



# Office of the City Clerk



SO2012-3781

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## City Council Document Tracking Sheet

<b>Meeting Date:</b>	6/6/2012
<b>Sponsor(s):</b>	Waguespack, Scott (32)
<b>Type:</b>	Ordinance
<b>Title:</b>	Zoning Reclassification Map No. 7-G at W Diversey Ave at N Lakewood Ave
<b>Committee(s) Assignment:</b>	Committee on Zoning, Landmarks and Building Standards

# FINAL FOR PUBLICATION

## SUBSTITUTE ORDINANCE

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

Section 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the Residential Planned Development 1068 symbols and indications as shown on Map Number 7-G in the area bounded by:

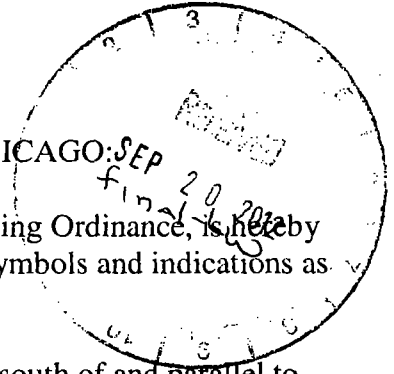
West Diversey Parkway; North Lakewood Avenue; the east/west alley south of and parallel to West Diversey Parkway; and a line 124.25 feet west of and parallel to North Lakewood Avenue,

to those of Residential Planned Development Number 1068, as amended, which is hereby established in the area described above

Section 2. This ordinance shall be in full force and effect after its passage and due publication.

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Scott Waguespack  
Alderman, 32<sup>nd</sup> Ward



Planned Development Statements  
Planned Development No. 1068, As Amended

1. The area delineated herein as a Residential Planned Development Number 1068 ("Planned Development") consists of a net site area of approximately fifty-seven thousand one hundred seventy-three (57,173) square feet (one and thirty-one hundredths (1.31) acres) of property which is depicted on the attached Planned Development Boundary, Subarea and Property Line Map (the "property"), and is owned or controlled by the applicant, 1301 West Diversey, L.L.C. for purposes of this Residential Planned Development.
  
2. The Applicant or its successors, assignees, or grantees shall obtain all applicable official reviews, approvals or permits which are necessary to implement this Plan of Development. Any dedication or vacation of street, alleys or easements, any adjustments of right-of-way, and any consolidation or resubdivision of parcels shall require a separate submittal on behalf of the applicant or its successors, assigns or grantees and approval by the City Council.

The requirements, obligations and conditions applicable within this Planned Development shall be binding upon the applicant, its successors and assigns and if different than the applicant, the owners of all the property within the Planned Development or any homeowners association(s) formed to succeed the applicant or its successor, assigns or grantees for purposes of control and management of any portion of the Planned Development, the legal title holder and any ground lessors. All rights granted hereunder shall inure to the benefit of the applicant, its successor, assigns and if different than the applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-13-0600 of the Chicago Zoning Ordinance, the property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or under single designated control. Single designated control for purposes of this paragraph shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all, the owners of the property within the Planned Development or any homeowners association formed to represent all or some of the owners for zoning purposes and management of any portion of the Planned Development.

3. This plan of development consists of these fifteen (15) statements; a Bulk Regulation and Data Table; an Existing Zoning Map; and Existing Land Use Map; a Planned Development Boundary Map, Subarea and Property Line Map; a Site Plan; a Townhouse Building Plan; a Landscape Plan; and Building Elevations, all dated May 17, 2007. The Site Plan, Landscape Plan, Building Elevations and minor change approvals are on file with the Department of Housing and Economic Development. The plan of development is in conformity with the intent and purposes of the Chicago Zoning Ordinance (Title 17 of the Municipal Code of Chicago) and all requirements thereof, and satisfies the

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established criteria for approval of a Planned Development. These and no other zoning controls shall apply to the area delineated herein.

4. The following uses shall be permitted within the areas delineated herein as a Residential Planned Development:

Subarea A: Townhome units; accessory parking; accessory uses; and related uses.

Subarea B: Single-family residential units; accessory parking; accessory uses and related uses.

5. Identification and business signs shall be permitted within the Planned Development subject to the review and approval of the Department of Housing and Economic Development. Temporary signs, such as construction and marketing signs shall be permitted within the Planned Development subject to the review and approval of the Department of Housing and Economic Development. Off-premise signage is prohibited.
6. Off-street parking and loading facilities shall be provided in compliance with the Site Plan and this Planned Development, and not subject to the further review and approval of the Department of Transportation and/or Housing and Economic Development.
7. Any service drives or other ingress or egress including emergency vehicle access shall be adequately designed, constructed and paved in accordance with the Municipal Code of Chicago and the regulations of the Department of Transportation in effect at the time of construction. Ingress and egress shall be in conformance with this Planned Development. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation.
8. All work in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in accordance with the Municipal Code of the City of Chicago in effect at the time any permits for such work are granted.
9. The maximum permitted floor area ration ("F.A.R.") shall be in accordance with the attached Bulk Regulations and Data Table. For purposes of F.A.R. calculations and floor area measurement, the definition in the City of Chicago Zoning Ordinance shall apply.
10. Improvements of the Property, including on-site exterior landscaping and the landscaping along the adjacent rights-of-way, and all entrances and exits shall be designed, installed and maintained in substantial conformance with the Site, Landscape Plan and the Bulk Regulations and Data Table attached hereto and made a part hereof. Landscaping shall be installed and maintained at all times in accordance with the Site Plan and the parkway Tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines.

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Prior to issuance by the Department of Housing and Economic Development of a determination pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance (“Part II Approval”) for any future development of the single-family homes of this Planned Development, plans for each single-family home shall be submitted to and approved by the Commissioner of the Department of Housing and Economic Development (“Site Plan Approval”). Site Plan Approval is intended to ensure that the specific development proposal is consistent with the provisions of the Planned Development, specifically the Single-Family Home Design Standards (as detailed in Statement Number 11) as well as relevant ordinances.

11. Except as set forth herein, the Single-Family Homes shall conform to the requirements of the RM 4.5 zoning classification. The following building standards shall be applied at the time of Part II submission for the Single-Family Home lots:
  - a. Height:
    - i. Building heights shall not exceed forty (40) feet maximum. Building height shall be determined as defined in the Chicago Zoning Ordinance.
  - b. Setbacks:
    - i. Each building shall have a minimum front setback of fifteen (15) feet from the front lot line and be in accordance with the Site Plan. Entry porches and stairs shall be allowed to project into the front yard setbacks for a distance of nine (9) feet, four (4) inches.
    - ii. Lots twenty-five (25) feet in width may have a “bay window” that is no more than forty percent (40%) of the building’s front façade in width and may project into thirty percent (30%) of the required front yard.
    - iii. Lots fifty (50) feet in width or more may have a “bay window” that is no more than fifty percent (50%) of the building’s front façade in width and may project into thirty percent (30%) of the required front yard.
    - iv. Each building having three (3) stories shall have the third (3<sup>rd</sup>) story setback at least fifteen (15) feet from the front façade of the two (2) floors below.
    - v. Balconies, decks and porches shall not be closer than three (3) feet from any side lot line.
    - vi. Chimneys may project into side yards so long as they are not closer than eighteen (18) inches from a property line.
    - vii. Other obstructions permitted in required yards shall be as defined in the Chicago Zoning Ordinance.
    - viii. On lots with fifty (50) feet in width or more of street frontage, the Commissioner of the Department of Housing and Economic Development is authorized to grant site plan approval to permit a reduction of up to 50% in the depth of any required side setback based on the site location and the setbacks of neighboring properties.

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- c. Parking:
- i. Two (2) cars minimum per single-family home shall be provided within a enclosed attached or detached garage structure. All garages shall be of a size to accommodate refuse containers within the property lines.
  - ii. Parking stalls shall be eight (8) feet multiplied by nineteen (19) feet minimum.
  - iii. Roof slopes on pitched roofs of detached garages shall be not less than a 8:12 pitch and the ridge of the gable roof shall be oriented so that the gable ends face the street and house. Garages with flat roofs and roof decks are allowed as defined in and subject to the Chicago Building Code.
  - iv. All garage doors to be provided with one seventy-five (75) watt high pressure sodium light fixture at alley, which shall be activated by photoelectric cell switch.
- d. Landscaping:
- i. Fencing along east property line (facing North Lakewood Avenue) shall conform to a standard design (to be determined). All gangway fencing and gates between homes shall be ornamental iron or cedar board.
  - ii. No more than twenty percent (20%) of front yard shall be hard surface paving.
  - iii. Sod or ivy ground cover shall be provided at all non-paved areas of the site.
  - iv. All utility meters in front yards to be fully screened with shrubs or other landscaping.
  - v. All exposed foundations at front facades shall be screened with landscaping.
  - vi. The front and rear yards of all single-family lots shall have one two and one-half (2 ½ ) inch caliper tree minimum.
  - vii. Depressed window or area wells are not permitted in front yards.
- e. Construction Standards:
- i. All street facades at the lower level will be masonry face brick, limestone or manufactured stone. Brick shall be of modular size. No concrete or concrete masonry unit (C.M.U) or synthetic stucco (EIFS) materials will be allowed. Metal trim (pre-finished or copper) is permitted. Façade materials shall extend back from front facades a minimum of eight (8) feet, zero (0) inches at both side facades. Upper floors shall be clad in the same or wood siding. No vinyl or aluminum siding shall be allowed. Wood or vinyl horizontal lap siding are not permitted façade materials.
  - ii. Permitted chimney projections into side yards shall match front façade materials if at or within ten (10) feet, zero (0) inch of front façade.
  - iii. In masonry facades, all windows and doors shall have eight (8) inch to twelve (12) inch stone lintels and four (4) inch stone sills.
  - iv. Horizontal lap siding is allowed on detached garages. Horizontal lap siding shall have a maximum four (4) inch lap and be of wood. Door, window and corner trim shall be four (4) inches nominal, at minimum.

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- v. Exhaust vents for fans or appliances shall not be allowed along front facades. All Roof penetrations, such as vents and flues shall be located on the rear one-third (1/3) of the residence.
- vi. Gutters and downspouts shall be pre-finished aluminum and/or copper. Decorative leader boxes shall be permitted along the front and side facades.
- vii. No sliding doors or windows shall be permitted along the front and side facades.
- viii. Pitched roof slopes shall be not less than a 10:12 pitch. Roof coverings shall be a three (3) tab asphaltic shingle with granular face and shadow lines. Flat roof shall be single-ply membrane in white and shall carry an Energy Star rating.
- ix. Adjacent buildings shall have dissimilar facades, finishes, window configurations and material colors. No more than two (2) of the same façade shall be allowed on North Lakewood Avenue.
- x. All principal entrance doors shall face the street.
- xi. All exterior patios, terraces and similar spaces shall be located only in the rear of the building. Patios, terraces and similar spaces in the front yard are not allowed.
- xii. All front entry doors shall be located at the first (1<sup>st</sup> floor) above grade. Front entry doors below sidewalk grade are not allowed.
- xiii. All satellite dishes, aerials and antennas shall be located in the rear one-third (1/3) of the residence. Satellite dishes shall not exceed two (2) feet diameter.

Following issuance of Site Plan Approval by the Commissioner, the approved Site Plans shall be kept on permanent file with the Department of Housing and Economic Development and shall be deemed to be an integral part of this Planned Development. The approved Site Plans may be changed or modified pursuant to the minor change provisions of Section 17-13-0611 of the Chicago Zoning Ordinance.

- 12. The applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner that promotes, enables and maximizes universal access throughout the Property. Therefore, at the time when building permits are sought, the plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
- 13. The terms, conditions, and exhibits of this Planned Development ordinance may be modified, administratively, by the Commissioner of the Department of Housing and Economic Development upon the written request for such modification by the applicant and after a determination by the Commissioner of the Department of Housing and Economic Development that such a modification is minor, appropriate and is consistent with the nature of the improvements contemplated in this Planned Development. Any

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such modification of the requirements of this statement by the Commissioner of the Department of Housing and Economic Development shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.

14. The applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of natural resources. The applicant shall use commercially reasonable efforts to design, construct and maintain all buildings located within this Planned Development in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating. Copies of these standards may be obtained from the Department of Housing and Economic Development. The townhomes in Sub Area A shall have a minimum of twenty-five percent (25%) of the penthouse roof area, or one thousand six hundred twenty-four (1,624) square feet, as green roof.
15. At the time of this amendment, the Department of Housing and Economic Development has determined that substantial construction of the project had been undertaken within six (6) years of the passage of the Planned Development; therefore, the requirements of this Planned Development are deemed to be appropriately vested in the property subject to this Planned Development.

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Residential Planned Development Number LO68.

## Bulk Regulations And Data Table.

Gross Site Area:	81,448 square feet
Net Site Area: 81,448 square feet - Area in Public Way (24,275 square feet) =	57,173 square feet
Maximum Floor Area Ratio:	1.7
Maximum Site Coverage:	65%
Maximum Number of Residential Units:	25 dwelling units
Subarea A:	12 townhouse units
Subarea B:	13 single-family homes
Minimum Number of Residential Off-Street Parking Spaces:	50 spaces
Subarea A:	24
Subarea B:	26
	Note: In the event that fewer units are constructed, the number of parking spaces shall be reduced, so long as a 2:1 ratio is maintained
Minimum Number of Off-Street Loading Areas:	0
Minimum Building Setbacks:	Per Site Plan and Design Guidelines
Maximum Building Height:	
Subarea A:	42 feet
Subarea B:	40 feet