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City Council Document Tracking Sheet

Meeting Date: 6/8/2011

Sponsor(s): Moreno, Proco Joe (1)
Tunney, Thomas (44)

Type: Ordinance

Title: Amendment of Title 17 of Municipal Code to establish
Business Work/Live Space use category within business
and commercial districts

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

SUBSTITUTE ORDINANCE

TAD-458

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

SECTION 1. The table in Section 17-3-0207 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-3-0207 Use Table and Standards.

USE GROUP	Zoning Districts						Use Standard	Parking Standard
	Use Category	B1	B2	B3	C1	C2		
<u>Specific Use Type</u>								
P = permitted by right S = special use approval required PD = planned development approval required - = Not allowed								
<i>(Omitted text is unaffected by this ordinance.)</i>								
COMMERCIAL								
<i>(Omitted text is unaffected by this ordinance.)</i>								
SS. Vehicle Sales and Service								
<u>TT. Business live/work Unit</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>-</u>	<u>§17-9-0103.1</u>	<u>§17-10-0207-C</u>
INDUSTRIAL								
TT-UU. Manufacturing, Production and Industrial Services								
<i>(Omitted text is unaffected by this ordinance.)</i>								
UU-VV. Recycling Facilities								
<i>(Omitted text is unaffected by this ordinance.)</i>								
VV-WW. Warehousing, Wholesaling and Freight Movement	-	-	-	P	P	P		<u>§17-10-0207-U</u>
OTHER								
WW-XX. Wireless Communication Facilities								
<i>(Omitted text is unaffected by this ordinance.)</i>								

SECTION 2. The table in Section 17-10-0207 of the Zoning Ordinance is hereby amended by adding the language underscored, as follows:

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
<i>(Omitted text is unaffected by this ordinance.)</i>		
17-10-0207-C Parking Group C. (Multi-Unit, nongovernment-subsidized; based on zoning)		
R (all)	1 space per unit	1 per 2 auto spaces in buildings containing 8 or more units
B, C dash 1, 1.5, 2	1 space per unit	
B, C dash 3	1 space per unit	

B, C dash 5	1 space per unit for first 100 units; 0.60 spaces per unit for all additional units	
(Multi-Unit, government-subsidized; based on unit size)		
Less than 600 sq. ft.	0.33 spaces per unit	1 per 2 auto spaces in buildings containing 8 or more units
600-1,200 square feet	0.70 spaces per unit	
1,201+ square feet	1 space per unit	
(Note: DHED 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)		
<u>(Note: <i>Business live/work units</i> shall comply with the off-street parking standards of Parking Group C; provided, however, in the case of <i>buildings</i> constructed prior to August 1, 2012, one <i>business live/work unit per building</i> shall be exempt from such parking standards.</u>		
(Omitted text is unaffected by this ordinance.)		

SECTION 3. Section 17-17-0200 of the Zoning Ordinance is hereby amended by adding a new subsection 17-17-0230.5, as follows:

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.

SECTION 4. Section 17-9-0100 of the Zoning Ordinance is hereby amended by adding a new subsection 17-9-0103.1, as follows:

17-9-0103.1 Business live/work units.

17-9-0103.1-A Purpose. *Business live/work units* allow limited residential use in *street level commercial establishments* in “B” and “C” (Business and Commercial) districts. The regulations of this section are intended to ensure that the residential *use* satisfies basic habitability standards and that the commercial viability of the unit is maintained.

17-9-0103.1-B Permitted Uses. The following commercial *uses* are permitted in *business live/work units*:

1. *Artist Work or Sales Space*;
2. *Offices*;

3. *Personal Services*, except massage establishments and businesses that require a Children's Activities Facility (CAF) license from the Department of Business Affairs and Consumer Protection or any successor agency; and

4. *Retail Sales, General*, except the following: *food and beverage retail sales*, the sale of firearms or ammunition, and the sale of tobacco, cigars, cigarettes or cigarette papers, leaf tobacco, snuff, or any preparations containing tobacco.

17-9-0103.1-C Standards. *Business live/work units* shall comply with all of the following standards:

1. No portion of a *business live/work unit* may be separately leased, subleased or sold as a work space to any person not living in the unit, or as a residential space to any person not working in the unit.

2. *Business live/work units* shall contain a minimum of 800 gross square feet and a maximum of 3,000 gross square feet. The work portion of the *business live/work unit* shall be a minimum of one-third of the total floor area of the unit or 400 square feet, whichever is greater, and a maximum of 50 percent of the total floor area of the unit. The residential portion of the *business live/work unit* shall be a minimum of 50 percent of the total floor area of the unit.

3. *Business live/work units* must be located on the ground floor or level and at *street* fronting elevations. The commercial floor area shall be directly accessible from and oriented towards the *street*, and the entrance must be clearly designated as a business entrance.

4. The residential portion of the *business live/work unit* shall include cooking space, sanitary facilities and sleeping space in compliance with Section 13-64-400 of the Municipal Code and any other applicable codes, ordinances, laws, rules and regulations. The work portion of the *business live/work unit* shall be designed or equipped exclusively or principally to accommodate commercial *uses*, and shall be regularly used for commercial activities and display space by one or more occupants of the unit.

5. Each *business live/work unit* shall have a pedestrian-oriented frontage that publicly displays the interior commercial space.

6. The residential portion of the *business live/work unit* shall be contiguous with and an integral part of the work space, with direct access between the two areas, and not as a separate stand-alone *dwelling unit*; provided, however, mezzanines and lofts may be used as living space, and living and work space may be separated by corridors, hallways, interior courtyards or similar private space. The residential portion of the *business live/work unit* shall not have a separate street address from the work space. Each *business live/work unit* shall be separated from other *business live/work units* and any other uses in the *building* and shall have separate access either from the *building*

exterior or from an interior corridor, hall or other common access area that is separate from other units and uses.

7. A *business live/work unit* shall not be established or used in conjunction with any of the following activities:

(a) storage of flammable liquids or hazardous materials beyond those normally associated with a residential *use*;

(b) welding, machining, or any open flame work; and

(c) any other activity or use as determined by the Zoning Administrator to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of *business live/work unit* residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

8. *Business live/work units* shall comply with the minimum *lot area* standards of Sec. 17-3-0402 for *dwelling units*; provided, however, in the case of *buildings* constructed prior to August 1, 2012, one *business live/work unit* per *building* shall be exempt from the minimum *lot area* requirements.

9. *Business live/work units* are prohibited in *strip centers*.

17-9-0103.1-D Certificate of Occupancy. 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 13-64-400 of the Municipal Code.

17-9-0103.1-E Required Disclosures to New Tenants or Owners. For any *business live/work unit*, a statement of disclosure shall be provided to prospective owners or tenants before a unit, or *building* containing a unit, is leased or sold. This statement of disclosure shall contain the following acknowledgments: At least one resident of each *business live/work unit* must operate a business within the unit and possess a valid business license, if applicable, associated with the premises and based on the commercial activity conducted therein. Commercial activities within the *business live/work unit* are restricted to those listed in Section 17-9-0103.1-B.

SECTION 5. Section 17-13-0902-B of the Zoning Ordinance is hereby amended by adding a new subsection 17-13-0902-B-3, as follows:

3. *Business live/work units.* In addition to any other general information required to be submitted with a *special use* application, the following specific information must accompany any *special use* application for a *business live/work unit*:

(a) Description of the nature of the work activities to be performed in the *business live/work unit*.

(b) Floor plan that identifies those areas to be used as living space and those areas to be used as work space and a table showing the square footage devoted to each.

SECTION 6. Section 17-13-0905 of the Zoning Ordinance is hereby amended by adding a new subsection 17-13-0905-E, as follows:

17-13-0905-E Business live/work units. No *special use* application for a *business live/work unit* may be approved unless the Zoning Board of Appeals finds that the *special use* meets the General Criteria of Sec. 17-13-0905 and all of the following specific criteria:

1. The floor plan for the *business live/work unit* provides a functional and open area for a bona fide commercial use.

2. The *business live/work unit* is easily identified as a business and conveniently accessible by clients, employees and other business visitors.

3. The establishment of the *business live/work unit* will not impair the retention or creation of commercial uses in the surrounding neighborhood.

4. Each *business live/work unit* has been designed to ensure that the residential space meets basic habitability requirements in compliance with Section 13-64-400 of the Municipal Code and any other applicable codes, ordinances, laws, rules and regulations.

5. The residents of the *business live/work unit* will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.

SECTION 7. Section 13-4-010 of the Municipal Code is hereby amended by adding a new definition, as follows:

“Business live/work unit” means a dwelling unit containing a minimum of 800 gross square feet and a maximum of 3,000 gross square feet in which a minimum of one-third of the gross square footage of the unit or 400 square feet, whichever is greater, and a maximum of 50 percent of the gross square footage of the unit, is used for an occupancy classification of E or F, and the occupancy E or F portion is owned and operated by the residential occupant.

SECTION 8. Chapter 13-64 of the Municipal Code is hereby amended by adding a new Section 13-64-400, as follows:

13-64-400 Business live/work units.

(a) *Business live/work units.* Every business live/work unit shall comply with the special provisions of this Section 13-64-400. Any building permit plans for the construction or establishment of business live/work units shall clearly state that the proposal includes business live/work units, and shall label the units intended to be business live/work units.

(b) *Occupancies.* Business live/work units shall be classified as residential units. Separation of occupancy requirements set forth in Section 13-56-280 shall not apply to business live/work units. Business live/work units shall not be used for any of the purposes set forth in Chapter 13-112 relating to hazardous use units. Business live/work units shall not be used for the commercial sale or distribution of liquor. Business live/work units shall not be used as restaurants or for the commercial preparation of food or food products.

(c) *Demarcation within the Business Live/Work Unit.* The work portion of the business live/work unit shall be contiguous with and open to the residential portion. For the purpose of clarifying the respective portions and functions of the business live/work unit, an architectural demarcation consisting of fixed and permanent architectural elements shall be provided between the work and residential portions of the business live/work unit. These architectural elements may include, without limitation, partial partitions, doors (including sliding doors, folding doors or bi-parting doors), glazing or counters.

(d) *Limitations.* The following limitations shall apply to each business live/work unit:

(1) The business live/work unit shall be a minimum of 800 gross square feet and a maximum of 3,000 gross square feet.

(2) The work portion of the business live/work unit shall be a minimum of one-third of the total floor area of the business live/work unit or 400 square feet, whichever is greater, and a maximum of 50 percent of the total floor area of the unit.

(3) The residential portion of the business live/work unit shall be a minimum of 50 percent of the total floor area of the unit.

(4) The business live/work unit shall be limited to the ground floor.

(5) The operation or storage needs of the work portion of the business live/work unit shall not be permitted in the residential portion of the business live/work unit. Storage for the work portion of the business live/work unit shall constitute no more than 10 percent of such work floor area.

(e) *Required Separations.* Individual business live/work units shall be completely separated from portions of the building not within the unit or from other business live/work units within the same building as required by Section 13-64-020 (a) and (b).

(f) *Exit Requirements.* Business live/work units are subject to all requirements of

Chapter 13-160 and the following specific requirements:

(1) The exit capacity for each portion of the business live/work unit (residential and work space) shall be based on the occupant load of each function served by the exits.

(2) Business live/work units are permitted to use locking devices in accordance with Chapter 13-164.

(g) *Structural.* Floor loading for the work portion of the business live/work unit shall be designed to conform to the loads found in Chapter 13-52 based on the function of the space.

(h) *Plumbing.* The requirements of Chapter 18-29 shall apply to the work portion of the business live/work unit based on the function of such work space. Plumbing fixtures which serve an individual business live/work unit shall be located within such unit and shall not be shared with other dwelling or commercial units within the building. Plumbing fixtures shall be provided for the residential portion of the business live/work unit as required by Section 13-196-350 through 13-196-370, Section 13-196-390, Section 13-196-420 and Section 13-96-430.

(i) *Residential Cooking Equipment.* Cooking appliances or equipment shall be provided for the residential portion of the business live/work unit as required by Section 13-196-440.

(j) *Heating.* Heating shall be provided for the business live/work unit as required by Section 13-96-400 through 13-96-410.

(k) *Ventilation.* The requirements of Chapter 18-28 shall apply to the work portion of the business live/work unit based on the function of the space.

(l) *Natural Light and Ventilation.* The requirements of Chapter 13-172 for natural light and ventilation shall apply to the residential portion of the business live/work unit. Borrowed light from storefront windows and glazed doors which are contiguous to a public street and meet the requirements of Section 13-172-070 (c) shall be permitted to provide the required borrowed natural light for a maximum of 50 percent of the residential portion of the business live/work unit. Storefront glazing which is contiguous to a public street and has been modified to provide operable portions, including operable entry doors, may provide natural ventilation for a maximum of 50 percent of the residential portion of the business live/work unit in conformance with Section 13-172-090 (C).

(m) *Smoke Detectors.* At least one hardwired smoke detector shall be installed in the non-residential portion of the business live/work unit. This detector and the detectors in the residential portion of the unit shall be wired in series so that if one detector sounds an alarm all of the detectors in the unit (residential and work space) will also sound an alarm.

SECTION 9. To the extent that any ordinance, resolution, rule, order or provision of the

Municipal Code, or any portion thereof, is in conflict with any provision of this ordinance, the provisions of this ordinance control. If any section, paragraph or provision of this ordinance shall be held invalid by any court, that invalidity shall not affect the remaining provisions of this ordinance.

SECTION 10. This ordinance shall be in full force and effect 90 days after its passage and publication.

Proco "Joe" Moreno
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