

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., et al.,

Defendants.

Case No. 1:18-cv-5587

Hon. Manish S. Shah

Magistrate Judge Young B. Kim

**RESPONSIVE STATEMENT OF CLAIMANT UBS AG
(PROPERTIES 108, 109, 110, 111, 112, and 113)**

Both the SEC and the Individual Investors contend the Individual Investors should take priority over UBS AG because the Individual Investors “never released their mortgages and no purported release was ever recorded.” (Dkt. 1754 at 1; *see also* Dkt. 1755 at 2.) UBS AG does not dispute that releases were never provided or recorded. As to unsecured claims, UBS AG undisputedly holds first priority position over unsecured lenders notwithstanding the lack of releases, even though neither the SEC nor the Individual Investors make a distinction between secured and unsecured claims. (*See* Dkt. 1756 at Arg. § I.)

As to competing secured claims, however, which this Response focuses on, UBS AG is still entitled to priority over the prior Individual Investors. UBS AG, having performed all of its payment obligations under Illinois law, is entitled to valid releases. Indeed, to conclude otherwise runs contrary to the Illinois Mortgage Act, as well as well-established principles of Illinois common law, including foundational principles of agency law, and the Illinois Fiduciary Obligations Act. As a result, UBS AG’s mortgage liens should take priority over prior Individual

Investors who authorized Equitybuild Finance, LLC (“EBF”) to act on their behalf. Each of the SEC and Individual Investors’ arguments to the contrary are without merit.

ARGUMENT

I. The Seventh Circuit’s Group 1 Decision Does Not Foreclose UBS AG’s Argument.

The SEC and the Individual Investors both suggest the Seventh Circuit’s Group 1 decision, *SEC v. Equitybuild, Inc.*, 101 F.4th 526 (7th Cir. 2024), forecloses UBS AG’s priority argument because the Individual Investors’ mortgages were not released. (Dkt. 1754 at 1; Dkt. 1755 at 2.) To be sure, the Seventh Circuit rejected Group 1 claimant BC57, LLC’s argument that the Illinois common law rule—that payment of a debt underlying a mortgage automatically extinguishes the security interest belonging to the holder of that debt—survived the passage of the Illinois Mortgage Act (“IMA”). *Id.* at 532. Specifically, the Court held “there must be payment *and* delivery of the release to extinguish a mortgage lien.” *Id.* (emphasis in original). UBS AG, however, advances a different argument. As a matter of Illinois law, *and consistent with the Seventh Circuit’s ruling*, having paid the debts underlying the prior liens, UBS AG is *entitled to releases* of the Individual Investors’ mortgages. UBS AG is therefore entitled to priority over the Individual Investors who empowered their agent, EBF, to issue payoff statements and receive payments on their behalf.

II. UBS AG is Entitled to Valid Releases Under the IMA.

The IMA governs the release of mortgages in Illinois and, as relevant here, requires releases for the benefit of UBS AG. The IMA states “every mortgagee of real property, his or her assignee of record, or other legal representative, having received full satisfaction and payment of all such sum or sums of money as are really due to him or her . . . shall make, execute and deliver to the mortgagor . . . an instrument in writing releasing such mortgage . . . or shall deliver that release to the recorder or registrar for recording or registering.” 765 ILCS 905/2. The IMA further requires

that a court order the issuance and delivery of a release when a prior mortgagee fails to deliver a release within 30 days after the payment of the debt secured by such prior mortgage. *See* 765 ILCS 905/4 (“Upon a finding for the party aggrieved, the court **shall** order the mortgagee . . . to make, execute, and deliver the release as provided in Section 2 of [the IMA].”) (emphasis added). Finally, the IMA further confirms that “introduction of a loan payment book or receipt which indicates that the obligation has been paid shall be sufficient evidence to raise a presumption that the obligation has been paid.” *Id.* The IMA does not require anything further from the “party aggrieved.”

Here, UBS AG has satisfied each element under the IMA entitling it to valid releases. First, UBS AG issued payoffs to EBF, the Individual Investors’ “legal representative” within the meaning of the IMA, authorized to receive such payoffs. (*See* UBS Ex. I (CASA § 2(a)); *see also* UBS Exhibit G; Receiver’s Ex. 6.) In fact, the Illinois First District Court of Appeals recognized in *5201 Wash. Investors LLC v. Equitybuild Inc.*, 2024 IL App (1st) 213403-U, that EBF qualifies as a legal representative within the meaning of the IMA, in circumstances arising out of the same Equitybuild scheme, involving the same EBF entity, and the same authorizing agreements (CASAs). *See id.* at ¶ 38. Specifically, in *5201 Wash. Investors*, the Illinois First District Court of Appeals concluded EBF necessarily qualified as a “legal representative” within the meaning of the IMA where the record established EBF was publicly identified as the prior investors’ agent via the same “care of” language seen on the Individual Investors’ mortgages here. (*Id.* at ¶ 38; *see also* Receiver’s Ex. 5, UBS AG Ex. F.) As the Seventh Circuit acknowledged, “[w]ithout guidance from the state’s highest court, ‘decisions of the Illinois Appellate Courts control, unless there are persuasive indications that the Illinois Supreme Court would decide the issue differently.’” *SEC v. Equitybuild, Inc.*, 101 F.4th at 531 (quoting *Nationwide Agribusiness v. Dugan*, 810 F.3d 446,

450 (7th Cir. 2015)). In *5201 Wash. Investors*, the First District’s reasoning was sound and, given the nearly identical facts here, applies with equal force:

Reference to the dictionary reveals that a legal representative is “an agent having legal status.” Merriam- Webster.com Legal Dictionary, Merriam-Webster, <https://www.merriam-webster.com/legal/legal%20representative>. Accessed 2 Aug. 2024. Similarly, Black’s Law Dictionary defines “agent” as “someone who is authorized to act for or in place of another; a representative.” Black’s Law Dictionary (11th ed. 2019). Courts have also recognized that an agent is necessarily a legal representative. *See, e.g., Grane v. Grane*, 143 Ill. App. 3d 979, 985 (1986) (describing defendant as “agent/legal representative”).

2024 IL App (1st) 213403-U, ¶ 38. Even if EBF were not a “legal representative” under the IMA, payment to EBF is equivalent to payment to the lenders themselves, satisfying the IMA payment criteria, as discussed in greater detail below. *See Rockford Life Ins. Co. v. Rios*, 128 Ill. App. 2d 190, 193 (3d Dist. 1970) (“Under the general rules of agency, if [the agent] had either actual or apparent authority to receive the payment, then payment to him had the same legal effect as payment to [the] principal.”).

Second, UBS AG issued payoffs at closing in amounts consistent with the payoff statements indicating the amounts due—and in some cases exceeding those amounts—under each prior investor mortgage. (*See* UBS Exhibit G; Receiver’s Ex. 6.)

Third, UBS AG has submitted evidence demonstrating that the amounts actually due under the Individual Investors’ prior mortgages were paid. (*Id.*)

Fourth, and finally, though the IMA does not require a mortgagor to request a release,¹ UBS AG, through its agent Primary Title, nevertheless required releases to waive the exception

¹ For payoffs made before September 1973, the IMA states a mortgagee shall execute and deliver a release “at the request of the mortgagor.” 765 ILCS 905/2. For payoffs made after September 1973, like UBS AG’s, the IMA’s requirements that a release be issued are automatic, and not triggered by a request. *See id.*; *see also* § 905/4 (confirming mortgagee’s obligation to execute and deliver a valid release in compliance with § 905/2 must be completed “within 30 days *after the payment of the debt.* . .”) (emphasis added)). While UBS AG does not suggest or concede that

for the Individual Investors' mortgages. (UBS AG Ex. E at Schedule B, ¶ 2.) To that end, each payoff statement issued to UBS AG specified "Equitybuild Finance, LLC is willing to give a release in exchange for 100% Net Proceeds which will be paid to the [prior lender] according to the breakdown provided by" EBF. (*See* Receiver's Ex. 6 at PageID 116219, 11623-24.) Given that UBS AG satisfied each of its obligations pursuant to the IMA by making its payment to the Individual Investors' legal representative, EBF, for the balance of the existing debts encumbering the properties, the IMA entitles UBS AG to valid releases.²

it was required to request releases, UBS AG nevertheless cannot now request the releases to which it is entitled under the IMA given that the claimants are "restrained and enjoined from directly or indirectly taking any action or causing any action to be taken . . . which would [i]nterfere with the Receiver's efforts" including "interfering with or creating or enforcing a lien upon any Receivership Assets." (Dkt. 16 at 15.)

² It is UBS AG's position that it is entitled to valid releases for each of the Individual Investors' mortgages having paid the amounts due thereunder to the Individual Investors' agent, EBF, authorized to issue payoff statements and receive such loan payments. However, to the extent the Court believes the Illinois Mortgage Certificate of Release Act ("MCRA") applies to the exclusion of the IMA, UBS AG maintains it similarly would be entitled to issue certificates of release (through its title agent) for the only property conceivably encompassed by the MCRA. Specifically, if the MCRA is found to apply to 2800 E. 81st (the only interest conceivably falling within the definition of "mortgage" under the MCRA, as all of the other Individual Investor mortgages exceeded the original principal amount of \$500,000 and/or were for properties exceeding one to four family units (*see* 765 ILCS 935/5; *see also* Receiver's Ex. 5 (showing mortgage amounts in excess of \$500,000) and Zoning Conformance Report for 7840-7842 S. Yates (submitted with UBS AG's Proof of Claim, at Index Doc. No. 74, attached hereto as Exhibit A, indicating Property 113, at eight units, exceeds the one to four family residential property limit under the MCRA)), UBS AG is entitled to issue and deliver (through its title agent), a certificate of release (*see id.* at § 935/10), which "upon being recorded . . . shall constitute a release of the lien of the mortgage described in the certificate of release" (*id.* at § 935/35), and as such should be awarded priority. Because it is clear the prior Individual Investors "object," UBS AG cannot proceed under the MCRA, at least absent court order. *See* 765 ILCS 935/20(b) (a certificate of release must contain a statement that there is no objection by the mortgagee). However, following the payoff to the Individual Investors' authorized agent, UBS AG is entitled to releases and priority, whether under the IMA, as UBS AG believes is appropriate (the IMA applies because UBS AG cannot avail itself of the MCRA due to the Individual Investors' objection), the MCRA itself (because the Court must be able to resolve disputes where a payoff was made in conformity with the MCRA but the lender objects to a certificate of release), or under general principles of agency and common law, as discussed herein.

The Seventh Circuit’s Group 1 decision supports this conclusion. As noted, the Seventh Circuit held that the IMA abrogated the common law principle that payment of the debt underlying a prior mortgage extinguishes that mortgage. *SEC v. Equitybuild, Inc.*, 101 F.4th at 532. Instead, “the [IMA] obligates a mortgagee to issue a release of the mortgage upon full satisfaction of the debt underlying the lien.” *Id.* at 531. That obligation finds support in the IMA’s purpose: the IMA was designed “to allow the mortgagor to obtain a release when the terms of the mortgage have been fully satisfied” and to “protect[] the free alienability of land.” *In re Gluth Bros. Constr. Inc.*, 451 B.R. 447, 451 (Bankr. N.D. Ill. 2021). Having met the requirements under the IMA—by issuing payment of the amounts due under the prior liens to the Individual Investors’ agent authorized (actually and apparently) to receive those payments—UBS AG is entitled to valid releases under the IMA. *See Franz v. Calaco Dev. Corp.*, 352 Ill. App. 3d 1129, 1150-1152 (2d Dist. 2004) (recognizing “the [IMA] unambiguously requires a mortgagee to release his mortgage upon receiving full payment under the mortgage” and ordering plaintiff to “execute and deliver a release of the mortgage as required by section 2 of the [IMA].”); *In re Estate of Schroeder*, 2022 IL App (5th) 210163-U (ordering bank to execute and deliver a release pursuant to section 2 of the IMA). To conclude otherwise would read a loophole into the IMA, wherein a mortgagor could comply with all of its obligations under the IMA, by submitting payment to a legal representative in satisfaction of the prior lien debt, but receive none of the IMA’s protections. Indeed, reading the IMA this way undercuts the very rights the IMA is designed to protect.

Illinois case law supports this conclusion, too. Once payment is made to a legal representative, the burden does not shift back to the payor to confirm that the legal representative remits those funds to its principal. *Rockford Life Ins. Co. v. Rios*, 128 Ill. App. 2d 190 (3d Dist. 1970) is particularly instructive in this regard. As the Seventh Circuit explained, “[i]n *Rockford*,

the Illinois Appellate Court **ordered the release of a mortgage** after it determined that the note securing the mortgage **had been properly paid** to the mortgagee’s authorized **agent.**” *SEC v. Equitybuild, Inc.*, 101 F.4th at 532 (emphasis added). Having paid the authorized agent in *Rockford*, “the payor [was] not bound to inquire into the application of such payment. The default of such agent is the responsibility of the principal.” *Rockford Life Ins Co.*, 128 Ill. App. 2d at 195. The court reasoned “[it] is the principal who in the first instance selects the agent, grants him the authority and enables him to come into possession of the funds which are diverted. It is this conduct which makes the loss possible and the principal **may not shift the burden to the party dealing with his agent.**”³ *Id.* (emphasis added).

Here, like *Rockford*, the Individual Investors expressly authorized EBF to act as their agent—at a minimum, to “issue payoff demands” and “demand, receive and collect all Loan payments.” (UBS AG’s Exhibit I, § 9(a).) The Authorization Document also confirmed EBF’s authority to receive payoffs as the Individual Investors’ agent and trustee. (UBS AG Ex. J.) Because the Individual Investors—not UBS AG, a third party with no agency relationship with EBF or Equitybuild—empowered EBF to act as the collateral agent and servicer of their loan, they must bear the responsibility for their agent’s wrongful conduct, and the Court must order a release of the mortgage, giving UBS AG priority. *See Rockford Life Ins. Co.*, 128 Ill. App. 2d at 193, 195 (affirming trial court holding including that “defendants were entitled to a release of the mortgage”

³ In its Group 1 ruling, the Court distinguished *Rockford* on the basis that the “contract between *Rockford* and *Roe* did not ‘include any limitations or exceptions on the authority of the agent’ to collect payments,” while the “contract here explicitly barred *Equitybuild Finance* from unilaterally releasing the mortgages.” (Dkt. 1386 at 21-22.) As relevant here, however, the contract between EBF and the Institutional Lenders (the CASAs) contains no limitation on EBF’s authority to issue payoff statements or receive loan payments. Instead, the CASAs authorized EBF, among other things, to “issue payoff demands” and “demand, receive and collect all Loan payments.” (UBS AG Ex. I at § 9(a).)

where the “note secured by the mortgage had been paid in full” by payment to the agent); *see also M&T Bank v. Mallinckrodt*, 2015 IL App (2d) 141233, ¶ 52 (“Where one of two innocent persons must suffer by reason of the fraud or wrong conduct of another, the burden must fall upon him who put it in the power of the wrongdoer to commit the fraud or do the wrong.”).

Finally, the Illinois Fiduciary Obligations Act,⁴ 760 ILCS 65 *et seq.* (“IFOA”), similarly protects UBS AG in these circumstances, consistent with both the IMA, *Rockford*, and principles of agency. The IFOA is intended to protect payors such as UBS AG. *See* 760 ILCS 65/1(1). The purpose of the IFOA is “to facilitate the fiduciary’s performance of his responsibilities by limiting the liability of those who deal with him.” *Praither v. Northbrook Bank & Tr. Co.*, 2021 IL App (1st) 201192, ¶ 27 (citations omitted). The IFOA thus serves to “facilitate banking and financial transactions and place[s] on the principal the burden of employing honest fiduciaries.” *Cty. of Macon v. Edgcomb*, 274 Ill. App. 3d 432, 435, (4th Dist. 1995).

The IFOA broadly defines “fiduciary” to include an agent, which EBF undoubtedly was on behalf of the Investor-Lenders. *See* 760 ILCS 65/1(1) (including “agent” as a “fiduciary” within the meaning of IFOA). The IFOA further defines “fiduciary” to include a trustee, which EBF was by virtue of the Authorization Document. (*See* UBS AG Ex. J.) While UBS AG acknowledges the CASA indicates “neither the Collateral Agent nor the Servicer shall have . . . a fiduciary relationship with any Lender,” (*see* UBS AG Ex. I, § 2(a)), Illinois courts disfavor advance waivers of fiduciary duties. *See Labovitz v. Dolan*, 189 Ill. App. 3d 403 (1st Dist. 1989) (“Defendants cite no authority, and we find none, for the proposition that there can be an *a priori* waiver of fiduciary

⁴ Respectfully, the Court’s ruling in Group 1 that the IFOA does not apply because the CASAs “expressly disclaimed” a fiduciary relationship between EBF and the Individual Investors (Dkt. 1386 at 20) is not binding on UBS AG (*see* Dkt. 941 at 7) and, in any event, should be reconsidered by the Court.

duties in a partnership – be it general or limited.”). Further, fiduciary relationships are born out of the parties conduct, not labels. *See, e.g., McNerney v. Allamuradov*, 2017 IL App (1st) 153515, ¶ 69. To that end, Equitybuild expressly represented EBF as a fiduciary in communications with UBS AG. (*See* Receiver’s Ex. 21 (“The proceeds from this refinance will go to Equitybuild Finance **as the fiduciary and servicer**, who then releases the mortgage and returns funds to the end investor.”) (emphasis added).)

Here, it is undisputed that EBF was the individual investors’ agent (and trustee) (*see* UBS AG Exs. I, J), which expressly brings their relationship into the zone of protection provided by the IFOA. EBF and the individual investors did not have the privilege or right of agreeing between themselves to deprive UBS AG and others of the protections the legislature provided through the IFOA by attempting to voluntarily disclaim EBF was a “fiduciary,” particularly where the IFOA’s provisions expressly define and establish EBF as a “fiduciary” within the meaning of the act.⁵

Accordingly, having satisfied its obligations under the IMA and Illinois common law, UBS AG is entitled to valid releases and therefore priority over the Individual Investors who empowered their agent to receive UBS AG’s payoffs. The Court should, therefore, direct the Individual Investors to issue releases to UBS AG of their respective mortgages on Property Nos. 108-113.

III. The Individual Investors are not Entitled to Priority by Virtue of “Equitable Liens.”

The Individual Investors alternatively assert that “the Court should hold that the Individual Investors have equitable liens on the properties and in the proceeds of sale of such properties superior to the Institutional Lenders’ mortgages.” (Dkt. 1755 at 2.) There is no evidentiary basis whatsoever to impress an equitable lien here. UBS AG does not contest that the Individual

⁵ The protections set forth within the IFOA also exist in common law. *See M&T Bank*, 2015 IL App (2d) 141233, *supra*.

Investors had valid mortgage liens—UBS AG paid the amounts due under those liens to close its loan. In any event, the imposition of equitable liens would not change the foregoing analysis with respect to the operation of the IMA following UBS AG’s payment to the Individual Investors’ legal representative. The Individual Investors, in short, simply ask far too much of equitable lien principles. Moreover, the suggestion that the prior Individual Investors have priority because UBS AG’s due diligence efforts were “lax” is totally unfounded. (Dkt. 1755 at 3.)

The Individual Investors concede that “[g]enerally, the holder of an equitable lien cannot take priority over the interest of a party who acquires an interest in a property without notice of the equitable interest.” *Id.* at 3 (citing *Stump v. Swanson Development Co., LLC*, 2014 IL App (3d) 110784). The Individual Investors assert, however, that the “Institutional Lenders were making loans to a business that trumpeted its crowdsourced funding and used lenders like them to refinance that funding” and thus “should have been on inquiry to investigate whether there were any existing loans on the properties.” *Id.* at 3-4.

To be clear, UBS AG *did* inquire with Equitybuild representatives about prior liens, then received payoff statements detailing the amounts due under those liens, and issued payoffs to the authorized servicer, EBF, to satisfy those prior liens. (See UBS Exs. E, G; Receiver’s Ex. 6.) Moreover, Equitybuild affirmatively represented to UBS AG that EBF would be responsible as “fiduciary and loan servicer” for distributing proceeds from UBS AG’s loan to the Individual Investors and explained that, after receiving the funds, EBF would “then release[] the mortgage and return[] funds to the end investor.” (See Receiver’s Ex. 21.) In light of these representations, there was simply nothing further for UBS AG to do. As described, UBS AG was under no duty to ensure the payments were passed to the Individual Investors themselves. To the contrary,

Illinois law absolves UBS AG of any such obligation. *See Rockford Life Ins Co.*, 128 Ill. App. 2d at 195; *M&T Bank*, 2015 IL App (2d) 141233 at ¶ 52; *see also* 760 ILCS 65 *et seq.*

CONCLUSION

For the aforementioned reasons, and for the reasons stated in UBS AG's Position Statement (Dkt. 1756), UBS AG is the only secured interest in Properties 108, 109, 110, 111, 112, and 113 and UBS AG is therefore entitled to priority as a matter of law. Under the IMA, UBS AG is entitled to releases from the Individual Investors of their prior (and paid off) mortgages, and the Court should direct them to issue such releases. As the secured claimant with priority, UBS AG is further entitled to receive the entirety of its secured claim up to the amount of the net proceeds from the Receiver's sale of Properties 108, 109, 110, 111, 112, and 113.

Dated: October 15, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2024, I electronically filed the foregoing **RESPONSIVE POSITION STATEMENT OF CLAIMANT UBS AG (PROPERTIES 108, 109, 110, 111, 112, and 113)**, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record, and further caused the foregoing to be served upon all members of Claims Group 6 by email to the distribution list via equitybuildclaims@rdaplawn.net.

/s/ Andrew R. DeVooght _____

Andrew R. DeVooght

EXHIBIT A



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ZONING CONFORMANCE REPORT FOR

**7840-7842 SOUTH YATES BOULEVARD
CHICAGO, ILLINOIS**

PREPARED FOR

**UBS AG,
BY AND THROUGH ITS BRANCH OFFICE AT
1285 AVENUE OF THE AMERICAS,
NEW YORK, NEW YORK
ITS SUCCESSORS AND ASSIGNS**

DATE: 5/11/2017 (Final)

HZA REPORT NO. 6560-1

I. Conformance Summary

1. **Conformance Status of the Project:**

Legal Nonconforming

The original construction of this site (1961 per client provided information) predates the 2004 adoption of the current Zoning Code and predates the adoption of the original zoning code in the 1950's.

Per the City of Chicago Zoning Code: "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."

17-1-0200 Effective date: 17-1-0200 Effective date.

"the provisions of this Zoning Ordinance become effective on August 1, 2004."

2. **Legal Nonconforming Characteristics:**

a. Building encroaches into the required 38 Foot Rear Setback an estimated 8 Feet.

b. Lot Area per Unit is deficient a combined total 1,815.27 SF.

c. Floor Area Ratio (FAR) exceeds the Maximum 1.2 by .20 (or an estimated excess floor area of 1,221 SF).

d. Parking is deficient 8 spaces (which includes 1 Handicap Space).

3. **Legal Nonconforming Rebuild Section from Code:**

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. (See attached for full text).

II. Site Information/Jurisdiction/Zoning Designation

1. Site Name	7840 -7842 South Yates Boulevard
2. Site Address	7840-7842 South Yates Boulevard Chicago, IL
3. Site Area	0.1419 Acres or 6,184.73 SF +/-
4. Jurisdiction	City of Chicago
5. Zoning Designation	RT-4 (Residential Two-Flat, Townhouse and Multi-Unit Districts)
6. Zoning Ordinance Date	Current as Provided by www.amlegal.com
7. Abutting Zoning (if applicable)	Not Applicable

III. Use Information

1. Existing Use(s)	Multifamily Residential (8 Units)
Is the Existing Use Conforming?	Yes, a Permitted Use.

IV. Site Requirements

1. SETBACKS

a. Front

17-2-0305-B

Buildings 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. The decision to comply with the fixed front setback standard or the average front setback standard is left to the builder / property owner.

Per review of an aerial photo it is determined the subject site is setback a minimum average of the surrounding buildings.

On lots with multiple street frontages, the property owner may select either street property line as the front property line

b. Sides

5 Feet Required Setback

17-2-0309-A

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:

[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.

c. Rear

38 Feet Required Setback

17-2-0306-C

The minimum rear setback for principal buildings other than detached houses is 30% of lot depth or 50 feet, whichever is less.

d. Separations

17-2-0310-C

Front and Rear Walls: Facing Interior Side Property Line:

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.

Continued on the next page.

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.

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: Minimum Separation 30 Ft.

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.

Are Existing Setbacks Conforming? No, See Section I

2. SITE AREA

a. Site Area	Minimum Lot Area: 1,650 SF Minimum 1,000 SF per Unit (8 Units X 1,000 SF = 8,000 SF)
b. Existing Site Area	0.1419 Acres or 6,184.73 SF +/-

Is the Existing Area Conforming? Yes to Lot Area, No to Minimum Area per Unit. See Section I.

3. BUILDING HEIGHT

a. Maximum Height	38 Feet
b. Existing Height	2 Stories with Basement / 25 Feet

Is the Existing Height Conforming? Yes

4. DENSITY

a. Density Requirements Maximum Floor Area Ratio (FAR) 1.20
 (8,643 SF / 6,184.73 SF = 1.40 FAR)

Minimum Required Rear Yard Open Space: 65 SF per Unit (65 SF X 8 Units = 520 SF) or 6.5% of the Lot Area (6,184.73 SF X 6.5% = 402 SF) whichever is greater.
 (Existing Rear Yard Open Space: 1,314 SF)

Minimum Dimension on Any Side (feet) 12 Ft.

Off-street parking areas and driveways may not be used to satisfy rear yard open space requirements.

17-2-0312

Minimum Required 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. (8,643 SF/ 8 = 1,080 SF +/-)

Maximum 20% Efficiencies (No Efficiency Units noted)

b. Existing Building Foot Print 2,520.21 SF (8,643 SF Gross Floor Area per client provided information)

Is the Existing Density Conforming? Yes to Rear Yard Open Space & Average Dwelling Unit Size, No to Floor Area Ratio (FAR). See Section I.

5. OFF-STREET PARKING

a. Parking Formula(s) Multi-Unit Residential
1 Space per Unit

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.
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

b. Required Parking Spaces 8 Required Parking Spaces
(Includes 1 Handicap Parking Spaces)

c. Existing Parking Spaces No Existing Parking Spaces

Is the Existing Parking Conforming? No, See Section I.

V. Site Plan Approval and/or Special Permits or Conditions

a. Site Plan Approval or Planned Unit Development: PUD is not applicable. Site Plan is not Available.

b. Other: Not Applicable.

c. Condemnation Proceedings: The Department of Transportation is responsible for the construction, maintenance and management of ground transportation related public way infrastructure in Chicago. Nearly all work conducted by the Department of Transportation occurs on existing rights of way, does not involve any property acquisition or would cause this property to lose any land for improvements. In unusual circumstances where we may need to acquire ROW (right of way), the City of Chicago would notify the property owner in advance. CDOT does not possess any records that are responsive to this request. See attached.

VI. Violation Information

ARE THERE ANY OPEN BUILDING, ZONING OR FIRE CODE VIOLATIONS ON FILE?

Per a records search conducted by the City of Chicago Department of Buildings, there are several open violations of record (inspections, repairs, building registration, etc.), see attached. However, the owner has certified that all violations are cured and has provided a listing of all violations appearing of record with an explanation on the closure or remediation of each violation, see attached. It should also be noted, based upon previous experience with the City of Chicago, the City often fails to close resolved violations in their system.

There are no open Fire Code Violations per online search performed by Sherri Logan Hicks, Freedom of Information Officer, Chicago Fire Department. See attached.

VII. Certificate of Occupancy Information

ARE CERTIFICATES OF OCCUPANCY ON FILE OR AVAILABLE FOR THIS SITE?

This site predates the requirement for Certificates of Occupancy. Per Scott Franckowiak, New Construction Supervisor, Certificates of Occupancy were not required by the City of Chicago until 1993 (approximate date). Today, a new CO is only required whenever there is a renovation or improvement to an existing building or tenant space encompassing an area of 10,000 SF or greater. Therefore, this site predates the CO requirement and in this case, the absence of a CO is not considered a violation and will not give rise to enforcement action.

ADDITIONAL COMMENTS SECTION: None

Howard Zoning Associates, LLC has relied upon information provided by:

Jurisdiction Contacts: City of Chicago Inspections Department Scott Franckowiak New Construction Supervisor (312) 743-3533 Planning Department of Housing and Economic Development (312) 744-4179	Surveyor: Wayls Survey, LTD 10848 S. Halsted Chicago, IL Order # 2017-03-86 Date: 5/9/2017
---	--

This Report (#6560-1cp/ch) was prepared by Howard Zoning Associates, LLC. For questions please contact Carri Howard by phone at (405) 359-6292 or by email at carri@howardzoning.com



Howard Zoning Associates, LLC

19045 North Rockwell Avenue • Edmond, OK 73012

Tel: (405) 359-6292 • Toll Free Fax: (877) 655-6292

Email: carri@howardzoning.com

DOCUMENTS



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

March 22, 2017

Kim Dunn
Howard Zoning Associates
19045 N. Rockwell Avenue
Edmond, OK 73012

RE: 7840 S. Yates

Dear Applicant:

In response to your letter of request the Department records reflect the following information:

The above referenced location per our current zoning map is zoned a **RT-4**. Based on the information available and reviewed by the department the subject site is not located within a Planned Development. There are no variances, special uses or appeals on file for this location.

Effective January 1, 2012, all enforcement and inspectional services were transferred to the Department of Buildings. Please contact the Department of Buildings for any and all violations on this parcel.

We are unable to determine compliance or legal non-conforming status. In order to make this determination please provide copies of approved /stamped drawings, permits and copies of current valid business licenses for this location.

Please use our on-line ordinance to verify the permitted uses, abutting zoning districts, setback, height, parking and floor area requirements for this zoning district. The web address is <https://gisapps.cityofchicago.org/zoning/liability.html>. *(Note: the zoning maps may take up to 90 days from date of passage for a zoning amendment to reflect the new zoning district.)*

The Department of Planning and Development is glad to be of service to you. If you require additional assistance please email Victoria.Lozano@cityofchicago.org.

Thank you for your inquiry.

Respectfully,

Patricia Scudiero
Zoning Administrator
PAS/ vlo

7840-7842 S. Yates Avenue

Inspection Number	Inspection Date	Violation Number	Building Code Citation	Violation Details	Status	Explanation
11031863	11/15/2013	PL154027	Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430).	No hot water in units 1A and 2A due to no gas in building.	Conservation Inspection Complaint - Failed.	<u>Cured in administrative hearing 13PO369937</u>
11031863	11/15/2013	CN132016	Heat dwelling unit adequately from 09/15 to 06/01. (13-196-410).	Tenants are using electric heaters for heating due to no gas. 60 in 1A =61 in 2A.	Conservation Inspection Complaint - Failed.	<u>Cured in administrative hearing 13PO369937</u>
11031863	11/15/2013	CN046013	Stop using cooking or water heating device as heating device. (13-196-400).	Tenants in units 1A and 2A are using electric heaters for heating. 60 in 1A - 61 in 2A = 30-day old baby in unit.	Conservation Inspection Complaint - Failed.	<u>Cured in administrative hearing 13PO369937</u>
10961244	05/23/2013	CN190019	Arrange for inspection of Premises. (13-12-100).	Unit 2C	Plumbing Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>
10961244	05/23/2013	PL171027	Employ licensed and bonded plumber to perform	Unlicensed plumbers doing work to	Plumbing Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>

			plumbing work. (18-29-106.1 thru 106.2).	remove sinks.		
10961244	05/23/2013	PL17017	Obtain permit for plumbing work before undertaking work. (18-29-106.1).	Stop work until plumbing permit is obtained for installing lavatory and kitchen sink in Unit 2C – rear unit on second floor.	Plumbing Inspection Complaint - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>
10924254	03/19/2013	CN190019	Arrange for inspection of Premises. (13-12-100).	Unable to inspect all apartments . Unverified detectors and occupancy .	Conservation Inspection Complaint - Failed	<u>Inspection arranged</u>
10924254	03/19/2013	CN065024	Failed to maintain projection from wall of building in good repair and free from cracks and defects. (13-196-530(e) and 13-196-641).	Awning leaning at NE corner.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>

1092425 4	03/19/2013	CN0700 14	Failed to maintain exterior stairways in safe condition and in sound repair. (13-196-570 and 13-196-641).	West, east, north elevations – Exterior stairs – Foundation status unknown; undersized 4x4 columns out of plumb, bearing on retaining wall, stringers inadequately supported at columns, rail height only 34 ½"; spindles missing at rails; handrails, broken at landing between 2 nd a & 3 rd floor (west). Permit required to repair exterior wooden stairs	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>
1092425 4	03/19/2013	CN1040 15	Replace broken, missing or defective window	South – 1 st floor – Glass block windows –	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>

			panes. (13-196-550A).	Broken panes; East – 2 nd floor (Unit 2B) – Storm windows missing.		
10924254	03/19/2013	CN077014	Failed to maintain fence in good condition and repair. (7-28-060, 13-196-641).	Front gate – Loose door knob.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>
10924254	03/19/2013	CN194019	Repair or replace.	#7840-2B – Kitchen – Broken drawers and cabinet doors. (Sec. 7-28-060)	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>
10924254	03/19/2013	EL0023	Install cover on outlet or junction. (18-27-370.25).	#7840-2B – Kitchen – Cover missing on ceiling fixture.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>
10924254	03/19/2013	NC9012	Failed to provide partitions or walls of non-combustible construction or of materials with at least half hour fire resistance	#7840-2B – Kitchen – Wood paneling on walls.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>

			in buildings of Type III-B (ordinary construction) or Type IV-A (combustible frame construction). (15-8-260(c)).			
10924254	03/19/2013	PL157047	Stop leaking water. (18-29-102.3).	#7840-2B – Bathroom – Water leaking; ceiling has fallen exposing rough framing and plumbing; furnace closet - Water leaking through hole at ceiling.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>
10924254	03/19/2013	CN102015	Failed to maintain interior walls, ceilings and woodwork free from flaking, peeling, chipped or loose paint. (13-196-540(d)).	#7840-2B – Bathroom – Water stains on walls.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing 13PO369937</u>

1092425 4	03 3/19/2013	CN1010 15	Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c)).	#7840-2B – Bathroom – Ceiling has fallen; framing and plumbing exposed; drywall missing; water leaking; Furnace closet – Holes in ceiling.	Conservation Inspection Complaint - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>
1075294 1	12/21/2012	CN1900 19	Arrange for inspection of premises. (13-12-100).	Call for inspection when work is completed at 312-743-0143 mon-fri.	Plumbing Complaint Inspection - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>
1075294 1	12/21/2012	PL23702 0	Provide proper material for water supply pipe. (918-29-605)	Replace flex water supplies all fixtures.	Plumbing Complaint Inspection - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>
1075294 1	12/21/2012	PL15704 7	Stop leaking water (18-29-102.3)	In bathroom apartment 2a,	Plumbing Complaint Inspection - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>
1028500 4	066/022/20 11	CN1900 19	Arrange for inspection of premises. (13-12-100).	Building no entry to check occupancy , detectors exterior stair systems and complaint	Conservation Complaint Inspection - Failed	<u>Cured in administrative hearing</u> <u>13PO369937</u>

				of mold in Unit 3B.		
1855203	02/27/2007	CN132016	Heat dwelling unit adequately from September 15 th to June 1 st . (13-196-410).	Heat dwelling units.	Conservation Complaint Inspection – Failed	<u>Cured in administrative hearing 13PO369937</u>
1855203	02/27/2007	PL154027	Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430).	Apartment 1C – No hot water.	Conservation Complaint Inspection – Failed	<u>Cured in administrative hearing 13PO369937</u>
1855203	02/27/2007	CN104075	Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f)).	Apartment 1C – drafty windows and doors.	Conservation Complaint Inspection – Failed	<u>Cured in administrative hearing 13PO369937</u>
1835221	01/30/2007	CN198019	File building registration statement	Register Building for 2006 and 2007.	Conservation Complaint	<u>Cured in administrative hearing 13PO369937</u>

			with Building Dept. (13-10-030, 13-10-040.)		Inspection – Failed	
1835221	01/30/2007	CN073014	Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e), 13-196-641).	Basement exterior door utility room wood split.	Conservation Complaint Inspection – Failed	<u>Cured in administrative hearing 13PO369937</u>
1835221	01/30/2007	CN070024	Failed to repair or replace defective or missing members of porch system. (13-196-570, 13-196-641).	North porch improper pickets (lookout rusted soffit and fascia siding loose and buckling.)	Conservation Complaint Inspection – Failed	<u>Cured in administrative hearing 13PO369937</u>
1827125	01/22/2007	CN104075	Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f)).	Cold air seeping through front door. Cold air seeping through air conditioner.	Conservation Complaint Inspection - Failed	<u>Cured in administrative hearing 13PO369937</u>

1827125	01/22/2007	CN046013	Stop cooking or water heating devise as heating device. (13-196-400).	Tenant using stove as heating device.	Conservation Complaint Inspection – Failed	<u>Cured in administrative hearing 13PO369937</u>
		CN136016		Exterminate roaches and keep dwelling insect free (13-196-630C)	Violation Date – 02/27/2007	<u>Remediated and has current pest control logs on site.</u>

NOTE: There are 8 closed violations for this property which are not part of the above violation list.

Open Violations for 7840 - 7840 S YATES AVE

Address	App.Type	Insp.Type	Viol. Date	Violation Description
7840 S YATES BLVD Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f))	CN_COMPL	CN_COMPL	01/22/2007	CN104075: WINDOW REPAIR FOR AIR SEEPAGE
Cold air seeping through front door. Cold air seeping through air conditioner.				
7840 S YATES BLVD Stop using cooking or water heating device as heating device. (13-196-400)	CN_COMPL	CN_COMPL	01/22/2007	CN046013: UNAPPROVED HEATING DEVICE
Tenant using stove s heating device.				
7840 S YATES BLVD File building registration statement with Building Dept. (13-10-030, 13-10-040)	CN_COMPL	CN_COMPL	01/30/2007	CN198019: FILE BLDG REGISTRATION
REGISTER BUILDING FOR 2006, 2007.				
7840 S YATES BLVD Failed to repair or replace defective or missing members of porch system. (13-196-570, 13-196-641)	CN_COMPL	CN_COMPL	01/30/2007	CN070024: REPAIR PORCH SYSTEM
NORTH PORCH IMPROPER PICKETS (LOOKOUT RUSTED SOFFIT AND FASCIA SIDING LOOSE AND BUCKLING).				
7840 S YATES BLVD Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e), 13-196-641)	CN_COMPL	CN_COMPL	01/30/2007	CN073014: REPAIR EXTERIOR DOOR
BASEMENT EXTERIOR DOOR UTILITY ROOM WOOD SPLIT.				
7840 S YATES BLVD Exterminate roaches and keep dwelling insect-free. (13-196-630 C)	CN_COMPL	CN_COMPL	02/27/2007	CN136016: ROACHES
heat dwelling units				
7840 S YATES BLVD Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)	CN_COMPL	CN_COMPL	02/27/2007	PL154027: SUPPLY HOT WTR MIN TEMP 120DEG
apartment 1c no hot water				
7840 S YATES BLVD Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f))	CN_COMPL	CN_COMPL	02/27/2007	CN104075: WINDOW REPAIR FOR AIR SEEPAGE
apartment 1c drafty windows and doors				
7840 S YATES BLVD Arrange for inspection of premises. (13-12-100)	CN_COMPL	CN_COMPL	06/02/2011	CN190019: ARRANGE PREMISE INSPECTION
building no entry to check occupancy detectors exterior stair systems and complaint of mold in unit 3B.				
7840 S YATES BLVD Stop leaking water. (18-29-102.3)	PL_COMPL	PL_COMPL	12/21/2012	PL157047: STOP LEAKING WATER
in bathroom apartment 2a				
7840 S YATES BLVD Provide proper material for water supply pipe. (18-29-605)	PL_COMPL	PL_COMPL	12/21/2012	PL237020: PROPER MATRL WATER SUPPLY PIPE
replace flex water supplies all fixtures				
7840 S YATES BLVD Arrange for inspection of premises. (13-12-100)	PL_COMPL	PL_COMPL	12/21/2012	CN190019: ARRANGE PREMISE INSPECTION
call for inepection when work is completed at 312-743-0143 mon-fri				
7840 S YATES BLVD Failed to maintain exterior stairways in safe condition and in sound repair. (13-196-570, 13-196-641)	CN_COMPL	CN_COMPL	03/19/2013	CN070014: REPAIR EXTERIOR STAIR
West, east, north elevations - Exterior stairs - Foundation status unknown; undersized 4x4 columns out of plumb, bearing on retaining wall; stringers inadequately supported at columns; rail height only 34 1/2"; spindles missing at rails, handrails, broken at landing between 2nd & 3rd floor (west). Permit required to repair exterior wooden stairs.				

Total records: 29

Open Violations for 7840 - 7840 S YATES AVE

Address	App.Type	Insp.Type	Viol. Date	Violation Description
7840 S YATES BLVD Failed to maintain interior walls, ceilings and woodwork free from flaking, peeling, chipped or loose paint. (13-196-540(d)) #7840-2B - Bathroom - Water stains on walls	CN_COMPL	CN_COMPL	03/19/2013	CN102015: INT WALL/CEILING PEELING PAINT
7840 S YATES BLVD Install cover on outlet or junction box. (18-27-370.25) #7840-2B - Kitchen - Cover missing on ceiling fixture	CN_COMPL	CN_COMPL	03/19/2013	EL0023: INSTALL COVERS
7840 S YATES BLVD Failed to provide partitions or walls of non-combustible construction or of materials with at least half hour fire resistance in buildings of Type III-B (ordinary construction) or Type IV-A (combustible frame construction). (15-8-260(c)) #7840-2B - Kitchen - Wood paneling on walls	CN_COMPL	CN_COMPL	03/19/2013	NC9012: III-B AND IV-A FIRE RESISTANCE
7840 S YATES BLVD Arrange for inspection of premises. (13-12-100) Unable to inspect all apartments. Unverified detectors and occupancy.	CN_COMPL	CN_COMPL	03/19/2013	CN190019: ARRANGE PREMISE INSPECTION
7840 S YATES BLVD Stop leaking water. (18-29-102.3) #7840-2B - Bathroom - Water leaking; ceiling has fallen exposing rough framing and plumbing; furnace closet - Water leaking through hole at ceiling	CN_COMPL	CN_COMPL	03/19/2013	PL157047: STOP LEAKING WATER
7840 S YATES BLVD Replace broken, missing or defective window panes. (13-196-550 A) South - 1st floor - Glass block windows - Broken panes;	CN_COMPL	CN_COMPL	03/19/2013	CN104015: REPLACE WINDOW PANES, PLEXGLAS
East - 2nd floor (Unit 2B) - Storm windows missing				
7840 S YATES BLVD Repair or replace #7840-2B - Kitchen - Broken drawers and cabinet doors (Sec.7-28-060)	CN_COMPL	CN_COMPL	03/19/2013	CN194019: REPAIR OR REPLACE
7840 S YATES BLVD Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c)) #7840-2B - Bathroom - Ceiling has fallen; framing and plumbing exposed; drywall missing; water leaking;	CN_COMPL	CN_COMPL	03/19/2013	CN101015: REPAIR INTERIOR WALLS/CEILING
Furnace closet - Holes in ceiling				
7840 S YATES BLVD Failed to maintain fence in good condition and repair. (7-28-060, 13-196-630, 13-196-641) Front gate - Loose door knob	CN_COMPL	CN_COMPL	03/19/2013	CN077014: REPAIR FENCE
7840 S YATES BLVD Failed to maintain projection from wall of building in good repair and free from cracks and defects. (13-196-530(e), 13-196-641) Awning - Leaning at NE corner	CN_COMPL	CN_COMPL	03/19/2013	CN065024: MAINTAIN PROJECTIONS
7840 S YATES BLVD Obtain permit for plumbing work before undertaking work. (18-29-106.1) stop work until plumbing permit is obtained for installing 1). lavatory and kitchen sink in unit (2-C) rear unit second floor	PL_COMPL	PL_COMPL	05/23/2013	PL171017: OBTN PERMIT FOR PLUMBING WORK
7840 S YATES BLVD Employ licensed and bonded plumber to perform plumbing work. (18-29-106.1 thru 106.2) unlicense plumbers doing work remove sinks	PL_COMPL	PL_COMPL	05/23/2013	PL171027: LICENSED BONDED PLMBG CONTRCTR
7840 S YATES BLVD Arrange for inspection of premises. (13-12-100) unit (2-C)	PL_COMPL	PL_COMPL	05/23/2013	CN190019: ARRANGE PREMISE INSPECTION

Total records: 29

Open Violations for 7840 - 7840 S YATES AVE

Address	App.Type	Insp.Type	Viol. Date	Violation Description
7840 S YATES BLVD Stop using cooking or water heating device as heating device. (13-196-400) Tenants in units 1A and 2A are using electric heaters for heating. 60 in 1A - 61 in 2A ==30 day old baby in unit	CN_COMPL	CN_COMPL	11/15/2013	CN046013: UNAPPROVED HEATING DEVICE
7840 S YATES BLVD Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430) No hot water in units 1A and 2A due to no gas in building.	CN_COMPL	CN_COMPL	11/15/2013	PL154027: SUPPLY HOT WTR MIN TEMP 120DEG
7840 S YATES BLVD Heat dwelling unit adequately from September 15th to June 1st. (13-196-410) Tenants are using electric heaters for heating due to no gas. 60 in 1A = 61 in 2A	CN_COMPL	CN_COMPL	11/15/2013	CN132016: HEAT UNIT ADEQUATELY



CHICAGO FIRE DEPARTMENT
CITY OF CHICAGO

March 13, 2017

VIA EMAIL

Kim Dunn
Howard Zoning Associates
kim@howardzoning.com

FOIA RESPONSE: 17-1936

Dear Ms. Dunn:

Thank you for writing to the Chicago Fire Department (CFD) with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq. On March 7, 2017 we received the attached request.

Your request has been granted and enclosed is a responsive document.

Sincerely,

Sherri Logan Hicks

Freedom of Information Officer
Chicago Fire Department
CFDFOIA@cityofchicago.org

17-1936

Hicks, Sherri

From: Kim Dunn <kim@howardzoning.com>
Sent: Monday, March 06, 2017 6:15 PM
To: CFDFOIA
Subject: Open Records Request for any open/active FCV
Attachments: FOIA for FCV.zip

Good Afternoon,

Please see the attached requests for any open/active fire code violations on record only for the following properties:

- 7840 S Yates, Pin#20254300380000- Apartment complex.
- 2800, 2802, 2804, 2806, 2810 E 81st Street, Pin# 21312080230000, Year built: 1926; Apartment complex.
- 1422, 1424 E 68th Street; Pin#20234040160000. Apartments.
- 4750 S Indiana Avenue; Pin# 20101020230000. Believe 112 yrs old? Apartments
- 6558 S Vernon Avenue AKA 416, 418, 420, 422, 424 E 66th Street; Pin# 20222160390000; Apartments
- 5618 and 5620 S Dr. Martin Luther King Drive; Pin#20151120190000; Apartments
- 2220, 2222, 2224 and 2226 East 75th Street; Pin#20252250270000; Apartments and Retail.

Thanks and have a nice week!

Kim Dunn

Howard Zoning Associates LLC



CITY OF CHICAGO
CHICAGO FIRE DEPARTMENT
Bureau of Fire Prevention
444 North Dearborn Street
Chicago, IL 60610



REQUEST FOR INFORMATION:

Printed 03/08/2017

PROPERTY ADDRESS: 2220 - 2226 E 75th St

REPORTING PERIOD: 2012 - 2017

AP#: FPBBLD66301

PROPERTY ADDRESS: 2220 E 75TH ST

TYPE: BUILDING ANNUAL

PRIMARY APPLICANT: DAVID ROYSTER

<u>INSPECTION #</u>	<u>COMPLETED</u>	<u>RESULT</u>
270810	11/9/2016	Recheck1
1013795	12/15/2016	Pass

CODE VIOLATIONS

<u>CODE#</u>	<u>DESCRIPTION</u>	<u>LOCATION</u>	<u>VIOLATION DATE</u>	<u>STATUS</u>
749	PUT ADDRESS OF BUILDING IN A CONSPICUOUS PLACE.		11/9/2016	Complied
749	PUT ADDRESS OF BUILDING IN A CONSPICUOUS PLACE.		11/9/2016	Transfer

HAZARDOUS MATERIAL

NONE

Carri Howard

From: Kim Dunn <kim@howardzoning.com>
Sent: Tuesday, March 07, 2017 12:04 PM
To: Carri
Subject: Fwd: Re: 7 properties

See below for Sites 6560-1 thru 7, Chicago

----- Original Message -----
From: cdotfoia <cdotfoia@cityofchicago.org>
To: Kim Dunn <kim@howardzoning.com>
Date: March 7, 2017 at 12:34 PM
Subject: Re: 7 properties

Good Morning Kim Dunn

This e-mail is in response to your FOIA request for ROW information regarding the following properties:

- 7840 S Yates, Pin#20254300380000- Apartment complex.
- 2800, 2802, 2804, 2806, 2810 E 81st Street, Pin# 21312080230000, Year built: 1926; Apartment complex.
- 1422, 1424 E 68th Street; Pin#20234040160000. Apartments.
- 4750 S Indiana Avenue; Pin# 20101020230000. Believe 112 yrs old? Apartments
- 6558 S Vernon Avenue AKA 416, 418, 420, 422, 424 E 66th Street; Pin# 20222160390000; Apartments
- 5618 and 5620 S Dr. Martin Luther King Drive; Pin#20151120190000; Apartments
- 2220, 2222, 2224 and 2226 East 75th Street; Pin#20252250270000; Apartments and Retail.

The Department of Transportation is responsible for the construction, maintenance and management of ground transportation related public way infrastructure in Chicago. Nearly all work conducted by the Department of Transportation occurs on existing rights of way, does not involve any property acquisition or would cause this property to lose any land for improvements. In unusual circumstances where we may need to acquire ROW (right of way), the City of Chicago would notify the property owner in advance.

CDOT does not possess any records that are responsive to this request.

Thank you.

CDOT Freedom of Information staff

From: Kim Dunn <kim@howardzoning.com>
Sent: Monday, March 6, 2017 9:30 PM
To: cdotfoia
Subject: 7 properties

Good Evening,

Please see the attached open records request for 7 properties in Chicago. We are inquiring if there are any current or future plans for roadway construction, easement, condemnation, or other such activity that would affect the immediately surrounding roads and/or access to the below-mentioned properties:

- 7840 S Yates, Pin#20254300380000- Apartment complex.
- 2800, 2802, 2804, 2806, 2810 E 81st Street, Pin# 21312080230000, Year built: 1926; Apartment complex.
- 1422, 1424 E 68th Street; Pin#20234040160000. Apartments.
- 4750 S Indiana Avenue; Pin# 20101020230000. Believe 112 yrs old? Apartments
- 6558 S Vernon Avenue AKA 416, 418, 420, 422, 424 E 66th Street; Pin# 20222160390000; Apartments
- 5618 and 5620 S Dr. Martin Luther King Drive; Pin#20151120190000; Apartments
- 2220, 2222, 2224 and 2226 East 75th Street; Pin#20252250270000; Apartments and Retail.

Thanks and have a great week!

Kim Dunn

Howard Zoning Associates LLC

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Howard Zoning Associates, LLC

19045 North Rockwell Avenue • Edmond, OK 73012

Tel: (405) 359-6292 • Toll Free Fax: (877) 655-6292

Email: carri@howardzoning.com

ORDINANCE DATE

CHICAGO ZONING ORDINANCE AND LAND USE ORDINANCE

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

Current through Council Journal of September 14, 2016

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PERMITTED USES/BULK REGULATIONS



Chicago Zoning Ordinance and Land Use Ordinance

**CHAPTER 17-2
RESIDENTIAL DISTRICTS**

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 area characterized by a mix of housing types. The districts are also intended to provide a gradual transition between RS districts and higher *density* RM districts. The RT districts are differentiated primarily on the basis of allowed *density* (minimum *lot area* per unit) and *floor area ratios*. The RT4A designation is intended to accommodate and promote *multi-unit buildings* containing *accessible dwelling units*. See also Sec. 17-2-0105.

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)

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

RESIDENTIAL

A. Household Living

1.	Detached House	P	P	P	P	P	P	P	P		§17-10-0207-A
2.	Elderly Housing	-	-	-	P	P	P	P	P		§17-10-0207-A
3.	Two-Flat	-	-	P	P	P	P	P	P		§17-10-0207-A
4.	Townhouse	-	-	-	P	P	P	P	P	§17-2-0500	§17-10-0207-A
5.	Multi-Unit (3+ units) Residential	-	-	-	P	P	P	P	P		§17-10-0207-C
6.	Single-Room Occupancy	-	-	-	-	P	P	P	P		§17-10-0207-B

B. Group Living

1.	Assist. Living (Elderly Custodial Care)	-	-	-	-	P	P	P	P		§17-10-0207-Q
2.	Convents and Monasteries	P	P	P	P	P	P	P	P		§17-10-0207-Q
3.	Community Home, Family	P	P	P	P	P	P	P	P		§17-10-0207-Q
4.	Community Home, Group	S	S	S	S	P	P	P	P		§17-10-0207-Q
5.	Domestic Violence Residence, Family	S	S	S	P	P	P	P	P		§17-10-0207-Q
6.	Domestic Violence Residence, Group	-	-	S	S	P	P	P	P		§17-10-0207-Q
7.	Domestic Violence Shelter	-	-	-	-	S	S	S	S		§17-10-0207-Q
8.	Nursing Home (Skilled Nursing Care)	-	-	-	-	S	S	S	S		§17-10-0207-Q
*10.	Temporary Overnight	-	-	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q

	Shelter										
11.	Transitional Residences	S	S	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
12.	Transitional Shelters	-	-	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
13.	Group Living Not Otherwise Classified	-	-	-	-	S	S	S	S		§17-10-0207-Q
PUBLIC AND CIVIC											
C. Colleges and Universities		-	-	-	-	P	P	P	P	§17-10-0207-E	
D. Cultural Exhibits and Libraries		P	P	P	P	P	P	P	P		§17-10-0207-F
E. Day Care		P	P	P	P	P	P	P	P		§17-10-0207-E
F. Hospital		-	-	-	-	P	P	P	P		§17-10-0207-G
G. Lodge or Private Club		-	-	-	-	S	S	S	S	§17-9-0111	§17-10-0207-H
H. Parks and Recreation (except as more specifically regulated)		P	P	P	P	P	P	P	P		§17-10-0207-E
1.	Community Centers, Recreation Buildings and Similar Assembly Use	S	S	S	S	S	S	S	S		§ 17-10-0207-E
2.	Community Garden	P	P	P	P	P	P	P	P	§ 17-9-0103.5	§ 17-10-0207-E
I. Public Safety Services											
1.	Police Station	S	S	S	S	S	S	S	S		§17-10-0207-E
2.	Fire Station	P	P	P	P	P	P	P	P		§17-10-0207-E
J. Religious Assembly		P	P	P	P	P	P	P	P		§17-10-0207-I
K. School		P	P	P	P	P	P	P	P		§17-10-0207-E
L. Utilities and Services, Minor		P	P	P	P	P	P	P	P		§17-10-0207-E
M. Utilities and Services, Major		S	S	S	S	S	S	S	S		§17-10-0207-E
COMMERCIAL											
*O. Funeral and Interment Service											
* Editor's note – 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	-	-	-	-	-	S	S	S		
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

(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. 4-20-14, p. 80394, § 1)

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.

17-2-0302 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)
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 Exemption. In the RS3 district the minimum *lot area per dwelling unit* may be reduced to 1,500 square feet when 60% or more of the *zoning lots* fronting on the same side of the *street* between the two nearest intersecting *streets* have been lawfully improved with *buildings* containing more than one *dwelling unit*. This exemption will only allow for the establishment of a two unit *building*.

17-2-0304 Floor Area Ratio.

17-2-0304-A Standards. All development in R districts is subject to the following maximum *floor area ratio* standards:

District	Maximum Floor Area Ratio*
RS1	0.50
RS2	0.65
RS3	0.90
RT3.5	1.05
RT4	1.20 (See accessible dwelling unit exceptions, Sec. 17-2-0304-B)
RT4A	1.50 for multi-unit buildings that contain no more than 19 dwelling units and in which at least 33% of the units are accessible dwelling units 1.2 for all other buildings
RM4.5	1.70
RM5	2.00
RM5.5	2.50
RM6	4.40; premium may apply - See Sec. 17-2-0304-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 Exceptions. *Multi-unit buildings* in the RT4 district that contain no more than 19 *dwelling units* and in which at least 33% of the units are *accessible dwelling units* are subject to the maximum *floor area ratio* of the RT4A district if either of the following conditions exist:

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

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

17-2-0304-D Exemption. Ground floor accessible *dwelling units* are exempt from inclusion in *floor area ratio* calculations, that is, the square footage of a ground floor accessible *dwelling unit* shall not be included in calculating that *building's* total *floor area ratio* in R53, R53.5, RT4 [except single-family residences] zoning districts. Proponents will certify under oath that *grade level units* will be built for parties with disabilities for perpetual use.

17-2-0305 Front setbacks.

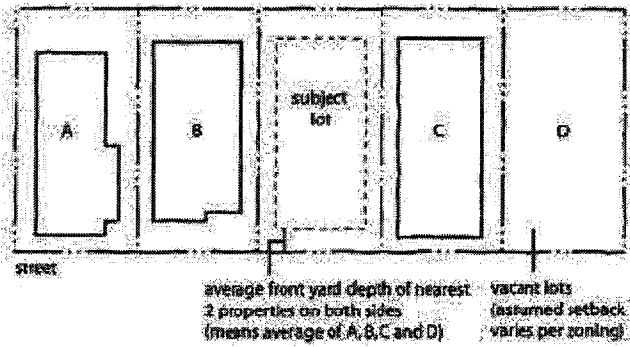
17-2-0305-A Buildings and structures in RS districts must be set back from the *front property line* a distance equal to the average *front yard* depth that exists on the nearest 2 lots on either side of the subject *lot*, excluding the *lot* with the least *front yard* depth. In those cases when the 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:

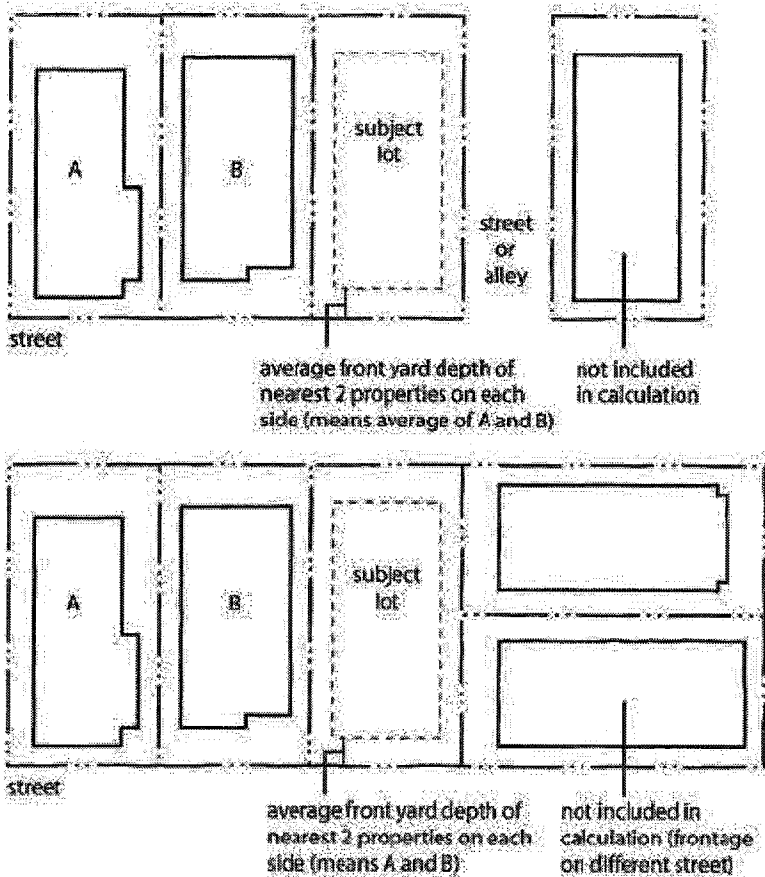
District	Assumed Setback on Vacant Lots
RS1 to RS3	20 feet or 16% of lot depth, whichever is less
RT3.5 to RM6.5 + DR	15 feet or 12% of lot depth, whichever is less

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 Sec. 17-2-0500.

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

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 Sec. 17-2-0500. *Reversed corner lots* are subject to Sec. 17-2-0309-B. (See Sec. 17-17-0308 for rules governing the measurement of *side setbacks*.)

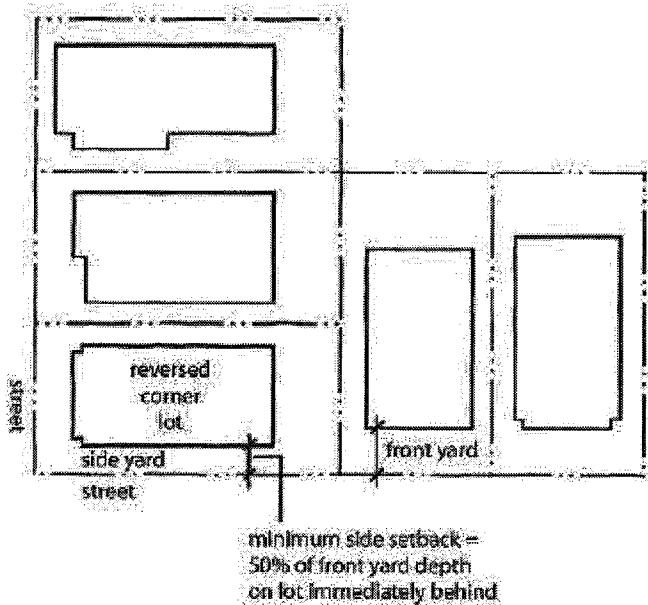
District	Minimum Side Setback
RS1	Detached house: Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 5 feet or 10% of lot width, whichever is greater Principal nonresidential building (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater
RS2	Detached house: 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

	Principal nonresidential building (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater
RS3	Detached houses: 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 Principal nonresidential buildings (e.g., religious assembly and school buildings): 12 feet or 50% of building height, whichever is greater
RT3.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RT4/RT4A	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM4.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM5.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: 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
RM6	Townhouse: See Sec. 17-2-0500 All other principal buildings: None abutting street or alley or for buildings covering 50% or less of the lot; buildings covering more than 50% of the lot must provide individual side setbacks equal to at least 10% of the lot width or 10% of the total building height, whichever is greater, provided that no side setback is required to exceed 20 feet in width
RM6.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: None abutting street or alley or for buildings covering 50% or less of the lot; buildings covering more than 50% of the lot must provide individual side setbacks equal to at least 10% of the lot width or 10% of the total building height, whichever is greater, provided that no side setback is required to exceed 20 feet in width

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

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.

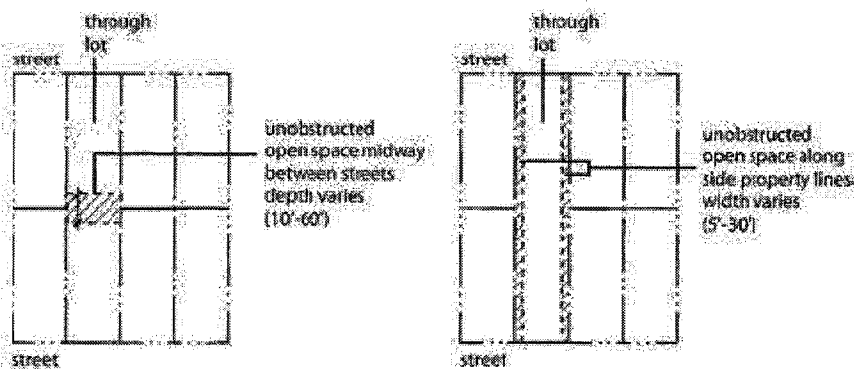
Figure 17-2-0309-B



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 *streetproperty 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.

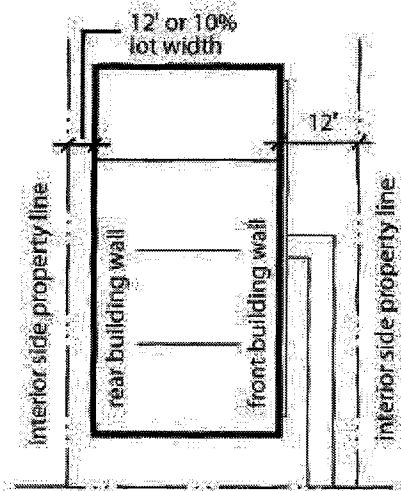
17-2-0310-C Front and Rear Walls.

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.

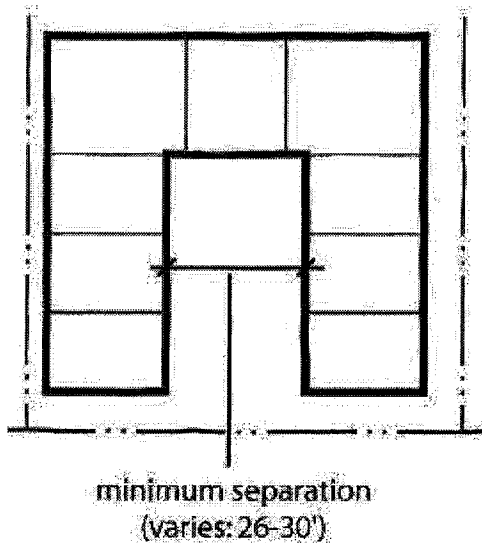
Figure 17-2-0310-C1



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:

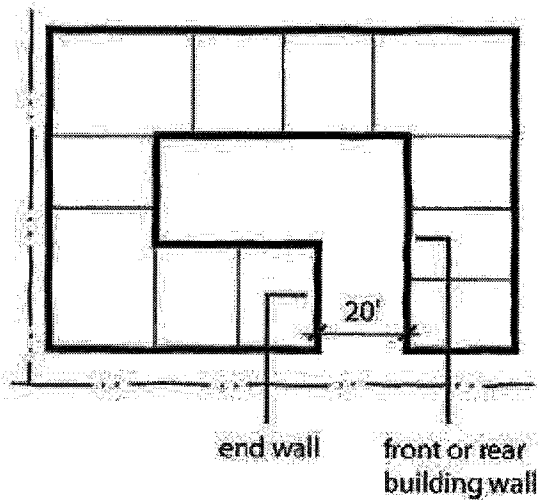
District	Minimum Separation (feet)
RT3.5	30
RT4	30
RM4.5	30
All other R districts	26

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 Sec. 17-2-0311-B:

District	Maximum Building Height (feet)
RS1	Detached house: 30 Principal nonresidential buildings: None

RS2	Detached house: 30 Principal nonresidential buildings: None
RS3	Detached house: 30 Principal nonresidential buildings: None
RT3.5	Principal residential buildings: 35 Principal nonresidential buildings: None
RT4	Principal residential buildings: 38 Principal nonresidential buildings: None
RT4A	Multi-unit buildings that contain no more than 19 dwelling units and in which at least 33% of the units are accessible dwelling units: 42 All other principal residential buildings: 38
RM4.5	Principal residential buildings: Lot Frontage of less than 32 feet: 45 Lot Frontage of 32 feet or more: 47 Principal nonresidential buildings: None
RM5	Principal residential buildings: Lot Frontage of less than 32 feet: 45 Lot Frontage of 32 feet or more: 47 Principal nonresidential buildings: None
RM5.5	Principal residential buildings: Lot Frontage of 75 feet or less: 47 Lot Frontage of more than 75 feet: 60 Principal nonresidential buildings: None
RM6	Principal residential buildings: None (tall buildings require Planned Development approval in accordance with Sec. 17-13-0600) Principal nonresidential buildings: None
RM6.5	Principal residential buildings: None (note: tall buildings require Planned Development approval in accordance with Sec. 17-13-0600) Principal nonresidential buildings: None

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

17-2-0311-A[a] Exceptions. *Multi-unit buildings* in the RT4 district that contain no more than 19 *dwelling units* and in which at least 33% of the units are *accessible dwelling units* are subject to the maximum *building height* standard of the RT4A district if either of the following conditions exist:

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

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

17-2-0312 Average Dwelling Unit Size. The gross residential floor area developed on a *lot* divided by the total number of *dwelling units* on such *lot* may not be less than 500 square feet. Existing residential uses may not be converted to conflict with or further conflict with this standard. The average *dwelling unit* size standard of this section does not apply to *government-subsidized* or *elderly housing* developments.

17-2-0313 Number of Efficiency Units.

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

District	Maximum Number of Efficiency Units (% of total units)
RT4	20
RM4.5	20
RM5	20
RM5.5	25
RM6	30
RM6.5	40

17-2-0313-B Exemption. The limits on *efficiency* units do not apply to SROs, *government- subsidized* or *elderly housing* developments, provided that the Zoning Administrator determines that such developments constitute bona fide SROs, *government- subsidized* or *elderly housing* developments.

(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 and 3; Amend Coun. J. 11-5-08, p. 45002, § 1; Amend Coun. J. 4-15-15, p. 106130, § 14)

17-2-0400 Character standards.

17-2-0401 Blank Walls.

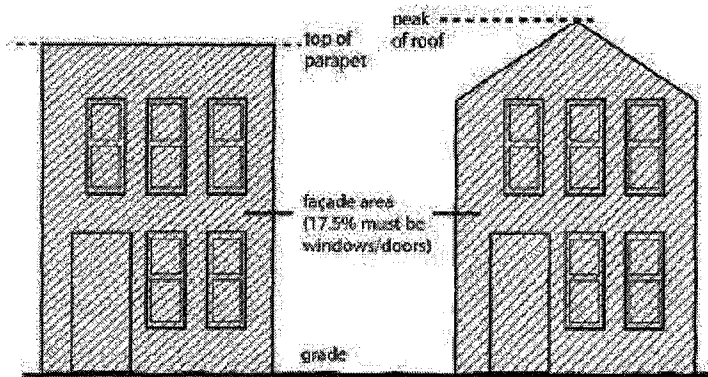
17-2-0401-A To avoid the appearance of blank walls and ensure “eyes on the *street*”, windows and/or main entrance doors must comprise at least 17.5% of the area of each building *façade* that faces a *street*.

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-BIn 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 *streetproperty line* as follows:

District	Minimum Setback (feet)

RT3.5	12
RT4	12
RM4.5	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
All other districts	10

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

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

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

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

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

4. Front or Rear Walls Facing an Alley.

(a) When a *front wall* (a wall with the principal pedestrian access) faces an *alley*, the minimum required building setback is 3 feet.

(b) When a *rear wall* faces an *alley*, no building setback is required, provided that an on-site storage area is provided for trash receptacles and clearly identified on building plans.

5. Separation Between Front and Rear Walls.

(a) When the *front wall* or *rear wall* of one row of *townhouse* units faces the *front wall* or *rear wall* of another row of *townhouse* units, the minimum required separation between such buildings (excluding minor building projections allowed under Sec. 17-2-0500-H4) is as follows:

District	Minimum Separation (feet)
RT3.5	30

RT4	30
RM4.5	30
B/C dash 1	30
B/C dash 1.5	30
B/C dash 2	30
All other districts	26

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

(b) Driveways and open parking areas may be located within this minimum separation area.

(c) The minimum separation at the ground-floor only may be reduced to 20 feet for interior drives with garages doors facing garage doors, provided the upper-story living spaces comply with the separation requirements of Sec. 17-2-0500-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 *streetproperty line* as follows:

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

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

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

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

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

(a) When the *end wall* of a row of *townhouse* units faces the *front wall* or *rear wall* of another row of *townhouse* units, the minimum required separation between such buildings (excluding minor building projections allowed under Sec. 17-2-0500-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)
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)

Notes

4-388 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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Chicago Zoning Ordinance and Land Use Ordinance

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*).

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 The Zoning Administrator must receive the recommendation of the Bureau of Forestry regarding:

1. conformance of the plans and specifications for any required *parkway trees* with the provisions of Chapter 10-32 of the Municipal Code before issuance of any zoning certificate; and
2. conformance of the installation of such *parkway trees* with the approved plans and specifications before issuance of any certificate of occupancy or release of the performance bond or other security, whichever is applicable.

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

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.

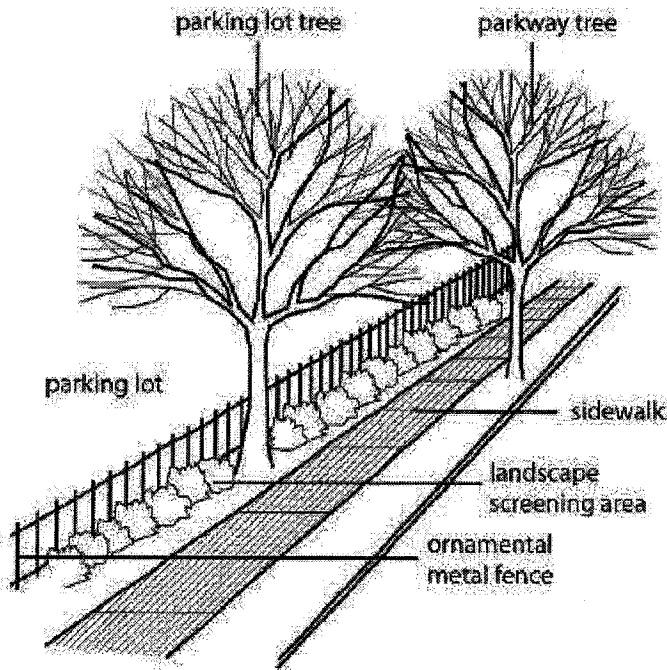
17-11-0202-A Screening from Abutting Residential and Institutional Uses.

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 contraction. Each 2.5 caliper inches of any existing tree that is preserved will be deemed to be the equivalent of one 2.5-inch caliper tree.
6. Each separate *landscaped* island or area must contain a minimum of 165 square feet of area, have a minimum dimension of 8 feet in any direction and include at least one tree. Within *vehicular use areas* with an area of less than 4,600 square feet, required trees may be installed along the perimeter of the *vehicular use area* instead of within interior islands.
7. The trees required to be planted within interior landscaping areas must be canopy trees consistent with the species recommended in the *Guide to the Chicago Landscape Ordinance*.
8. The soil volume and composition for trees required within interior planting islands must have 2-foot minimum depth and topsoil must be backfilled and mounded as described in the *Guide to the Chicago Landscape Ordinance*. The soil composition (soil types, acidity and organic content) and soil percolation rates must follow the recommendations of the *Guide to the Chicago Landscape Ordinance*.

17-11-0204 Landscape and Tree Protection. 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 *streetfaçade* 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 *landscapedyard* 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)

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.

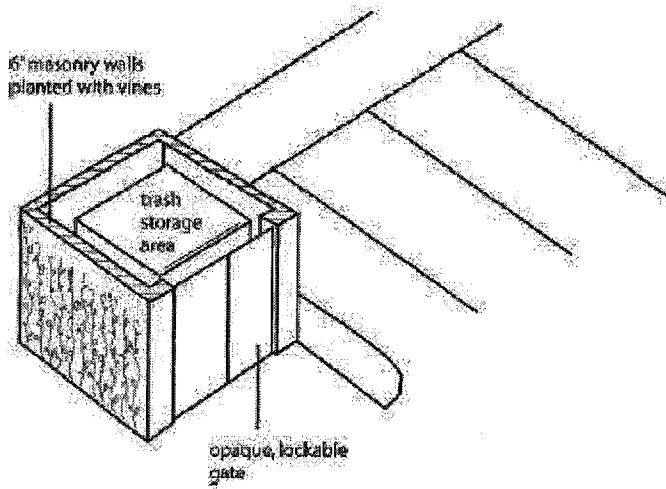
17-11-0302 Exemptions. Trash compactors are exempt from the enclosure and screening requirements. Trash compactors must be required for any new residential, business, commercial or manufacturing use that generates 50 or more cubic yards of garbage per week as provided in Title 7, Chapter 7-28, Section 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)

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)

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 At the time the Zoning Administrator issues a zoning certificate for a land use, building or parking lot that requires the submission of a landscape plan or the planting of *street* trees, the Zoning Administrator must require the posting of a performance bond or other form of financial security approved by the Zoning Administrator. The bond or other form of financial security must be in a form and amount as deemed adequate by the Zoning Administrator to ensure that the required landscape materials will be installed within 6 months or the next planting season.

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



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OFF-STREET PARKING

Print

Chicago Zoning Ordinance and Land Use Ordinance

17-10-0100 General.

17-10-0101 Applicability.

17-10-0101-A New Development. Unless otherwise expressly stated, the parking and loading standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

17-10-0101-B Expansions and increases in intensity.

1. Nonresidential Uses.

(a) Unless otherwise expressly stated, the parking and loading standards of this chapter apply when an existing nonresidential building or nonresidential use is expanded or enlarged by 15% or more. This provision applies to the addition of floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

(b) In the case of nonresidential buildings or nonresidential uses that have been in lawful existence for 50 or more years, the parking and loading standards of this chapter apply when the building or use is expanded or enlarged by 25% or more.

(c) In the case of nonresidential building or use expansions triggering requirements for additional parking, such additional off-street parking and loading spaces are required only to serve the enlarged or expanded area, not the entire building or use.

2. Residential Uses.

(a) Unless otherwise expressly stated, the parking and loading standards of this chapter apply whenever additional *dwelling units* are added to an existing *residential building* or residential use. In such cases, additional off-street parking and loading spaces are required only to serve the added *dwelling units*. While a lawfully existing off-street parking deficit is not required to be eliminated when additional *dwelling units* are added to a *building*, existing *accessory parking* facilities may not be reduced below, or if already less than, may not be further reduced further below minimum required parking ratios. The Zoning Administrator is authorized to require that applicants provide reasonable evidence showing the existing number of *dwelling units* and the existing number of off-street parking spaces. The intent of this provision is to ensure that existing parking deficits in *residential buildings* are not increased as a result of additions. If the *residential building* or residential use has been in lawful existence for 50 or more years, the parking and loading standards of this chapter apply when 2 or more *dwelling units* are added.

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 B, C or D districts, minimum off- street automobile parking ratios for residential uses may be reduced by up to 50 percent from the otherwise applicable standards for new construction or rehabilitation or reuse of existing structures located within 1,320 feet of a CTA or METRA rail station entrance or within 2,640 feet of a CTA or METRA rail station entrance when the subject building is located along a *pedestrian street* or a pedestrian retail *street*. The minimum off-street automobile parking ratios for residential uses may be further reduced by up to 100 percent from the otherwise applicable standards if the project is reviewed and approved as a special use in accordance with Sec. 17-13-0900, or 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).

2. In B, C, D or M districts, minimum off-street automobile parking ratios for non-residential uses 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 1,320 feet of a CTA or METRA rail station entrance or within 2,640 feet of a CTA or METRA rail station entrance when the subject building is located along a *pedestrian street* or a pedestrian retail *street*. Any reduction in minimum off-street automobile parking ratios in excess of 50% under this Section 17-10-0102-B.2 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.2 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.

3. Vehicular parking ratio reductions for transit-served locations are authorized only when the subject development includes 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 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.

4. 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 and the nearest boundary of the lot to be developed.

5. In the RM6 or RM6.5 districts, the required parking may be reduced as approved in a Planned Development or by the Zoning Administrator pursuant to a Type I Rezoning Ordinance for developments which meet all of the following criteria:

- a. qualify for and are approved pursuant to the Planned Development provisions of Chapter 17-8 or for Type I rezoning under the provisions of Section 17-13-0302;
- b. are located within 250 feet of an entrance to a CTA or Metra rail station, as measured from the nearest boundary of the lot to be developed;
- c. include in the building or buildings to be constructed or rehabilitated at least one bicycle parking space for each automobile parking space that would otherwise be required under Section 17-10-0200; and
- d. provide additional alternatives to automobile ownership, such as car-sharing vehicles or other shared modes of transportation.

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

17-10-0103 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)

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
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	1 space per unit, provided that off-street parking is not required for	None

districts	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	
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	
<p>(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)</p> <p>(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.)</p>		
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
17-10-0207-E Parking Group E. (Universities, Day Care, Parks and Recreation, Postal Service, Public Safety, Schools, Utilities, Business/Trade School)		
R (All) B, C, M dash 1,	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;

1.5, 2, 3		minimum 4 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-F Parking Group F. (Cultural Exhibits and Libraries)		
R (All) B, C, M dash 1, 1.5 or 2	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 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) B, C, M dash 1, 1.5, 2, 3	1 space per 3 beds + 1 per 3 employees + 1 per doctor	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-H Parking Group H. (Lodges and Private Clubs)		
R (All) B, C, M dash 1, 1.5, 2, 3	1 per 3 lodging rooms + 1 per 10 persons capacity	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-I Parking Group I. (Religious Assembly)		
R (All) B, C, M dash 1, 1.5, 2, 3	1 per 8 seats in auditorium	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-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 Medical Cannabis Cultivation Center and Dispensing Organization)		
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 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 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	1 space per 10 persons capacity; none for live theater venues with less	1 per 10

dash 1, 1.5, 2, 3	than 150 seats	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) B, C, M dash 1, 1.5, 2, 3	As determined by DPD	As determined by DPD
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) B, C, M dash 1, 1.5, 2, 3	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 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	None

	proof of an agreement with a licensed valet parking operator in a form acceptable to the Zoning Administrator.	
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
Residential Uses			
D dash 3	1 space per dwelling unit	2.0 per dwelling unit	1 per 2 auto spaces in buildings containing 8 or more units
D dash 5	1 space per unit for first 100 units; 0.60 spaces per unit for all additional units; subsidized units as determined by DHED	1.5 per dwelling unit	
D dash 7	0.7 spaces per dwelling unit	DC district: 1.1 per dwelling unit DX and DR districts: 1.1 per dwelling unit for dwelling units containing less than 1,600 square feet of floor area; 1.5 per dwelling unit for dwelling units containing 1,600 square feet of floor area or more	
D dash 10, 12, 16	0.55 spaces per dwelling unit		
Nonresidential Uses			
D dash 3	None for first 10,000 square feet then 2 spaces per 1,000 square feet	None	None
D dash 5	None for first 70,000 square feet or 2 x lot area, whichever is greater, then 0.8 spaces per 1,000 square feet	None	
D dash 7, 12, 16	No minimums in dash 7, 12 or 16 except for the following: Hotels with more than 15,000 square feet of meeting, conference or banquet area: 1 space per 1,000 square feet Theaters and other indoor entertainment and spectator sport facilities with seating capacity of more than 1,000: 1 space per 20	Maximum accessory parking ratio in DC and DX dash 7, 12 and 16: Hotels: 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 Offices: 1 space per 2,800 square feet of gross floor area Retail: 1 space per 1,000 square feet in DC; 2.5 per 1,000 square feet	

	seats when located in a DX district (none required in DC)	in DX Restaurant: 1 space per 1,000 square feet in DC; 3 per 1,000 square feet in DX Theaters and other indoor entertainment and spectator sport facilities: 1 space per 10 seats in DC; 1 per 5 seats in DX	
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(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)

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 to changes, improvements and maintenance of existing parking lots, including but not limited to sealcoating, resurfacing, remarking, fencing, curbs, walks and landscaping.

17-10-0902 Required Parking Spaces and Passenger Loading Facilities.

17-10-0902-A Nonresidential Occupancy. Unless otherwise expressly stated, accessible off-street parking spaces must be provided to serve nonresidential occupancies as follows:

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
More than 1,000	20 plus one for each 100 over 1,000

[1] Motorcycle and bicycle spaces are not required to be counted in the total number of spaces provided.

17-10-0902-B Residential Occupancy. When off-street parking is provided to serve residential occupancies that are required by the Chicago Building Code to have Type A or Type B accessible *dwelling units*, accessible parking spaces must be provided as follows:

Total Off-Street Parking Spaces Provided [1]	Minimum Number of Accessible Spaces Required [2]
1 to 50	1
51 to 100	2
101 to 150	3
151 to 200	4
201 to 250	5
251 to 300	6
301 to 350	7
351 to 400	8
401 to 450	9
451 to 500	10
More than 500	2% of total

[1] Motorcycle and bicycle spaces are not required to be counted in the total number of spaces provided.

[2] In addition, at least one accessible parking space each must be provided for a minimum of 5% of the units required by Section 18-11-1107.5.5 that receive HUD Section 504 federal funding (see Section 18-11-1106.2).

17-10-0902-C Medical Facilities. Parking at outpatient facilities, rehabilitation facilities and outpatient physical therapy facilities must be provided as follows:

1. **Outpatient Facilities.** At least 10% of patient and visitor parking spaces provided to serve hospital outpatient facilities must be accessible.

2. Rehabilitation Facilities and Outpatient Physical Therapy Facilities. At least 20% of patient and visitor parking spaces provided to serve rehabilitation facilities and outpatient physical therapy facilities must be accessible.

17-10-0903 Layout and Design.

17-10-0903-A Vehicle Spaces. Car and van parking spaces must be at least 11 feet in width, except that car and van parking spaces serving *residential buildings* with 19 or fewer Type B units may be 8 feet in width.

17-10-0903-B Access Aisle. Access aisles serving accessible parking spaces must comply with the following standards:

1. Width. Access aisles must be at least 5 feet in width. Access aisles serving diagonal parking spaces must be located at the passenger side of the parking space served, based on the vehicle moving forward into the space.

2. Length. Access aisles must extend the full length of the accessible parking spaces they serve.

3. Marking. Access aisles must be marked to prohibit parking in them.

17-10-0903-C Floor or Ground Surfaces. Parking spaces and access aisles must have surface slopes no steeper than 1:48. Access aisles must be at the same level as the parking spaces they serve.

17-10-0903-D Vertical Clearance.

1. Parking spaces for vans and the vehicle routes leading to such spaces must have a vertical clearance of at least 8 feet 2 inches.

2. For every 6 accessible parking spaces, and fraction of 6 when there are 7 or more accessible parking spaces, at least one must provide the vertical clearance required for vans.

17-10-0903-E Signs and Identification. Accessible parking spaces required by Sec. 17-10-0902 and accessible passenger loading zones must be identified by *signs*. Such *signs* must comply with U.S. Department of Transportation R7-8 standards and include the words "\$150 Fine". The *sign* must be vertically mounted on a post or wall no more than 5 feet from the front of the parking space. The distance from finished *grade* to the bottom of the *sign* must be at least 5 feet. The *sign* must be centered on the width of the parking space and located so that the *sign* will not be obscured by a vehicle parked in the space. Required *signs* must include the International Symbol of Accessibility.

17-10-0903-F Location.

1. General. Accessible parking spaces must be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. When parking serves more than one accessible entrance, parking spaces must be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building, accessible parking spaces must be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility. When buildings have multiple accessible entrances with adjacent parking, accessible parking spaces must be dispersed and located near the accessible entrances.

2. Administrative Adjustments.

(a) In multilevel parking structures, van-accessible parking spaces may be consolidated on a single level.

(b) The total number of accessible parking spaces may be distributed among parking lots if greater accessibility is achieved, considering such factors as anticipated usage, user convenience, number and location of entrances and level of parking areas.

17-10-0904 Passenger Loading Zones.

17-10-0904-A Medical Facilities. A passenger loading zone must be provided at an accessible entrance to licensed medical and long-term care facilities where people receive physical or medical treatment or care and when the period of stay exceeds 24 hours. A passenger loading zone must be incorporated at the weather-protected entrance required by Chicago Building Section 18-11-1105.3 .

17-10-0904-B Valet Parking. A passenger loading zone must be provided at valet parking services. If accessible at-grade parking is available, at least one space for self-parking of a vehicle must be provided.

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

17-10-1000 Parking area design.

The parking area design standards of this section apply to all off-street parking areas.

17-10-1001 Dimensions. Unless otherwise expressly stated, off-street parking areas must comply with the following standards:

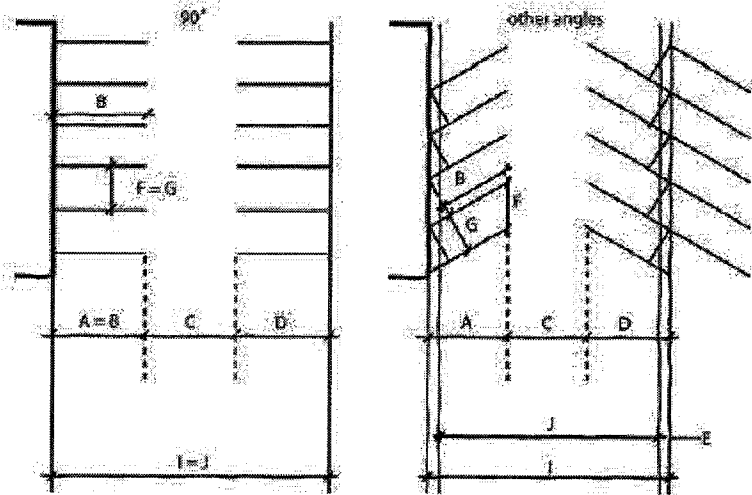
Dimensions (in feet)	Parking Angle		
	45°	60°	90°
A. Stall Depth to Wall	18.4	19.7	18
B. Stall Depth Parallel to Vehicle	18	18	18
C. Aisle Width [1][2]	12	16	22
D. Stall Depth to Interlock	16.4	18.2	18
E. Stall Depth Reduction due to Interlock	2	1.5	0
F. Stall Width (Parallel to Aisle)	11.3	11.1	8
G. Stall Width Perpendicular to Vehicle	8	8	8

Note: For bumper overhang deduct 2 feet from stall- depth-to-wall dimension and 4 feet from wall-to-wall dimensions.

[1] Aisle width standards for parking angles of 90° may be reduced to 20 feet when parking stall width is increased to 8.5 feet.

[2] Aisle width standards for indoor accessory parking garages in existing buildings that are being rehabbed for residential use may be reduced to 16 feet for parking angles of 90°.

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 certificate of occupancy for any parking lot must include a plot plan – drawn to scale and fully dimensioned – showing all provisions for:

1. bumper guards;
2. markings;
3. surfacing;
4. screening and landscaping; and
5. lighting, in compliance with the regulations of this Zoning Ordinance.

17-10-1008-B Any other application for a building permit, or for a certificate of occupancy when no building permit is required, must include a plot plan – drawn to scale and fully dimensioned – showing all off-street parking and loading facilities.

17-10-1009 Multi-level Parking Garages. 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 Section 13-96-890 .

17-10-1010-B. Use In Residential Buildings/Residential Use In Mixed-Use Buildings.

1. *Automotive lifts* in *residential buildings* shall be used only for *accessory parking* in excess of minimum off-street parking ratios and for any *non-accessory parking* permitted in the *building*. *Automotive lifts* in *residential buildings* shall not be used to satisfy minimum off-street parking ratios.

2. Allowed *automotive lifts* within *residential buildings* shall be operated by a valet or an attendant employed by the Equipment's *owner* or owned and operated by an *owner* or resident of a *dwelling unit* within the *building*.

17-10-1010-C. Use In Non-Residential Buildings/Non-Residential Use In Mixed-Use Buildings.

1. In DX12, DC12, DX16 and DC16 district, *automotive lifts* may be used in non-residential *buildings* for any *accessory parking* 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*.

(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)



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REBUILD/NONCONFORMING

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Chicago Zoning Ordinance and Land Use Ordinance

**CHAPTER 17-15
NONCONFORMITIES**

17-15-0100 General.

17-15-0200 Nonconforming lots.

17-15-0300 Nonconforming uses.

17-15-0400 Nonconforming developments.

17-15-0500 Nonconforming signs.

17-15-0100 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.

17-15-0304 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 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)

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 Definition. A *nonconforming sign* is a *sign* that was lawfully established pursuant to a lawfully issued permit but that is no longer allowed by the regulations of this Zoning Ordinance.

17-15-0503 Continuation of Nonconforming Signs. *Nonconforming signs* may remain in use, subject to the regulations of this section (Sec. 17-15-0500), section 13-20-565, and all other applicable requirements of the Municipal Code. *Nonconforming signs* must be maintained in good repair, and must comply with all other requirements of this Zoning Ordinance.

17-15-0504 Alterations. Change of copy or the substitution of panels or faces on *nonconforming signs* is permitted without affecting the legal status of a *sign* as a *nonconforming sign* (subject to requirements for building and electrical permits). No other alterations are allowed, except for routine maintenance and repair.

The alteration of any nonconforming sign, other than for routine maintenance and repair, shall cause the sign to lose its status as a legal non-conforming 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* that existed on the effective dates specified in Sec. 17-1-0200 must be removed or altered to comply with the standards of 17-12-1004 and 17-12-1005-C no later than November 1, 2009.

2. *Flashing signs* that become nonconforming because of subsequent amendments to this Zoning Ordinance must also be removed or altered to comply with the amended standards no later than 5 years of the effective date of the amendment that renders the *flashing sign* nonconforming.

3. Nonconforming *flashing signs* in existence after the date that they are required to be removed or altered relinquish their nonconforming status and thereafter constitute a violation of this Zoning Ordinance. Such violations are subject to enforcement and penalties under Chapter 17-16.

4. No zoning permits or approvals may be issued for any building to which a nonconforming *flashing sign* is appurtenant after the date that such *nonconforming sign* is required to be removed or altered.

5. No business license may be issued for business to which a nonconforming *flashing sign* is appurtenant after the date that such *nonconforming sign* is required to be removed or altered.

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 Any nonconforming *off-premise sign* that is not used or for which a valid permit or license does not exist for a continuous period of 12 months or more will be deemed to have been abandoned.

17-15-0506-C Abandoned *nonconforming signs* are prohibited and must be removed by the owner of the *sign* or the *property owner* of the premises.

17-15-0506-D No zoning permits or approvals may be issued for buildings occupied by nonconforming abandoned *signs* until such *signs* are removed.

17-15-0506-E No business license may be issued for businesses with nonconforming abandoned *signs* after the date that such *nonconforming signs* are required to be removed or altered.

(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)

Notes

- 4-6-300 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](#).
- 13-20-565 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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DEFINITIONS

Print

Chicago Zoning Ordinance and Land Use Ordinance

CHAPTER 17-17
TERMINOLOGY AND MEASUREMENTS

17-17-0100 Use group and category descriptions.

17-17-0200 General terms.

17-17-0300 Measurements.

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 Wagering Facility. A facility other than a race track at which pari-mutuel wagering is conducted with respect to the outcome of a simultaneously televised horse race taking place at an Illinois race track or horse races of national or international interest held at race tracks in other states or countries.

2. Small Venue. *Entertainment and spectator sports* establishments, other than Inter-track Wagering Facilities, conducted within an enclosed building with a capacity of no more than 149 persons. Typical *uses* include small theaters and meeting or banquet halls.

3. Medium Venue. *Entertainment and spectator sports* establishments, other than Inter-track Wagering Facilities, conducted within an enclosed building with a capacity of more than 149 and fewer than 1,000 persons. Typical *uses* include theaters and meeting or banquet halls.

4. Large Venue. *Entertainment and spectator sports* establishments, other than Inter-track Wagering Facilities, with a capacity of 1,000 persons or more. Typical *uses* include large theaters, cinemas and meeting or banquet halls.

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 pawner or pledger.

3. Consumer Loan Establishment. Any business that makes loans in a principal amount not exceeding \$25,000 secured other than by a mortgage or lien on the borrower's real property or on personal property acquired by the borrower with the proceeds of the loan. “*consumer loan establishment*” does not include any bank, savings bank, savings and loan association or credit union.

17-17-0104-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 on for hire for transient occupancy by registered guests. For purposes of this definition, the term “bed and breakfast” does not include single-room occupancy *buildings*. If the bed and breakfast is a detached house located on a lot that includes a principal house and an *accessory building* that was being used for residential purposes as of January 16, 2003, the *accessory building* that will be considered to be part of the establishment.

2. **Hotel/Motel.** An establishment containing 12 or more guest rooms and in which short-term *lodging* is offered for compensation and which may or may not include the service of one or more meals to guests. Typical *uses* include hotels, motels and transient boarding houses.

3. **Vacation Rental.** A dwelling unit that is not owner-occupied and contains 6 or less 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 or bed-and-breakfast establishments, as those terms are defined in Section 13-4-010 ; (ii) hotels, as that term is defined in Section 4-6-180 of this code; (iii) any dwelling unit for which a tenant has a month-to-month rental agreement, as that term is defined in 5-12-030 and the rental payments are paid on a monthly basis; or (iv) Corporate Housing, as that term is defined in Section 4-6-300 .

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*.

2. **High Technology Office.** An employee work site used for computer software design and development, data *processing*, electronic data interchange, electronic commerce and/or information systems management, nanotechnology, biotechnology or other high technology *uses*.

17-17-0104-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, and physical fitness centers.
4. Outdoor. Participant sport and recreation uses conducted outside of an enclosed *building*, other than *entertainment cabarets*. Typical *uses* include driving ranges, miniature golf courses, 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 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, 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 *reprocessible 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*.

17-17-0105-G Coke & Coal Bulk Material and Related Terms.

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.

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.

(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. 4-20-14, p. 80394, § 8; Amend Coun. J. 7-29-15, p. 4110, § 5)

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. A *dwelling unit* that:

17-17-0202-A is approved by the Mayor's Office for People with Disabilities, Architectural Services Unit;

17-17-0202-B complies with Type A *dwelling unit* requirements of Section 1003 of ICC/ANSI A1117.1-2003, except as modified by Chapter 18-11 of the Chicago Building Code Type A unit design criteria;

17-17-0202-C provides at least one accessible bedroom on the entrance level, and at least one toilet room in compliance with Type A *dwelling unit* requirements of Section 1003 of ICC/ANSI A1117.1-2003; and

17-17-0202-D includes a bathtub or shower, a water closet and a lavatory on the entrance level.

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.

17-17-0208 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 Reserved.

Editor's note – Coun. J. 4-30-14, p. 80832, § 6, repealed § 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.

17-17-0235 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, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, 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.

17-17-0241 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 *lotgrade* 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 62 years of age or older, but not including buildings containing equipment for surgical care or for the treatment of disease or injury, other than emergency first-aid-care.

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.

17-17-0252 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.

17-17-0254.5 Firearms Dealer. A firearms dealer means a person issued a weapons dealer-firearms dealer license pursuant to Article VII of chapter 4-144 .

17-17-0255 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*)

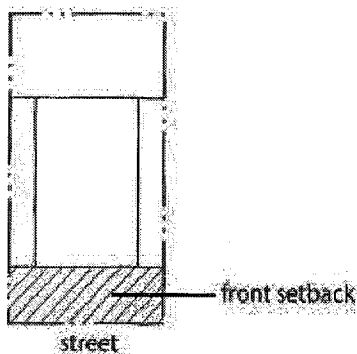
17-17-0258 Freight Container. A non-wheeled, enclosed storage container designed to be integrated into the frame of a train car or truck bed.

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 *streetproperty line* as the *front property line*.

17-17-0261 Front Setback. The setback required between a building and the *front property line* of the *lot* on which the building is located, extending along the full length of the *front property line* between the *side property lines*.

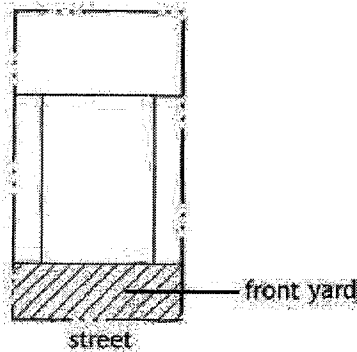
Figure 17-17-0261



17-17-0262 Front Wall. In buildings that contain more than one *dwelling unit* on a single floor, *front walls* and *rear walls* are those walls that are generally perpendicular to the party walls between *dwelling units*. In buildings that do not contain more than one *dwelling unit* on a single floor, the *front wall* is the wall that is generally parallel and closest to the *front property line* and the *rear wall* is the exterior building wall opposite the *front wall*.

17-17-0263 Front Yard. The actual area that exists between a building and the *front property line* of the *lot* on which the building is located, extending along the full length of the *front property line* between the *side property lines*. See also "Setback, Front".

Figure 17-17-0263



17-17-0264 Government-Subsidized (Dwelling Unit). A *dwelling unit* that is financed in whole or in part with federal, state or local (Chicago Department of Planning and Development) financial assistance.

17-17-0265 Grade. The *curb level* adjacent to the *front property line* or the mean elevation of the finished *lot*, as measured along exterior building walls of the *principal building*, whichever is higher.

17-17-0266 Gross Lot Area. The entire land area within the boundaries of a site.

17-17-0267 Height, Building. See "*building height*".

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*.

17-17-0272 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*.

17-17-0296.5 Medical Cannabis Cultivation Center. A facility operated by a person who is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis organizations with usable medical cannabis.

17-17-0296.7 Medical Cannabis Dispensing Organization. A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational material to registered qualifying patients. For purposes of this definition, “Qualifying patient” has the meaning ascribed to that term in the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/10.

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
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 60th Street	Washington Park	Jackson Park
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.

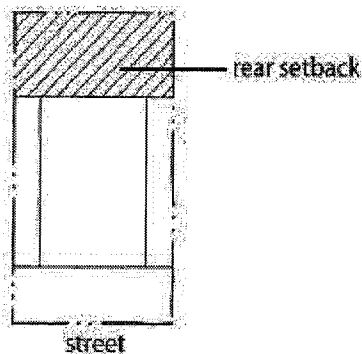
17-17-02137 Public Way. Any sidewalk, *street*, *alley*, highway, or other public thoroughfare.

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

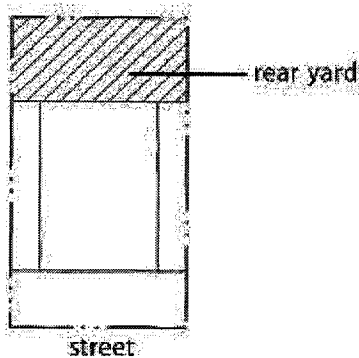


17-17-02141 Rear Wall. In buildings that contain more than one *dwelling unit* on a single floor, *front walls* and *rear walls* are those walls that are generally perpendicular to the party walls between *dwelling*

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 polyethelene terephthalate. high density polyethylene, low density polyethylene, polystyrene or polypropolene; 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:

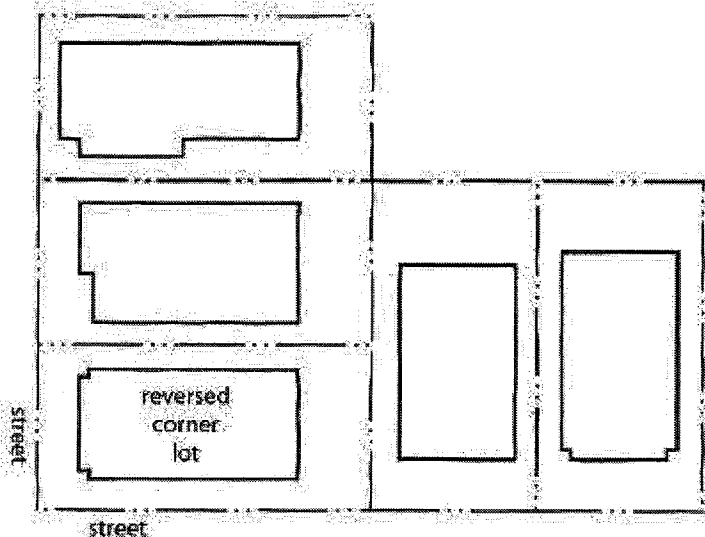
17-17-02146-A exclusively for residential occupancy by one or more families; or

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 *streetside 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*”.

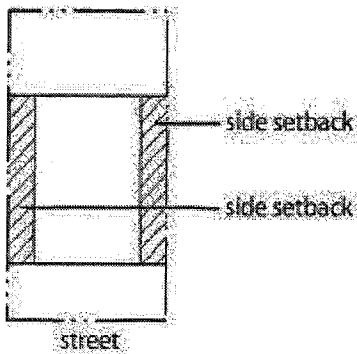
17-17-02155.1 Shared kitchen. Any (1) food establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its kitchen space to individuals or entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product 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*.

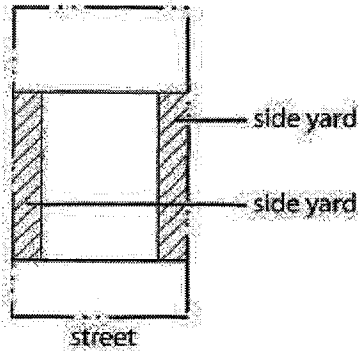
17-17-02157 Side Setback. The setback required between a building and the *side property line* of the *lot* on which the building is located, extending along a *side property line* from the point of the minimum *front setback* to the point of the minimum *rear setback*.

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 Government-Subsidized SRO buildings to the extent necessary to qualify for the applicable government subsidy, as determined by the Commissioner of Planning and Development.

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.

17-17-02185 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 .

17-17-02191 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)

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.

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*.

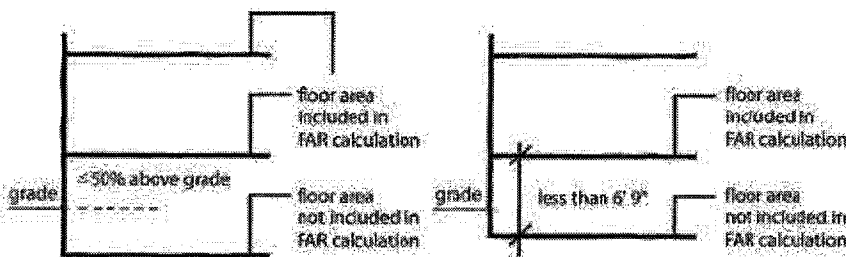
17-17-0304 Lot Area per Unit. Lot area per unit refers to the amount of *lot area* required for each *dwelling unit* on the property. For example, if a minimum lot-area-per-unit standard of 1,000 square feet is applied to 3,125 square foot *lot*, a maximum of 3 *dwelling units* would be allowed on the 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

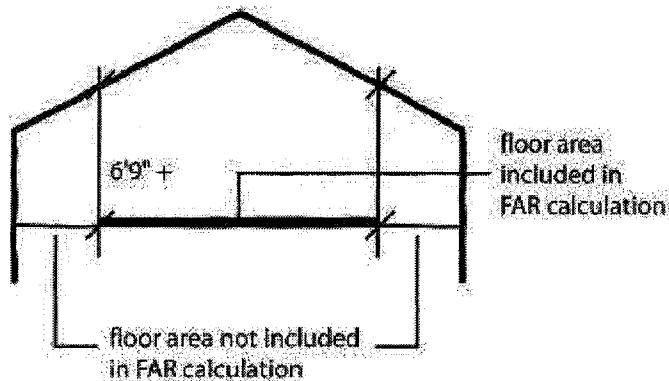


2. elevator shafts and stairwells on each floor;
3. floor area used for mechanical equipment, except equipment located on the roof and mechanical equipment within the building that occupies a commonly owned contiguous area of 5,000 square feet or

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”.

17-17-0306 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 *streetgrade* (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
Accessory buildings used for domestic storage (e.g., sheds and tool rooms)	No	No	Yes
Air conditioning units, provided the unit is not more than 4 feet in height	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings and canopies	Yes	Yes	Yes
Bay windows that project no more than 3 feet into the setback and are located at least 4 feet above grade at their lowest point	Yes	No	Yes
Chimneys that project no more than 18 inches into the setback	Yes	Yes	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes [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 alleys must be set back at least two feet from the rear property line (this two-foot setback is not required if the garage is located at	No	No	Yes

least 10 feet from the centerline of the alley, as evidenced by a survey or other similar evidence provided by the applicant and deemed acceptable by the Zoning Administrator) provided further, however, that additions following the rear wall of existing garages shall be permitted regardless of the proximity of the existing garage's rear wall to the rear property line			
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 secondary access 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.

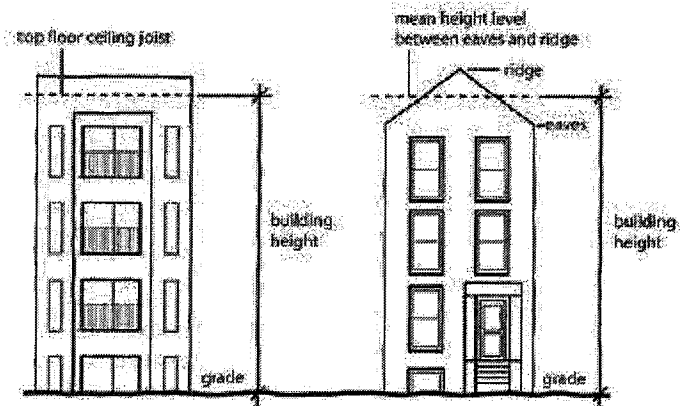
17-17-0310-A Measurement. Required building separations are to be measured between the furthestmost projection of the structures, not including those projections and features allowed within such setback pursuant to Sec. 17-17-0309.

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 Limitations on Rooftop Features in R Districts.

1. Stairway enclosures and elevator penthouses in R districts are allowed to exceed the maximum *building height*, provided:

- (a) they are set back at least 20 feet from the front *building line*, and
- (b) do not exceed 9 feet in overall height or extend more than 5 feet above the building *parapet*, whichever results in a lesser height, except that where access to the roof is required under Chapter 18-11 of the Municipal Code, an elevator penthouse may exceed 9 feet but shall not exceed 15 feet in overall height, and may extend more than 5 feet but shall not extend more than 11 feet above the building *parapet*, whichever results in a lesser height.

2. Stairway enclosures in R districts may not contain habitable space and may not exceed 170 square feet in area.

3. Elevator penthouses in R districts may not contain habitable space and may not exceed 465 square feet in area.

4. Rooftop wind energy systems shall be considered permitted accessory structures within all districts provided they comply with the height limits and setbacks established in this Section. A rooftop energy conversion system shall consist of a wind turbine(s) and associated equipment for converting wind energy to power. Wind energy conversions systems shall be permitted as rooftop accessory structures provided such structures:

- (a) are set back at least 20 feet from the front building line, or in the case of corner lots, at least 15 feet from the front and side building line.
- (b) are limited to a height of no more than 15 feet above the roof or top of the *parapet*, whichever is greater.
- (c) comply with all noise limitations of the Chicago Municipal Code.
- (d) are safely and securely attached to the rooftop in compliance with the Chicago Building Code.

5. Pergolas, arbors and trellises located on rooftops in R Districts are allowed to exceed the maximum building height, provided that:

- (a) on *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 and side *building lines*;
- (b) do not exceed 11 feet in overall height or extend more than 8 feet above the building parapet, whichever is greater;

(c) are safely and securely attached to the rooftop.

(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 and 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)

Notes

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