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Legislation Details (With Text)

File #: O2021-3234
Type: Ordinance **Status:** Introduced
File created: 7/21/2021 **In control:** Committee on License and Consumer Protection
Final action:
Title: Amendment of Municipal Code Chapters 17-9 and 17-10 by adding new Section 17-9-0120 and modifying Section 17-10-0101-C to regulate shared kitchens primarily used for take-out and delivery
Sponsors: Martin, Matthew J.
Indexes: Ch. 9 Use Regulations, Ch. 10 Parking & Loading
Attachments: 1. O2021-3234.pdf

Date	Ver.	Action By	Action	Result
7/21/2021	1	City Council	Referred	

Committee on License & Consumer Protection
July 21, 2021 City Council Meeting

ORDINANCE

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

SECTION 1. Chapter 17-9 of the Municipal Code of Chicago is hereby amended by adding a new section 17-9-0120, as follows:

17-9-0120 Shared Kitchens Primarily Used for Take-out and Delivery.

17-9-0120-A Proximity to Residentially Zoned Property. Shared kitchens that are primarily utilized, leased, or rented for the preparation of food that will be sold directly to a consumer by means of take-out or delivery from such shared kitchen, whether directly through the shared kitchen, any of its tenants, or a third-party food delivery service, shall not be located within 660 feet of any residentially zoned property.

17-9-0120-B Site Plan Review. Shared kitchens located 660 feet or more from any residentially zoned property that are primarily utilized, leased, or rented for the preparation of food that will be sold directly to a consumer by means of take-out or delivery from such shared kitchen, whedier directly through the shared kitchen, any of its tenants, or a third-party food delivery service, are subject to the Site Plan Review procedures of Section 17-13-0800.

17-9-0120-C Standards and Guidelines.

1. General. In addition to the Site Plan Review application, a shared kitchen subject to this section must submit a traffic study for review and approval by the Chicago Department of Transportation, who then must forward their written recommendation to the Zoning Administrator following the community meeting held pursuant to this section.

2. *Traffic.*

- a. Site plans required under this section must demonstrate safe and attractive accommodation of pedestrians, as well as vehicles.
- b. Driveways must be located as far as possible from street intersections and adjoining residential properties.
- c. The number and width of curb cuts should be kept to the minimum necessary for pedestrian and traffic safety.
- d. A traffic management plan will be required and shall set forth methods to mitigate any potential adverse effect on traffic flow or parking in the surrounding area, including

1

requiring that any traffic leaving the shared kitchen should be directed away from any adjacent residential area and directed to arterial streets in all directions through the use of channelized curb cuts and signs.

3. Community Meeting. Before filing an application for Site Plan Review, but after submitting for City review of the traffic study required under this section, the applicant must hold at least one community meeting in the ward in which the use is proposed to be located for the purpose of explaining the proposal, including the traffic study, and soliciting comments on the proposal. Such community meeting must be held no later than two weeks prior to the date of filing the application; notice for such community meeting must be issued, pursuant to this section, no later than two weeks prior to such community meeting. The Zoning Administrator is authorized to review and approve the day, time, location, and format of the community meeting to promote public access. The applicant must notify the Zoning Administrator and the Alderman of the ward in which the use is proposed to be located in writing of the time, place, and purpose of the community meeting. The applicant must publish notice of the community meeting in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the property owner of the subject property and to all property owners within 250 feet' of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Zoning Administrator in a form prescribed by the Commissioner of the Department of Planning and Development on or before the date of filing of an application for site plan review.

4. *Loading Facilities. When alley access is authorized by the City Council, all loading facilities must be located behind the building or otherwise screened from visibility from the public right-of-way and should be accessed from the alley.*

SECTION 2. Section 17-10-0101-C of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-10-0101-C Change of Use (Nonresidential).

1. Unless otherwise expressly stated, when the use of property changes, off-street parking and loading facilities must be provided to serve nonresidential uses only when the number of parking or loading spaces required for the new nonresidential use exceeds the number of spaces required for the use that most recently occupied the building, based on the minimum parking standards of this Zoning Ordinance. In other words, "credit" is given to the most recent use of the property for the number of parking spaces that would be required now; a new nonresidential use is not required to "make up" the existing deficit.

(Omitted text is unaffected by this ordinance)

4. Notwithstanding any other provision of the code to the contrary, no credit for required off-street parking or loading space shall be given to any shared kitchen subject to Section 17-9-0120.

2

SECTION 3. This ordinance shall take effect upon full passage and publication.

Matthew J. Martin Alderman, 47th
Ward

3