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O2012-5039

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City Council Document Tracking Sheet

Meeting Date:	7/25/2012
Sponsor(s):	Burns, William D. (4)
Type:	Ordinance
Title:	Amendment of Title 17 of Municipal Code to regulate alterations and restorations of existing buildings and dwelling units within buildings in RM6.5 zoning district, and modify provisions for residential support services
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

ORDINANCE

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

SECTION 1. Section 17-15-0403 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by adding a new subsection 17-15-0403-C and a new subsection 17-15-0403-D, as follows:

17-15-0403-C For existing buildings in the RM 6.5 District constructed before the effective dates specified in Sec. 17-1-0200 that are *nonconforming* with respect to *floor area ratio* and were originally constructed with at least one million square feet of *floor area*, the following will not be considered to increase the degree of nonconformity with respect to *floor area ratio*: (i) interior alterations that do not increase the net *floor area* of the *building*; and (ii) horizontal additions that do not project into any required setback or increase the net *floor area* of the *building* provided, however, that any such alterations and additions are completed within 18 months of the date the building permit is issued for such alterations and additions and any exchanges of *floor area* for the *building* permitted pursuant to this Section 17-15-0403-C shall not exceed either twenty thousand square feet or one percent of the *floor area* for the *building*.”

17-15-0403-D Where original *dwelling units* within a *building* in the RM 6.5 District that is *nonconforming* with respect to *density* have been utilized for non-residential *uses* or have been combined to create fewer overall *dwelling units*, the Zoning Administrator is authorized to approve an *administrative adjustment* allowing for the restoration of the original *dwelling unit use, number* and configuration, provided that the Zoning Administrator determines:

1. the original *building* was constructed before the effective dates specified in Sec. 17-1-0200 and contained no fewer than 1,000 *dwelling units*;
2. such restoration will not result in more *dwelling units* than originally approved for the *building* nor expand *dwelling units* into areas of the *building* not originally improved as *dwelling units*; and
3. such restoration will not increase the existing number of *dwelling units* in the *building* by more than 2 percent.

SECTION 2. Section 17-15-0404-A of the Zoning Ordinance is hereby amended by adding the language underscored, as follows:

17-15-0404-A When a structure with nonconforming elements is removed or intentionally destroyed, re-establishment of the nonconforming elements is prohibited. Alterations in compliance with Section 17-15-0403-C or 17-15-0403-D shall not be deemed removal or intentional destruction of non-conforming elements for the purposes of this Section 17-15-0404-A.

SECTION 3. Section 17-17-0104-Y of the Zoning Ordinance is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

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 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; and*
8. Physical fitness centers, with or without swimming pools, approved by the Zoning Administrator as an administrative adjustment in accordance with Sec. 17-13-1033-MM.

SECTION 4. Section 17-9-0114-B of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by adding the language underscored, as follows:

17-9-0114-B Location and Maximum Area. *Residential support services* may be located only on the first two floors of a *building*. Individual business, service or office uses within the Residential Support Service category, not including physical fitness centers or swimming pools approved by the Zoning Administrator as an administrative adjustment in accordance with Sec. 17-13-1003-MM, are limited to a maximum of 5,000 square feet in area. Additional floor area requires *special use* approval in accordance with Sec. 17-13-0900.

SECTION 5. Section 17-13-1003 of the Zoning Ordinance is hereby amended by adding a new subsection 17-13-1003-LL and a new subsection 17-13-1003-MM as follows:

17-13-1003-LL Nonconforming Dwelling Unit Restorations.

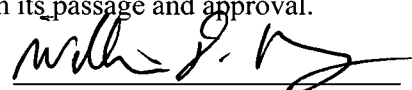
1. The Zoning Administrator is authorized to approve an *administrative adjustment* to allow those restorations of original *dwelling unit use, number* and configuration expressly authorized as *administrative adjustments* in Sec. 17-15-0403-D.

2. Such *administrative adjustments* may be approved only when the Zoning Administrator determines that the proposed adjustment meets the applicable approval criteria of 17-15-0403-D. No written notice is required for such *administrative adjustments.*

17-13-1003-MM Physical Fitness Centers as Residential Support Services. The Zoning Administrator is authorized to approve an *administrative adjustment* for existing *buildings* that were originally constructed with at least one million square feet of *floor area* and no fewer than 1,000 *dwelling units* prior to the effective dates specified in Sec. 17-1-0200 and are presently located in the RM 6.5 District, to allow such *buildings* to provide or continuing providing physical fitness centers as *Residential Support Services*, with or without swimming pools, and in excess of 5,000 square feet, provided that the Zoning Administrator determines: (i) the *building* operated with a comparable physical fitness center and swimming pool for at least 25 years of the most recent 30 years; and (ii) the approval of the *administrative adjustment* will have no appreciable adverse impact on the health, safety, or general welfare of surrounding *property owners* or the general public.

SECTION 6. 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 7. This ordinance shall take effect immediately upon its passage and approval.


William D. Burns
Alderman, 4th Ward