

UDC ZONING CODE UPDATE

TOWN OF CICERO

# STEERING COMMITTEE

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MEETING #3: DRAFT ZONING  
RECOMMENDATIONS

June 22, 2021



# AGENDA

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## Draft Recommendations

1. Article 2: Development Review Procedures
2. Article 3: General Development Standards



# PROJECT WORK PLAN

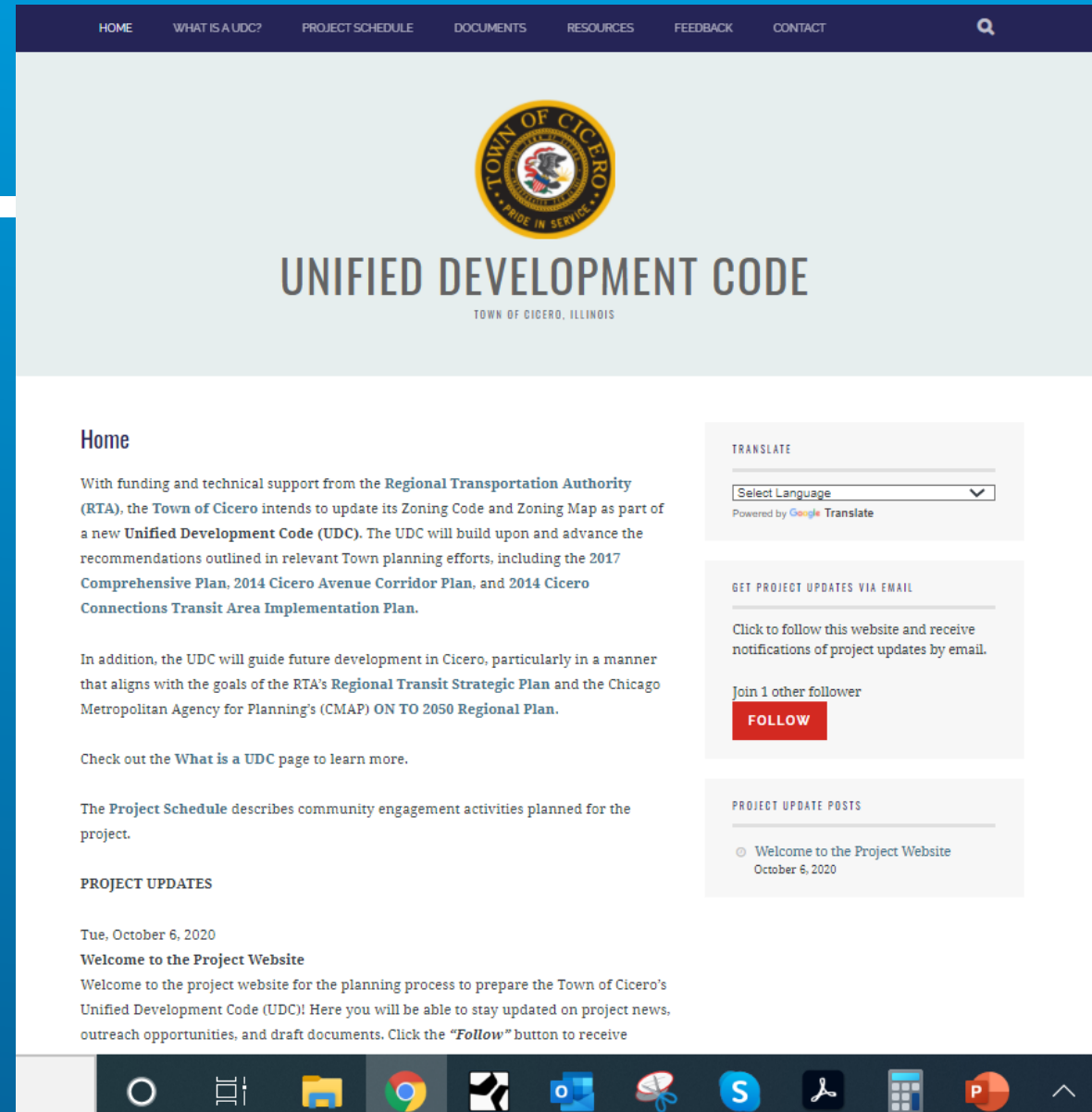
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## TASKS

- 1: Community Outreach Plan
- 2: Project Website
- 3: Review of Zoning Policies & Kick-Off Mtgs
- 4: Stakeholder Focus Group Interviews
- 5: Public Engagement - Virtual Workshop #1
- 6: Current Conditions Review & Steering Committee
- 7: Zoning Analysis
- 8: Zoning Map & Districts
- 9: Unified Development Code
- 10: Public Engagement - Virtual Workshop #2
- 11: Support for ZBA & Public Hearing
- 12: Support for Town Board Approval Process

# PROJECT WEBSITE

LINK: <https://Cicerozoning.com>



# UDC DRAFT

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## ARTICLE 2: DEVELOPMENT REVIEW PROCEDURES

- A. DIVISION 1: PLANNED UNIT DEVELOPMENT
- B. DIVISION 2: SPECIAL USES
- C. DIVISION 3: VARIATIONS & APPEALS
- D. DIVISION 4: ADMINISTRATIVE ADJUSTMENT
- E. DIVISION 5: AMENDMENTS
- F. DIVISION 6: SITE PLAN REVIEW
- G. DIVISION 7: SIGNS
- H. DIVISION 8: SUBDIVISIONS

## Objectives

- ❖ Consolidates all zoning and development applications and procedures in one location to improve the ability of all applicants: developers, business owners, homeowners to locate and information on how to obtain various types of permits and understand review requirements before securing building permits.

# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 1: PLANNED UNIT DEVELOPMENT

- PLANNED UNIT DEVELOPMENT APPROVAL PROCESS (30 DAY REVIEW/6 MO. APPROVAL)
- (1) THE PROCESS TO SECURE A PLANNED UNIT DEVELOPMENT PERMIT CONSISTS OF 6 STEPS, AND SHALL GENERALLY FOLLOW THE PROCESS BELOW: (ADDITIONAL INFORMATION REGARDING THE REQUIREMENTS OF EACH STEP IS PROVIDED IN THIS DIVISION.)
  - (A) PRE-APPLICATION MEETING TO REVIEW CONCEPT PLAN.
  - (B) PETITIONERS FILES COMPLETE APPLICATION FOR PRELIMINARY PLAN
  - (C) STAFF REVIEWS APPLICATION AND PREPARES REPORT FOR PLANNING AND ZONING COMMISSION HEARING
  - (D) PLANNING AND ZONING COMMISSION PUBLIC HEARING
  - (E) TOWN BOARD MEETING
  - (F) STAFF REVIEW OF FINAL PLAN SUBMITTAL FOR COMPLIANCE WITH APPROVED PRELIMINARY PLANS AND ISSUANCE OF PERMITS.

# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 2: SPECIAL USES

- **NO PRESUMPTION OF APPROVAL.** A USE ESTABLISHED AS A SPECIAL USE IN SECTION 9.0 (USES) DOES NOT CONSTITUTE A PRESUMPTION THAT AN APPLICATION FOR SUCH SPECIAL USE WILL BE APPROVED. EACH PROPOSED SPECIAL USE MUST BE EVALUATED ON AN INDIVIDUAL BASIS WITH REGARD TO THE APPLICABLE STANDARDS OF THIS ORDINANCE TO DETERMINE WHETHER APPROVAL OF THE SPECIAL USE IS APPROPRIATE AT THE PARTICULAR LOCATION IN THE MANNER PROPOSED.
- **EXPANSION OR ALTERATION.** ANY ADDITION, ENLARGEMENT, OR EXPANSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT MUST REQUIRE A NEW SPECIAL USE PERMIT.
- **EXPIRATION OF SPECIAL USE PERMIT APPROVAL.**
  - A. THE USE HAS NOT COMMENCED OR A BUILDING PERMIT HAS NOT BEEN OBTAINED WITHIN ONE YEAR. THE APPLICANT MAY REQUEST ONE EXTENSION OF THIS PERIOD FOR UP TO ONE ADDITIONAL YEAR.
  - B. THE OPERATION OF THE USE FOR WHICH A SPECIAL USE PERMIT HAS BEEN ISSUED CEASES FOR SIX CONSECUTIVE MONTHS.

# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 3: VARIATIONS AND APPEALS

- **TRANSFERABILITY.** VARIATION APPROVAL RUNS WITH THE LAND AND IS NOT AFFECTED BY CHANGES OF OWNERSHIP, TENANCY, OR MANAGEMENT.
- **EXPIRATION OF VARIATION APPROVAL.** VARIATION APPROVAL WILL EXPIRE AND BE REVOKED IF A BUILDING PERMIT HAS NOT BEEN OBTAINED WITHIN ONE YEAR AFTER APPROVAL OF THE VARIATION. THE APPLICANT MAY REQUEST ONE SIX-MONTH EXTENSION OF THIS PERIOD BY MEANS OF A WRITTEN REQUEST FILED AT LEAST 30 DAYS BEFORE THE EXPIRATION OF THE INITIAL SIX-MONTH PERIOD.



# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 4: ADMINISTRATIVE ADJUSTMENT

- **PURPOSE.** THE PURPOSE OF THIS ADMINISTRATIVE ADJUSTMENT APPLICATION IS TO ALLOW DEVELOPMENT THAT DEVIATES FROM THE SPECIFIC REGULATIONS OF THIS CHAPTER WITHIN A NARROWLY DEFINED SET OF CIRCUMSTANCES
- **APPLICABILITY.** LOT AREA AND WIDTH UP TO 5%; INCREASE IN IMPERVIOUS COVERAGE BY 5%; FRONT SETBACK UP TO 5%; REAR SETBACK UP TO 10%;
  - A REDUCTION OF THE MINIMUM REQUIRED OFF-STREET PARKING UP TO 10 PERCENT FOR PARKING AREAS WITH LESS THAN 100 PARKING SPACES, AND 5 PERCENT FOR PARKING AREAS WITH 101 OR MORE PARKING SPACES.
  - AN INCREASE IN THE MAXIMUM PERMITTED SIGN AREA AND HEIGHT UP TO 5 PERCENT.
- REPORT WITH 30 DAYS AND APPEAL TO PZC
- STANDARDS FOR ADMINISTRATIVE ADJUSTMENTS (6)

# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 6: SITE PLAN REVIEW

- AUTHORITY

(1) ALL NEW NON-RESIDENTIAL (INCLUDING HOTELS AND MOTELS), AND MULTIPLE-FAMILY HOUSING CONSTRUCTION AND ADDITIONS.

(2) EXPANSION OR RECONSTRUCTION OF PARKING AREAS WHEN ANY EXISTING OFF-STREET PARKING AREA IS EXPANDED OR UNDERGOES MAJOR RECONSTRUCTION. MAJOR RECONSTRUCTION MEANS THE REMOVAL OF EXISTING PAVEMENT AND REPLACEMENT OF SUCH PAVEMENT. RESURFACING WITHOUT RECONSTRUCTION DOES NOT CONSTITUTE MAJOR RECONSTRUCTION.

(3) AN ADDITION TO A BUILDING IN ANY ZONING DISTRICT THAT INCREASES THE GROSS FLOOR AREA OF THE BUILDING BY 10%.

# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 6: SITE PLAN REVIEW

- **EXCEPTIONS. SITE PLAN REVIEW IS NOT REQUIRED IN THE FOLLOWING SITUATIONS:**
  - A. ADDITIONS TO EXISTING BUILDINGS OR USES WHEN SUCH ADDITION DOES NOT EXCEED 2,000 SQUARE FEET OR TEN (10%) PERCENT OF THE GROSS FLOOR AREA OF THE EXISTING BUILDING OR USE, WHICHEVER IS LESS.
  - B. ANY USE PERMITTED TEMPORARILY FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS.
  - C. ONE-FAMILY AND TWO-FAMILY DWELLINGS.
- **PROCEDURE**
  - STAFF REVIEW (15 DAYS) WITH APPEAL TO PZC
  - MINOR AMENDMENTS

# UDC DRAFT

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## ARTICLE 2:

### A. DIVISION 8: SUBDIVISIONS

- **SUBDIVISION CLASSIFICATION.**
  - MINOR SUBDIVISION. (1) THE DIVISION OF A SINGLE LOT INTO THREE OR FEWER LOTS ; (2) THE CONSOLIDATION OF, OR CHANGE IN THE BOUNDARY BETWEEN, THREE OR FEWER ADJOINING LOTS.
  - MAJOR SUBDIVISION. ALL OTHER DIVISIONS OF LAND
- **STORMWATER DETENTION & RUNOFF CONTROL (MOVED FROM CHAPTER 38)**

# UDC DRAFT

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## ARTICLE 3: GENERAL DEVELOPMENT STANDARDS

EXCEPTIONS TO MINIMUM LOT AREA AND WIDTH

SUBSTANDARD LOTS

ALLOWABLE USE OF LAND OR BUILDING ACCESSORY BUILDING AND USES

PERMITTED OBSTRUCTIONS IN YARDS

HEIGHT REGULATIONS NEAR AIRPORTS

ACCESSORY AND TEMPORARY USES AND STRUCTURES

LIGHTING STANDARDS

FENCES

DIVISION 2: PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES

DIVISION 3: NONCONFORMING BUILDINGS, STRUCTURES, LOTS AND USES

DIVISION 4: DESIGN GUIDELINES

## Objectives

- ❖ Article 3 carries over the general development standards that apply to all properties in the Town. A new section for design guidelines will identify general principles for various use types (residential, commercial, manufacturing) and provide references to districts and uses subject to more specific site design and architectural standards in each zoning district.

# UDC DRAFT

## ARTICLE 3:

### DIVISION 1: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

- **ACCESSORY USES AND STRUCTURES**
- **ACCESSORY LOTS (DELETED) REPLACE WITH SUBSTANDARD LOT STANDARDS**
- **OUTDOOR LIGHTING STANDARDS**
  - **PROHIBITED LIGHTING:** FLASHING LIGHTS, STROBE LIGHTS, AND LASER LIGHTS ARE PROHIBITED. LIGHT FIXTURES THAT HAVE MOVING PARTS THAT CAUSE THE LIGHT TO MOVE ARE PROHIBITED.
  - **FIXTURES:** ALL NEW AND REPLACEMENT OUTDOOR LIGHTING MUST EMPLOY FULL CUT-OFF OR FULLY SHIELDED FIXTURES.



<u>Accessory Use or Structure</u>	<u>E</u>	<u>S</u>	<u>R</u>
<u>Arbors, Pergolas, Cabana, Trellises not attached to the principal structure</u>			X
<u>Awnings or canopies, projecting not more than 3 feet into the required yards of residential zoning districts</u>	X	X	X
<u>Balcony</u>	X		X
<u>Bay Window, projecting not more than 3 feet into the required yards. Bay windows projecting into the side yard shall be located above the first floor, and have a minimum clearance of 8 feet.</u>	X	X	X
<u>Canopies, commercial and manufacturing zoning districts only</u>	X	X	X
<u>Compost Bin</u>			X
<u>Deck</u>			X
<u>Dog Run</u>			X
<u>a. Dog runs shall be permitted in rear yards only with the approval of the Planning and Zoning Commission after notice and a public hearing. The Planning and Zoning Commission shall review the location concerning its effect on surrounding residences.</u>			
<u>Flagpoles</u>	X		X
<u>a. Flagpoles must be located at least 5 feet from the lot line.</u>			
<u>b. Number. A maximum of one (1) flag pole is allowed per zoning lot.</u>			
<u>c. Height. The maximum height of a flagpole is 30 feet in residential zoning districts and 40 feet in non-residential zoning districts.</u>			
<u>Garages or carports, detached</u>			X
<u>a. Alley Orientation. Where an alley exists adjacent to the side or rear lot line, all motor vehicle access to a garage must occur through the alley.</u>			

# UDC DRAFT

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## ARTICLE 3:

### DIVISION 1: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

- **OUTDOOR LIGHTING STANDARDS**

- ILLUMINATION STANDARDS

- NON-RESIDENTIAL USES = 1 FOOT-CANDLE AT PROPERTY LINE. MANUFACTURING USES THAT OPERATE OVERNIGHT MAY EXCEED ONE FOOT-CANDLE OF ILLUMINATION WITH PRIOR APPROVAL OF THE ZONING ADMINISTRATOR.

- RESIDENTIAL USES = 0.5 FOOT-CANDLE AT PROPERTY LINE

- HEIGHT: LIGHT POLES AND BUILDING-MOUNTED FIXTURES MUST NOT EXCEED 20 FEET IN HEIGHT IN BUSINESS ZONING DISTRICTS AND 30 FEET IN MANUFACTURING ZONING DISTRICTS; LIGHT POLES MUST NOT EXCEED 15 FEET IN HEIGHT FOR RESIDENTIAL USES.

# UDC DRAFT

## ARTICLE 3:

### DIVISION 1: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

- FENCES

- MAXIMUM FENCE HEIGHT

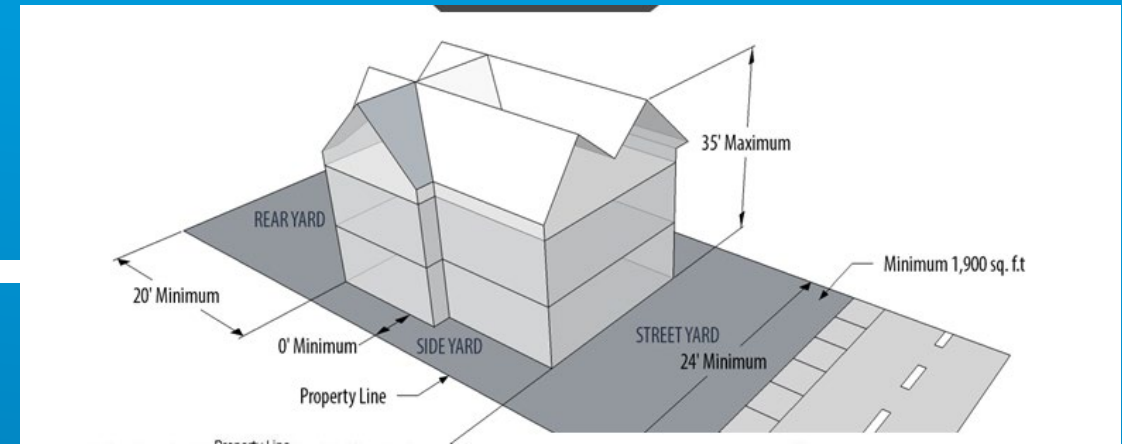
Zoning District	Yard	Maximum Fence Height
R-1, R-2, R-3, R-4	Front	Prohibited All existing front yard fences must be non-locking
	Interior Side	6 ft adjacent to residential <del>district zoning districts</del> 7 ft adjacent to non-residential <del>district zoning districts</del>
	Rear	6 ft adjacent to residential <del>district zoning districts</del> 7 ft adjacent to non-residential <del>district zoning districts</del>
C-1, C-2	Front	Prohibited
	Interior Side	8 ft adjacent to residential <del>district zoning districts</del> 8 ft adjacent to on-n-residential <del>district zoning districts</del>
	Rear	8 ft adjacent to non-residential <del>district zoning districts</del> 8 ft adjacent to residential <del>district zoning districts</del>
M-1, M-2, M3	All Yards	8 ft

**Commented [KS12]:** Residential standards are currently in Section 22-320 of the Town Code. The Definitions in this Section will be moved to Article 9 of the UDC

**Commented [KS13]:** Recommend revising to 8 ft. to match the requirements for commercial and manufacturing uses.



# UDC DRAFT



## ARTICLE 3:

### DIVISION 3: NONCONFORMING LAND, BUILDINGS, STRUCTURES, USES AND LOTS

- THE LEGAL NONCONFORMING STATUS OF A NONCONFORMING USE, STRUCTURE, LOT, OR SITE ELEMENTS RESTS WITH THE PROPERTY AND IS NOT AFFECTED BY CHANGES IN PROPERTY OWNERSHIP, TENANCY, OR MANAGEMENT.
- PRINCIPLE BUILDINGS/STRUCTURES. A NONCONFORMING BUILDING OR STRUCTURE WHICH IS NONCONFORMING ONLY AS TO BULK (BUILDING SETBACKS, HEIGHT, COVERAGE, OR OTHER SIMILAR ZONING REGULATIONS), MAY BE ADDED TO OR ENLARGED, PROVIDED SUCH ADDITIONS OR ENLARGEMENT SHALL NOT BE ALTERED OR EXPANDED IN ANY MANNER WHICH WOULD INCREASE THE DEGREE OR EXTENT OF ITS NONCONFORMITY CONCERNING THE BULK REGULATIONS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.
  - THIS SECTION PROVIDES MORE FLEXIBILITY FOR OWNERS OF THESE BUILDINGS TO MAKE IMPROVEMENTS. THE INTENT IS TO ALLOW MINOR ADDITIONS IF THE NONCONFORMITY IS NOT EXPANDED OR INCREASED AND IS COMPLIANT WITH CURRENT ZONING BULK RESTRICTIONS. FOR EXAMPLE, A SECOND-STORY ADDITION WOULD BE ALLOWED ON AN EXISTING NONCONFORMING HOME IN THE R-1 SINGLE-FAMILY ZONING DISTRICT IF THE EXISTING HOME IS ONLY SETBACK 13 FEET FROM THE STREET, RATHER THAN THE MINIMUM REQUIRED SETBACK OF 15 FEET. THE SECOND STORY ADDITION WOULD HAVE TO MAINTAIN THE 13 FOOT SETBACK TO NOT INCREASE THE NONCONFORMING FRONT YARD SETBACK.

# PUBLIC COMMENT

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The public is welcome to provide comment at this time



# NEXT STEPS

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- Part 2 Draft of Zoning Changes for Steering Committee Mtg #5 in July 28, 2021
  - ❖ Focus to be on Standards/Regulations for Planned Unit Developments; Subdivisions; and Stormwater (Articles 6, 7, 8)
  - ❖ August – Vacation?





# UDC OUTLINE/STRUCTURE

## ARTICLE 4: ZONING DISTRICTS

DIVISION 1: DISTRICTS

RESIDENTIAL DISTRICTS

COMMERCIAL DISTRICTS

MANUFACTURING DISTRICTS

DIVISION 2: USES

DIVISION 3: BULK

Industrial Land Use	R-1	R-2	R-3	R-4	B-1	B-3	BT	I-1	I-2	A-1
Milk-type factory structure	-	-	-	-	-	-	-	-	-	P
Mining or extraction establishment	-	-	-	-	-	-	-	S	S	S
Mini-warehouse	-	-	-	-	-	-	-	P	P	-
Process plants (including metals, chemicals, etc.)	-	-	-	-	-	-	-	-	-	P
Recycling plant	-	-	-	-	-	-	-	-	-	P
Sanitary landfill	-	-	-	-	-	-	-	-	-	S
Stock yards or slaughterhouse	-	-	-	-	-	-	-	-	-	P
Truck parking area or yard	-	-	-	-	-	-	-	-	S	P
Warehouse or storage facility	-	-	-	-	-	-	-	P	P	S
Agricultural Land Use	R-1	R-2	R-3	R-4	B-1	B-3	BT	I-1	I-2	A-1
Agricultural buildings and structures	-	-	-	-	-	-	-	P	P	P
Greenhouses and nurseries	-	-	-	-	-	-	-	P	P	S
Milk depots	-	-	-	-	-	-	-	-	-	S
Riding academies and horse stables	-	-	-	-	-	-	-	P	P	S
Recreation Land Use	R-1	R-2	R-3	R-4	B-1	B-3	BT	I-1	I-2	A-1
Amusement, sports, or recreation establishment	-	-	-	-	-	-	-	P	-	-
Active open space (athletic fields, parks, etc.)	P	P	P	P	S	S	-	-	P	P
Auditorium, stadium, or arena	-	-	-	-	S	S	-	-	S	S
Boating alleys	-	-	-	-	-	-	-	P	-	-
Clubs and lodges, private	-	-	-	S	-	-	-	-	-	S
Fitness, recreational gym, or athletic club	-	-	-	-	P	P	-	-	S	-
Golf courses	S	S	S	S	-	-	-	-	-	S
Passive open space (trails, picnic areas, open land, etc.)	P	P	P	P	P	P	P	P	P	P
Skating rinks, indoor	-	-	-	-	-	-	-	P	-	-
Swimming pool (commercial)	S	S	S	S	S	S	-	-	S	-
Public Land Use	R-1	R-2	R-3	R-4	B-1	B-3	BT	I-1	I-2	A-1
Ambulance service	-	-	-	-	-	-	-	P	-	P
Animal pounds and shelters	-	-	-	-	-	-	-	S	-	P
Cemeteries, including crematories and mausoleums	S	S	S	S	-	-	-	-	-	S

## Objectives

- ❖ Article 4 contains the specific regulations for each zoning district and provides descriptions of each district that are currently lacking. In addition, this article includes the use table, and all area, bulk, density, and setback provisions in tabular format. The overall approach is to simplify the current format by streamlining regulations and reducing redundancy or overlapping standards.

# UDC OUTLINE/STRUCTURE

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## ARTICLE 5: SITE DEVELOPMENT STANDARDS

DIVISION 1: OFF-STREET PARKING AND LOADING

DIVISION 2: LANDSCAPING, BUFFERING, AND SCREENING (NEW SECTION INCORPORATING MANY OF THE REGULATIONS FROM THE ROOSEVELT ROAD CORRIDOR, AND OTHER RELEVANT SECTIONS OF THE TOWN CODE)

DIVISION 3: SIGNS

## ARTICLE 6: PLANNED UNIT DEVELOPMENT STANDARDS

Division 1: General Regulations

Division 2: Special Regulations for specific sign types

## Objectives

- ❖ This article carries forward all the specific regulations governing the development or improvement of individual multiple-family, commercial, and manufacturing properties in the Town.
- ❖ Article 6 carries forward all the specific regulations governing the creation of planned unit developments.

# UDC OUTLINE/STRUCTURE

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## ARTICLE 7: SUBDIVISION DEVELOPMENT STANDARDS

DIVISION 1: GENERAL, ADMINISTRATION, AND  
ENFORCEMENT

DIVISION 2: GUIDELINES AND DEDICATIONS

DIVISION 3: REQUIRED IMPROVEMENTS

DIVISION 4: DESIGN STANDARDS

## Objectives

- ❖ Article 7 carries forward all the specific regulations governing the subdivision and improvement of land within the Town, including regulations for subdivision of unsuitable land and areas of special flood hazard, provision for stormwater management, and dedication of land for public use, public sites, park, school, and library district contributions. This section includes regulations for the construction and acceptance of required land improvements, and regulations for subdivision design including street standards, lots layouts, block designs, easements.

# UDC OUTLINE/STRUCTURE

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## ARTICLE 8: STORMWATER STANDARDS

DIVISION 1: GENERAL AND APPLICABILITY  
DIVISION 2: STORMWATER MANAGEMENT  
CONSTRUCTION AND DESIGN  
DIVISION 3: FLOODPLAIN AND FLOOD DAMAGE  
PREVENTION

## ARTICLE 9: DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 1: INTERPRETATION  
DIVISION 2: DEFINITIONS

## Objectives

- ❖ Article 8 carries forward all the specific regulations governing required stormwater detention and drainage requirements in Article 5 of the Environment Chapter 38 associated with the development of land within the Town.
- ❖ Article 9 includes a comprehensive list of definitions for all uses and activities within the Unified Development Ordinance including Zoning, Site Development, Subdivision, and Stormwater regulations.