



# Chicago Land Use: A Guide for Communities





**Chicago Land Use: A Guide for Communities** is the first publication of its kind. This guide aims to provide individuals, communities, and neighborhoods with practical information on the policies, restrictions, and incentives related to the development and use of land in the City of Chicago. Ultimately, the goal is to empower readers to understand how they can influence and shape important decisions that impact their community.



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*This guide is a living document. For any comments, questions, or corrections, please contact Clifford Helm at [chelm@clccrul.org](mailto:chelm@clccrul.org).*

# CHAPTER 1: CHICAGO ZONING BASICS

Throughout this chapter, we'll be using a hypothetical scenario to demonstrate various concepts. To understand zoning, let's start with a fictional Chicago community member named Maria who wants to start her own restaurant. Maria finds a beautiful building with a commercial storefront on the first floor. Before she buys it, Maria needs to find out whether or not the City will let her operate a restaurant there – she needs to look into zoning.

## A. Zoning Overview

Zoning is the power of a city to control the use and development of land inside city limits. Zoning controls how land is developed, where certain types of businesses can operate, how tall buildings can be, and whether a specific location is appropriate for residential homes or businesses. Through zoning, the City of Chicago (the "City") promotes public health and safety, preserves quality of life, protects the character of residential neighborhoods, and maintains economically vibrant areas.

The City sets specific rules for what types of buildings, businesses, and developments can be created in specifically identified zoning districts. Chicago's zoning ordinance describes these restrictions, and a zoning map shows the areas where each restriction applies.

Before a business is granted a license and before any building permit is issued, the intended business use or the future building itself must fit into the zoning designation. If a business use or building size does not fit in that designation, then some type of change to zoning will be required.

Areas are marked with a specific type of zoning designation which identifies a broad category of uses (such as R for residential, B for business, or C for commercial). Those zoning designations are further divided to identify more specific allowable uses (such as RM, RS, B1, or B2). Some uses are always allowed under the zoning rules ("permitted by right"), others are sometimes allowed ("special use"), and other uses require a change to the zoning rules.

The City has several administrative bodies for administering zoning issues, including the Zoning Board of Appeals, the Committee on Zoning, Landmarks and Building Standards, and the Chicago Plan Commission. Notably, Chicago aldermen also play a significant role in nearly all zoning decisions that change the zoning designations or grant special uses in their individual wards.

Changes to the zoning rules are made depending on the type of change requested. The Zoning Administrator and the Zoning Board of Appeals handle certain requests, while more dramatic changes may require an amendment to the zoning map and require City Council approval.

Under the current system, almost all zoning changes rely upon the approval of the local alderman. The Zoning Administrator and the Zoning Board of Appeals will look to the guidance of (but not always agree with) the local alderman – but nearly all City Council actions will be voted on based on the wishes of the local alderman. This is frequently referred to as “Aldermanic Privilege” or “Aldermanic Prerogative.”

### **Additional Information**

Zoning approval is required before you can start any significant construction on a building or before a business can get a business license. This is especially important for individuals and businesses that are purchasing buildings or signing leases on a space, as they will want to be sure that the building is properly zoned for what they want to do.

## **B. Zoning as Written**

### **1. The Zoning Ordinance**

In Chicago, the zoning rules are part of the Chicago Municipal Code Title 17 (the “Zoning Ordinance”).

The text of the Zoning Ordinance describes what types of constructions, buildings, and businesses can be undertaken on the land that has been zoned. The Zoning Ordinance categorizes a number of different types of zoning districts, such as residential, business, commercial, or manufacturing. Each of these general types might be further broken down into more specific zoning classifications. In these zoning classifications, only specific uses of the land are allowed.

As an example, a residential area classified as “RS” allows only detached single family homes, while “RT” allows two-flats, townhouses, and low-density apartment buildings. Other areas are zoned for “Business and Commercial” use (*e.g.*, B1, B2, B3, C1, C2, or C3). As an example of some of the differences, B3 zoning allows shopping centers, large stores, and retail storefronts, while C2 zoning allows liquor stores, warehouses, and auto shops.

A description of these zones can be found in the text of the ordinance for the zoning district. Below is an example of how these zones are described using tables. The table copied here shows a few of the specified allowable uses for business and commercial districts (Chicago Municipal Code Section 17-3-207). There is a separate table for other zoning districts, such as residential.

## Example of Zoning Text

§ 17-3-0207

### Chicago Municipal Code – Chicago Zoning Ordinance

#### 17-3-0207 Use Table and Standards.

USE GROUP		Zoning Districts						Use Standard	Parking Standard
Use Category		B1	B2	B3	C1	C2	C3		
	Specific Use Type								
P= permitted by-right S = special use approval required PD = planned development approval required - = Not allowed									
<b>RESIDENTIAL</b>									
A. Household Living									
1.	Artist Live/Work Space located above the ground floor	P	P	P	P	P	-		§ 17-10-0207-C
2.	Artist Live/Work Space located on the ground floor	S	P	S	S	S	-		§ 17-10-0207-C
3.	Dwelling Units located above the ground floor	P	P	P	P	P	-		§ 17-10-0207-C
4.	Dwelling Units located on the ground floor (as follows)								
5.	Detached House	S	P	S	S	S	-		§ 17-10-0207-A
6.	Elderly Housing	S	P	S	S	S	-		§ 17-10-0207-D
7.	Multi-Unit (3+ units) Residential	S	P	S	S	S	-		§ 17-10-0207-C
8.	Single-Room Occupancy	S	P	S	S	S	-		§ 17-10-0207-B
9.	Townhouse	S	P	S	S	S	-	§ 17-2-0500	§ 17-10-0207-A

The table shows some useful information. On the left side, each identified "Use Group" (here, we see residential uses) is broken down into a variety of "Use Categories" (residential → household living). Those Use Categories are then broken down into "Specific Use Types" (household living → detached house). The table then identifies if those specific uses are allowed in certain types of zoning districts.

"P" stands for permitted by-right, which means a particular use will not be restricted by zoning rules (but will still have to conform to other rules). When a use is permitted, land owners may proceed with their projects without obtaining any City Council approval with respect to zoning. The project would only need to obtain an administrative approval such as a business license or construction permit (which don't need full City Council approval).

"S" stands for special use, which means it has to be approved by the Zoning Board of Appeals (discussed below). "PD" means planned development approval by the City is required (which will be discussed in a later chapter). A "-" in an area means that a specific use is not allowed unless an amendment to the zoning text or map is passed by City Council. Additionally, uses that are not expressly listed in the zoning district table are prohibited.

In addition to the zoning districts (R1, B2, C3, etc.), there are also rules regarding bulk and density (lot area, floor sizes, and other specific requirements). These are identified by further categorizing each area with a "dash" number. For instance, a "C1-3" zoning district would be a C1 district with a dash 3. Each of the "dash" numbers sets out specific rules relating to bulk and density. The dash number is not identified in this table and generally does not affect the particular intended use of the property.

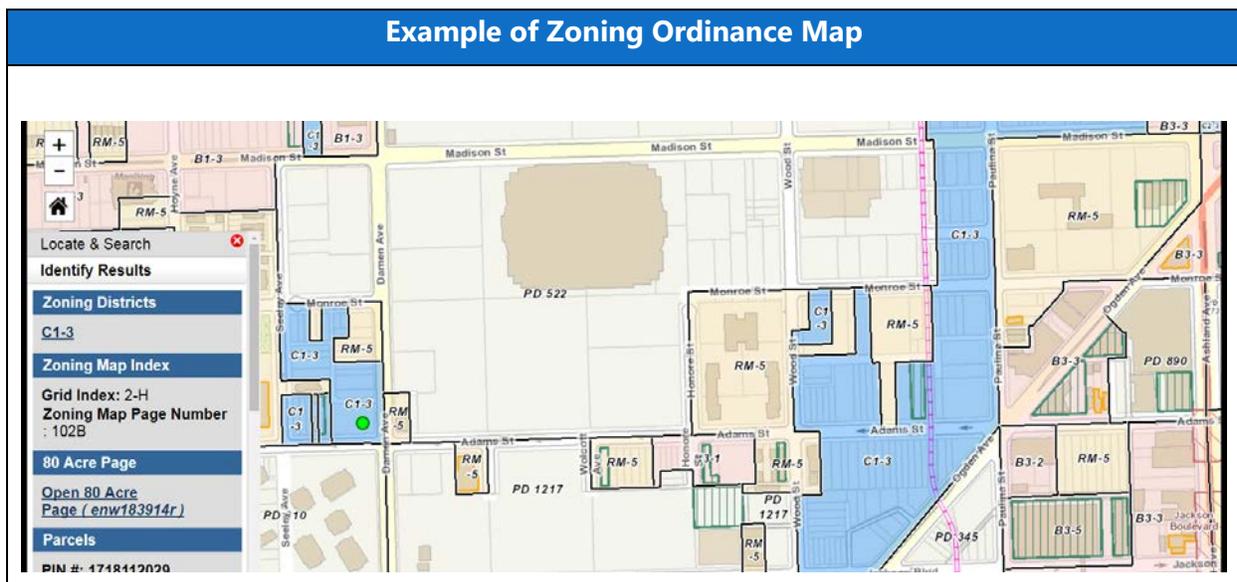
## 2. Zoning Map

The ordinance creates boundaries to all of the zoning districts, which is represented in the zoning map. The City also keeps its data available publicly and has a web-tool created that shows the physical boundaries of zoning in the City and where a zoning designation begins and ends. The map is available online on the City's webpage [here](#).<sup>1</sup>

The map also shows specific information regarding all properties in the City, which can be accessed simply by clicking on a property or typing in an address. Here is an example of the map for the building on the northwest corner of Damen and Adams:

### Additional resources

For more instructions on using the Zoning Map, look [here](#).<sup>2</sup> The City created a useful guide to walk through, step-by-step, how to best utilize the Zoning Map tool.



We can see that the land at the corner of Damen and Adams has been designated as “C1-3” zoning. C1 zoning districts allow for businesses including restaurants, banks, hair salons, and more. Additionally, it allows residential or dwelling units located above the ground floor. Other uses, such as a townhouse or a nursing home, require special use approval for a C1 zoning. The “dash 3” sets rules for bulk and density but does not limit the type of use.

<sup>1</sup> <https://gisapps.cityofchicago.org/ZoningMapWeb/>

<sup>2</sup> <https://www.cityofchicago.org/content/dam/city/depts/bacp/Small%20Business%20Center/zoningexamplespp07182013.pdf>

### 3. Bulk and Density

The “dash 3” references a separately identified group of restrictions on a building which are frequently referred to as the bulk and density standards. For business and commercial developments, the bulk and density standards are listed in the Zoning Ordinance starting at Section 17-3-0400. These cover issues including:

- Minimum lot area per unit,
- Floor area ratios,
- Front, rear, and side setbacks,
- Wall spacing,
- Building height, and
- Average dwelling unit size.

These bulk and density standards are identified for each dash number. For example, “dash 1” in the “B” and “C” districts means that the lot area per unit per dwelling unit must be at least 2,500 square feet and the maximum floor area ratio is 1.2.

## C. Working with (and changing) the Chicago Zoning Ordinance

### 1. When is Zoning Relevant?

Returning to the example with Maria’s restaurant, she will need to do a few things before opening the doors. She will need a business license, and if she wants to do any construction, may need a building permit.

The business license is reviewed by the Department of Business Affairs and Consumer Protection (“BACP”), which will do a review of her license application. In addition to other requirements, a business license might be refused if a location is not properly zoned. If the location she puts on the license application is not zoned for restaurants, then BACP will refuse the application.

Similarly, building permits (reviewed by the Department of Buildings) generally won’t be granted if the construction would result in the building not fitting in to the zoning rules.

### 2. Identifying the Zoning District

After reviewing the zoning map and text of the plot of land she chose, Maria sees that the land is a B3-2 zone (or a B3 dash 2 zone). This is described by the Zoning Ordinance as a “Community Shopping District.” Here’s an abbreviated version of the Zoning Ordinance table for a B3 zoning district:

Abbreviated Zoning Table		
Use Category P= Permitted by-right; S=special use approval required		Zoning District
AA. Eating and Drinking Establishments		B3
1	Restaurant, Limited	P
2	Restaurant, General	P
3	Tavern	S
4	Outdoor patio (if located on a rooftop)	S
5	Outdoor patio (if located at grade level)	P

B3 zoning is good news for Maria because it allows restaurants. The difference between a “Limited” and a “General” restaurant refers to different types of restaurants (but the difference won’t be discussed in this guide).

#### Additional Information

For more information on business zoning, see the City’s publication “[Business License Zoning Reference Guide](#),”<sup>3</sup> which is a useful tool for determining where certain types of businesses are allowed. These are the zoning districts, which are discussed later in this chapter.

### 3. General Zoning Approval: Business License

When Maria opens her restaurant, she will need to apply for a Business License. The Business License will be granted only if it fits with the zoning rules along with the other license requirements.

In this case, if Maria wants to open a restaurant, she is permitted by-right to do so in the B3 zoning district (but must follow the bulk and density standards). When Maria applies for a business license for her restaurant, the Department of Business Affairs and Consumer Protection will review the zoning restrictions on the property and the intended use. Following an inspection, and if she complies with all the other requirements for a restaurant, she will be given a business license to operate the restaurant.

<sup>3</sup> <https://www.cityofchicago.org/content/dam/city/depts/bacp/general/licensezoningrefguide040513.pdf>

## 4. Special Uses

But what if Maria wants to include a rooftop patio? In a B3 zoning district, a rooftop patio is designated as an "S," which requires approval. Special uses are permissible if certain requirements are fulfilled.

In this instance, Maria will need a specific zoning approval in order to both get a business license and to get any necessary building permits.

Developers and business owners with proposed special uses must submit a "Special Use Package" to the Zoning Board of Appeals (the "ZBA") for review and provide notice to neighbors within 250 feet of the development site.

### Public Input Opportunity

The ZBA holds monthly meetings and publishes the agenda for those meetings in advance. The public is allowed to attend the meeting, but the amount of public input at the meeting itself is limited. The most effective way to engage in a zoning decision at the ZBA is to organize the community and approach the local alderman, prior to the hearing.

The Special Use Package requires a number of documents (listed [here](#)).<sup>4</sup> Applicants will have a public hearing after they submit their applications. At the hearing, the applicant must present expert testimony from either an urban planner or a certified real estate appraiser who can testify to the compatibility of the proposed special use with the particular zoning district and the business's ability to promote the public good.

The ZBA may grant or deny the special use based on the evidence put forward. It should be noted that the ZBA also relies on public opinion for the change and will also weigh the recommendation of the local alderman in making its decision.

## 5. Administrative Adjustments & Appeals

Let's assume that Maria buys the building where she wishes to open her restaurant.

However, instead of using the building as it currently is, she wants to do some modifications. She sees a slightly taller building right next to her building, and to make her rooftop patio more attractive, she decides to add height to her building. The building she purchased is currently at the maximum height allowed under the Zoning Ordinance and the "dash 3" limits on height. How can Maria find relief from the strict building height limit and add height to her building?

Luckily for Maria, administrative adjustments allow for minor deviations from certain bulk and density standards which are minor changes (the full list of administrative adjustments available is [here](#)).<sup>5</sup> To get these standards changed, an applicant may apply for an administrative adjustment directly to the Zoning Administrator (the "Administrator"). The applicant must file an application with the Administrator, provide written notice to property owners immediately adjacent to the lot, and pay a \$500 fee. If the Administrator approves the proposed adjustment,

<sup>4</sup> [https://www.cityofchicago.org/content/dam/city/depts/zlup/Administrative\\_Reviews\\_and\\_Approvals/Publications/ZBA\\_Special\\_Use\\_Checklist\\_DEC2017\\_rev.pdf](https://www.cityofchicago.org/content/dam/city/depts/zlup/Administrative_Reviews_and_Approvals/Publications/ZBA_Special_Use_Checklist_DEC2017_rev.pdf)

<sup>5</sup> [https://www.cityofchicago.org/city/en/depts/dcd/supp\\_info/administrative\\_adjustments.html](https://www.cityofchicago.org/city/en/depts/dcd/supp_info/administrative_adjustments.html)

the applicant can move forward with the project. The Administrator will approve the adjustment if (1) it is consistent with the purpose of the Zoning Ordinance, (2) it eliminates an unnecessary inconvenience to the applicant without significant adverse impact on health, safety, or general welfare, and (3) any adverse impacts will be mitigated.

If the Administrator denies the adjustment, Maria may appeal the Administrator's decision to the ZBA. The ZBA has the power to review any administrative decisions regarding zoning. A vote of at least three out of five ZBA board members will reverse the Administrator's decision and will be based on the same criteria listed above. So even if Maria is denied approval by the Administrator, she may still be able to get her adjustment with regard to building height if she can convince a majority of the ZBA at a hearing in consideration of her appeal.

Once Maria receives approval from either the Administrator or the ZBA, she can apply for any necessary building permits.

## 6. Variations

Let's say Maria wants to add an accessory building in the alley of her building so she can fit a brick oven for pizza. This request, although similar to the height of the building request, is a type of change that requires a more robust review process called a "variation." Compared to an administrative adjustment, a variation covers more significant changes.

A variation is a "grant of relief to an owner from the literal requirements of the ordinance where literal enforcement would cause [the owner] undue hardship." A variation may be used for a number of items outlined in the Zoning Ordinance (Section 17-13-1101), and generally include bulk and density issues that have more significant impact than those allowed under the adjustment process.

To be granted a variation, Maria must file an application (similar to a Special Use Package) and be approved by at least three out of five members of the ZBA.

Once Maria receives approval from the ZBA, she can apply for any necessary building permits.

### Public Input Opportunity

The Administrator may make decisions independently of the community and the alderman, but will generally listen to the alderman. The most effective way to engage in a zoning decision before the Administrator is to organize the community and approach the local alderman, prior to the hearing. Learning of the proposed changes may be more difficult, and many community organizations develop a relationship with the alderman's office so that the office informs the community prior to any applications for administrative adjustments.

## 7. Amendments to the Chicago Zoning Ordinance (Amendments and Rezoning)

As noted above, the Zoning Ordinance is made up of two components: text and map. Accordingly, ordinances can be changed via amendments of the text or the map.

Text amendments are changes to the actual language of the ordinance, such as adding or removing special or prohibited uses. Map amendments are generally known as a “rezoning.” Rezoning occurs by re-drawing the lines of a particular zone to include or exclude areas of land.

To request an amendment to the text or map of the Zoning Ordinance, an applicant must file an application (available [here](#)).<sup>6</sup> Anyone proposing zoning amendments is entitled to a public hearing, which will ultimately be voted on by the entire City Council. Other parties may protest the proposed amendment if they have an interest in the property (such as owners of properties that are immediately adjacent to the land to be rezoned).

Zoning amendments are more difficult to pass than variations or adjustments in part due to their more strenuous procedural requirements. The Administrator first reviews the application and makes a recommendation to accept, modify, or reject the amendment. It then goes to the Committee on Zoning, which holds a public hearing on the proposed amendment. This committee will make a recommendation to the City Council. City Council will almost always defer to the recommendation from the Committee.

Map amendments (rezoning) are generally done through the guidance of the local alderman. Unless there is a significant issue with the proposed amendment, the City Council will generally follow the lead of the local alderman.

After Maria receives a zoning amendment, she can then apply for any business licenses and building permits that she needs.

### Public Input Opportunity

Map amendments are discussed at the City Council Committee on Zoning and are voted on, after the recommendation by the committee, at the full City Council meeting. In both meetings, the public has an opportunity to provide comment. However, the most effective way to influence a map amendment decision is organizing the community and discussing the amendment with the local alderman. The Committee on Zoning and the City Council will almost always defer to the local alderman’s decision.

<sup>6</sup> [https://www.cityofchicago.org/city/en/depts/dcd/provdrs/admin/svcs/zoning\\_amendments.html](https://www.cityofchicago.org/city/en/depts/dcd/provdrs/admin/svcs/zoning_amendments.html)

## 8. Summary

Because Maria chose a building zoned in a district that allows restaurants, Maria can open her restaurant at that location. But if she wants to make some changes to the building or to her restaurant plans, she may have to apply for a change with the Administrator, ZBA, or City Council. In considering what steps a developer or business owner like Maria can take, it is important to note the long-standing power of each local alderman in making zoning decisions and know that almost all zoning decisions will require the agreement of the local alderman.

Below is a summary of the administrative remedies available to a business owner or developer and the authorities that can grant approval.

<b>Summary of Use/Change and Required Approval</b>		
<b>Type of Use/Change</b>	<b>Required Approval</b>	<b>Public Input?</b>
Permitted Use	None, apart from standard licenses and permits	No
Special Use	Administrative approval required (application to the ZBA required)	At a public hearing (or with the alderman)
Administrative Adjustment	Administrator (application required)	No
Appeal	ZBA (hearing required and 3 out of 5 members must vote in favor of appeal to overturn an administrative decision)	At a public hearing (or with the alderman)
Variation	ZBA (application required)	At a public hearing (or with the alderman)
Amendment	City Council (public hearings required in various committees)	City Council Committee on Zoning City Council With the alderman prior to proposal

## Useful Links

Administrative Adjustments:

[https://www.cityofchicago.org/city/en/depts/dcd/supp\\_info/administrative\\_adjustments.html](https://www.cityofchicago.org/city/en/depts/dcd/supp_info/administrative_adjustments.html)

Business License Zoning Reference Guide:

<https://www.cityofchicago.org/content/dam/city/depts/bacp/general/licensezoningrefguide040513.pdf>

City's guide to Demystifying Zoning:

<https://www.cityofchicago.org/content/dam/city/depts/bacp/Small%20Business%20Center/zoningexamplespp07182013.pdf>

Second City Zoning: <https://secondcityzoning.org/>

Zoning Board of Appeals City Website (Special Uses and Variances):

[https://www.cityofchicago.org/city/en/depts/dcd/supp\\_info/zoning\\_board\\_of\\_appeals.html](https://www.cityofchicago.org/city/en/depts/dcd/supp_info/zoning_board_of_appeals.html)

Zoning Map: <https://gisapps.cityofchicago.org/ZoningMapWeb/>

Zoning Map Amendment Application:

[https://www.cityofchicago.org/city/en/depts/dcd/provdrs/admin/svcs/zoning\\_amendments.html](https://www.cityofchicago.org/city/en/depts/dcd/provdrs/admin/svcs/zoning_amendments.html)

Zoning Ordinance (Title 16 and Title 17 of the Chicago Municipal Code):

[http://library.amlegal.com/nxt/gateway.dll/illinois/chicagozoning/chicagozoningordinanceandlanduseordinanc?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicagozoning\\_il](http://library.amlegal.com/nxt/gateway.dll/illinois/chicagozoning/chicagozoningordinanceandlanduseordinanc?f=templates$fn=default.htm$3.0$vid=amlegal:chicagozoning_il)