21	41637	1	17-6-0400
12-15-21	42674	4	17-9-0100



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		12	17-14-0200
		13	17-16-0500
12-15-21	42684	2	17-4-0500
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		10	17-6-0200, 17-6-0400
		11	17-9-0100
		12	17-13-1400
		13	17-17-0100
2-23-22	45128	2	17-3-0500
5-25-22	48249	1	17-6-0400
5-25-22	48413	8	17-4-0200
		9	17-8-0500
		10	17-9-0100
		11	17-13-0200
		12	17-17-0100, 17-17-0200
6-22-22	49379	1	17-6-0400
7-20-22	50878	3	17-2-0100, 17-2-0200, 17-2-0300
		4	17-3-0200, 17-3-0300, 17-3-0400, 17-3-0500
		5	17-4-0200, 17-4-0300, 17-4-0400
		6	17-10-0100, 17-10-0300, 17-10-0900
		7	17-13-0300, 17-13-0600, 17-13-0900, 17-13-1000
		8	17-17-0200, 17-17-0300
		Adds	17-17-0400
12-14-22	58278 Art. V	1	17-9-0200
		2	17-17-0300
1-18-23	59796	1	17-2-0300
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		5	17-4-0300
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		8	17-10-0900
		9	17-10-0200

3-15-23	61261	2	17-3-0300
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3-15-23	61265	1	17-4-0500
6-21-23	1515	4	17-9-0100
		5	17-9-0200
		6	17-9-0300
7-19-23	1992	2	17-12-0300, 17-12-0600, 17-12-1000
		3	17-15-0500
		Adds	17-15-0600
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		3	17-13-1000
		4	17-17-0200
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12-13-23	7823	1	17-13-0300