

**THE FLEXIBLE AND FAIR
ADDITIONAL DWELLING UNIT ORDINANCE**

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

SECTION 1. Section 2-44-065 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-44-065 Program applications, administration, and related fees.

(Omitted text is unaffected by this ordinance)

(9) Compliance Monitoring Late Fee - \$20 per unit for all housing units in a project or building in addition to the Compliance Monitoring fee.

(10) Affordable Conversion Unit Initial Registration Fee - ~~\$500~~ \$250 per Affordable Conversion Unit as defined in Section 2-44-106(c).

(Omitted text is unaffected by this ordinance)

NOTE: SECTION 2 of the original ADU Ordinance remains unchanged

SECTION 2. Section 2-44-106 of the Chicago Municipal Code is hereby repealed in its entirety.

NOTE: This eliminates affordability requirements on ADUs

SECTION 3. Section 4-6-290 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-6-290 Bed-and-breakfast establishment.

(Omitted text is unaffected by this ordinance)

(f) Legal duties. Each licensee engaged in the business of bed-and-breakfast establishment shall have a duty to:

(Omitted text is unaffected by this ordinance)

(8) If the bed-and-breakfast establishment is listed on any short term residential rental intermediary platform or short term residential rental advertising platform, a licensee under this section shall have the following duties:

(Omitted text is unaffected by this ordinance)

(ii) not to list on a platform, or permit any person to list on a platform, and not to rent, or permit any person to rent, and not to book for future rental, or permit any person to book for future rental, any: ~~(A) bed-and-breakfast establishment that is not properly licensed by the City; or (B) conversion unit, as defined in Section 17-17-0240.6; or (C) coach house, as defined in Section 17-17-0234.6. lawfully established after May 1, 2021;~~

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-6-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-6-300 Vacation rentals.

(Omitted text is unaffected by this ordinance)

(h) *Vacation rentals listed on a platform.* If a vacation rental is listed on any short-term residential rental intermediary platform or short-term residential advertising platform within the meaning of Chapter 4-13 of this Code, a licensee under this section shall have the following duties:

(Omitted text is unaffected by this ordinance)

(2) *Rental without a license - ~~Rental of conversion units and coach houses - Prohibited.~~* Such licensee shall not list on a platform, or permit any person to list on a platform, or rent, or permit any person to rent, or book for future rental, or permit any person to book for future rental, any: ~~(A) vacation rental which is not properly licensed by the City; or (B) conversion unit, as defined in Section 17-17-0240.6; or (C) coach house, as defined in Section 17-17-0234.6. lawfully established after May 1, 2021;~~

(Omitted text is unaffected by this ordinance)

NOTE: SECTION 6 of original ADU Ordinance remains unchanged

SECTION 5. Section 4-13-260 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-13-260 Ineligibility - Listing on platform by a provider prohibited when.

(a) *Conditions of ineligibility for listing.* A short-term residential rental shall be ineligible for listing by a provider on a licensee's platform under the following conditions:

(Omitted text is unaffected by this ordinance)

~~(12) Conversion unit. When the short term residential rental is a conversion unit, or~~

~~(13) Coach house. When the short term residential rental is a coach house lawfully established after May 1, 2021,~~

(Omitted text is unaffected by this ordinance)

NOTE: SECTION 8 of original ADU Ordinance remains unchanged

SECTION 6. Section 4-14-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-14-050 Unlawful acts.

(Omitted text is unaffected by this ordinance)

~~(j) Listing and rental of conversion units – Prohibited. It shall be unlawful for any shared housing host to list on a platform, or permit any person to list on a platform, or rent, or permit any person to rent, or book for future rental, or permit any person to book for future rental, any conversion unit.~~

~~(k) Listing and rental of coach houses – Prohibited. It shall be unlawful for any shared housing host to list on a platform, or permit any person to list on a platform, or rent, or permit any person to rent, or book for future rental, or permit any person to book for future rental, any coach house lawfully established after May 1, 2021.~~

SECTION 7. Section 17-2-0200 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

USE GROUP		Zoning Districts								Use Standard	Parking Standard
Use Category		RS	RS	RS	RT	RT	RM	RM	RM		
	Specific Use Type	1	2	3	3.5	4	4.5	5-5.5	6-6.5		
P = permitted by right S = special use approval req'd PD = planned development approval req'd - = not allowed											
RESIDENTIAL											
A. Household Living											
1.	Detached House	P	P	P	P	P	P	P	P		17-10-0207-A

2.	Elderly Housing	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P	P		17-10-0207-A
3.	Two-Flats	-	-	P	P	P	P	P	P	17-2-0303-B	17-10-0207-A
4.	Townhouse	-	-	-	P	P	P	P	P	17-2-0500	17-10-0207-A
5.	Multi-Unit (3+ units) Residential	-	-	-	P	P	P	P	P		17-10-0207-C
6.	Single-Room Occupancy	-	-	-	-	P	P	P	P		17-10-0207-B
7	Conversion Unit within Additional Dwelling Unit Allowed Areas	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	17-2-0303-C & 17-9-0131	
8	Coach House within Additional Dwelling Unit Allowed Areas	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	17-9-0201	
<i>(Omitted text is unaffected by this ordinance)</i>											

SECTION 8. Section 17-2-0300 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through, as follows:

(Omitted text is unaffected by this ordinance)

17-2-0303-C Conversion Unit. ~~Within Additional Dwelling Unit Allowed Areas~~, in the case of building permit applications for the repair, remodeling, or alteration of residential buildings ~~that are located in any RS2, RS3, RT or RM zoning district and~~ that have been in lawful existence for 20 or more years, the density of such residential buildings may be increased in accordance with Section 17-9-0131 by 33% of the number of lawfully established dwelling units, other than conversion units, that have been in existence in the residential building for 20 or more years; provided, however, that if such residential building contains a single dwelling unit, the density of such residential buildings may be increased by one dwelling unit. If this 33% calculation results in a fractional number, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number; and any fractional result of less than 0.5 must be rounded down to the previous consecutive whole number.

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 17-7-0570 of the Chicago Municipal Code, including subsections 17-7-0571 and 17-7-0572, and Figure 17-7-0570, is hereby repealed in its entirety

NOTE: This eliminates the small ADU Zones, allowing ADUs in residential areas throughout the city.

SECTION 9. Chapter 17-9 of the Municipal Code of Chicago is hereby amended by deleting the struck through language and inserting the underscored language, as follows:

17-9-0100 Use Standards.

(Omitted text is unaffected by this ordinance)

17-9-0131 Conversion Units

1. ~~———— A building permit for a conversion unit may not be issued for a zoning lot located outside of an Additional Dwelling Unit-Allowed Area. Reserved.~~

2. Prior to issuance of a building permit for a new conversion unit, either the permit applicant must provide written notice to the local alderman, or the City must provide electronic notice to abutting property owners and to the local alderman. The written or electronic notice must include: (a) the street address of the existing building; (b) a statement that a conversion unit will be established at the address; and (c) the name and mailing address of the applicant. If the applicant provided notice to the local alderman under this subsection 17-9-0131.2, the ~~The~~ applicant must submit a written affidavit certifying compliance with the notice requirements with the permit application.

3. Conversion units are subject to Section 17-2-0303-C and 17-3-0308.

4. Conversion units are not subject to the minimum lot area per unit provisions of Sections 17-2-0303-A, 17-3-0402-A, 17-7-0702, 17-7-0802, 17-7-0902 or 17-7-1104.

5. Conversion units are not subject to the open space provisions of Sections 17-2-0307 or 17-2-0308.

6. Conversion units may be established without corresponding accessory parking.

7. ~~———— Conversion units must be maintained as affordable housing units to the extent required under Section 2-44-106.~~

8. ~~———— Conversion units may not be established on any zoning lot that contains a coach house.~~

9. ~~———— Conversion units may not be rented, leased, or otherwise made available for compensation of any type for transient occupancy, as defined in Section 4-6-290, by persons other than members of the unit owner's or tenant's household. In addition to any other penalty provided by law, any person who violates this Section 17-09-0131 (9) will be subject to a fine of not less than \$ 1,500.00 nor more than \$3,000.00 dollars for each offense. Each day that a violation continues constitutes a separate and distinct offense. The Department of Planning and Development, Department of Housing, Department of Buildings, and Department of Business Affairs and Consumer Protection are each authorized to enforce this Section 17-09-0131(9).~~

10. ~~———— The following additional requirements apply to conversion units in the West, South, and Southeast Zones of Additional Dwelling Unit-Allowed Areas:~~

a. ~~———— A building permit may not be issued to add a conversion unit to a zoning lot with three or fewer established dwelling units unless the principal building on the zoning lot is owner-occupied at the time of permit application.~~

b. ~~———— A building permit may not be issued to add a conversion unit to a zoning lot where two other zoning lots on the same block face and opposite block face have obtained permits to add a conversion unit or coach house unit during the same calendar year.~~

17-9-0200 Accessory uses, buildings and structures.

(Omitted text is unaffected by this ordinance)

17-9-0201 General.

(Omitted text is unaffected by this ordinance)

17-9-0201-F Coach Houses

1. ~~———— A building permit for a new coach home unit may not be issued for a zoning lot located outside of an Additional Dwelling Unit-Allowed Area. Coach Houses established in B or C zoning districts may not be established in the rear 30 feet of the lot depth.~~

2. Prior to issuance of a building permit for a new coach house unit, either the permit applicant must provide written notice to the local alderman, or the City must provide electronic notice to abutting property owners and to the local alderman. The written or electronic notice must include: (a) the street address of the property where a coach house unit will be established; (b) a statement that a coach house unit will be established at the address; and (c) the name and mailing address of the applicant. If the applicant provided notice to the local alderman under this subsection 17-9-0201-F.2, the ~~The~~ applicant must submit a written affidavit certifying compliance with the notice requirements with the permit application.

3. Coach houses may not reduce any existing on-site, accessory parking required to serve the existing principal building on the zoning lot.

4. Coach houses may be established without accessory parking to serve the coach house.

5. Coach houses may not exceed 22 feet in building height.

6. Rooftop features may not exceed 22 feet in overall height above grade.

7. At least three feet of open space that is unobstructed and unoccupied from its lowest level to the sky must be provided between the coach house and at least one side property line for the entire length of the building wall, except when a side property line abuts an alley or street.

8. ~~A minimum separation of 15 feet must be provided between the rear wall of the principal building and the front wall of the coach house.~~ Reserved.

9. ~~A dwelling unit within a coach house may not exceed 700 square feet of floor area. Only one dwelling unit is permitted per coach house.~~ Reserved.

10. Coach houses ~~in any RS2, RS3, RT or RM zoning district~~ are not subject to the minimum lot area provisions of Sections 17-2-0303-A, 17-3-0402-A, 17-7-0702, 17-7-0802, 17-7-0902 or 17-7-1104.

11. Coach houses ~~in any RS2, RS3, RT or RM zoning districts~~ are not subject to the open space provisions of Sections 17-2-0307 or 17-2-0308; but are subject to Chapter 16-18 of this Code.

12. Coach houses ~~in any RS2, RS3, RT or RM zoning district~~ are not subject to the floor area ratio provisions of Section 17-2-0304-A or 17-3-0403-A.

13. When established prior to the principal building on a zoning lot, a coach house must be located entirely within the rear setback of the zoning lot in accordance with this Section 17-9-0201 and will be exempt from the rear setback requirements of Section 17-2-0306.

14. The combination of all accessory buildings may not occupy more than 60% of the area of a required rear setback.

~~15. Coach houses may not be established on any zoning lot that contains a conversion unit.~~ Reserved.

16. Coach houses may not be established if the principal building contains more than four lawfully established dwelling units.

~~17. Dwelling units contained within coach houses lawfully established after May 1, 2021, may not be rented, leased, or otherwise made available for compensation of any type for transient occupancy, as defined in Section 4-6-290, by persons other than members of the unit owner's or tenants household. In addition to any other penalty provided by law, any person who violates this Section 17-09-0201-F(16) will be subject to a fine of not less than \$1,500.00 nor more than \$3,000.00 dollars for each offense. Each day that a violation continues constitutes a separate and distinct offense. The~~

Department of Planning and Development, Department of Housing, Department of Buildings and Department of Business Affairs and Consumer Protection are each authorized to enforce this Section 17-09-0201 F(16).

18. ~~The following additional requirements shall apply to coach houses in the West, South, and Southeast Zones of the Additional Dwelling Unit-Allowed Areas:~~

a. ~~A building permit may not be issued to add a coach house unit to a zoning lot with three or fewer established dwelling units unless the principal building on the zoning lot is owner-occupied at the time of permit application.~~

b. ~~A building permit may not be issued to add a coach house unit to a zoning lot where two other zoning lots on the same block face and opposite block face have obtained permits to add a conversion unit or coach house unit during the same calendar year. (Omitted text is unaffected by this ordinance)~~

SECTION 10. Section 17-17-0100 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-17-0100 Use group and category description.

(Omitted text is unaffected by this ordinance)

17-17-0104-S Lodging. Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:

(Omitted text is unaffected by this ordinance)

3. Vacation Rental. A *dwelling unit* that contains 6 or fewer sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term "guests" does not include members of the owner's *household*. The term "vacation rental" shall not include: (i) *single-room occupancy buildings*; (ii) *bed and breakfast* establishments; (iii) *hotels/motels*; (iv) any *dwelling unit* for which a tenant has a month-to-month rental agreement as defined in Section 5-12-030 and the rental payments are paid on a monthly basis; (v) corporate housing, as defined in Section 4-14-010; (vi) guest suites, as defined in Section 4-6-300; or (vii) *shared housing units* registered pursuant to Chapters 4-13 and 4-14 of this Code; ~~(viii) *conversion units*; or (ix) *coach houses* lawfully established after May 1, 2021.~~

4. Shared Housing Unit. "Shared housing unit" means a *dwelling unit* containing 6 or fewer sleeping rooms that is rented, or any portion therein is rented, for transient occupancy by guests. The term "shared housing unit" does not include: (1) *single-room occupancy buildings*; (2) *hotels/motels*; (3) corporate housing, as defined in Section 4-14-010; (4) guest suites, as defined in Section 4-6-300; (5) *bed*

and breakfast establishments; or (6) vacation rentals; ~~(7) conversion units; or (8) coach houses lawfully established after May 1, 2021.~~

(Omitted text is unaffected by this ordinance)

SECTION 11. Chapter 17-3 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-13-1000 Administrative Adjustments

(Omitted text is unaffected by this ordinance)

17-13-1000-LL Coach House Parking Relief. The parking requirements of Section 17-10-0207, as they apply to the *principal residential building on the zoning lot*, may be waived pursuant to Section 17-13-1007 through the *administrative adjustment* procedure, when a *coach house* is constructed or expanded on the same *zoning lot*.

SECTION 12. Section 17-17-0200 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the underscored language, as follows:

17-17-0200 General Terms.

(Omitted text is unaffected by this ordinance)

17-17-0234.6 Coach House. An accessory building meeting the requirements of Section 17-9-0201 -F ~~and containing one dwelling unit.~~

(Omitted text is unaffected by this ordinance)

17-17-0240.6 Conversion Unit. A dwelling unit that is: (i) either newly constructed or rehabilitated for reuse, and (ii) located within a principal residential building that has been in lawful existence for 20 or more years, and (iii) established in accordance with Sections 17-2-0303-C and 17-9-0131.

(Omitted text is unaffected by this ordinance)

SECTION 13. This ordinance shall take full force and effect 120 days after its passage and approval.