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Legislation Details (With Text)

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Type: Ordinance
Status: Passed
File created: 3/28/2018
In control: City Council
Final action: 5/25/2018
Title: Amendment of Municipal Code Chapters 2-116 and 17-14 regarding Zoning Board of Appeals establishment and membership
Sponsors: Emanuel, Rahm
Indexes: Ch. 14 Administration, Ch. 116 Zoning & Examination Boards
Attachments: 1. O2018-2339.pdf

Date	Ver.	Action By	Action	Result
5/25/2018	1	City Council	Passed	Pass
5/9/2018	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
3/28/2018	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL MAYOR

March 28, 2018

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 ordinance amending various provisions of the Municipal Code regarding the Zoning Board of Appeals.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VI. Section 6(a); and

WHEREAS, Pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Adding alternate members to the City's Zoning Board of Appeals will allow that Board to conduct business more efficiently, by reducing delays resulting from member, absences; now, therefore.

Be it ordained by the City Council of the City of Chicago:

SECTION 1. Article I of the Chapter 2-116 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through and by inserting the underlined text, as follows:

2-116-010. Establishment. Appointment-Membership.

A Zoning Board of Appeals is established as set forth in Section 17-14-0300. ~~Members of the board of appeals shall be appointed by the mayor with the approval of the city council, provided, however that a majority of members at the time of appointment shall be members of the Illinois Society of Architects, the Western Society of Engineers, the Chicago Real Estate Board, the Illinois Society of Professional Engineers, the Cook County Real Estate Board, the Building Manager's Association of Chicago, the Building Construction Employer's Association or the Chicago Building Trades Council, or shall be the incumbent of the office of commissioner of planning and development, city architect, superintendent of police, or corporation counsel, or shall be a citizen who has had outstanding experience in zoning administration.~~

2-116-020 Term and compensation.

~~The members of said board shall be appointed to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, and one for five years, the successor to each member so appointed to serve for a term of five years.~~

~~The members of the zoning board of appeals shall receive such compensation for their services as members of the board as shall be determined by the city council.~~

2-116-030 Removal of members-Vacancy filling.

~~The mayor shall have the power to remove any member of the board for cause and after a public hearing. Vacancies shall be filled for the expired term of the member whose place has become vacant.~~

2-116-010 Chairman.

~~One of the members appointed to the zoning board of appeals shall be designated by the mayor as chairman at the time of his appointment. All meetings of the zoning board of appeals shall be held at the call of the chairman and at such other times as such board may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.~~

~~2-116-050 Meetings.~~

~~All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.~~

~~2-116-060 Recordkeeping required.~~

~~The zoning board of appeals shall designate one of its employees to act as its secretary who has had experience in zoning matters and who is qualified to make stenographic reports of the record of all proceedings of said board and whose duty it shall be to keep a full and detailed record on file in the office of the board of all its proceedings. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall immediately be filed in the office of the board and shall be a public record.~~

SECTION 2. Section 17-14-0301 of the Municipal Code of the City of Chicago is hereby amended by inserting the underlined text, as follows:

17-14-0301 Creation and Membership.

17-14-0301-A The Zoning Board of Appeals consists of 5 members and up to 2 alternate members, all appointed by the Mayor, with the consent of the City Council, provided, however that a majority of said members at the time of appointment shall be members of the Illinois Society of Architects, the Western Society of Engineers, the Chicago Real Estate Board, the Illinois Society of Professional Engineers, the Cook County Real Estate Board, the Building Manager's Association of Chicago, the Building Construction Employer's Association or the Chicago Building Trades Council, or shall be the incumbent of the office of commissioner of planning and development, city architect, superintendent of police, or corporation counsel, or shall be a citizen who has had outstanding experience in zoning administration.

If a regular member of the Zoning Board of Appeals is unable to attend a meeting, the chairman or acting chairman of the Zoning Board of Appeals may designate an alternate member to take his or her place. Alternates shall be called on a rotating basis, as they are available-Alternate members designated to sit in place of regular members shall have the same powers and duties and be subject to the same pertinent Code provisions as regular members. When an alternate member has been appointed to fill the position of a regular member, the alternate member shall continue to sit on any continued applications started at that meeting, in the place of the full member, at subsequent meetings until the applications are decided. In no event shall the Zoning Board of Appeals hear any matter within its jurisdiction with more than 5 members.

The Board shall promulgate rules addressing participation in Zoning Board of Appeals

meetings by alternate members.

17-14-0301-B Zoning Board of Appeals regular and alternate members serve 5-year terms.

17-14-03 01-C One of the regular members of the Zoning Board of Appeals must be designated by the Mayor, with the consent of the City Council, to serve as chairman at the time of his or her appointment. The chairman will hold the office of chairman until a successor is appointed. The chairman may designate an acting chairman to serve as chairman in his or her absence.

17-14-0301-D. The Mayor is authorized to remove any regular or alternate member of the Zoning Board of Appeals for cause, after a public hearing.

17-14-0301-E. Vacancies of the Zoning Board of Appeals must be filled for the unexpired term of the regular or alternate member whose place has become vacant. The salaries of the regular and alternate members of the Zoning Board will be determined and fixed by the City Council in the annual appropriation ordinance.

17-14-0301-F The Zoning Board of Appeals shall designate one of its staff to act as its secretary who has had experience in zoning matters and whose duty it shall be to keep a full and detailed record on file in the office of the Zoning Board of Appeals of all its proceedings.

SECTION 3. This ordinance shall be in full force and effect upon passage and approval