



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Text

File #: SO2019-4017, Version: 1

Hnai for Publication

ORDINANCE

BK i r ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the RS-3 Residential Single-Unit (Detached House) District symbols and indications as shown on Map 3-1 in the area bounded by:

West Hirsch Street; North Talman Avenue; a line 395.40 feet north of and parallel to West Hirsch Street; the public alley east of and parallel to North Talman Avenue; a line 379.20 feet north of and parallel to West Hirsch Street; and North Rockwell Street

to those of the B2-3 Neighborhood Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the B2-3 Neighborhood Mixed-Use District symbols and indications as shown on Map 3-1 in the area bounded by:

West Hirsch Street; North Talman Avenue; a line 395.40 feet north of and parallel to West Hirsch Street; the public alley east of and parallel to North Talman Avenue; a line 379.20 feet north of and parallel to West Hirsch Street; and North Rockwell Street

to those of a Residential-Business Planned Development.

SECTION 3. This Ordinance shall be in force and effect from and after its passage and publication.

2600-2624 W Hirsch St: 1401-1439 N Talman Ave: 1400-1436 N Rockwell St

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**RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.
PLANNED DEVELOPMENT STATEMENTS**

1. The area delineated herein as Planned Development Number TBD, ("Planned Development") consists of approximately 103,225 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). RBH Chicago Project, LLC is the owner of the Property and the "Applicant" for this planned development.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance (the "Zoning Ordinance"), the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans.

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with CDOT Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part 11 approval, the submitted plans must be approved by CDOT.

4. This Plan of Development consists of these 16 Statements; a Bulk Regulations and Data Table and the following exhibits and plans attached hereto prepared by Wight & Company and dated November 21, 2019 (the "Plans"): an Existing Zoning Map; an Existing Land Use Map; a Planned Development Boundary and Property Line Map; a Proposed Site Plan; a Site Section; and Elevations (East, South and West). In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereof, and satisfies the established criteria for approval as a

Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Business Planned Development: Dwelling Units located on and above the ground floor; Multi-Unit Residential; Cultural Exhibits and Libraries; Artist Work or Sales Space; Business Support Services; Eating and Drinking Establishments

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(all, including outdoor patio on a rooftop and at grade); Small Venues; financial Services (excluding payday loan, pawn shops and drive-through facilities); Food and Beverage Retail Sales; Vacation Rental; Medical Service; Office; Personal Service; General Retail Sales; Indoor Participant Sports and Recreation; Children's Play Center; Artisan Manufacturing; Co-located Wireless Communication Facilities; accessory parking and related, incidental and accessory uses.

6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of 103,225 square feet and an FAR of 3.0.
9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different

than the Applicant, the legal title holders and any ground lessors.

13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and

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conserves energy and natural resources. The Applicant shall achieve building certification and provide a 50% net green roof, equivalent to an actual total of approximately square feet.

15. The Applicant acknowledges and agrees that the rezoning of the Property from the RS-3 Residential Single-Unit (Detached 1 house) District to the B2-3 Neighborhood Mixed-Use District, and then to this Planned Development, and then to this Planned Development (PD), triggers the requirements of Section 2-45-115 of the Municipal Code of Chicago (Affordable Requirements Ordinance or ARO). Any developer of a residential housing project within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project (the Required Units) as affordable units, or with the Commissioner of the Department of Planning and Development's (DPD) approval, provide the Required Units in an approved off-site location; (ii) pay a fee in lieu of the development of the Required Units; or, (iii) any combination of (i) and (ii); provided, however, that residential housing projects with 20 or more units must provide at least 25% of the Required Units on-site or off-site. If the developer elects to provide affordable units off-site, the off-site affordable units must be located within a two-mile radius from the residential housing project and in the same or a different higher income area or downtown district. The Property is located in a higher income area, within the meaning of the ARO, and the project has a total of 107 units. As a result, the Applicant's affordable housing obligation is 11 affordable units (10% of 107 rounded up), 3 of which are Required Units (25% of 11, rounded up). Applicant has agreed to satisfy its affordable housing obligation by providing 11 affordable units in the rental building to be constructed in the PD, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit

. The Applicant agrees that the affordable rental units must be affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago. If the Applicant subsequently reduces (or increases) the number of housing units in the PD, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and approval; DPD may adjust the number of required Affordable Units without amending the PD. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-45-115(L). The terms of the affordable housing agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the PD, or the applicable portion thereof, and will constitute a lien against such property. The

Commissioner of DPD may enforce remedies for any breach of this Statement 15, including any breach of any affordable housing agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to the B2-3 Neighborhood Mixed-Use District.

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**RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.
BULK REGULATIONS AND DATA TABLE**

Gross Site Area (sf): Area of Public Rights-of-Way (sf): Net Site Area(sf): Maximum Floor Area Ratio: Maximum Number of Dwelling Units: Minimum Off-Street Parking Spaces: Minimum Off-Street Loading Spaces: Maximum Building Height: Minimum Setbacks:

120.075
16,850
103,225
3.0
107
53
1
102 feet (existing building height) Per plans

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