



# City of Chicago



O2021-4892

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 10/27/2021

**Sponsor(s):** Lightfoot (Mayor)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapters 4-232, 14A-4, 17-9, 17-10, 17-11, 17-13, 17-14, 17-16 regarding certificate of occupancy and zoning certification

**Committee(s) Assignment:** Committee on Zoning, Landmarks and Building Standards

ZON



OFFICE OF THE MAYOR  
CITY OF CHICAGO

LORI E. LIGHTFOOT  
MAYOR

October 27, 2021

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Buildings, I transmit herewith an ordinance amending the Municipal Code regarding certificate of occupancy.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

*Lori E. Lightfoot*  
Mayor

## ORDINANCE

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** Section 4-232-190 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**4-232-190 Public garage – Entertainment – Location – Hours of operation.**

A public garage – entertainment ~~garage~~ must be located within one-half mile of the nearest exterior portion of a stadium or other structure having a capacity of 5,000 or more and licensed as a public place of amusement under Article III of Chapter 4-156 of this Code. The distance shall be measured from any parking area of or entrance to the garage to the stadium. Such a garage may operate only on days when sporting events or other entertainments are presented in such public place of amusement. A public garage – entertainment ~~garage~~ may open no more than two hours before and must close no later than two hours after a sporting event or other entertainment; the licensee or an employee of the licensee must be present during all hours of operation. A public garage – entertainment ~~garage~~ may be located only on premises for which a valid ~~occupancy certificate~~ certificate of occupancy and valid driveway permit have been issued.

**SECTION 2.** Section 10-32-240 of the Municipal Code of Chicago is hereby repealed in its entirety.

**SECTION 3.** Section 14A-4-402.1 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**14A-4-402.1 General.**

No *permit* is required for the following:

*(Omitted text is not affected by this ordinance)*

**Exterior Work:**

1. Non-combustible sidewalks, patios, walkways, parking surfaces, and driveways that are not located in or on the *public way*, not more than 30 inches (762 mm) above adjacent grade, and not over any *basement* or *story* below.

**Exception:** A *permit* is required to establish or expand any off-street parking or loading area.

*(Omitted text is not affected by this ordinance)*

**SECTION 4.** Section 17-9-0103.1-D of the Municipal Code of Chicago, is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

~~17-9-0103.1-D Certificate of occupancy. [Reserved.] No business live/work unit shall be occupied without issuance of a certificate of occupancy. A certificate of occupancy shall be issued only if the Commissioner of Buildings determines that the proposed commercial space and living space are in compliance with Section 14B-4-419 of the Municipal Code.~~

**SECTION 5.** Section 17-10-1008 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**17-10-1008 Plot Plan.**

~~17-10-1008-A~~ Any application for a ~~certificate of occupancy~~ zoning certification for any parking lot must include a plot plan – drawn to scale and fully dimensioned – showing all provisions for:

*(Omitted text is not affected by this ordinance)*

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

**SECTION 6:** Section 17-11-0103-D of the Municipal Code of Chicago is hereby repealed in its entirety.

**SECTION 7.** Section 17-11-0506 of the Municipal Code of Chicago is hereby repealed in its entirety.

**SECTION 8.** Section 17-13-0610 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**17-13-0610 Effect of Planned Development Approval.**

After the adoption of a *planned development* ordinance, every application for a permit or license within the *planned development* boundaries must be reviewed by the Zoning Administrator for a determination that the proposed *use, building* or structure complies with all provisions of the *planned development* ordinance ("Part II review"). A Part II review fee shall be assessed by the Department of Planning and Development and paid by the Applicant as set forth in this section. The Part II review fee is \$0.50 per square foot of buildable floor area, as identified in the *planned development* Bulk and Density Table. One-half of the permit review fee is due at the time of filing the *planned development* application (the "first installment"), and one-half of the review fee is due at the time of the Part II review (the "second installment"); provided, however, if the *planned development* is constructed in phases or subareas, and each phase or subarea is identified separately in the Bulk and Density Table and is subject to separate site plan approval or Plan Commission review, the permit review fee may be paid in phases. The fee for each phase shall continue to be paid in installments, with the first installment due at the time of filing the *planned development* application (for the initial phase) or at the time of filing for site plan review pursuant to Section 17-13-0800 (for subsequent phases), and with the second

installment due at the time of Part II review for such phase. If the buildable floor area square footage changes between payment of the first installment and payment of the second installment, the second installment will be adjusted accordingly. Zoning ~~and occupancy certificates~~ certifications may be issued by the Zoning Administrator for *uses, buildings* or structures within the *planned development* only upon the Zoning Administrator's written approval. Any permit, license or certificate issued in conflict with the *planned development ordinance* ~~is null and void~~ may be revoked in accordance with Section 17-16-0500.

**SECTION 9.** Section 17-13-1300 of the Municipal Code of Chicago and its subsections are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**17-13-1300 Zoning Certificates Certification.**

**17-13-1301 When Required.** Except as hereinafter provided, no permit pertaining to the use of land or buildings may be issued by any officer, department, or employee of this City unless the application for such permit has been examined by the Office of the Zoning Administrator and ~~has affixed to it a certificate of the Office of the Zoning Administrator~~ has certified in writing that the proposed building or structure complies with all the provisions of this Zoning Ordinance. Any ~~permit or certificate of occupancy zoning certification~~ issued in conflict with the provisions of this Zoning Ordinance ~~will be null and void~~ may be revoked in accordance with Section 17-16-0500.

**17-13-1302 Applications.**

**17-13-1302-A Filing.** Applications must be filed with the Zoning Administrator.

**17-13-1302-B Contents.** Every application for a building permit will be deemed to be an application for a zoning ~~certificate~~ certification and must be accompanied by:

1. A plat, ~~in duplicate,~~ of the piece or parcel of land, *lot, lots, block or blocks,* or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a ~~Land Surveyor or Civil Engineer~~ professional land surveyor or professional engineer licensed by the State of Illinois, as a true copy of the piece, or parcel, *lot, lots, block or blocks* or portions thereof, according to the registered or recorded plat of such land; and

2. A plat, ~~in duplicate,~~ drawn to scale in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the ground area, height, and *bulk* of the *building* or structure, the *building lines* in relation to *property lines*, the use to be made of the *building* or structure or land and such other information as may be required by the Zoning Administrator for the proper enforcement of this Zoning Ordinance.

*(Omitted text is not affected by this ordinance)*

~~3. One copy of each of the two plats must be attached to the application for a building permit when it is submitted to the Office of the Zoning Administrator for a zoning certificate and must be retained by the Zoning Administrator as a public record.~~

**17-13-1303 Performance Bonds.** At the time the Zoning Administrator issues a zoning ~~certificate~~ certification for a land use, building or parking lot that requires the submission of a

landscape plan or the planting of ~~street trees~~ parkway trees, the Zoning Administrator must require the posting of a performance bond or other form of financial security approved by the Zoning Administrator. The bond or other form of financial security must be in a form and amount as deemed adequate by the Zoning Administrator to ensure that the required landscape materials will be installed within 6 months or the next planting season.

17-13-1303-A Failure to install required landscape materials or parkway trees may not be relied upon as the basis for denying or withholding a certificate of occupancy provided that a performance bond or other security has been posted with the City in accordance with this section.

17-13-1303-B The performance bond or other form of financial security must be released by the Zoning Administrator after the premises have been inspected, the owner has certified that all landscaping has been installed in accordance with the approved plans and specifications, and the Bureau of Forestry has certified that the parkway trees have been installed in accordance with the approved plans and specifications.

**SECTION 10.** Section 17-13-1400 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows.

**17-13-1400 Occupancy Certificates Additional procedures.**

**17-13-1401 Applicability. [Reserved.]**

~~17-13-1401-A No building, or addition thereto, and no addition to a previously existing building may be occupied, and no land vacant may be used for any purpose, and no land may be used for the purpose of a surface parking lot until a certificate of occupancy has been issued by the Zoning Administrator.~~

~~17-13-1401-B No change in a use other than that of a *permitted use* in a district may be made until a certificate of occupancy has been issued by the Zoning Administrator.~~

~~17-13-1401-C Every certificate of occupancy must state that the use of occupancy complies with all the provisions of this Zoning Ordinance.~~

**17-13-1402 Applications. [Reserved.]**

~~17-13-1402-A Every application for a building permit will be deemed to be an application for an occupancy certificate.~~

~~17-13-1402-B Every application for an occupancy certificate for a new use of land where no building permit is required must be made directly to the Zoning Administrator.~~

**17-13-1403 Issuance of Occupancy Certificate. [Reserved.]**

~~17-13-1403-A No occupancy certificate for a building or addition thereto may be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based.~~

~~17-13-1403-B~~ No occupancy certificate for a building or addition thereto may be issued and no addition to a previously existing building may be occupied and no land may be used for the purpose of a surface parking lot until the premises have been inspected and certified by the Zoning Administrator to be in compliance with all applicable standards of the zoning district in which it is located.

~~17-13-1403-C~~ Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed 6 months from its date during the completion of any addition or during partial occupancy of the premises.

~~17-13-1403-D~~ An occupancy certificate must be issued, or written notice must be given to the applicant stating the reasons why a certificate cannot be issued, no later than 14 days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

~~17-13-1403-E~~ Failure to install required landscape materials in connection with parking and loading areas, parking lots, or other *vehicular use areas* may not be relied upon as the basis for denial or withholding a certificate of occupancy; provided that:

1. a zoning certificate for the installation of said landscape materials has been issued in accordance with this Zoning Ordinance or, in the case of uses not requiring a zoning certificate, the Zoning Administrator has determined that the plans and specifications for the installation of required landscape materials comply with the provisions of this chapter; and

2. a performance bond or other security has been posted with the City, at the time of zoning certification. Such bond or security must be:

(a) in such form and amount as the Zoning Administrator deems adequate to assure that required landscape material will be installed within six months or the next planting season; and

(b) released when the premises have been inspected and the Zoning Administrator has certified that the landscape materials have been installed in accordance with the approved plans and specifications.

#### **17-13-1404 Community Homes. [Reserved.]**

~~17-13-1404-A~~ No building may be occupied as a *family community home* or *group community home* until a Certificate of Occupancy has been issued by the Office of the Zoning Administrator. No Certificate of Occupancy may be issued for a *family community home* or *group community home* unless the Zoning Administrator determines that the proposed Community Home complies with all applicable zoning regulations and has been licensed as an adult family care home (in the case of a *family community home*) pursuant to Section 4-6-110, or an adult family care center (in the case of a *group community home*) pursuant to Section 4-6-080(a).

~~17-13-1404-B~~ The Zoning Administrator may revoke a Certificate of Occupancy for a Community Home if the operator's license is revoked by the appropriate state agency. A Certificate of Occupancy is not transferable to another operator or to another location.

(Omitted text is not affected by this ordinance)

**SECTION 11.** Section 17-14-0200 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**17-14-0200 Department of Planning and Development.**

*(Omitted text is not affected by this ordinance)*

**17-14-0202 Duties of the Office of Zoning Administrator.** The Zoning Administrator is responsible for administering and enforcing the provisions of this Zoning Ordinance. In accordance with such authority, the Zoning Administrator has the following powers and duties:

**17-14-0202-A** ~~issuing Zoning Certificates~~ issuing zoning certifications;

**17-14-0202-B** ~~issuing Certificates of Occupancy~~; [Reserved];

*(Omitted text is not affected by this ordinance)*

**17-14-0202-N.** Notwithstanding any other ordinance or provision of the Municipal Code, the Zoning Administrator is authorized to ~~approve~~ issue a zoning certification for a liquor license for consumption on the premises, in connection with the operation of an established food-serving facility in any building located on land owned by the Chicago Park District if approved by the Chicago Park District Commissioners.

*(Omitted text is not affected by this ordinance)*

**17-14-0202-P** In connection with land located within the Airport Layout Plan that has been acquired by the city, the Zoning Administrator is authorized to examine and approve all building plans as required by subsection 17-14-0202-O as if the land was part of the Airport Planned Development. For the purposes of this section, the terms "Airport Layout Plan" and "Airport Planned Development" shall have the same meaning as set forth in Section ~~17-13-0614~~ 17-13-0613;

*(Omitted text is not affected by this ordinance)*

**SECTION 12.** Section 17-16-0500 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**17-16-0500 Remedies and enforcement powers.**

**17-16-0501 Applicability.** The ~~city~~ City may use any lawful remedy or enforcement powers, expressly including those described in this section.

**17-16-0502 Remedies Cumulative.** The remedies and enforcement powers established in this Zoning Ordinance are cumulative, and the ~~city~~ City may exercise them in any order.

**17-16-0503 Withhold Permit.**

**17-16-0503-A** City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the ~~city~~ City. This



provision applies regardless of whether the current *property owner* or applicant is responsible for the violation in question.

**17-16-0503-B** City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, develops or otherwise causes an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation. For purposes of this section, a "person" is defined as any individual or business entity with more than a 20 percent interest in the subject property.

**17-16-0504 Permits with Conditions.** Instead of withholding, ~~or denying or revoking~~ a permit or other authorization, city City officials may grant such authorization subject to the condition that the violation be corrected by a specified time. City officials are also authorized to require adequate financial assurances that such correction will be made.

**17-16-0505 Revoke Permit.**

**17-16-0505-A** Any permit or other form of authorization required and issued under this Zoning Ordinance may be revoked when the Zoning Administrator determines that:

1. there is departure from the plans, specifications, or conditions required under terms of the permit;
2. the ~~development~~ permit was procured by false representation or was issued by mistake; or
3. any of the provisions of this Zoning Ordinance are being violated.

*(Omitted text is not affected by this ordinance)*

**17-16-0506 Stop Work.** Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired, or other development is occurring, in violation of this Zoning Ordinance, the Zoning Administrator or Commissioner of Buildings may order the work to be immediately stopped.

*(Omitted text is not affected by this ordinance)*

**17-16-0508 Injunctive Relief.** The city City may seek an injunction or other equitable relief in court to stop any violation of this Zoning Ordinance.

**17-16-0509 Abatement.** The city City may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed before the violation.

*(Omitted text is not affected by this ordinance)*

**17-16-0512 Other Remedies and Enforcement Powers.** The city City may seek such other remedies and use other enforcement powers, as allowed by law.

**SECTION 13.** This Ordinance shall take full force and effect upon passage and publication.