



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2016-8422

**Type:** Ordinance **Status:** Passed

**File created:** 11/16/2016 **In control:** City Council

**Final action:** 3/29/2017

**Title:** Amendment of Municipal Code Titles 13, 15, 17 and 18 regarding carports, private garages, balconies, porches, rooftops and other building structures

**Sponsors:** Hopkins, Brian

**Indexes:** Ch. 4 Definitions, Ch. 8 Fire-Resistive Requirements, Ch. 12 Fire-Resistive Materials & Construction, Ch. 13 Energy Conservation, Ch. 17 Terminology & Measurements, Land Use & Zoning-Tables & Index, Ch. 28 Mechanical Refrigeration Systems, Ch. 56 Classification of Buildings by Occupancy, Ch. 96 Miscellaneous Buildings & Structures, Ch. 116 Fire Limits-Location Limitations

**Attachments:** 1. SO2016-8422.pdf, 2. O2016-8422.pdf

Date	Ver.	Action By	Action	Result
3/29/2017		City Council	Passed as Substitute	Pass
1/23/2017	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
11/16/2016	1	City Council	Referred	

### SUBSTITUTE ORDINANCE

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

SECTION 1. Section 13-4-010 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and inserting the underscored text, as follows:

#### 13-4-010 Definitions.

For the purpose of this Code, the following terms shall be construed as follows:

*(Omitted text is unaffected by this ordinance)*

Deck. An open, unroofed floor structure used in conjunction with a principal building or installed on the roof of a building. A deck other than a rooftop deck may be classified as attached or detached depending upon its relationship to the principal building. "Deck" shall have the same meaning ascribed to that term in section 15-8-321.

*(Omitted text is unaffected by this ordinance)*

"Fire limits" means an area in the city within boundaries within which certain occupancies and

types of construction may be limited or prohibited, shall have the same meaning ascribed to that term in section 13-116-010.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 13-56-220 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**13-56-220 Class J, miscellaneous buildings and structures.**

Miscellaneous structures and structures of a temporary character shall be constructed and equipped to meet the requirements of the code commensurate with the fire and life hazard incidental to their use; and where not specifically herein provided for,

the building commissioner shall adopt rules and regulations to fix the character of construction in relation to the fire limits and proximity to adjacent structures. Class J, miscellaneous buildings and structures, shall include, among others, the following: Bridges

~~Carbarns~~ Carports Coal pockets

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Article VII of Chapter 13-96 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**ARTICLE VII. PRIVATE GARAGES AND CARPORTS (13-96-250 et seq.)**

**13-96-250 General requirements.**

Every private garage and carport hereafter erected shall comply with all applicable provisions of this Code and with the special provisions of Sections 13-96-260 to 13-96-290, inclusive.

**13-96-260 Definitions.**

a) A "private garage" is defined as a building, or part portion of a buildingy-net ~~more than~~ one story high and having an area not excooding 800 square feet and designed or used for the

storage of passenger motor vehicles containing flammable fuel in which not more than five motor vehicles used by the occupants of the building or buildings on the premises are stored or kept, without provision for repairing or servicing such vehicles for profit, inclusive of any attached walkway. Where a deck is installed as part of the roof of the private garage, the more stringent portions of the Code with respect to load rating shall apply to the design of the entire garage facility.

b) A "carport" is defined as a structure, or portion of a structure, which is open on at least two sides, and in which not more than five motor vehicles used by the occupants of the building or buildings on the premises are stored or kept. Such a

structure which is not open on at least two sides shall be considered a private garage.

### **13-96-270 Construction - Private Garages.**

a) A private garage may be of any type construction except when limited by chapter 13-116 due to its location inside the fire limits.

1) A private garage of Type III or better construction shall not exceed 800 square feet in area.

2) Outside the fire limits^ a private garage of Type IV-A or IV-B construction shall not exceed 600 square feet in area.

b) A private garage shall not exceed one story and 15 feet in height.

c) Floor construction of all private garages shall be of concrete or equivalent noncombustible materials providing fire resistance of not less than two hours. The area of floor used for parking of automobiles or other vehicles shall be sloped not less than 1/4-inch per foot to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

d) The clear height of vehicle and pedestrian traffic areas shall be not less than seven feet.

e) Doors shall be limited to eight feet in height.

(f) Automatic garage door openers, where provided, shall be listed in accordance with UL 325-02.

### **13-96-271 Construction - Carports.**

a) The roof and all load-bearing elements of a carport shall be of non-combustible construction.

b) A carport shall not exceed 800 square feet in roof area.

c) A carport shall not exceed 15 feet and one story in height.

d) Carports shall be open on at least two sides.

e) Carport floor construction shall be of concrete or equivalent noncombustible material, except asphalt surfaces shall be permitted at ground level.

£Q Outside the fire limits, the roof and load-bearing elements of a carport may be built of unprotected combustible construction provided that the roof area does not

exceed 600 square feet and the carport is located not less than three feet from an interior lot line and not less than six feet from another building or structure on the same lot

### **13-96-280 Location - Private Garage.**

a) A private garage of Types IV-A or IV-B construction shall be located not less than two feet from an interior lot line and not less than six feet from another building on the same lot; ~~and~~.

b) Any exterior wall of a private garage located less than six feet from another building on the same lot shall be of construction providing fire resistance of not less than one hour. There shall be no opening through such construction except that there may be one access doorway not exceeding 21 square feet in area, protected with a self-closing and self-latching door not less fire-resistive than a solid wood door one and three-quarters inches thick.

c) when a vertical exit discharges into the rear yard between a residential building and its garage, a three foot open sideyard with access to the alley or public way shall be provided at least on one side of the garage A private garage shall not be located in a manner that obstructs the path between an outside exit and the public way as required by Section 13-160-230.

### **13-96-281 Location - Carport.**

A carport may be partially enclosed with non-load-bearing partitions or gates of combustible construction located not less than three feet from an interior lot line and not less than six feet from another building or structure on the same lot.

### **13-96-285 Space for Refuse Containers.**

On a property with alley refuse collection, suitable storage space for refuse containers shall be

provided on the property adjacent to the alley lot line, as required by Section 7-28-230, but in no case shall an area of less than 30 inches by 6 feet be provided. The storage space shall not be located in any required driveways, parking aisles, or parking spaces. The storage space shall not block or impede any fire exits or any pedestrian<sup>1</sup> or vehicular access. The floor of the storage space shall be level and of

concrete or equivalent noncombustible material.

### **13-96-290 Attached garages.**

(a) Private garages located within, or attached to, another building ~~or located less than six feet from another building on the same lot~~ shall be separated from all other areas of such building by construction providing fire resistance of not less than one hour, (b) There shall be no opening through such construction except that there may be one access doorway not exceeding 21 square feet in area<sup>T-e</sup>). ~~Such opening shall be protected with a self-closing and self-latching door not less fire-resistive than a solid wood door one and three-quarters inches thick.~~

~~(d)-The sill of any door leading from a private garage to a building shall be located not less than eight inches above the garage floor.~~

b) Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

c) An attached private garage having a capacity of more than 3 vehicles shall comply with Section 15-16-030(d).

d) Only one attached private garage is permitted per building or townhouse.

SECTION 4. Section 13-116-010 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

### **13-116-010 Fire limits.**

Fife The fire limits shall embrace that portion of the city bounded on the west by Halsted Street, on the north by Division Street, on the east by Lake Michigan, and on the south by Roosevelt

Road, all zoning districts within the corporate limits classified B1 1 through B7 7 and C1 1 through C4 4, as defined in the Comprehensive Zoning Ordinance of May 29, 1957, as amended, together with an additional 200 feet in all directions from the outer limits of each area or areas so classified.

The aforementioned additional 200 feet in all directions from the outer limits of each area or areas so classified, shall be reduced to 100 feet in any direction where the

contiguous area or areas are classified R-1 and/or R-2. The fire limits shall exclude those zoning districts

SECTION 5. Chapter 15-8 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text stricken through and by inserting the underscored text, as follows:

**15-8-310 Balconies and bay windows.**

a) A balcony shall be defined as an open unheated floor area cantilevered from or supported by a building, and open to the atmosphere on at least one side.

1) On a building not exceeding 55 feet in height, a combustible balcony may be constructed not closer than three feet from an interior lot line, provided it is not larger than 100 square feet and is separated from another structure on the same lot by not less than six feet.

2) A balcony not larger than 100 square feet may be built of unprotected noncombustible construction, regardless of the type of construction required for the building to which it is attached.

3) The floor, roof and wall construction of all other balconies shall conform to the requirements of the type of construction required for the building to which they are attached.

b) An outdoor area which is accessible through a single dwelling unit, and on the same story as a habitable space within the dwelling unit shall be classified as a balcony, whether or not it is on top of the roof of a building.

c) The floor, roof and wall construction of balconies and bay windows shall conform to the requirements of the type of construction required for the building to which they are attached.

*(Omitted text is unaffected by this ordinance)*

### 15-8-321 Decks.

a) A deck shall be defined as an open, unroofed floor structure designed or used for more than incidental occupancy, in conjunction with a principal building or installed on the roof of a building. A deck other than a rooftop deck may be classified as attached or detached depending on its relationship to the principal building.

b) An unprotected wood A combustible deck shall be located not closer than six feet to an interior lot line and not closer than six feet to any building on the same lot, other than the building to which it is attached, except that:

(a) An attached unprotected wood A combustible deck may be located not closer than three feet from an interior lot line provided the deck does not exceed 400 square feet in area<sup>7</sup> and is separated by not less than six feet from another structure on the same lot and the deck has been provided with a lattice or wire mesh skirting if the deck has clearance of less than five feet under supports;<sup>^</sup>

(b2) If the attached combustible deck is laid directly on the ground without any air spaces under individual boards, it may be carried up to the lot line<sup>^</sup>

(e) If an attached rooftop wood deck is protected by a two hour noncombustible parapet wall at least three feet high and the aggregate area of a wood deck not meeting Class A Roof Covering requirements does not exceed 33 percent of the total roof area, then the deck may be run to the face of the parapet wall;

(d) The 400-square foot limitation shall not apply when the deck is at least six feet from the interior lot line.

c) The maximum area and location of a deck of unprotected noncombustible construction, or supported by unprotected noncombustible construction and with a walking surface meeting requirements for Class A roofing, is unlimited.

d) The maximum area of a deck of combustible construction located not less than six feet from any interior lot line, not less than six feet from any building on the same lot, and not more than six feet above grade is unlimited.

### 15-8-322 Balconies Rooftop Decks.

A balcony shall be defined as an open unheated floor cantilevered from or supported by a building, and open to the atmosphere on at least one side. An

~~unprotected wood frame balcony may be constructed not closer than three feet from an interior lot line.~~

a) A rooftop deck is a deck that is erected on top of the roof or on top of any part of a building and shall comply with all the requirements for decks in Section 15-8-321, except as expressly modified in this section.

b) Rooftop decks are roof structures and shall comply with Section 15-8-510.

c) A rooftop deck that is protected by a two-hour noncombustible parapet wall at least three feet high, and that that does not exceed the greater of 500 square feet or 33 percent of the total roof area of the building on which it is located, may be run to the face of the parapet wall, provided that no more than one such deck shall be allowed per building. A parapet wall shall not be required on any side that is not less than six feet from an interior lot line and not less than six feet from another building.

id) A rooftop deck must have access to two exits, except only one exit shall be required for a rooftop deck:

£1} not more than 800 square feet in area, not more than 12 feet above grade, and adjoining a public way;

2) not more than 300 square feet in area and not more than 40 feet above grade: or

3) on a building of A-1 occupancy.

(e) Exterior stairs, when otherwise permitted, may be used for all required exits from a rooftop deck.

£0 A level containing no habitable space other than a rooftop deck shall not be considered a separate floor or story.

g) Rooftop decks shall not be erected above any building of type IV-B construction.

h) The construction of a roof below a rooftop deck shall provide fire resistance of not less than one-half hour from both sides.

### **15-8-323 Weather-protected entries.**

A weather-protected entry shall be defined as a covered unheated structure

attached to a building at the building entrance to facilitate ingress and egress. A weather-protected entry of ~~unprotected wood frame~~ combustible construction shall be located at least six feet from an interior lot line, except that if the weather-protected entry is not larger than 50 square feet and is



separated from another building on the same lot by not less than six feet, the entry may be located as close as one foot from an interior lot line.

#### **15-8-324 Open stairs.**

, An open stair, as used in this chapter, shall mean an unheated structure attached to a principal building, intended exclusively for vertical ingress or egress, and containing no additional floor area for miscellaneous purposes. An open stair of ~~unprotected wood frame~~ combustible construction shall be located not closer than six feet from an interior lot line. An unprotected non-combustible stair may be located on the lot line. Open stairs used as required exits shall be subject to the same height limitations as porch stairs, except that open stairs serving a special rooftop club licensed pursuant to Chapter 4-388 may be used as one of the two required stairs and may extend to the highest allowable deck height, provided such stairs are of noncombustible construction.

#### **15-8-325 ~~Fire-protective treatments and coatings~~ Reserved.**

~~Where exposed to the weather, fire retardant treated wood and intumescent coatings shall not be regarded as imparting any permanent fire resistive or reduced flame spread properties to wood structures and shall not entitle such structures to requirements less stringent than those outlined in Section~~

#### **15-8-326 Pergolas, Trellises, Arbors, and Privacy Screens.**

(a) Vertical elements of pergolas, trellises, arbors, privacy screens, and similar structures greater than 42 inches in height above the adjacent walking surface of a balcony, porch, deck, rooftop deck, or roof shall be treated as fences and comply with Section 13-96-120.

(1) Any element classified as a combustible solid fence shall be located not less than six feet from an interior lot line and not less than six feet

from another building on the same lot.

2) Any element classified as a combustible screen fence shall be located not less than three feet from an interior lot line and not less than six feet from another building on the same lot.

3) Any element classified as a noncombustible fence may be used without regard to separation distance.

b) Horizontal elements of pergolas, arbors, and similar structures shall be of

noncombustible construction unless located not less than three feet from an interior lot line and not less than six feet from another building on the same lot.

c) Combustible pergolas, trellises, arbors, privacy screens, and similar structures installed on a balcony, porch, deck, rooftop deck, roof, or similar surface shall not exceed 12 feet in height above the highest adjacent walking surface.

d) Guards required by Section 13-124-310 and no greater than 42 inches in height may be constructed of combustible material if located not less than three feet from an interior lot line and not less than six feet from another building on the same lot.

e) Any structure above a rooftop deck which provides protection from weather from above equivalent to a roof and projects more than 24 inches horizontally from a wall or other support shall be treated as a part of the building to which it is attached for purposes of determining the construction type, building height, and number of stories.

*(Omitted text is unaffected by this ordinance)*

#### **15-8-510 Roof structures.**

Except aerial supports, not exceeding 12 feet in height, ~~flagpoles, water tanks, cooling towers and similar structures,~~ all roof structures hereafter placed above the roof of any building within the fire limits, or above the roof of any building exceeding 55 feet in height, shall be constructed of noncombustible materials and shall be supported by construction of noncombustible materials, except the walking surface of a rooftop deck may be of combustible materials meeting the requirements for Class A roof coverings if constructed above a roof of noncombustible material and supported by construction of noncombustible material. Such structures shall also comply with the special

requirements of Sections 15-8-520 to 15-8-560, inclusive.

*(Omitted text is unaffected by this ordinance)*

SECTION 6. Section 15-12-300 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

#### **15-12-300 Approved roof coverings.**

a) Roof coverings which are classified as Class A, Class B or Class C in the "Fire Protection Equipment List", Underwriters' Laboratories, Inc., January, 1959 accordance with ASTM E108-2011 or UL 790-04. shall be acceptable as meeting the requirements of this section for each respective class of roof covering.

b) Nothing in this section shall preclude the use of other roof coverings meeting the required test standards.

SECTION 7. Section 17-17-0311-B of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**17-17-0311-B Limitations on Rooftop Features in R Districts.**

*(Omitted text is unaffected by this ordinance)*

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

a) *on principal 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) on principal buildings and private garages, they do not exceed 11 feet in overall height above the rooftop deck, or extend more than 8 feet above the building parapet, whichever is greater;

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

SECTION 8. Section 17-17-0309 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text underscored, as follows:

**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 (Omitted text is unaffected by this ordinance)	Front	Side	Rear
Roof projecting from garage overhanging more than 4 feet		No	Yes
Stairs (unenclosed), providing a clear width of not less than 4 feet, on an accessory building, with a maximum height of not more than 4 feet, so long as the stairs are not on the side of the building and is parallel to the wall of the building		Yes	Yes
Stairs (unenclosed) providing a clear width of not less than 4 feet, required by the Building Code (Omitted text is unaffected by this ordinance)		Yes[3]	Yes

SECTION 9. Section 18-13-240 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**18-13-240 Chapter 5 [CE] of IECC - Adopted with modification.**

**The provisions of Chapter 5 [CE] of the International Energy Conservation Code are hereby adopted by reference and shall apply with the following modifications: 1. C501.4 Compliance. Delete existing text. Revise to read: C501.4 [Reserved].**

**2. rReservedl C501.6 Historic buildings. Revise to read:**

~~C501.6-Historic-buildings.-Provisions-of this-eede-relating-to-the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings unless the Commission on Chicago Landmarks demonstrate s that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function-of the building.~~

*(Omitted text is unaffected by this ordinance)*

SECTION 10. Section 18-13-300 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**18-13-300 Chapter 1 [RE] of IECC - Adopted with modifications.**

The provisions of Chapter 1 [RE] of the International Energy Conservation Code are adopted by reference and shall apply with the following modifications:

(Omitted text is unaffected by this ordinance) 2. R101.5

Compliance. Revise to read:

R101.5 Compliance. Residential buildings shall meet the provisions of IECC 2015 - RE as amended herein. Minimum compliance shall be demonstrated by submission of one of the following:

1. Compliance Certificates generated by the U.S. Department of Energy's REScheck™ Code compliance tool; or
  2. Other comparable compliance materials that meet or exceed the U.S. Department of Energy's REScheck™ Code compliance tool as approved by the Building Commissioner; or
  3. Department of Buildings provided checklist for prescriptive compliance path;
- and
4. A signed attestation by the Registered Energy Design Professional as to compliance with the energy code and documentation as determined by the Commissioner as to compliance with the amendments contained in this chapter.

*(Omitted text is unaffected by this ordinance)*

SECTION 11. Section 18-13-340 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**18-13-340 Chapter 5 [RE] of IECC - Adopted with modifications.**

The provisions of Chapter 5 [RE] of the International Energy Conservation Code are adopted by reference and shall apply with the following modifications:

1. **R501.4 Compliance. Revise to read: R501.4**

**[Reserved].**

2. [Reserved] ~~R501.6 Historic buildings. Revise to read:~~

~~R501.6 Historic buildings. Provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings unless the Commission on Chicago Landmarks demonstrates that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.~~

*(Omitted text is unaffected by this ordinance)*

SECTION 12. Section 18-28-403 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

### **18-28-403 Mechanical Ventilation.**

*(Omitted text is unaffected by this ordinance)*

#### **Table 18-28-403.3 Ventilating Requirements\***

\* S = Mechanical Supply; E = Mechanical Exhaust From Room; RO = Relief Opening; NR = No Requirement; NV = Natural Ventilation; Vent opening = percentage of floor area.

Room Purpose	VentC Percent o Less Than	Opening f Floor Area Not Less Than	Mechani S, Supply	CF cal Ventil. M/SF E, Room Exhaust	Remarks
<i>(Omitted text is unaffected by this ordinance)</i>					
Garages/Parking Structures					See Miscellaneo us
Garages, 5 or more cars			RO	4^	
Garages, § 6 or more cars			0.75 RO	1.0 1.0	
Garages, less than § 6 cars			RO	RO	
Garages in or attached to Hospitals			0.75 RO	1.0 1.0	Exhaust duct, 14 gauge.

*(Omitted text is unaffected by this ordinance)*

### **18-28-403.10 Garages.**

For the purpose of all garage ventilation requirements found in Table 18-28-403.3, the following rules shall apply: If a building is used for active storage of cars only, relief openings may be located in walls, areaways or roofs. If the garage is capable of accommodating five six cars or more and is used for active storage of cars only, the required air supply may be unheated.

*(Omitted text is unaffected by this ordinance)*

SECTION 13. This ordinance shall take full force and effect upon its passage and publication.