

CHAPTER 16-4

LAKE MICHIGAN AND CHICAGO LAKEFRONT PROTECTION

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16-4-010 Title.

This Chapter 16-4, Sections 16-4-010 through 16-4-180, shall be entitled and referred to as “The Lake Michigan and Chicago Lakefront Protection Ordinance”.

(Prior code § 194B-2)

16-4-020 Intent.

Lake Michigan and the lakefront of the City of Chicago are hereby designated a district having special environmental, recreational, cultural, historical, community and aesthetic interests and values. It is the express legislative intention of this chapter to insure the preservation and protection of that district and of every aspect of its interest and value.

(Prior code § 194B-1)

16-4-030 Purposes.

This chapter is adopted for the following purpose:

- (a) To promote and protect the health, safety, comfort, convenience and the general welfare of the people, and to conserve our natural resources;
- (b) To identify and establish the Lake Michigan and Chicago Lakefront Protection District and divide that district into several zones wherein any and all development or construction, as specified in Sections 16-4-060, 16-4-070 and 16-4-150 hereinafter, shall be specifically restricted and regulated;
- (c) To maintain and improve the purity and quality of the waters of Lake Michigan;
- (d) To insure that construction in the lake or modification of the existing shoreline shall not be permitted if such construction or modification would cause environmental or ecological damage to the lake or would diminish water quality; and to insure that the life patterns of fish, migratory birds and other fauna are recognized and supported;
- (e) To insure that the lakefront parks and the lake itself are devoted only to public purposes and to insure the integrity of and expand the quantity and quality of the lakefront parks;
- (f) To promote and provide for continuous pedestrian movement along the shoreline;
- (g) To promote and provide for pedestrian access to the lake and lakefront parks from and through areas adjacent thereto at regular intervals of one-fourth mile and additional places wherever possible, and to protect and enhance visits at these locations and wherever else possible;
- (h) To promote and provide for improved public transportation access to the lakefront;
- (i) To insure that no roadway or expressway standards, as hereinafter defined, shall be permitted in the lakefront parks;
- (j) To insure that development of properties adjacent to the lake or the lakefront parks is so designed as to implement the above-stated purposes; provided, however, that with respect to property located within the private use zone as established by Sections 16-4-060 through 16-4-150 of this chapter, the permitted use, special use, lot area per dwelling unit, and floor area ratio provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, shall govern except where such provisions are in substantial conflict with the purposes of this chapter or the Fourteen Basic Policies of the Lakefront Plan of Chicago;
- (k) To achieve the above-stated purposes, the appropriate public agency should acquire such properties or rights as may be necessary and desirable;
- (l) To define and limit the powers and duties of the administrative body and officers as provided herein;
- (m) Nothing continued in the Lake Michigan and Chicago Lakefront Protection Ordinance shall be

deemed to be a waiver or consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity which may be otherwise required by law.

(Prior code § 194B-3)

16-4-040 Rules of construction.

In construing this chapter, the rules and definitions contained in Sections 16-4-040 and 16-4-050 shall be observed and applied, except when the context clearly indicates otherwise.

(a) Words used in the present tense shall include the future; the words used in the singular number shall include the plural number, and the plural the singular.

(b) The word “shall” is mandatory and not discretionary.

(c) The word “may” is permissive.

(d) Where the regulations imposed by any provision of this chapter are either more restrictive or less restrictive than comparable regulations imposed by any other provisions of this chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

(e) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

(f) This chapter is not intended to abrogate any easement, covenant or any other private agreement; provided that, where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this chapter shall govern.

(g) “Him”, “he” or “his” means and includes both the male and female gender.

(Prior code § 194B-4.1)

16-4-050 Definitions.

(a) Accessory Building. “Accessory building” means one which is subordinate to and serves in principal building; and which is subordinate in area, extent or purpose to the principal building; and which contributes to the comfort, convenience or necessity of occupants of the principal building and which is located on the same zoning lot as the principal building.

(b) Applicant. “Applicant” means the owner of the subject property or a duly authorized representative.

(c) Expressway. “Expressway” means any primary highway constructed as a freeway which has complete control of access and is designed for speeds in excess of 45 miles per hour.

(d) Public Agency. “Public agency” means any agency of the United States Government, State of Illinois, any county, township, district, school, authority, municipality, or any official, board, commission or other body politic or corporate or subdivision of the State of Illinois, now or hereafter created, whether herein specifically mentioned or not.

(e) Public Open Space. “Public open space” means any publicly owned open area including, but not

limited to, parks, playgrounds, beaches, waterways, parkways and streets.

(f) Public Way. “Public way” means any sidewalk, street, alley, highway or other public thoroughfare.

(g) Use. The use of property is the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner or performance of any activity which is regulated by any other provision of the Municipal Code of Chicago.

(h) Zoning Lot. “Zoning lot” means a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

(Prior code § 194B-4.2)

16-4-060 District boundaries.

The Lake Michigan and Chicago Lakefront Protection District shall be comprised of all of that part of Lake Michigan that lies within the State of Illinois south of the northern limits of the City of Chicago including all harbors, piers, breakwaters and the locks of the Chicago River; all the system of public open space and public ways which comprises the lakefront parks; and all lands contained within the private use zone set forth in the district maps illustrated in Coun. J. 10-24-73, p. 6488, referred to in Section 16-4-080 and on file in the office of the city clerk and made a part hereof.

(Prior code § 194B-5.2)

16-4-070 District zones.

The Lake Michigan and Chicago Lakefront Protection District shall be divided into three zones:

(a) The off-shore zone shall include all surface, subsurface and air rights areas of Lake Michigan to a distance eastward to the east line of the State of Illinois lying in Lake Michigan.

(b) The public use zone shall include all public open space and public ways irrespective of configuration which are adjacent to the shoreline of Lake Michigan as set forth in the district maps illustrated in Coun. J. 10-24-73, p. 6488, referred to in Section 16-4-080 and on file in the office of the city clerk.

(c) The private use zone shall include all zoning lots contained within the private use zone set forth in the district maps illustrated in Coun. J. 10-24-73, p. 6488, referred to in Section 16-4-080 and on file in the office of the city clerk and made a part hereof.

(Prior code § 194B-5.3)

16-4-080 District maps.

The location and boundaries of the district and its three zones established by this Lake Michigan and Chicago Lakefront Protection Ordinance are shown upon the following district maps* which are hereby incorporated into this Lake Michigan and Chicago Lakefront Protection Ordinance. The said district maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this Lake Michigan and Chicago Lakefront Protection Ordinance as if fully set forth and described herein.

(Prior code § 194B-9.1)

Editor's note – The district maps referred to in § 16-4-080 are illustrated in Coun. J. 10-24-73, p. 6488, on file for public use in the office of the city clerk.

16-4-090 Interpretation of boundaries.

- (1) Where district boundary lines are indicated as following streets or alleys or extensions thereof, such boundary lines shall be construed to be the centerlines of said streets or alleys or extensions thereof.
- (2) Where district boundary lines are indicated as adjoining railroads, such boundary lines shall be construed to be the boundary lines of the railroad rights-of-way, unless otherwise dimensioned.
- (3) Where district boundary lines are indicated as adjoining expressways, such boundary lines shall be construed to be the boundary lines of the expressway rights-of-way, unless otherwise dimensioned.
- (4) Dimensioned district boundary lines shown on the maps are intended usually to coincide with lot lines. Where a dimensioned boundary line coincides approximately but not exactly with a lot line which existed on the effective date of incorporation of such boundary line into the map(s), the said boundary line shall be construed to include the said lot affected.

(Prior code § 194B-9.2)

16-4-100 Chicago plan commission – Responsibilities, powers and duties.

The Chicago plan commission shall be the agency responsible for the administration of the Lake Michigan and Chicago Lakefront Protection Ordinance and shall have the following powers and duties in addition to those powers and duties presently contained within the Municipal Code of Chicago:

- (a) To receive from any applicant or public agency an application, on such forms as the commission may provide, to undertake any landfill, excavation, impoundment, mining, drilling, roadway building or construction regulated by this chapter and receive for any public agency an application, on such forms as the commission may provide, to acquire or dispose of property regulated by this chapter; to review, approve or disapprove of application; provided, that (1) a public hearing is noticed and held in accordance with the provisions of subparagraphs (b), (c), (d) and (e) hereof, and (2) a written report is prepared and filed with the commission by the commissioner of the department of planning and development in accordance with the provisions of Section 16-4-110 hereof. The forms provided by the commission shall not require detailed working drawings or plans.
- (b) Within seven days from the date of receipt of said application, the commission shall schedule a public hearing on the question of same setting forth a date within 60 days thereof, time and place and causing written notice to be given the transmitting public agency and the applicant. The commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Chicago setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing. Said public hearing shall be scheduled on a date not less than 15 days nor more than 30 days from the date of publication of notice.
- (c) In addition to the notice requirements hereinabove provided, each applicant subject to the provisions hereof shall, not more than 30 days before filing said application, serve written notice, either in person or by regular mail (provided the applicant prepares a written affidavit attaching a list of all owners to whom any such regular mail written notice was sent), on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of Cook County; provided, that the number of feet occupied by all public roads, streets,

alleys and other public ways shall be excluded in computing the 250-foot requirement; provided further, that in no event shall this requirement exceed 400 feet. Said notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and the statement that the applicant intends to file said application on an approximate date. If, after a bona fide effort to determine such address by the applicant, the owner of the property on which the notice is served cannot be found at his or its last known address or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of this provision shall be deemed satisfied. In addition to serving the notice herein required, at the time of filing application, the applicant shall furnish to the commission a complete list containing the names and last known addresses of the owners of the property required to be served, the method of service employed and the names and addresses of the persons so served and said applicant shall also furnish a written statement to the commission certifying that the requirements hereof have been complied with. The commission shall hear no application unless the applicant furnishes the list and certificate herein required.

(d) The commission shall conduct the public hearing as provided by subparagraph (b) hereof and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules and regulations as the commission shall adopt for the purpose of governing the applications and proceedings of the commission. Each speaker at any hearing shall be fully identified as to name, address and interests which he represents. Said public hearings shall be concluded within 30 days after commencement thereof; provided, however, that the commission may grant such extensions of time as the applicant may request, said extensions of time to be deemed waiver of the 30-day period herein provided to the extent of the continuance granted.

(e) The commission shall make a determination with respect to the proposed application, plan, design or proposal in writing within 30 days after the hearings are concluded and shall notify the forwarding public agency and the applicant of the commission's approval or disapproval thereof, setting forth findings of fact constituting the basis for its decision. The decision of the Chicago plan commission shall be made in conformity with the purposes for which this chapter is adopted as set forth in Section 16-4-030 hereof, as well as the Fourteen Basic Policies contained in the Lakefront Plan of Chicago adopted by the city council on October 24, 1973. The decision of the Chicago plan commission shall be deemed a final order and binding upon all parties. Failure of the commission to make a determination within the time hereinabove prescribed shall be deemed a disapproval.

(f) Whenever possible and practicable any hearings required by law to be held by the commission affecting the same property shall be held concurrently.

(Prior code § 194B-6.1; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 10-4-06, p. 88405, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

16-4-105 Expiration.

Every resolution of the Chicago plan commission approving an application under this ordinance, will terminate unless construction as authorized by a building permit, has commenced within four years of the date of approval. Approvals granted in conjunction with a planned development, will be governed by the expiration date set forth in the planned development.

(Added Coun. J. 3-11-98, p. 63754, § 3)

16-4-110 Commissioner of the department of planning and development – Duties and

responsibilities.

The commissioner of the department of planning and development shall have the following duties and responsibilities:

- (a) To forward every proposal or application submitted to the Chicago plan commission under the provisions of this chapter to any public agency he shall deem appropriate;
- (b) To receive from any public agency, a report of comments and recommendations;
- (c) To make such investigation relative to each application or proposal as he deems necessary;
- (d) To prepare and forward to the Chicago plan commission a written report which shall include his findings and recommendations on each application or proposal no less than five days prior to the scheduled hearing;
- (e) To forward within five days to the Chicago plan commission certain applications for a permit, as specified in Section 16-4-150 of this chapter, in any planned development located within the Lake Michigan and Chicago Lakefront Protection District;
- (f) To forward within five days to the Chicago plan commission such applications for permit not exempted in Section 16-4-150 of this chapter and not in any planned development located within the Lake Michigan and Chicago Lakefront Protection District, and to return to the building commissioner such applications as are exempted by Section 16-4-150 of this chapter;
- (g) To receive the decision of the Chicago plan commission prior to the issuance of any permit and to consider that decision binding;
- (h) To approve all applications for permits as specified in Section 16-4-150 of this chapter when said permits conform to the decision of the Chicago plan commission.

(Prior code § 194B-6.2; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 3-5-03, p. 104990, § 45; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-8-12, p. 38872, § 238; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

16-4-120 Building commissioner – Duties and responsibilities.

The building commissioner shall have the following duties and responsibilities:

- (a) To forward within five days to the Chicago plan commission and the commissioner of planning and development any application for a permit in the Lake Michigan and Chicago Lakefront Protection District, at any location within the Lake Michigan and Chicago Lakefront Protection District;
- (b) To receive the decision of the Chicago plan commission, and the approval of the commissioner of planning and development, prior to the issuance of any permit and to consider that decision binding.

(Prior code § 194B-6.3; Amend Coun. J. 12-11-91, p. 10936; Amend Coun. J. 3-5-03, p. 104990, § 45; Amend Coun. J. 11-13-07, p. 14999, Art. II, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 10; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

16-4-130 Investigation.

The commissioner of planning and development may, upon receipt of any proposal or application as hereinabove provided, conduct an investigation of the ecological and environmental impact of said proposal. The findings of the commissioner of planning and development shall be forwarded to the plan commission and shall constitute a part of the record upon which the plan commission shall premise its decision regarding the proposal or application.

(Prior code § 194B-6.4; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. VIII, § 1; Amend Coun. J. 11-8-12, p. 38872, § 239; Amend Coun. J. 11-26-13, p. 67481, Art. I, § 25)

16-4-140 Forwarding of proposal.

Any public agency that proposes to acquire or dispose of any real property whether by sale or lease, or other means, or proposes a physical change including but not limited to landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind, whether permanent or temporary, within the Lake Michigan and Chicago Lakefront Protection District, shall forward that proposal to the Chicago plan commission not less than 90 days, nor more than 365 days prior to the initiation of the action proposed.

(Prior code § 194B-6.5)

16-4-150 Approval required – Exemptions.

It shall be unlawful for any physical change, whether temporary or permanent, public or private, to be undertaken, including, but not limited to, landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind, within the Lake Michigan and Chicago Lakefront Protection District, as set forth in Sections 16-4-060 and 16-4-070, or for any acquisition or disposition of real property by a public agency, whether by sale or lease, or other means, to be consummated within the Lake Michigan and Chicago Lakefront Protection District, as set forth in Sections 16-4-060 and 16-4-070, without first having secured the approval therefor from the Chicago plan commission as provided in Sections 16-4-100 through 16-4-140 of this chapter; provided, however, that the following shall be exempt from the prohibition aforesaid: accessory buildings; repairs and rehabilitation which do not exceed 50 percent of the total cost of replacement of the existing structure; additions which do not increase the site coverage or the height of the structure; and residential structures containing not more than three dwelling units; the sale, lease or transfer of real property, or any interests therein, from one Public Agency to another Public Agency; and the lease of a below-grade parking garage system owned by a Public Agency to a private party, any such private party's assignment of their leasehold interest to one or more lenders providing financing to such private party for the acquisition of such leasehold interest, [and] any renovation or improvement of such below-grade parking garage system, and any change of or modification to the roadway or pedestrian access for such parking garage system.

(Prior code § 194B-5.1; Amend Coun. J. 10-4-06, p. 88405, § 2)

16-4-160 Violation – Penalty.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$300.00 for the first offense and not less than \$200.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (Illinois Revised Statutes 1971, Chapter 110, paragraphs 1, et seq.). Repeated offenses in excess of three within any

180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code (Illinois Revised Statutes 1971, Chapter 24, paragraph 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Illinois Revised Statutes 1971, Chapter 38, paragraphs 100.1, et seq.), in a separate proceeding. A separate and distinct offense shall be regarded as committed each day upon which each person shall continue any such violation or permit any such violation to exist after notification thereof.

(Prior code § 194B-7.1)

16-4-170 Penalties not exclusive.

Notwithstanding the provisions of Section 16-4-160, in the event any structure or building, landfill, excavation, impoundment, mining or drilling has been undertaken in violation of this chapter, the City of Chicago may institute appropriate legal or equitable proceedings to prevent the completion or maintenance of said unlawful undertaking.

(Prior code § 194B-7.2)

16-4-180 Severability.

If any provision, clause, sentence, paragraph, section or part of this chapter, or application thereof to any person, firm, corporation, public agency or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency or circumstances involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.

(Prior code § 194B-8)