

Braun & Rich

A Professional Corporation

Chicago Zoning Basics

By: Matthew B. Rich

I recently returned to private law practice after spending two and a half years working for a Chicago alderman as her Director of Zoning and Urban Development. This position exposed me first hand to a wide variety of interesting zoning issues. One of the many things I learned is that Chicago is a unique city where aldermanic prerogative on zoning matters is a practical reality that homeowners, developers, architects, attorneys and other service providers must navigate when attempting zoning relief within the City limits. Because I feel that the Chicago Zoning Ordinance is a well written and very readable document, I will not spend too much time discussing the various technical issues here. My intent is to give you a sense of what a prospective property owner might consider should the time come where zoning relief is required.

If you have a project in mind, your first priority in figuring out whether your project is permitted is to know exactly how your property is zoned. Properties are zoned in a number of ways. For example, they can be residential (RS1 to RM-6.5), business (B1 to B3), commercial (C1 to C3), or even their own special zoning classification called a Planned Development (PD). The last part of this article is a list of important websites that you and your zoning team should consult when initially determining whether you will need to seek zoning relief in any way, including a link to the City's zoning map where you can look up a property's zoning designation by address, PIN, or even intersection. You should generally know what kind of district you are in if you are looking or own the site, but you might not know how specific your permitted uses and building standards are in reality. For example, you might know that you are in a residential zone, but you might be surprised to find that your property is zoned RS-2 or RM-4.5, which means the size of your proposed project could be significantly impacted. You might have a truly unique business idea, but are you in a B1, B2, B3 or even commercial district, like C1, C2 or C3? That designation may be a deal breaker for a particular use at your proposed site. Knowing your property's zoning designation will give you your first point of reference in understanding what your project may be facing. Once you know your property's zoning designation you and your zoning team should consult the City's Zoning Ordinance, which link is also pasted below. The Zoning Ordinance will set forth the permitted uses and standards for building development in your zoning district. You will find important information in the Ordinance as to the way in which you may use a property, how many square feet you may have on your site, the

Matthew B. Rich | O: 847-424-1005 | C: 312-420-0827 | mrich@myreallaw.com

www.myreallaw.com

height of your proposed project, and the location on which you may construct the building. Zoning guides your development plans, but knowing what is permitted under Ordinance is only half the battle.

If your project requires some form of relief from the Zoning Ordinance's restrictions, whether that be in the form a variation or administrative adjustment, then it is just as important to know what you must do beyond filing an application to be heard before the Chicago Zoning Board of Appeal or submitting an administrative adjustment package to the City's Zoning Administrator. While the criteria for zoning decisions are guided by the Ordinance, the reality remains that in today's Chicago political landscape, zoning can be as much about getting buy-in from the community and local alderman as it is about complying with the step by step process under the Municipal Code. Zoning relief is never a guaranty, but I believe a developer or home owner gives themselves the best chance if they involve the community up front. Transparency in the process is important. For example, if you intend to build a home in the 43rd Ward of Chicago, which is mostly comprised of Lincoln Park, then you can count on a multi-step process. Your project may seem relatively innocuous, but you will undoubtedly need support from three very important stakeholders:

- 1. The local Alderman;**
- 2. The adjacent neighbors; and**
- 3. The community associations.**

First things first, know who the alderman is. You can look up the alderman at the City's Board of Election website, which now reflects the most current ward maps. Once you know your alderman, reach out. Find out whether you will be dealing with the alderman directly or whether a staff member, like a chief of staff, is going to be your point person on the project. Also, find out through their website or your contact at the office whether the alderman has specific development guidelines. In my position as Director of Zoning and Urban Development, I was charged with helping draft and refine the alderman's development questionnaire, which required answers to a number of questions and also set forth her vision for the ward. So what does that mean? Well, if you are looking for zoning relief then the zoning guidelines might help you save a lot of time and a lot of money if you know the alderman has a proclivity towards supporting the kind of relief you need one way or the other. Once you have this information, set a time for you and your zoning team to talk to the ward office's point of contact, if the ward office is willing to take a meeting.

So you know your alderman, now what? Now know your community. You may be in a ward where neighborhood input is relatively unimportant or not sought unless the zoning relief is substantial. However, some alderman will want to know what the neighbors think on every matter and may even want community associations to weigh in. I believe you present the strongest argument when you have sought adjacent neighbor input and can present that as part of your presentation to the local alderman and ultimately to the entity of the City that is deciding your matter. You may be required to send a formal notice about your proposed

project if it requires zoning relief, but do not just rely on these technical form notices when it comes to telling the story of your proposal. Take the time to meet with both of your neighbors in person, or, if not possible, directly through email and present plans. Your plans should give people a true understanding of what you are looking to accomplish. Simply providing floor plans may not be sufficient. You may be required to do a block survey or prepare 3-D visuals. Additionally, you and your neighbor should discuss your intentions, your timeline, the possible impact on your neighbor during construction and then of course when the project is complete. How will it affect them? Will they lose sun light? Will they be able to perform maintenance on the sides of their homes? Will this impact the structural integrity of their house? Some of the answers to these questions may not be relevant for the City to decide your matter, but they are certainly relevant in determining whether your neighbor will be opposing, supporting or not taking a position when it comes time for the City to make that decision. You want 100% support when you walk in before the City. The only way you can hope to accomplish that is to be open and transparent and tell the story in a way they clearly understand. Remember, a confused mind says no. Think of your neighbor's point of view and tell your story from their perspective.

So I know my alderman, I know my neighbors, now what? Know your community associations. Many parts of the City have very active community associations. While many of them have no interest in minor types of zoning relief like administrative adjustments, many of them will care about more intense changes like a zoning variation, a zoning map change, or even the creation of a planned development. Your alderman may want input from the local community association so know who it is. If you live in Lincoln Park, you are looking at 9-10 different association. Lakeview has upwards of 8 associations. The Gold Coast has several. Know what issues are important to them. You may be required to present at a local community meeting where anywhere from 20-100 people show up. If that is the case, your zoning team will require the skilled presentation of an attorney, an architect or even you as homeowner to tell the story in a way that gives your project the best chance of support. Remember, zoning relief is not guaranteed, but knowing what your local community requires and how to tell the story best will put you in a position to best achieve results.

Chicago Zoning Basics – Websites You Need to Know

Chicago Board of Elections:

<http://www.chicagoelections.com/voterinfo.php>

- Find out in which ward your property is located

City of Chicago Clerk:

<https://chicago.legistar.com/People.aspx>

- Identify the name of the alderman for your ward and their particular ward office contact information

City of Chicago Zoning Map:

<https://gisapps.cityofchicago.org/zoning/liability.html?Submit=Accept>

- Find out the zoning designation for your property.

Chicago Zoning Ordinance:

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

- Find out the rules and regulations that govern your particular property

Chicago Zoning Board of Appeals:

http://www.cityofchicago.org/city/en/depts/dcd/supp_info/zoning_board_of_appeals.html

- Home site for the City's ZBA. Provides agendas and dates for meetings. Also provides ZBA rules and regulations and application packages for the particular form of zoning relief you or your client might seek.

Chicago Plan Commission:

http://www.cityofchicago.org/city/en/depts/dcd/supp_info/chicago_plan_commission.html

- Home site for the Chicago entity that reviews projects requiring planned developments, projects that fall under the scope of the Lake Front Protection Ordinance, as well as sale of public lands.

City of Chicago Department of Buildings – Permit Status:

http://www.cityofchicago.org/city/en/depts/bldgs/provdrs/stand_plan/svcs/building_permit_status.html

- Check on the status of a property with respect to building permits, including, but not limited to, permits issued and previous citations.

Matthew B. Rich concentrates his practice in real estate law, serving individuals buying and selling homes, condominiums, and investments as well as builders and developers. Matt provides counsel to these clients in areas including residential and commercial transactions, condominium development and association matters, zoning/land use, leasing and landlord tenant matters. The firm offers a host of legal services, please visit www.myreallaw.com for details. Matt can be contacted at mrich@myreallaw.com, Office: 847-424-1005 x 2 | Cell: 312-420-0827