



Building Code Clarifications - 5. Building Height and Area Limits

5.1 (13-116-020) Fire limits - Prohibited construction types

The prohibition of Type II and Type IV construction shall be limited to the dense downtown business district area bounded by Roosevelt Street (1200) on the South, Division Street (1200) on the North, Lake Michigan on the East, and Halsted Street (800) on the West. This ruling shall apply to all new additions and new construction projects only.

All exceptions using any of the above construction types must be approved by a supervisor of the plan examiners on a case by case basis.

5.2 (13-48-030) Parking garages in residential buildings

Parking garages which are intended for use in residential buildings by building occupants and their guests shall be allowed in buildings of any construction type regardless of the height of the building. The building, however, must meet the height and area restrictions for a residential use of the intended construction type per Chapter 13-48.

Section (13-48-100) shall not be applied to the garage portion of the building. The garage must be utilized exclusively by the building occupants and their guests. In other words, the garage cannot be for commercial use.

This shall be allowed per the authority given to the building and fire commissioners in section (13-56-250). The garage shall be viewed as an auxiliary use to the building. A garage is an indispensable use to the residential building. Most residential buildings could not be built without a garage. The mixed occupancy separations per table (13-56-280) of four hours shall still be applicable.

The auxiliary use area restriction shall not be applicable since this is an indispensable use to the building. This shall be per the judgment of both the building and the fire commissioners.

This decision is rendered to clarify for all parties an interpretation that is already in place and that has been followed by inspectors and examiners for a number of years.

This is intended to clarify any misinterpretation of sections (13-48-100) and (13-56-250).

5.3 (13-48-030) Retail occupancy in residential buildings

Retail occupancy shall be permitted on the ground floor of residential buildings of all construction types except in buildings of Type IV, frame construction.

The Zoning code mandates commercial space on the ground floor in many areas of the city. To facilitate construction of new residential buildings, the ground floor retail and commercial occupancy has been viewed as an auxiliary use to the residential building.

Section (13-48-100) shall not be applied to the ground floor retail space. The building, however, must meet the height and area restrictions for a residential use of the intended construction type per Chapter 13-48.

5.3 (13-48-030) Retail occupancy in residential buildings

The code section (13-48-020)(d) was amended on October 2, 1995 requiring the basement levels to be more than 4 feet below grade. The intention of this change was to require only the new construction projects or new building additions to have deeper basements. It was not intended to be applied to the basement levels of existing buildings

The following shall be regarded as a basement, not a story, in all existing buildings built before October 2, 1995 that are not increasing the number of stories.

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- 1) The floor level shall be at least one foot below grade.
- 2) The ceiling height of the level shall not be more than seven feet above grade.

The number of stories shall be taken as the actual number of stories above grade in accordance with the Section (13-48-020)(d). The code requirements for the mezzanine floors and enclosed monitor spaces shall remain unchanged for all existing and new buildings. This will not apply to any addition to a pre-October 2, 1995 building.

The intention of this interpretation is to not inadvertently require buildings originally intended as two story building into 3 three stories (or three stories to four) when there is no other impact to the exiting conditions.