



Office of the City Clerk

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Legislation Details (With Text)

File #: O2011-4344
Type: Ordinance **Status:** Failed to Pass
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Final action: 5/20/2015
Title: Amendment of Municipal Code Chapter 17-13 regarding requirements for zoning public notices
Sponsors: Solis, Daniel
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Attachments: 1. O2011-4344.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
7/12/2011	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	
5/18/2011	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 17-13-0107 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago ("Zoning Ordinance"), is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0107 Public Notices.

17-13-0107-A Written Notice. Whenever the provisions of this Zoning Ordinance require that "Written Notice" be provided, such notice must be given as specified in this section:

1. Timing.

(a) One written notice of administrative adjustment applications must be provided by the applicant at least 10 days before the Zoning Administrator takes action on the application. The Zoning Administrator may not take final action on an administrative adjustment application until at least 10 days after the date that notices were mailed to abutting property owners. Notice of Filing. In the case of any application requiring Written Notice of filing, the applicant must mail notice on or no more than 30 days before the date of filing the application.

(b) One written notice for all other applications requiring written notice must be provided by the applicant. Notice of Hearing. In the case of any application requiring Written Notice of a public hearing, the applicant must mail notice of the hearing no more than 30 days before filing the application and no less than 15 days before the date of the hearing.

(c) More Than One Hearing. If an application requires an initial hearing before the Chicago Plan Commission and a subsequent hearing before the City Council Committee on Zoning, a separate written notice of the Committee hearing is not required if such hearing takes place within 60 days from the date of the hearing before the Plan Commission.

2. Radius. Unless otherwise expressly stated in this Zoning Ordinance, the notification radius for applications requiring written notice is as follows:

(a) In the case of special use applications (except as provided in subsection (bi) below) and zoning map amendments, including planned developments, the applicant must provide written notice ~~must be provided to~~ ^{to} property owners of the subject property and ~~to all property owners~~ properties located partially or wholly within 250 feet of the property lines of the subject property.

(b) In the case of special use applications for sanitary landfills, hazardous waste treatment or storage facilities, liquid waste handling facilities, resource recovery facilities, reprocessible construction/ demolition material facilities, incinerators or transfer stations, the applicant must provide written notice to all property owners of the

subject property and properties located partially or wholly within 500 feet of the

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property lines of the subject property.

(c) In the case of administrative adjustment applications, the applicant must provide written notice to by certified mail to the property owners of the subject property and all land abutting lots on both sides of the subject property.

(d) In the case of variation applications, the applicant must provide written notice must be provided to all property owners of the subject property and te-aW property oi/wwwsproperties located partially or wholly within 4QQ250 feet of the property lines of the subject property.

(e) Land occupied by public roads, streets, alleys and other public ways is to be excluded in computing the required notification radius.

£f) If all land within the applicable notification radius is owned or controlled by the applicant or owner of the subject property, the applicant must provide written notice to all property owners of properties abutting such owned/controlled land, or separated from it only by public roads, streets, alleys and other public ways: provided. however, if there are no such abutting properties located partially or wholly within 1.000 feet of the property lines of the subject property, then no written notice hereunder is required.

3. All required written notices must be sent USPSjay first sclass mail through the United States Postal Service unless otherwise expressly statedv in this Zoning Ordinance.

4. ~~Ownership information~~Names and addresses of property owners must be obtained from the most recent authenticreal property tax records of Cook County.

5. Written notices must contain:

(a) the common street addressfes) of the subject property (if available), or other easily understood geographical reference, such as the nearest cross street or a description of the boundaries of the subject property;

(b) a description of the nature, scope and purposetyp_e of application(s) filed and approval(s) requested. and a brief summary of the application or proposal;

(c) the name and address of the applicant and property owners of the subject property (if different from the applicant);

(d) *for notice of filing, the date that the applicantjiled or intends to file the application; and public hearing;*

(e) for notice of hearing, the date, time and location of the

£f} (e) ~~a source for~~a contact name, telephone number, mailing 2

1 address and e-mail address for requesting additional information on the application or proposal; and

(o) anv additional, relevant information that the review or decisionmaking body reasonably requires the applicant to include in the notice for the type of application filed.

6. ~~If after a bona fide effort to provide written notice, the property owner of the property on which notice is serve d cannot be found at their last known address, or the mailed notice is returned because the property owner cannot be found at their last known address, the written notice requirements of this section will be deemed sati sfied~~The failure of a property owner within the applicable notification area to receive notice does not invalidate the proceedings, provided a bona fide effort to comply with this section has been made.

7. AtEvidence of Compliance. At both (a) the time of filing an application, and (b) not less than 15 days before a public hearing, the applicant must furnish to the Office of the Zoning Administrator a complete list containing the names and last known addresses of the persons provided with notice. The applicant must also furnish a wri tten affidavit certifyinglast known names and addresses of the property owners within the applicable notification area, a copy of the notice of filing or hearing (as applicable), registered or certified mail receipts (if applicable), and an affidavit stating that notice of the application or hearing (as applicable) has been mailed in compliance with all applicable written notice requirements.

(a)-~~Lists and affidavits must be furnished to the Chairman of the City Council Committee on Zoning for matters requiring final approval by the City Council or to the Chai rman of Zoning Board of Appeals for matters requiring final approval by the Zoning Board of Appeals.~~

(b)- No hearing will be scheduled or conducted until the applicant complies with all applicable notice requirements.

8. Whenever the applicant for a matter requiring final approval by the City Council is the Mayor, a member of

the City Council or the Zoning Administrator, the written notice requirements are as follows:

(a) Written notice must be given as set forth in paragraph this Section 17-13-01 07-A2-~~t~~, except that notice may be served by first-class mail and must be served at least 15 days before an advertised public hearing of application filing is not required.

(b) ~~Written notice~~ Notice of any public hearing required before the Chicago Plan Commission must be given by the Department of Zoning and Land Use Planning ~~Housing~~ and Economic Development.

(c) Notice of any required public hearing before the City Council Committee on Zoning must be given by the City Council Committee on Zoning.

(d)

When if any property in the area requiring notice has been 3

converted to condominiums pursuant to the -Illinois Condominium Act[^] Property Act. 765 ILCS 605/1 et seq., and contains more than 25 condominium units, notice must be given only to the Condominium Association governing the property.

-In the case of special use and variation applications, the Zoning

Board of Appeals must send written notice to those persons required to be notified under paragraph 17-13 0107-A2, above.

{a)-This notice must be sent first class mail no more than 30 days and not less than 15 days before the public hearing.

{b)-When any property in the area requiring notice has been

converted to condominiums pursuant to the "Illinois Condominium Act" and contains more than 25 condominium units, the Zoning Board of Appeals is only be required to serve notice on the Condominium Association governing the property. the applicant is only required to give notice to the condominium association governing the property.

JL 4[€]Mn the case of special use applications for sanitary landfills, hazardous waste treatment or storage facilities, liquid solid waste handling facilities, resource recovery facilities, reprocessible construction/ demolition material facilities, incinerators or transfer stations, the Zoning Board of Appeals must, at least 15 days before the hearing, send written notice of the hearing to the Alderman of the ward in which the facility is proposed to be located and to the Solid Waste Advisory Commission.

17-13-0107-B Published Notice. When the provisions of this Zoning Ordinance require that "Published Notice" be provided, such notice must be given as follows:

1. The City Clerk is responsible for submitting published notices for all matters requiring final approval by publishing notice of all public hearings before the City Council Committee on Zoning.

2[±] The Department of Housing and Economic Development is responsible for publishing notice of all public hearings before the Chicago Plan Commission.

3, 2-[^]The Secretary of the Zoning Board of Appeals is responsible for submitting published notices for all matters requiring final approval by publishing notice of all public hearings before the Zoning Board of Appeals.

4, [^]Required notices must be published at least once in a newspaper of general circulation within the city.

JL 4[^]The notice must appear in the newspaper no more than 30 days and no fewer than 15 days before the hearing[^]

JL [^]Published notice must include a description of the nature of the application and the address and legal, the common street address(es) of the subject property (if available), or other easily understood geographical reference, such as the nearest cross street or a description of the boundaries of the subject property, and the date, time and place of the public hearing.

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17-13-0107-C Posted Notice. When the provisions of this Zoning Ordinance require that "Posted Notice" be provided, the applicant must post a notice sign(s) on the subject property in accordance with the following requirements:

1. The notice sign(s) must be installed within §15 days of application filing and remain in place until the date of the hearing. The applicant must make good-faith efforts to keep the sign(s) posted during the entire period.

2. Posted notice must be in the form of an official sign provided by the Office of the Zoning Administrator.

3. The At least one notice sign must be posted in such a way as to be plainly visible from each roadways free or public right-of-way abutting the property subject property. On large parcels, additional sign(s) may be required on the subject property, as designated by the Department of Housing and Economic Development.

4. The notice must include:

- (a) the common street address(es) of the subject property (if available), or other easily understood geographical reference, such as the nearest cross street or a description of the boundaries of the subject property;
- (b) a description of the nature, scope and purpose of application(s) filed and approval(s) requested, and a brief summary of the application or proposal;
- (c) the name and address of the applicant;
- (d) the date that the application was filed; and
- (e) a source for a contact name and telephone number for requesting additional information on the application or proposal.

5. A non-refundable posting fee of \$25.00 must be submitted with the application to ensure placement, maintenance, and removal of the sign by the applicant, except when the applicant is the Mayor or a member of the City Council, the Zoning Administrator or any department or agency of the city.

6. Not more than 30 days after filing an application, the applicant must furnish to the Office of the Zoning Administrator a written affidavit certifying compliance with all applicable posted notice requirements, along with a photograph or photographs depicting the sign(s), as posted, and identifying the specific location(s) where posted.

(a) Affidavits must be furnished to the Chairman of the City Council Committee on Zoning for matters requiring final approval by the City Council or to the Chairman of Zoning Board of Appeals for matters requiring final approval by the Zoning Board of Appeals.

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~L (B7-N0 hearing will be scheduled or conducted until the applicant complies with all applicable notice requirements.

JL Whenever the applicant for a matter is either the Mayor or a member of the City Council, the Office of or the Zoning Administrator will be the Zoning Administrator is responsible for posting notice.

JL All signs must be removed within 3 days after the public hearing date has been held or the application has been withdrawn.

10. The Zoning Administrator may adopt guidelines consistent with this Section 17-13-0107-C for the posting of notices if the Zoning Administrator determines that those guidelines are necessary and appropriate. SECTION 2. Section 17-13-0108-B of the Zoning Ordinance is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0108-B If final action on an application under consideration at a public hearing under this Zoning Ordinance is postponed, deferred or otherwise continued for more than 12 months from the date of the originally scheduled public hearing on the application, new notice of the hearing on the application shall be given, pursuant to the notice requirements of Sections 17-13-0107-A, 17-13-0107-B and 17-13-0107-C.

SECTION 3. The table in Section 17-13-0109 of the Zoning Ordinance is hereby amended by adding the language underscored and by deleting the language struck through, as shown on Exhibit A attached hereto.

SECTION 4. The flow chart in Section 17-13-0200 of the Zoning Ordinance titled "Text Amendments" is hereby amended as depicted on Exhibit B attached hereto.

SECTION 5. The flow chart in Section 17-13-0300 of the Zoning Ordinance titled "Map Amendments" is hereby amended as depicted on Exhibit C attached hereto.

SECTION 6. Sections 17-13-0303-B and 17-13-0306 of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0303-B Filing. Zoning Map Amendment applications must be filed with the Zoning Administrator. Written and Posted Notice of the filing of a zoning map amendment application must be provided in accordance with Sec. 17-13-0107-A and Sec. 17-13-0107-C. Upon determining that an application is complete, the Zoning Administrator must transmit the application to the City Clerk. The City Clerk must file all such applications with the City Council at its next regular meeting.

17-13-0306 Hearing - City Council Committee on Zoning. The City Council Committee on Zoning must hold a hearing on all zoning map amendments. Written and Published and Posted Notice of the City Council Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-A and Sec. 17-13-0107-B and Sec. 17-13-0107-C.

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SECTION 7. Section 17-13-0402 of the Zoning Ordinance is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0402 Hearing - Plan Commission. In addition to the hearings required under Sec. 17-13-0300, the Plan Commission must hold a public hearing on requests to rezone land within an industrial corridor from an M, PMD, POS or T zoning district classification to any other zoning district classification, and make a recommendation to the City Council before the City Council Committee on Zoning before the Committee's public hearing. Written and Published Notice of the Plan Commission's public hearing must be provided in accordance with Sec. 17-13-0107-A_T and Sec. 17-13-0107-EV_{afld} ~~Sec. 17-13-0107-C.~~

SECTION 8. Section 17-13-0502-C, 17-13-0502-D and 17-13-0502-E of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

~~17-13-0502-C Whenever the applicant is a member of the City Council or the Zoning Administrator, notice may be served by first class mail.~~ Re^evisedL

17-13-0502-D Upon receipt of determining that any such application is complete, the Zoning Administrator must transmit an original copy without delay to the Chairman of the City Council Committee on Zoning.

17-13-0502-E In addition to the persons to whom ~~written notice~~ Written Notice must be provided under Sec. 17-13-0300, ~~written notice~~ Written Notice of the filing of the application and of the community meeting required by Sec. 17-13-0503 must also be sent to the property owners (and, if applicable, taxpayers of record for leasehold PINs identified pursuant to Section 17-13-0107-A4) of property within the proposed special character overlay district, as determined from the authentic~~ie~~real property tax records of Cook County.

SECTION 9. The flow chart in Section 17-13-0600 of the Zoning Ordinance titled "Planned Developments" is hereby amended as depicted on Exhibit D attached hereto.

SECTION 10. Section 17-13-0602-B of the Zoning Ordinance is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0602-B Filing.

1. Planned development applications must be filed with the Zoning Administrator.

2^A Written and Posted Notice of the filing of a planned development application must be provided in accordance with Sec. 17-13-0107-A and Sec. 17-13-0107-C.

3^A 2-^AT-fre Upon determining that an application is complete, the Zoning Administrator must transmit an original copy of the application without delay to

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the City Clerk, who must record it in the proceedings of the City Council at its next regular meeting

4, 3^AThe Zoning Administrator must also, within 5 days of application filing, transmit copies of the application to the Plan Commission.

SECTION 11. Sections 17-13-0604-B and 17-13-0606 of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0604-B Written^y and Published and ~~Posted~~ Notice of the Plan Commission public hearing must be provided in accordance with Sec. 17-13-0107-A_T and Sec. 17-13-0107-B and ~~Sec. 17-13-0107-C.~~

17-13-0606 Hearing - City Council Committee on Zoning. The City Council Committee on Zoning must hold a public hearing on all planned development proposals for the purpose of reviewing the proposed project and taking testimony. Written_T and Published and ~~Posted~~ Notice of the Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-A_r and Sec. 17-13-0107-B and ~~Sec. 17-13-0107-C.~~

SECTION 12. The flow chart in Section 17-13-0700 of the Zoning Ordinance titled "Planned Manufacturing Districts" is hereby amended as depicted on Exhibit E attached hereto.

SECTION 13. Sections 17-13-0702-B, 17-13-0705 and 17-13-0707 of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0702-B Filing.

1, An application for designation of an area as a PMD must be filed with the Zoning Administrator.

2, Public notice of an application to establish a PMD must be given in the same manner as for other zoning map amendments under Sec. 17-13-0300, except that the applicant must also provide Written Notice of the filing of the application and of the community meeting required by Sec. 17-13-0703 to the property owners (and, if applicable, taxpayers of record for leasehold PINs identified pursuant to Section 17-13-0107-A4) of property within the proposed PMD, as determined from the real property tax records of Cook County.

3, 2^4freUpon determining that an application is complete, the Zoning Administrator must transmit an original copy of the application without delay to the City Clerk, who must record it in the proceedings of the City Council at its next regular meeting.

4, 3r-The Zoning Administrator must also transmit copies of the application without delay to the Plan Commission.

17-13-0705 Hearing - Plan Commission. The Plan Commission must hold a public hearing on all PMD proposals for the purpose of taking testimony and determining the

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industrial viability of the district and the need for PMD status. Written~~7~~ and Published and Posted Notice of the Plan Commission public hearing must be provided in accordance with Sec. 17-13-0107-A~~T~~=§ng;Sec. 17-13-0107-B and Sec. 17-13-0107-C.

17-13-0707 Hearing - City Council Committee on Zoning. The City Council Committee on Zoning must hold a public hearing on all PMD proposals for the purpose of taking testimony and determining the industrial viability of the district and the need for PMD status. Written~~7~~ and Published and Posted Notice of the Committee on Zoning's public hearing must be provided in accordance with Sec. 17-13-0107-A~~7~~ and _ Sec. 17-13-0107-B and Sec. 17-13-0107-C.

SECTION 14. The flow chart in Section 17-13-0800 of the Zoning Ordinance titled "Site Plan Review" is hereby amended as depicted on Exhibit F attached hereto.

SECTION 15. The flow chart in Section 17-13-0900 of the Zoning Ordinance titled "Special Uses" is hereby amended as depicted on Exhibit G attached hereto.

SECTION 16. Sections 17-13-0902-A and 17-13-0904 of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-0902-A Filing. An application for a special use must be filed with the Zoning Board of Appeals. Written and Posted Notice of the filing of a special use application must be provided in accordance with Sec. 17-13-0107-A and Sec. 17-13-0107-C.

17-13-0904 Hearing. The Zoning Board of Appeals must hold a hearing to consider the special use application. Written~~7~~ and Published and Posted Notice of the Zoning Board of Appeals' public hearing must be provided in accordance with Sec. 17-13-0107-A~~7~~ and Sec. 1,7-13-0107-B and Soe. 17-13-0107-C.

SECTION 17. The flow chart in Section 17-13-1000 of the Zoning Ordinance titled "Administrative Adjustments" is hereby amended as depicted on Exhibit H attached hereto.

SECTION 18. Sections 17-13-1005 and 17-13-1006 of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-1005 Public Notice. Written noticeNotice of the filing of an administrative adjustment request must be provided in accordance with Sec. 17-13-0107-A.

17-13-1006 Review and Decision - Zoning Administrator. The Zoning Administrator must review each application for an administrative adjustment and act to approve, approve with conditions, or deny the application based on the General Approval Criteria of Sec. 17-13-1007-B and any other specific approval criteria expressly established in this Zoning Ordinance. The Zoning Administrator may not take final action on an administrative adjustment application until at least 10 days after the date that notices were mailed to abutting property owners- in accordance with Sec. 17-13-0107-A.

SECTION 19. The flow chart in Section 17-13-1100 of the Zoning Ordinance titled

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"Variations" is hereby amended as depicted on Exhibit I attached hereto.

SECTION 20. Sections 17-13-1102 and 17-13-1103 of the Zoning Ordinance are hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-1102 Applications. An application for a variation must be filed with the Zoning Board of Appeals. Written and Posted Notice of the filing of a variation application must be provided in accordance with Sec. 17-13-0107-A and Sec. 17-13-0107-C.

17-13-1103 Hearing. The Zoning Board of Appeals must hold a hearing to consider the application. Written~~7~~ and Published and Posted Notice of the Zoning Board of Appeals' public hearing must be provided in accordance with Sec. 17-13-0107-A~~T~~ and Sec. 17-13-0107-B and Sec. 17-13-0107-C.

SECTION 21. Section 17-13-1206 of the Zoning Ordinance is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-13-1206 Hearing. The Zoning Board of Appeals must hold a hearing to consider appeals. Written notice of the Zoning Board of Appeals' public hearing must be provided to the applicant and to any property owners (and, if applicable, taxpayers of record for leasehold PINs identified pursuant to Section 17-13-0107-A4) who were required to receive notice of the action being appealed.

SECTION 22. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code, or any portion thereof, is in conflict with any provision of this ordinance, the provisions of this ordinance control. If any section, paragraph or provision of this ordinance shall be held invalid by any court, that invalidity shall not affect the remaining provisions of this ordinance.

and

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EXHIBIT A

REVISED TABLE SECTION 17-13-0109

Procedure	Review and Decision-Making Authority						Notice of Filing	Notice of Hearing
	Commission of Planning and Development	Zoning Administrator	Plan Commission	Zoning Board of Appeals	City Council	City Council Committee on Zoning	Newspaper (M)ailed (P)osted	(M)ailed (P)osted Newspaper
Text Amendments	R	R	-	-	<R>	DM	N ^A Mr PNone	N
Zoning Map Amendments (except PDs)	R	R	-	-	<R>	DM	<i>Hr-M, P</i>	M, N
Industrial Corridor Zoning Map Amendments	R	R	<R>	-	<R>	DM	NrM, P	M, N
Planned Developments	R	R	<R>	-	<R>	DM	<i>K-M, P</i>	M, N
Planned Manufacturing Districts	R	-B	<R>	-	<R>	DM	<i>Hr-M, P</i>	M, N
Site Plan Review	DM	R-DM	-	-	*	*	None	None
Special Uses	R	-R	-	<DM>	-	-	Ni-M, P	M. N
Administrative Adjustments	-	DM	-	-	-	-	M	None
Variations	-	-	-	<DM>	-	-	NrM, P	M. N
Appeals	-	-	-	<DM>	-	-	-MNone	M

Notes:

R = Review Body (Responsible for Review and Recommendation)

DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)

< > = Public Hearing Required

* = Disapproved site plans may be appealed to the City Council (See Sec. 17-13-0805)

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