



City of Chicago

Office of the City Clerk

Document Tracking Sheet



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Meeting Date:	4/2/2014
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Amendment of map procedures in conjunction with establishment of 606 Trail and Park
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

ZON.



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

April 2, 2014

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith an ordinance regarding map amendment procedures in conjunction with the establishment of the 606 Trail and Park.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

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ORDINANCE

WHEREAS, the City of Chicago (“City”) is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and, as such, may exercise any power and perform any function pertaining to its government and affairs, including, without limitation, the establishment and amendment to the zoning maps of real property located in the City; and

WHEREAS, from time to time the City’s Department of Planning and Development (“DPD”) performs comprehensive surveys of land uses in the City, and portions thereof to advance the City’s land use planning goals and objectives pursuant to Municipal Code Chapter 17-1-0100 et seq. (as amended from time to time, the “Zoning Ordinance”); and

WHEREAS, when DPD determines that it is necessary to amend the City zoning maps in order to attain such goals and objectives, DPD will, from time to time, seek City Council approval for comprehensive zoning map amendments; and

WHEREAS, such comprehensive zoning map amendments may involve a large number of parcels scattered across areas of the City or located within discrete areas of the City or any combination thereof; and

WHEREAS, the cost and administration involved in implementing such comprehensive zoning map amendments in accordance with the zoning map amendment procedures, specified in Section 17-13-0300 et seq. of the Zoning Ordinance, would be substantial and burdensome; and

WHEREAS, the City has identified an area of the City that will involve comprehensive zoning map amendments to facilitate the construction of a 2.7 mile elevated trail and park system and related purposes, which area consists generally of the former Chicago Milwaukee, St. Paul and Pacific Railroad right-of-way and certain adjacent and other properties (the “606 Trail and Park System”); and

WHEREAS, implementation of the 606 Trail and Park System involves a large number of parcels and requires comprehensive zoning map amendments; and

WHEREAS, the City desires, consistent with constitutional due process requirements, to provide for alternative notice, review and approval procedures on a limited basis in order to implement such comprehensive zoning map amendments; and

WHEREAS, such alternative procedures will enable the City to publish notice as to persons and owners not located within the remapped areas, while still delivering written notice to those persons and owners located within the remapped areas, and subject to compliance with certain other specified procedures (as more particularly described in Section 2 below (the “Special Zoning Map Amendment Procedures”)); and

WHEREAS, the Department of Planning and Development (“DPD”) has determined that it is appropriate to amend the zoning maps with respect to the parcels of real property depicted on the map attached to this ordinance as Exhibit A, in order to implement the 606 Trail and Park System; and

WHEREAS, DPD, by separate ordinance, intends to seek City Council approval for such map amendments (the “606 Trail and Park System Zoning Map Amendment”) within six (6) months of the passage and approval of this ordinance; and

WHEREAS, DPD desires to utilize the Special Zoning Map Amendment Procedures in providing for the notice, review and approval for such 606 Trail and Park System Zoning Map Amendment; **now, therefore:**

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

SECTION 1. The above recitals are herein incorporated by reference and made the findings of the City Council.

SECTION 2. In lieu of the zoning map amendment approval procedures specified in Section 17-13-0300 et seq. of the Zoning Ordinance (except to the extent such procedures are expressly incorporated herein), DPD shall comply with the following procedures in connection with the giving of notice, review and approval of the 606 Trail and Park System Zoning Map Amendment.

A. Limited Applicability

The Special Zoning Map Amendment Procedures of this Section 2 shall only apply to DPD’s proposed amendments for the 606 Trail and Park System Zoning Map Amendment parcels.

B. Applications

1. Authority to File

The 606 Trail and Park System Zoning Map Amendment may be proposed by the Mayor or his designee.

2. Filing

The 606 Trail and Park System Zoning Map Amendment application must be filed with the Zoning Administrator. Upon determining that an application is complete, the Zoning Administrator must transmit the application to the City Clerk. The City Clerk must file such application with the City Council at its next regular meeting.

C. Recommendations—Zoning Administrator and Commissioner of Planning and Development

The Zoning Administrator must review the 606 Trail and Park System Zoning Map Amendment application and forward a recommendation on the proposal to the City Council Committee on Zoning, Landmarks and Building Standards before the Committee's public hearing. The recommendation of the Zoning Administrator must also be forwarded to the City Council when the report of the City Council Committee on Zoning, Landmarks and Building Standards is initially submitted to the City Council.

D. Hearing—City Council Committee on Zoning, Landmarks and Building Standards

The City Council Committee on Zoning, Landmarks and Building Standards must hold a hearing on the 606 Trail and Park System Zoning Map Amendment. Written notice of the City Council Committee on Zoning, Landmarks and Building Standards' public hearing must be provided to property owners of the subject property only (but need not be provided to property owners of all property located within 250 feet of the property lines of the 606 Trail and Park System Zoning Map Amendment parcels) in accordance with Sec. 17-13-0107-A.1 (as modified by the foregoing notice requirements) through and including Sec. 17-13-0107-A.7 of the Zoning Ordinance, and Sec. 17-13-0107-A.8(c) and (d) of the Zoning Ordinance. Published notice of the Committee on Zoning, Landmarks and Building Standards' public hearing must be provided in accordance with Sec. 17-13-0107-B of the Zoning Ordinance. No posted notice shall be required.

E. Final Action—City Council

The City Council shall be the final decision-making body on the 606 Trail and Park System Zoning Map Amendment. The City Council may act by simple majority vote unless a valid written protest against the proposed amendment is filed with the City Clerk at least 3 days before the date that the City Council votes on the proposed amendment.

1. Protest.

A valid written protest is one that is signed and acknowledged by the property owners of 20% of the 606 Trail and Park System Zoning Map Amendment parcels.

2. Super-Majority.

In the case of a valid written protest, approval of the 606 Trail and Park System Zoning Map Amendment requires a favorable vote of two-thirds of all Aldermen.

3. Filing of Protest.

A copy of the written protest must be served by the protester on the Commissioner of the Department of Planning and Development by certified mail at 121 N. LaSalle Street, Chicago, Illinois 60602.

F. Review and Decision-Making Criteria

The act of approving the 606 Trail and Park System Zoning Map Amendment is a legislative action as compared to quasi-judicial that must be made in the best interests of the public health, safety and general welfare, while also recognizing the rights of individual property owners. In reviewing and making decisions on the proposed 606 Trail and Park System Zoning Map Amendment, review bodies and decision-making bodies should consider, at a minimum, the factors specified in Sec. 17-13-0308-A through and including Sec. 17-13-0308-E.

G. Inaction by City Council

If the City Council does not take action on the proposed 606 Trail and Park System Zoning Map Amendment within 6 months of the passage and approval of this ordinance, the application will be considered to have been denied.

H. Fee

There shall be no filing fee for the application for the 606 Trail and Park System Zoning Map Amendment.

I. Inapplicability

Except as expressly incorporated into this Section 2, the notice, review and approval procedures in Sec. 17-13-0301 shall not apply to the 606 Trail and Park System Map Amendment process, which shall instead be governed by the notice, review and approval procedures described herein.

SECTION 3. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 4. The notice, review and approval provisions of this ordinance shall control and govern over any ordinances, resolutions, motions or orders in conflict with this ordinance, including specifically, but without limitation, Section 17-13-0300 of the Zoning Ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and approval.