

**HANDBOOK OF  
THE CITY OF CHICAGO 35<sup>th</sup> WARD  
ZONING ADVISORY COMMITTEE**

## Forward

During the 2003 campaign for Alderman of the 35th Ward, I learned that zoning, land-use and development issues were matters of great importance to community residents and activists. Zoning decisions in the City of Chicago are under the exclusive purview of aldermen. Each Chicago Alderman has their own local process for making zoning recommendations to the full City Council. One of my campaign commitments was to provide public participation in zoning decisions. Immediately upon taking office, I established the 35th Ward Zoning Advisory Committee, or ZAC to add structure to this effort.

The members of the ZAC consist of established block clubs and community organizations geographically based in the 35th Ward. Each group is asked to elect or appoint one main representative and one alternate representative to interchange participation on the ZAC. ZAC membership consists of 35<sup>th</sup> Ward volunteers. Most ZAC representatives live and/or work in the ward. My goal is to have an active a ZAC which strikes a balance of differing opinions with common aspirations and concerns for the community. In many ways this goal has already been reached. The ZAC includes professional technical advisers who are architects, advocates, investors; real estate agents, and planners who provide valuable insight to our discussions. The ZAC meets monthly to review zoning change requests for the ward. The ZAC also facilitates open public meetings to seek the opinions and hear the concerns of neighbors most immediately affected; then makes zoning recommendations to my office.

The ZAC recommends zoning changes based on the suitability of the structure for the proposed site. Each zoning recommendation is made on a case-by-case basis with public benefits in mind. Public benefits include the quality of construction, the number of affordable units, density and green design elements. Providing a transparent process which promotes ethnic, religious, and economic diversity is one of my top priorities. I am committed to providing ward residents with a mix of housing options that ultimately lead to the American dream of home ownership for those who seek it. Involving community stake-holders in the process promotes quality development consistent with the current character of the community. As Alderman I consider public feedback and common-sense planning principles before making zoning change decisions. My vision for development in the 35th Ward is to preserve the integrity of the past while pursuing best practices and innovations of excellence for the future.

Rey Colón, Alderman City of Chicago, 35th Ward  
35th Ward Community Service Center  
2710 North Sawyer Chicago, Illinois 60647  
reycolon@cityofchicago.org  
Phone: (773) 365-3535 Fax: (773) 365-7391

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## **Statement of Purpose**

The 35<sup>th</sup> Ward Zoning Advisory Committee (“ZAC”) serves the Alderman as a mechanism to obtain the community’s input on zoning change requests and any other related matters referred to the ZAC by the alderman. The ZAC gives voice to the community in zoning decisions through representatives of member block clubs and community organizations, and through public meetings. The ZAC familiarizes the community and those seeking to develop property in the ward on the decision-making process for zoning change requests.

## Definitions

**Affordable Housing:** A generally accepted definition of affordable housing is housing that costs, including utilities, no more than thirty percent of a low or moderate income family's gross earnings. Low income families are defined as those earning eighty percent or less of the area's median income. The median income in Logan Square is \$37,581 projected for 2005 based on the 2000 census.

**CPAN:** Chicago Partnership for Affordable Neighborhoods. CPAN is a program funded by the City of Chicago to enable developers to provide affordable condominiums in market rate developments, particularly in appreciating neighborhoods, through two steps: developer write-down and purchase price assistance to home buyers.

**Gentrification:** The process of renewal and rebuilding accompanying the influx of middle-class or affluent people into deteriorating areas that often displaces earlier usually poorer residents. Merriam-Webster

**Green Development:** Making improvements on current construction practices that produce a more environmentally-friendly development within reasonable economic limitations. (Environmentally Green...Economically Green)

**LEED Certified:** The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

**Low Income Housing Trust Fund:** The Chicago Low-Income Housing Trust Fund (Trust Fund) is dedicated to providing financial assistance to meet the housing needs of Chicago's poorest residents. The Trust Fund offers three programs: (1) Rental Subsidy Program; (2) Affordable Rents for Chicago (ARC); and (3) Supportive Housing Program.

**Sustainability:** The principles of sustainability in housing include using renewable materials in construction while minimizing waste and constructing buildings that use a minimum amount of energy to heat, cool, light and run appliances.

**ZAC:** 35<sup>th</sup> Ward Zoning Advisory Committee

## I. Committee Membership

1.1 The 35<sup>th</sup> Ward Zoning Advisory Committee (“ZAC”) will be commissioned by the Alderman as a volunteer council of community group representatives and technical advisers. Community Group Representatives and Technical Advisers may be invited to serve on the ZAC or may petition the Alderman for representation.

1.2 Examples of the types of Community Groups that may be represented on the ZAC include community groups such as formal block clubs, churches, and community-based organizations. These Community Groups then elect or appoint representatives to the ZAC. Advisors include individuals with expertise in city planning, real estate, construction, architecture, real estate related law and other disciplines that impact zoning decisions. The Alderman, or his delegate, may also have a seat on the ZAC.

1.3 Community Groups represented on the ZAC must:

- a. Represent a specific group of residents or a constituency in the 35<sup>th</sup> Ward;
- b. Have a mechanism to communicate discussions, issues and decisions between the Community Group and the ZAC;
- c. Assist the ZAC and the Alderman’s staff in promoting community meetings; and
- d. Send one representative to the ZAC who commits to regular attendance at the monthly ZAC meetings;

1.4 New representatives shall begin their term beginning with either the July or January ZAC meeting. All terms shall expire on January 1 of each year. Each year the Alderman, or his designate, shall notify each Group in writing whether or not they will be invited to send a representative to the ZAC. Regular attendance at meetings; regular visits to the sites of properties applying for zoning changes; and assistance with promoting and facilitating Open Community meetings will be factors in the decision to invite members to serve an additional term on the ZAC.

1.5 On or before the time of the regularly scheduled January ZAC meeting, Community Groups must send a letter on their letterhead to the ZAC Chair and the Alderman’s ZAC Staff Liaison which identifies the Community Group’s ZAC representative and alternate for the coming year (“Designation Letter”). The Designation Letters shall be posted on the Alderman’s website.

1.6 No Community Group will be allowed to seat a representative or an alternate without providing a Designation Letter as described above. Membership on the ZAC is a privilege, not a right, and although membership will not be unreasonably withheld, the Alderman reserves the right to restrict membership on the ZAC regardless of having received a Designation Letter.

1.7 If a request for a zoning change comes before the ZAC that is located in an area not specifically represented by a member of the ZAC, the Alderman may invite *ad hoc* members

to the ZAC's monthly meeting where the proposal specific to their area will be discussed. The *ad hoc* member will not participate in the discussions of other proposals.

1.8 A list of current members and their representatives and advisors shall be posted on the Alderman's website [www.reycolon.org](http://www.reycolon.org).

## **II. Training**

2.1 All new representatives are responsible for reading the following materials prior to attending their first ZAC meeting:

a. The 35<sup>th</sup> Ward Zoning Advisory Committee Handbook; and  
b. "The Politics of Place", copies of which are available from the Logan Square Branch of the Chicago Public Library.

2.2 New representatives are encouraged to read:  
c. The City of Chicago Zoning Ordinance found at <http://w14.cityofchicago.org:8080/zoning/default.jsp>; and  
d. The summary of common zoning classifications created by Doug Gillespe.

2.3 After representatives have read these materials, a veteran representative of the ZAC will meet with and review ZAC history and procedure with the new representatives.

2.4 All representatives shall attend all periodic meetings to discuss zoning related topics or to update the ZAC procedures.

## **III. General Ward-Wide Principals**

3.1 The ZAC will recommend changes to the existing zoning classification of a property only when it believes that the change will either benefit or not injure the community.

3.2 Each Proposal will be considered on its merit and on a case-by-case basis as each parcel and project is unique. The evaluation of each Proposal will be made in its context with the surrounding area and a review of development trends in the neighborhood. No approved zoning change will set a precedent for a subsequent Proposal.

3.3 On rare occasions where appropriate, an Applicant may be asked to return a parcel to its prior zoning classification.

3.4 The ZAC affirms the City's transit oriented development policy of higher density near mass transit stops.

3.5 The ZAC discourages tearing down existing buildings and encourages the reuse and rehabilitation of buildings. Proposals requesting up-zoning that anticipate tearing down an existing structure will be reviewed with additional scrutiny.

3.6 With rare exceptions, if a demolition permit is obtained prior to the approval of an up zoning, the zoning on the subject property will be frozen at the zoning classification assigned to the property prior to the demolition permit being obtained. Properties that have been the victim of a fire, explosion or other non-natural disaster shall also have their zoning classification frozen. Properties owners will, however, be allowed to build to an equivalent bulk, height and density of the former structure and if a zoning change is required to accomplish this, the zoning change shall not be unreasonably withheld.

3.7 All approved zoning changes for masonry structures must include an agreement from the builder to clad the entire building in brick.

3.8 a. All projects of ten or more dwelling units must abide by the City of Chicago Affordable Requirements Ordinance (“ARO”), as amended from time-to-time, which requires 10% of the units built to be affordable (as defined by the ARO). The goal of the ZAC is to obtain 15% affordable units on-site.

b. In projects where the change in zoning results in a building of ten units or more, but the number of units gained by the zoning change is less than 15% of the total proposed number of units, then the number of affordable units required shall be reduced to the number of units gained through the zoning change, or 10% of the total number of units in the project, whichever is greater.

3.9 All proposals approved by the ZAC and supported by the Alderman shall be submitted to the City of Chicago Department of Zoning as a Type I Application. Additionally, at the Applicant’s expense, a restrictive covenant approved by the ZAC shall be recorded with the Cook County Recorder after the City Counsel approves the amendment to the zoning ordinance for the proposal. The restrictive covenant shall follow essentially the form found in Appendix D.

3.10 Proposals will be evaluated on the following factors:

- a. The extent to which the Proposal harmonizes with the surrounding neighborhood;
- b. The extent to which the Proposal comports with these General Ward-Wide Principals;
- c. Height of the Structure;
- d. Bulk of the Structure;
- e. Setback;
- f. Use;
- g. The number of curb cuts requested;
- h. Density;

- I. Affordability;
- j. Number of parking places per unit;
- k. Effect on traffic patterns; and
- l. LEED Certification of the Structure or compliance with the City's Green Housing Program.

3.11 Desirable features for proposed projects, include:

- a. High-quality building materials
- b. Fair labor practices and affirmative hiring practices
- c. Appropriate parking
- d. Additional green space
- e. More than the minimum number of affordable units
- f. Traffic calming or pedestrian friendly elements
- g. Preserving architecturally significant features of existing structures
- h. A contribution to benefit the general public, for example, street improvement; pedestrian bridge, public art, mural site, bicycle trail, "park" space, public bench, or some other initiative to benefit the surrounding community. This public benefit may be bestowed at a location other than the site of the subject property.

3.12 Objectionable Components of Proposals:

- a. Split Face Block
- b. Sunken patios in the front of the building
- c. Demolition of existing dwelling units
- d. Use of Jumbo Brick
- e. Front yard setbacks less than neighboring properties.

3.13 Neither the price an applicant paid for the subject property nor the amount of profit an applicant may earn shall be a determining factor in ZAC's recommendation to the Alderman.

3.14 All proposals that ultimately receive a zoning change must comply with all state and local laws, including, but not limited to those relating to land use, construction and affordability.

#### **IV. The Overall Process**

4.1 Everyone seeking a zoning change must complete the Zoning Application Form ("Application"), a copy of which may be found attached hereto at Appendix A. The Application describes in detail the structure proposed to be built if the zoning change is approved ("Proposal"). At the discretion of the ZAC Chairman, complete Applications submitted to the Alderman's office by the second Friday preceding the regularly scheduled ZAC meeting will be

put on the agenda for the next ZAC meeting. The ZAC meets the third Wednesday of every month. Proposals not accompanied by a complete Application may or may not be considered by the ZAC. All Applications will be reviewed for completeness by a member of the ZAC or by a member of the alderman's staff.

4.2 The agenda for the ZAC meeting, including a summary of each Proposal will be forward to each ZAC member at least one week prior to the ZAC's next regularly scheduled meeting.

4.3 The Chairman may exercise his discretion to send certain Proposals to the Group whose territory includes the address of the Proposal.

4.4 The general ward-wide principles of building development against which all Proposals are evaluated have been distilled through the deliberations of the ZAC. These general ward-wide principals have been reduced to writing and are posted in the Alderman's website. They are also expressly communicated to all individuals and entities who inquire about development opportunities in the 35<sup>th</sup> Ward and they are given to everyone seeking a zoning change.

4.5 The ZAC Staff Liaison at the alderman's office contacts all Applicants to inform them whether or not their Proposal is on the agenda for the next ZAC meeting and the time and location of the meeting.

4.6 The Chairperson of the Committee shall preside over the meetings of the ZAC.

4.7 ZAC meetings are not open to the general public. Member groups represented on the ZAC may have no more than their primary representative and one alternate in attendance at ZAC meetings. As a result, the only people who may attend ZAC meetings, beyond those giving a presentation, are the member groups' primary representative and one alternate, the chairperson, the alderman, the alderman's staff liaison and any advisory representatives.

4.8 Since members are expected to have their representatives present at each ZAC meeting, there is no requirement that a quorum be present to proceed with a meeting.

4.9 After the presentations are completed, a discussion of each of the proposals shall begin. The representative or representatives from the member organizations into whose geographic territory a proposal falls shall have the option of being the first to comment on the proposal. Other representatives who wish to express an opinion shall make their wishes known to the Chairperson by raising their hand. The Chairperson shall call on members until every member who would like to offer an opinion has done so. The Chairperson may cut short opinions previously stated, but shall note that the opinion has previously been stated and that it is shared by other members of the ZAC. If a Member or Representative has a financial interest in a given Proposal, the member must disclose this conflict of interest to the ZAC and recuse themselves from the discussion on the Proposal. Representatives of the ZAC must also disclose

any other conflicts they may have with a given Proposal including, but not limited to friendly or unfriendly personal relationships with an Applicant or anyone who may personally benefit or who may personally be adversely affected by the proposed zoning change.

4.10 If a member cannot objectively judge a Proposal purely on the merits of the Proposal or the member's judgment will be biased for personal reasons, then the member must abstain from commenting on the Proposal.

4.11 Minutes of the meetings shall be taken by the alderman's Staff Liaison and the minutes shall be archived in the ward office of the alderman and shared with all ZAC Representatives.

4.12 A Community Meeting will be organized and held for any Proposal for which (1) the ZAC reaches consensus that the Proposal is appropriate for the neighborhood and is in harmony with the general ward-wide principles; (2) the ZAC cannot reach a consensus; or (3) after an Applicant agrees to meet the recommendation made by the Alderman pursuant to section 4.13. No Community Meeting will be held if the ZAC reaches a consensus that the Proposal is not appropriate for the neighborhood or is not in harmony with general ward-wide principles. Representatives on the ZAC are expected to help organize and conduct Community Meetings by helping to keep order and to keep the meeting focused on the Proposal at hand.

4.13 If the ZAC does not approve a proposal, the ZAC may offer recommendations to the applicant as to how the Proposal might be changed to improve its chance of being approved by the ZAC. If the ZAC does not make a recommendation to the rejected applicant, the alderman may make a recommendation that if agreed to by the applicant, may move the project to a Community Meeting.

4.14 Within three days of the ZAC meeting at which a Proposal is considered, the Chairperson shall attempt to send the Applicant written notification of the ZAC's recommendations. A summary of the reasons for the ZAC's decision will be posted on the alderman's website and presented at the Open Community Meeting, if one is held.

4.15 In all cases the Alderman retains the right to adopt or reject the ZAC's recommendation.

4.16 In all cases in which a negotiated agreement is reached with an Applicant, a Restrictive Covenant shall be drafted and recorded with the Cook County Recorder within five business days of the City Council's approval of the Applicant's Application to Amend the Zoning Map. All properties against which a restrictive covenant has been recorded shall be identified on the alderman's website.

4.17 Who the Applicant is will not be a determining factor in the ZAC's decision making process, except when the Applicant has a history of building inferior quality structures.

4.18 Parcels having received a zoning change shall revert back to their prior zoning if, after 18 months from the date the amendment to the zoning ordinance for the parcel is approved by the full City Council, the applicant has not secured all necessary permits for the entire project which have been approved by the City of Chicago or has not begun construction after 24 months of said City Council approval. If the above referenced deadlines have not been met, the applicant may seek an extension of the deadlines from the alderman by showing diligent good faith efforts to move the project forward. Evidence of a diligent good faith effort must be comprised of documentation that may include the demolition permit, zoning correction worksheet, the building permit application, construction drawings, driveway permits, Use of Public Way Permits, and correction sheets from the Department of Buildings that show no significant time lag in the applicants efforts to obtain all necessary permits or the start of construction.

4.19 a. The Alderman shall appoint the Chairman of the ZAC who will perform the following tasks:

- Receive and review applications which will then be forwarded to the Secretary.
- Create and maintain a file folder for all applications which shall be supplemented as needed. It is expected that these files will include the original application, all correspondence relating to the application, notes from ZAC meetings and Community Meetings, restrictive covenants.
- Discuss proposals with the alderman prior to and after each ZAC meeting.
- Chair the monthly ZAC meeting.
- Attend and facilitate Community Meetings.
- Negotiate revisions to projects with the applicants or their attorneys.
- Draft letters of support to the City Council Committee on Zoning on behalf of the alderman.
- Draft restrictive covenants.
- Draft rejection letters to applicants.
- Attend Zoning Board of Appeals hearings.
- Keep the ZAC Handbook up to date with ZAC approved revisions.
- Field telephone calls from applicants, attorneys, the alderman and his staff.
- Draft summaries of all Community Meetings.
- Select a Secretary of the ZAC.

The Chair may delegate any of these tasks at the Chair's discretion.

b. The Secretary shall perform the following tasks:

- Review zoning change applications for completeness and contact applicants or their representatives to resolve questions posed by incomplete applications.
- Prepare Agenda for the coming month.
- Draft a summary of each ZAC meeting for distribution to the ZAC.
- Review flyers for public meetings.

c. The Alderman's office shall assign one of its staff members to act as the ZAC Staff Liaison. The ZAC Staff Liaison shall perform the following tasks:

- Update the Alderman's website relating to zoning issues as needed.
- Post notices of Community Meetings on the Alderman's website.
- On the alderman's website, update ZAC-related documents such as the application form for zoning change, the ZAC Handbook, the list of properties reviewed by the ZAC, etc.
- Respond to inquiries from people seeking zoning changes.
- Forward all requests for zoning changes to the ZAC Chair.
- Format and distribute the monthly agenda to all ZAC representatives.
- Confirm monthly ZAC meeting location.
- Confirm applicants' attendance at the monthly ZAC meeting.
- Attend monthly ZAC meetings and circulate and collect attendance list.
- Maintain record of ZAC representatives' attendance at monthly ZAC meetings.
- Create and maintain in the Alderman's office a file for each zoning change request.
- Find locations for and schedule Community Meetings.
- Create flyers for Community Meetings.
- Arrange for the distribution of the flyers for Community Meetings.
- Maintain in the Alderman's office a file of the minutes of each ZAC meeting.
- Ensure that Restrictive Covenants for all approved zoning changes are complete, have been recorded with the Cook County Recorder, and a recorded copy is in the alderman's file prior to issuing a letter of support to the City of Chicago's Committee on Zoning.

## **V. Planned Developments**

5.1 The process for a project that will go through the City of Chicago's Planning Department as a Planned Development will go through the following Ward process.

5.2 Applicants will be encouraged by the Alderman to make a preliminary presentation to the ZAC that includes a concept of the project and perhaps, but not necessarily a set of drawings and elevations. The purpose of this initial meeting is to educate the applicant on the general ward-wide principals and how the ZAC envisions these principals applied to the Proposal. Based upon the discussion of the ZAC members, the ZAC Chairman or his designee shall draft a letter to the Applicant outlining the concerns of the ZAC as well as suggestions for the Proposal.

5.3 The Applicant should then make preliminary drawings and elevations that incorporate the suggestions of the ZAC. The Applicant will hold a meeting with the residents of the neighborhood adjacent to the site of the Proposal to describe the Project to the public and to get input from the public which may be incorporated into the Proposal. It is imperative that at the end of each meeting the community and the Applicant expressly state what understandings have been reached and what is expected to be done to move the project forward. These

understandings and the expectations for moving forward shall then be reduced to writing by someone assigned to oversee the progress of the project by the ZAC chairman and sent to both the applicant and the ZAC Representative in whose area the Project is located.

5.4 There is no limit on the number of meetings between the Applicant, the public, and the ZAC. The number of meetings may vary from Proposal to Proposal until the ZAC and the Applicant come to an agreement on the Proposal or an impasse. In either event, the ZAC shall draft and send a letter to the Planning Department via the alderman's office that includes its recommendations for the Proposal.

5.5 After the Proposal has completed the Planning Department review, but before the planned development document is executed by the Applicant and the City, the Applicant shall make a final presentation to the community to present the final planned development document. The purpose of this final meeting is to let the community know what is going to be built and a proposed time table for the construction. Provided the Proposal substantially includes the recommendations of the ZAC, the ZAC shall recommend the alderman approve the zoning change.

## **VI. Open Community Meetings**

6.1 Open Community Meetings are held to gauge public opinion on general development issues or specific Proposals that have come before the ZAC.

6.2 A particular effort will be made by the facilitator of the Open Community Meeting to draw out the opinions of community members who live near the site of the proposed zoning change.

6.3 Notice of Open Community Meetings will be given through fliers distributed to the neighbors on the blocks surrounding the proposed development and through posted notices on the alderman's website and at the public library.

6.4 The Chairperson of the ZAC will facilitate the public meeting, or delegate this responsibility.

6.5 The facilitator will open the public meeting with a short statement of the purpose of the meeting and general guidelines for the conduct of the meeting, including, but not limited to the following:

- a. The discussion shall stay focused on the issue which is the subject of the public meeting;
- b. All present at the meeting shall have an opportunity to state their opinion on the issue;
- c. All who wish to speak shall state their name, address and the group they

- represent, if any;
- d. The facilitator has the obligation to those present at the meeting to cut short statements that are not related to the issue or that the speaker has previously stated at the meeting;
- e. If a specific project is being discussed, whomever is proposing the project shall have an opportunity to explain the project to the public and shall in turn field questions from the public;
- f. If a general development issue is the focus of the meeting, the Facilitator shall, in advance of the meeting, select someone to present the issue at the meeting and to field questions from the public;
- g. The facilitator shall explain how the public meeting fits into the process used by the alderman to make zoning decisions.
- h. The facilitator shall summarize the deliberations of the ZAC to explain how and why the Proposal reached the Open Community Meeting step in the process.

6.6 The facilitator may use straw polls to gauge the sentiment of the community on particular issues raised during the Open Community Meeting.

6.7 All those who attend the Open Community Meeting shall be given a 3x5 card on which to write their comments about the Proposal. These Comment Cards may then be given to the alderman's staff liaison who will place the Cards in the permanent file of the Proposal located in the alderman's ward office.

6.8 After the public meeting the Chairperson shall make a recommendation to the alderman based upon the input from the ZAC and the public.

6.9 At the beginning of each ZAC Meeting, the Chairperson shall report to the ZAC the outcome of all Proposals for which an Open Public Meeting was held since the last ZAC Meeting.

## **Legal Opinions**

### The Open Meeting Act

In the opinion dated September 13, 2004, of Michael Jaskula, Attorney at Law, the Open Meetings Act does not apply to the meetings of the 35<sup>th</sup> Ward Zoning Advisory Committee nor to the Open Community Meetings held pursuant to these guidelines.

### The Eavesdropping Act

Both ZAC meetings and Open Community Meetings are subject to the Eavesdropping Act and neither may be recorded without the prior consent of all persons present at the meeting.

APPENDIX A

APPENDIX B

APPENDIX C

**History of the 35<sup>th</sup> Ward Zoning Advisory Committee**

Rey Colon and others worked to have a referendum put on the ballot of the 2002 general election.

Here's the actual language from the referendum on Nov. 5, 2002 General Election: "Shall the alderman of the 35th Ward hold open public meetings on all proposed zoning changes to get input from residents, business owners and community organizations before deciding whether to support or oppose a zoning proposal?" Yes: 6,126 No: 238

ZAC formed to fulfill Alderman Colon's promise of community input into spot-up zoning decisions.

Formed as a six month experiment.

First meeting held June 3, 2003.

APPENDIX D - Restrictive Covenant