

CICERO UNIFIED DEVELOPMENT ORDINANCE UPDATE

6.2.2021



UNIFIED DEVELOPMENT ORDINANCE OUTLINE – CHAPTER 114

Article II. Development Review Procedures

A. Division 1: Planned Unit Development

1. General Procedures

- a. Pre-Application Meeting. Before ~~the~~ submitting an application for planned unit development, the applicant shall confer with Town staff to obtain information and guidance before entering into binding commitments or incurring a substantial expense.
- b. ~~Application~~. The application shall be made on forms supplied by the Town.
- c. Application for approval of a planned development shall be made in accordance with the provision of this Chapter relating to special uses, except as specifically provided herein to the contrary.
- d. Zoning District Exceptions. Planned unit developments are subject to the regulations of the zoning district in which they are located unless exceptions from these regulations are approved by the Town Board.
- ~~d.e.~~ An application must be accompanied by either an outline conceptual development plan or a preliminary development plan. In either case, the application and accompanying drawings shall be submitted to the ~~zoning board of appeals~~ Planning and Zoning Commission for analysis, and in the case of a preliminary development plan for public hearing.
- ~~e.f.~~ A preliminary development plan is required and must be submitted to the ~~plan commission~~ Planning and Zoning Commission with the application or within one year following approval of an outline conceptual development plan. If an outline conceptual development plan has been approved, the ~~zoning board of appeals~~ Planning and Zoning Commission may authorize the submission of a preliminary development plan in stages.
- ~~f.g.~~ If a preliminary development plan covering 20 percent of the subject property, or not less than nine acres, has not been submitted within one year following approval of the outline conceptual development plan, the Board of Trustees shall withdraw its approval and the outline conceptual development plan shall be null and void.
- ~~g.h.~~ Within one year following the approval of the preliminary development plan, the applicant shall file with the ~~board of trustees~~ Board of Trustees a final development plan completing in final form all information set forth by subsection ~~4d.~~ of this ~~section~~ Division.
- ~~h.i.~~ The time limit established for approval or denial of each stage of the approval process of a planned unit development may be extended at the request of the mutual request of the applicant and [Town].

Commented [KS1]: This section give flexibility to the developer to seek an extension if needed to address issues raised by the Town, or in response to other unforeseen events.



2. Outline Conceptual Development Plan—Optional

- a. An applicant may submit an ~~outline conceptual~~ development plan to the ~~zoning board of appeals~~ Planning and Zoning Commission for tentative review and approval prior to incurring the expenses associated with formal site plan submission to discover whether the Town will accept a planned unit development of the type proposed at the site proposed. Any information and guidance provided by the Planning and Zoning Commission is considered advisory and is not binding upon the Planning and Zoning Commission or Town Board with respect to any formal planned unit development application.
- ~~a.b.~~ A ~~outline conceptual~~ development plan shall include maps and written statements and shall describe enough of the surrounding area to show the relationship of the planned development to adjoining uses both existing and proposed.
- ~~b.c.~~ Maps that are part of the ~~outline conceptual~~ development plan may be in general form and shall contain the proposed land uses, the natural features of the site, the character, and approximate density of swellings, the approximate location of major thoroughfares and the water, sewage, and drainage systems proposed.
- ~~c.d.~~ The written statement shall contain a general explanation of the size and character of the planned unit development, including a statement of the present ownership of all the land within the planned unit development and the expected schedule of construction.
- ~~d.e.~~ The ~~zoning board of appeals~~ Planning and Zoning Commission shall review the ~~outline conceptual~~ development plan within 90 ~~60~~ days after receipt of such plan and shall prepare a written report containing its recommendations to the Board of Trustees and the applicant.

Commented [KS2]: This change brings the timing of require reviews in line with the requirements for preliminary development plan review below.

3. Preliminary Development Plan

- a. The Planning and Zoning Commission shall hold a Public Hearing regarding the preliminary approval of the proposed Planned Unit Development in accordance with the hearing procedures and public notice requirements for Special Uses in Division XX.
- ~~a.b.~~ A preliminary development plan is required of any applicant for a planned unit development permit. The preliminary development plan shall contain the following items:
 - (1) A ~~plot site~~ plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around buildings and structures.
 - (2) Schematic design presentation indicating the architectural character of all proposed structures and improvements. The drawings need not be the result of final architectural decisions and need not be in detail.
 - (3) A development schedule indicating:
 - (a) The approximate date when construction of the project can be expected to begin;
 - (b) The ~~stages~~ states in which the project will be built and the date when construction of each stage can be expected to begin;
 - (c) The date when the development of each of the stages will be completed; and
 - (d) The area and locations of planned open space that will be provided at each stage.
 - (e) Proposed agreements, by-laws, provisions, or covenants that govern the use, maintenance, and continued protection of the planned development and its open space or other facilities referred to above.



(4) A list of all modifications from the district regulations which will be necessary for the proposed planned unit development.

~~b.c.~~ If the ~~zoning board of appeals~~ Planning and Zoning Commission finds that the planned unit development requires ~~a~~ further in-depth review, the following additional information may be required:

- (1) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development to and from existing thoroughfares.
- (2) A comprehensive drainage plan with an analysis of the impact that the development creates on the site and the surrounding area.
- (3) The ~~zoning board of appeals~~ Planning and Zoning Commission shall review the preliminary development plan and shall recommend whether it is in substantial compliance with the ~~outline~~ conceptual development plan if provided and if it complies with all other standards in this Chapter for planned unit developments.
- (4) The ~~plan commission~~ Planning and Zoning Commission shall, within 60 days of receiving a preliminary development plan ~~complete in all respects~~ that fully complies with the requirements of Chapter, hold a public hearing after due public notice, and shall within 60 days thereof, recommend to the Board of Trustees the approval or denial of the proposed planned development ~~and shall include not only conclusions including a written report of its conclusions and~~ but also findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
 - (a) In what respects the proposed plan is or is not consistent with the stated purposes of the planned unit development regulations.
 - (b) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use, and the reasons why such departures are or are not in the public interest.
 - ~~(5) The extent to which the proposed plan meets the requirements and standards of the planned development regulations.~~
 - ~~(c)~~ (a) The physical design of the proposed planned unit development and how said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated planned open space and schools and further the amenities of light and air, recreation and visual enjoyment.
 - ~~(b)~~ (d) The compatibility of the proposed planned unit development with the adjacent properties and neighborhood.
 - ~~(e)~~ (e) The desirability of the proposed planned unit development to physical development and economic well-being of the entire community.
 - ~~(d)~~ (f) The conformity with the recommendations of the Comprehensive Plan.

d. The Planning and Zoning Commission must forward its recommendation to the Town Board within 30 days after the close of the public hearing.

Commented [KS3]: Redundant to subparagraphs (1) and (2) above



~~e.e.~~ Within ~~25~~⁶⁰ days, the Board of Trustees shall approve, approve with modifications, or disapprove the preliminary development plan. However, no plats shall be recorded and no building permits issued until a final development plan has been approved by the Board of Trustees.

Commented [KS4]: This time extension provides a more adequate amount of time for the Board's deliberation and is consistent with the timeframe provided for review by the Planning and Zoning Commission.

(1) -Preliminary approval of a Planned Unit Development shall not constitute approval of the final PUD. Rather, it shall be deemed an expression of approval of the proposed development and a guide to the preparation of the final PUD plans and documents to be submitted pursuant to the procedures set forth in this Article.

~~(1)~~

4. Final Development Plan

a. **Final Plan Submittal Requirements.** Within one year following the approval of the preliminary development plan, the applicant shall file with the ~~zoning board of appeals~~Planning and Zoning Commission a final development plan for the first state or multiple stages of development, containing in final form the information required in the preliminary plan. The final development plan shall also include the following items:

(1) A final ~~land use development~~ plan, suitable for recording with the county recorder of deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open areas and building areas and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

(2) ~~If subdivided lands are included in the planned development, a~~The A subdivision plat of all subdivided lands shall be in the same form and meeting all the requirements of a normal subdivision plat.

Commented [KS5]: Section (1) above references that a subdivision plat is required, and is a typical part of the development process.

(3) An accurate legal description of each separate ~~un~~subdivided use area, including planned open space.

(4) Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.

(5) Final agreements, by-laws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.

(6) Final ~~development and~~ construction schedule.

b. **Final Plan Approval Process.** The final development plan shall be approved as follows:

(1) The ~~zoning board of appeals~~Planning and Zoning Commission shall review the final development plan within ~~35~~⁶⁰ days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The ~~zoning board of appeals~~Planning and Zoning Commission shall certify to the ~~board of trustees~~Board of Trustees that the final development plan is in conformity with the previously filed preliminary development plan and meets all the requirements for a final development plan. The Planning and Zoning Commission must forward its recommendation to the Town Board within 30 days after its decision.

Commented [KS6]: This is consistent with all other development approval timeframes for PUDs



~~(1)~~(2) The ~~board of trustees~~Board of Trustees shall approve or deny the final development plan within 60 days of receiving the recommendation of the Planning and Zoning Commission if it is in conformity with the preliminary development plan and meets all the requirements for a final development plan. It shall pass an appropriate Chapter granting the ~~planned unit development~~ special use permit.

~~(2)~~(3) If the ~~zoning board of appeals~~Planning and Zoning Commission finds that the final development plan does not substantially conform to the preliminary development plan or that it does not meet the requirements for a final development plan, it shall so notify the applicant and the ~~board of trustees~~Board of Trustees in writing within ~~35-60~~ days of submission.

c. **Failure to Begin Development Plan.** If no substantial construction has begun or no use is established in the planned ~~unit~~ development within the time stated in the final development and construction schedule of the final development plan, the special use permit for the planned development shall lapse upon written notice to the applicant from the ~~board of trustees~~Board of Trustees and shall be of no further effect. The zoning regulations applicable before the special use for planned development was approved shall then be in effect. In its discretion and for good cause, the ~~board of trustees~~Board of Trustees may extend for a reasonable time, not to exceed one year, the period from the beginning of construction or the establishment of a use, provided such extension is granted during the original period.

5. Zoning Administration—Permits

- a. The ~~director of code enforcement~~Building Commissioner may approve the issuance of permits for the site or building construction for that part of the development plan that has been approved in the area covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable Chapters and regulations.
- b. However, ~~director of code enforcement~~Building Commissioner shall not approve an occupancy permit for any building or structure shown on the development plan of any ~~state stage~~ of the planned development unless the planned open space and public facilities allocated to that ~~state stage~~ of the development have been conveyed to the proper authorities. A certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan may be issued if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable regulations and Chapters of the Town.

6. Enforcement of Development Plan Schedule

- a. The ~~director of code enforcement~~Building Commissioner shall periodically review all permits issued for the planned development, examine all construction that has taken place on the planned development site, and compare actual development with the approved development schedule.
- b. If the ~~director of code enforcement~~Building Commissioner shall find that the owners of the property in the planned development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the ~~director of code enforcement~~Building Commissioner shall notify the ~~zoning board appeals~~Planning and Zoning Commission in writing.



- c. Within 30 days of such notice, the ~~board of trustees~~Board of Trustees shall either revoke the special use permit and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

7. Amending Final Plan

- a. No changes may be made to the approved final development plan during the construction of the planned development except upon the application to the ~~appropriate agency~~Zoning Administrator under the following procedures:
 - (1) Minor changes in the location, siting, and height of buildings and structures may be authorized by the ~~zoning board of appeals~~Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the ~~cube~~square footage of any building or structure by more than ten percent.
 - (2) All other changes in schedule and use, any rearrangement of lots, blocks, and building tracts, any changes in the provision of planned open space, and all other changes in the approved final development plan shall be made by the ~~board of trustees~~Board of Trustees, upon recommendation of the ~~zoning board of appeals~~Planning and Zoning Commission, under the procedure authorized by this Chapter for approval of the special use permit. No amendments may be made in the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved. A self-imposed hardship shall not be a valid reason for the change.
 - (3) Any changes approved shall be recorded as amendments to the recorded copy of the final development plan.
 - (4) Notwithstanding anything to the contrary contained in subsections ~~7. (a) and (b) above~~, in the event the final development plan is an expedited development plan, the ~~zoning board of appeals~~Planning and Zoning Commission may authorize changes not relating to bulk, height, or density requirements and may authorize changes in bulk, height or density requirements so long as no change authorized by this subsection increases the cube of any building or structure by more than 15 percent. All other bulk, height, or density changes must be made pursuant to subsection (2) above.

Commented [KS7]: This change simplifies the approval process necessary for minor changes by making these changes subject to administrative review only.

8. Post Completion Regulations

- a. Upon completion of the planned unit development, and as a condition of the Town's acceptance of the final public improvements, the ~~director of code enforcement~~Building Commissioner shall issue a certificate of completion certifying said completion.
- b. After the certificate of completion has been issued, the uses of land and construction and modifications or alteration of any buildings or structures within the planned unit development shall be governed by the approved final development plan rather than by any other provision of this ~~zoning~~Chapter.
- c. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the ~~appropriate agency~~Zoning Administrator under the procedures for seeking amendments, special uses, and variations under this ~~zoning~~Chapter.



B. Division 2: Special Uses

1. Purpose and Intent

- a. Because of their unique and potentially harmful characteristics, any use designated as a special use shall be located in a district or districts upon consideration in each case of the impact of such use upon neighboring land and of the public need for such use at the particular location.
- b. Such uses shall fall into two categories: (1) uses that are either municipally operated or operated by regulated public utilities or traditionally affected by a public interest and (2) uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

2. Authority

- a. The ~~zoning board~~ Planning and Zoning Commission shall hold a public hearing and recommend to the Town Board upon applications for special use permits specifically listed in the district regulations of this ~~ordinance~~ Chapter. Before authorizing the issuance of such a special use permit, the Planning and Zoning Commission and Town Board may impose such conditions ~~as will, that~~ in the Town Board's judgment ensure that:
 - (1) The establishment, maintenance, or operation of the special use at the particular location will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighborhood or community.
 - (2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
 - (3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - (4) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
 - (5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) The special use shall in all other respects conform to the applicable regulations of the district in which it is located.
 - (7) The Board shall find that there is a public necessity for special use.

3. -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.

4. Expansion or Alteration. Any addition, enlargement, or expansion of a special use permit must require a new special use permit.

~~3.5.~~ Initiation of Application

- a. An application for a special use shall be filed with the authorized official and may be made by any person, firm, or corporation, with a proprietary interest in the property.



4-6. Application for Special Uses

- a. An application for a special use shall be filed with the ~~authorized officer~~ Zoning Administrator in such number of copies, be in such form, and be accompanied by such information as is required by the ~~zoning board of appeals~~ Planning and Zoning Commission ("ZBA"). ~~The application shall be processed in the same manner as an application for a rezoning classification.~~
- b. An applicant seeking a special use or rezoning classification (the "applicant") shall, not more than 30 calendar days before filing an application for said zoning relief with the Planning and Zoning Commission ~~ZBA~~, serve written notice, either in person or by registered mail, return receipt requested, on the owners, as recorded in the office of the Cook County Recorder of Deeds or the Cook County Registrar of Titles and as appears from the authentic tax records of Cook County, of all property within 250 feet in each direction of the location for which the special use or rezoning classification is requested; provided, the number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the 250 feet requirement.
 - (1) The notice herein required shall contain the address of the location for which the zoning relief is requested, a brief statement of the nature of the requested zoning relief, the name and address of the legal and beneficial owner of the property for which the special use or rezoning classification is requested, a statement that the applicant intends to file an application for a special use ~~or rezoning classification~~ and the approximate date on which the application will be filed.
 - (2) 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 her 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 section shall be deemed satisfied.
 - (3) In addition to serving the notice herein required, at the time of filing an application for a special use or rezoning classification, the applicant shall furnish to the Planning and Zoning Commission ~~ZBA~~ a complete list containing the names and last known addresses of the owners of the property required to be served, the method of service, the names and last known addresses of the owners so served and the names and last known addresses of the persons who could not be served. The applicant shall also furnish a written statement certifying that he or she has complied with the requirements of this section. The Planning and Zoning Commission ~~ZBA~~ shall have no hearing regarding an application for a special use or rezoning classification unless the applicant furnishes the list and certificate herein required.

5-7. Public Hearing Procedure

- a. The ~~zoning board of appeals~~ Planning and Zoning Commission shall hold a public hearing on each application for special use at such time and place as shall be established by the ~~zoning board of appeals~~ Planning and Zoning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as provided in this ~~section~~ Chapter under plan commission ordinance in accordance with State Statutes.

Commented [KS8]: Review notice process with attorney – see e-mail

Commented [KS9]: The removal of this section avoids any confusion over the purpose and procedures of Amendments provided in a separate Division.

Commented [KS10]: Is this process currently being followed. Seems redundant to the requirement for publishing and mailing notice for public hearing.



- b. **Notice of Hearing** Notice of time and place of such hearing shall be published in a newspaper of general circulation in the Town, not more than 30 days nor less than 15 days before such hearing as prescribed by state statutes. Supplemental or additional notices may be published or distributed as the ~~zoning board of appeals~~ Planning and Zoning Commission may, by rule, prescribe from time to ~~time~~.

Commented [KS11]: Notice shall also include mailing by certified mail – see section above

~~6-8.~~ **Findings of Fact and Recommendation**

- a. Within a ~~reasonable time~~ 30 days after the close of the hearing on the proposed special use, the ~~zoning board of appeals~~ Planning and Zoning Commission shall make a written finding of facts as to the compliance of the proposed special use with the standards governing special uses and shall submit same, together with its recommendation to the Board of Trustees.

Commented [KS12]: ? Does the Town require posting of a sign on each property, and if so what are the requirements?

Commented [KS13]: Add required Foff

Commented [KS14]: This change brings the special use process in consistency with the PUD process procedures above.

~~7-9.~~ **Action by the Board of Trustees**

- a. The Board of Trustees shall not act until it shall have received a written report and recommendation from the ~~zoning board of appeals~~ Planning and Zoning Commission on the proposed application. After receiving the recommendation and findings from the ~~zoning board of appeals~~ Planning and Zoning Commission, the Board of Trustees shall, within ~~35~~ 60 days, review the recommendations and report and may accept the findings and recommendation in whole or in part or may reject them in whole or in part, or the Board of Trustees may refer the matter back to the ~~zoning board of appeals~~ Planning and Zoning Commission for further consideration.

Commented [KS15]: This change is consistent with the procedures for PUDs above.

~~8-10.~~ **Conditions**

- a. The ~~zoning board of appeals~~ Planning and Zoning Commission may recommend and the Board of Trustees may impose such conditions or restrictions upon the location, construction, hours of operation, design, and operation of a special use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in this ~~section~~ Article.

11. Expiration of Special Use Permit Approval. Special use permit approval will expire and be revoked if any of the following conditions occur.

- a. The use has not commenced or a building permit has not been obtained within one year after approval of the special use permit. The applicant may request one extension of this period for up to one additional year by means of a written request filed at least 30 days before the expiration of the initial one-year period. The Zoning Administrator must decide whether to grant or deny the applicant’s request within 15 days of receipt of the applicant’s written request.
- b. The licenses or permits required for the operation or maintenance of the special use are not obtained or are subsequently terminated.
- c. The standards of this Chapter or any of the terms and conditions of the special use permit are violated.
- ~~a-~~d. The operation of the use for which a special use permit has been issued ceases for six consecutive months.



C. Division 3: Variations & Appeals

1. Purpose. The purpose of this variation application is to grant relief from the regulations of this Chapter to the extent that literal enforcement of such regulations creates particular hardships or practical difficulties in developing property due to the unique attributes of the property. The purpose of the variation process is not to provide relief from the use permissions of this Chapter
2. Applicability. Any application for relief from the regulations of this Chapter that is not established as an administrative adjustment in **Section XXXX (Administrative Adjustment)** must be considered a variation.

Commented [KS16]: This will be a new section of the code providing clarification over decisions that can be made by staff administratively.

2.3. Application Procedures

- a. An application for a variation may be made by any person, firm, or corporation or by any office, department, board, bureau, or commission requesting or intending to request an application for a zoning certificate. An application for a variation shall be filed with the Zoning Administrator and the Zoning Administrator shall forward it to the ~~zoning board of appeals~~ Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois.
- b. The ~~zoning board of appeals~~ Planning and Zoning Commission shall hold a public hearing on each application for variation at such time and place as shall be established by the ~~zoning board of appeals~~ Planning and Zoning Commission. The hearings shall be conducted and records of such proceedings shall be preserved in such a manner as provided in this ~~section~~ Chapter under creation and procedure in accordance with the state statutes. Notice of time and place of such hearing shall be published in a newspaper of general circulation in the Town no more than 30 days and not less than 15 days before such hearing, as prescribed by State Statutes. Supplemental or additional notices may be published or distributed as the ~~zoning board of appeals~~ Planning and Zoning Commission may, by rule, prescribe from time to time. All decisions of the ~~zoning board of appeals~~ Planning and Zoning Commission on variations arrived at after hearing shall require a majority vote of all members and such decisions shall be submitted to the Town Board for final approval.
- c. The Planning and Zoning Commission shall consider variations from the standards of this Chapter, but the extent of the variations granted shall be limited in the following provisions:
 - (1) To permit the use of a lot not of record on the effective date of this Chapter for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than 90 percent of the required lot area.
 - (2) To permit parking lots to be illuminated between the hours of 9:30 p.m. and 7:00 a.m.
 - (3) To increase by no more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.
 - (4) To allow any permitted nonresidential use in a residential district to exceed the floor area ratio imposed by the applicable regulations.
 - (5) To increase driveway widths from that of 24 feet to that of 35 feet provided:
 - (a) That the variation will not conflict with any State of Illinois requirement.
 - (b) That the variation can only be granted on a major street.
 - (c) That the variation is necessary to protect the public safety and welfare.



- (6) Vary the height in **C-2, M-1, M-2, and M-3** districts for a building or structure housing in excess of the permitted height, due to special equipment or processes.

~~e.d.~~ Findings of Fact. The ~~zoning board of appeals~~Planning and Zoning Commission shall not recommend varying the provisions of this ~~ordinance~~Chapter as authorized in this ~~section~~Division unless it shall have made findings based upon the evidence presented to it in the following specific cases:

- (1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
- (2) That the plight of the owner is due to unique circumstances, or:
 - (a) That the variation, if granted, will not alter the essential character of the locality.
- (3) ~~For the purpose of supplementing~~To supplement the above standards, the ~~zoning board of appeals~~Planning and Zoning Commission in making this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
 - (a) That the particular physical surroundings, shape, or topographical conditions of the specific property involved, would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.
 - (b) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 - (c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - (d) That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
 - (e) That the proposed variation will not impair an adequate supply of light and air adjacent properties, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

~~e.~~ The zoning board of appealsPlanning and Zoning Commission may require such conditions and restrictions upon the premises benefited by variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood and to implement the general purpose and intent of this ordinance.

4. Transferability. Variation approval runs with the land and is not affected by changes of ownership, tenancy, or management.
5. Expiration of Variation Approval. Variation approval will expire and be revoked if any of the following conditions occur.



- a. 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. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.
- b. The standards of this Chapter or any of the terms and conditions of the variation are violated.

3-6. Appeals

- a. **Purpose.** The purpose of this appeal application is to provide for the review of decisions made by the Zoning Administrator in the course of carrying out the duties and responsibilities associated with this Chapter.
- ~~d.~~ b. The zoning board of appeals Planning and Zoning Commission shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or other authorized officials of the Town of Cicero, relating to regulations of this ordinance Chapter.
- ~~e.~~ c. An appeal may be taken to the zoning board of appeals Planning and Zoning Commission by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by administrative order, requirement, decision, or determination under this ordinance Chapter by the Zoning Administrator or other authorized official of the Town of Cicero.
- ~~f.~~ d. An appeal application shall be filed with the Town Clerk, who shall forward such appeal to the zoning board of appeals Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois. A copy of this appeal shall be sent to the planning commission by the Town Town clerk.
- ~~g.~~ e. An appeal shall be filed within 20 days after the decision by the Zoning Administrator filing with the Town Clerk whom the appeal is taken. All documents constituting the record upon which the action appealed from is taken shall be transmitted to the zoning board of appeals Planning and Zoning Commission. The board Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal, or it shall be heard at the next regularly scheduled meeting of the Commission. Ten days notice shall be given to the parties in interest and a decision shall be rendered within a reasonable time 30 days after it is submitted. Upon At the hearing, any party may appear in person or by an attorney.
- ~~h.~~ f. All decisions, after hearing before the zoning board of appeals Planning and Zoning Commission on appeals from an administrative order, requirement, decision or determination of the authorized official of the Town of Cicero, relating to this ordinance Chapter shall, in all instances, be a final administrative determination subject to Town Board review and judicial review in accordance with applicable statutes of the State of Illinois.
- ~~i.~~ g. Stay of Proceedings. An appeal will stay all proceedings of the action appealed from, unless the Zoning Administrator demonstrates that a stay would cause imminent peril of life or property. The action may proceed if a stay of proceedings would cause imminent peril of life or property unless the Town or the applicable Circuit Court files a restraining order against the applicant to stay proceedings.



D. Division 4: Administrative Adjustment

1. 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 as provided below, and to the extent that literal enforcement of such regulations creates particular hardships or practical difficulties in developing property due to the unique attributes of the property.
2. Applicability. Any application to allow development that deviates from the specific regulations of this Chapter as established in this Section, and subject to the limitations below, is considered an administrative adjustment.
 - a. A reduction of the minimum required lot area up to 5 percent.
 - b. A reduction of the minimum required lot width up to 5 percent.
 - c. An increase in the maximum permitted impervious coverage by five percentage points or less.
 - d. A reduction of the minimum required front setback up to 5 percent.
 - e. An increase in the maximum permitted front setback or build-to-line up to 10 percent.
 - f. A reduction of the minimum required corner side setback up to 5 percent.
 - g. An increase in the maximum permitted corner side setback or build-to-line up to 10 percent.
 - h. A reduction of the minimum required rear setback up to 10 percent.
 - i. 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.
 - j. An increase in the maximum permitted sign area up to 5 percent.
 - k. An increase in the maximum permitted sign height up to 5 percent.
 - l. Any change to the standards for temporary signs with permit requirements as established in **Section XXXX** (Temporary Signs with Permit Requirement).
3. Procedure
 - a. An application for an administrative adjustment must be filed with the Zoning Administrator in accordance with applications for Variations.
 - b. Upon determining that the application is complete, the Zoning Administrator must evaluate the application based upon each of the standards of **Section XXXX** (Standards for Administrative Adjustments). The Zoning Officer may consult with other Village staff and local district representatives during the evaluation process.
 - c. Due to the nature of an application for an administrative adjustment, the Zoning Administrator may determine that the application must be resubmitted as a variation in accordance with **Section XXXX** (Variation) even if it meets the criteria for an administrative adjustment.
 - d. A property owner that receives notice of an administrative adjustment application may object to the application by written submission to the Zoning Administrator before the Zoning Administrator decides on the application. Any administrative adjustment application for which an objection is received from a noticed property owner must be resubmitted as a variation in accordance with **Section XXXX** (Variation).

Commented [KS17]: This is a new section that is intended to streamline the review process for certain minor zoning changes by making them only subject to staff review and approval. Appeals from staff decisions can be heard by the P&Z Commission.



- e. The Zoning Administrator must prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval, approval with conditions, or denial of the application. In approving an administrative adjustment, the Zoning Administrator may:
 - (1) Require conditions upon the establishment, location, construction, maintenance, and operation of the property that receives an administrative adjustment as deemed necessary to protect the public interest.
 - (2) Grant an administrative adjustment less than that requested by the applicant if the Zoning Administrator finds that the applicant is entitled to some deviation from the specific regulations of this Chapter, but not to the entire amount requested, based on each of the standards of Section XXXX (Standards for Administrative Adjustments).
 - f. If the Zoning Administrator denies an application for an administrative adjustment, the applicant may apply for a variation in accordance with Section XXXX (Variation), or appeal the decision in accordance with Section XXXX (Appeal).
4. Standards for Administrative Adjustments. The Zoning Administrator must evaluate applications for administrative adjustments with specific written findings based on each of the standards of this Section.
- a. The proposed administrative adjustment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
 - b. The proposed administrative adjustment is compatible with the character of adjacent properties and other properties within the immediate vicinity of the proposed administrative adjustment.
 - c. The proposed administrative adjustment alleviates an undue hardship created by the literal enforcement of this Chapter.
 - d. The proposed administrative adjustment is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
 - e. The proposed administrative adjustment represents the minimum deviation from the regulations of this Title necessary to accomplish the desired improvement of the subject adjustment.
 - f. The proposed administrative adjustment is consistent with the intent of the Comprehensive Plan, this Chapter, and the other land use policies of the Town.
5. Transferability. Administrative adjustment approval runs with the land and is not affected by changes of ownership, tenancy, or management.
6. Expiration of Administrative Adjustment Approval. Administrative adjustment approval will expire and be revoked if any of the following conditions occur.
- a. A building permit has not been obtained within one year after approval of the administrative adjustment. 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. The Zoning Officer must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request
 - b. The standards of this Chapter or any of the terms and conditions of the administrative adjustment are violated.



E. Division 5: Text and Map Amendments

1. Purpose

a. *The purpose of a text or map amendment application is to allow modifications to the text of this Chapter and the zoning classification of properties as shown on the Official Zoning Map in response to changing conditions and policies.*

2. Authority

a. The Board of Trustees, upon recommendation of the Planning and Zoning Commission, may from time to time in the manner hereinafter set forth amend the regulations imposed in the district created by this ~~ordinance, Chapter or Official Zoning Map~~, provided that in all amendatory ordinances adopted under this authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of new building development to the advantages of the entire town and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

3. Initiation of Amendment. Amendments may be proposed by the Board of Trustees, Town ~~department, town personnel~~ Zoning Administrator, zoning board of appeals Planning and Zoning Commission, or by any interested person or organization owning lands or representing owners of the land within the Town.

4. Notice of Public Hearing. Notices of the time and place of the public hearing shall be posted in the newspaper or general circulation of the Town not more than 30 days and not less than 15 days before such hearing. Such hearings may be scheduled before the Board of Trustees of Town, or the zoning board of appeals Planning and Zoning Commission, ~~the ordinance committee or such other committee of the board of trustees.~~

5. Finding of Facts. Within a reasonable time after the close of the hearing of a proposed amendment, the Board of Trustees, ~~committee or person before which/whom the hearing was held~~ or Planning and Zoning Commission shall make a written finding of fact and shall submit the same together with its recommendation to the Town Board of trustees. No amendment shall be adopted by the Board of Trustees unless such amendment is in the public interest.

a. Findings of fact and r Recommendation of the plan commission Planning and Zoning Commission. Within ~~a reasonable time~~ 30 days after the close of the public hearing on a proposed text or map amendment, the ~~plan commission~~ Planning and Zoning Commission ~~may shall make prepare~~ a written finding of facts and shall submit same, together with its recommendations, to the Town Board of Trustees.

(1) Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the ~~plan commission~~ Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (a) Existing uses of property within the general area of the property in question.
- (b) The zoning classification of property within the general area of the property in question.



- (c) The suitability of the property in question to the uses permitted under the existing and proposed classification.
- (d) The trend of development, if any, in the general area of the property in question including changes, if any which have taken place since the date the property in question was placed in its present zoning classification.
- (e) The relationship to the Cicero Official Comprehensive Plan.
- (f) The ~~plan commission~~Planning and Zoning Commission shall not recommend the adoption of the proposed amendment unless it finds the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The ~~plan commission~~Planning and Zoning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any other classification than that requested by the applicant.



F. Division 6: Site Plan Review

1. Authority

- a. Site plan review approval shall be required before issuance of building permits for:
 - (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 ten percent.
- b. All requirements within this Division 6 shall be subject to review by the Zoning Administrator.
- c. Appeals of decisions by the Zoning Administrator shall be made to the Planning and Zoning Commission.
- d. The review of site plans as provided for in this Division is only a part of the building and zoning review procedures of the Town's development review process. Site plan approval does not grant or provide the final approval of any portion of a project.
 - (1) A building permit for all non-residential and multiple family use may be issued after the Zoning Administrator approves the site plan, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.

2. 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.

3. Scope of Site Plan Review

- a. The Zoning Administrator, or designee, when evaluating site plans, will review:
 - (1) The relationship of the site plan to the policies, goals, and objectives of the Comprehensive Plan.
 - (2) Traffic and parking layout to:
 - (a) Minimize danger and conflicts between pedestrians and motorists.
 - (b) Reduce traffic congestion in accordance with standards in the most current edition of Institute of Traffic Engineers Transportation and Traffic Engineering Handbook;
 - (c) Provide for the optimum number of parking spaces, complying with the standards set forth in Division XXXX (Off-Street Parking & Loading).

Commented [KS18]: Site Plan Review process and standards will not apply to all multiple-family and non-residential development. Currently site plan review is only required for properties along Roosevelt Road.



(3) Traffic studies may be required to address potential impacts on public roadways. Such studies may include: a projection of the number of motor vehicles to enter or leave the site, estimated daily and peak hour traffic levels based on the Institute of Transportation Engineers' Trip Generation, 10th Edition (as may be updated from year to year), projected traffic flow patterns, the impact of development on vehicular movement at major intersections and upon abutting roads capacities, combined traffic impact of approved, but not yet fully developed projects within the Town, safety and appropriateness of site design and circulation, and any foreseen traffic hazards or circulation conflicts.

(4) Landscaping plan, to comply with **Division XXXX of this Article XX.**

(5) Location of principal structures, accessory structures, and freestanding signs, so that the location of these uses do not impede safe and efficient pedestrian, bicycle, and vehicle traffic flow.

4. Site Plan Review Procedure

a. The Zoning Administrator, or designee, shall check the site plan for compliance with all submission requirements, as provided in **Section XX** (Required Information on Site Plans), and shall forward copies of the submission to the Site Plan Review Team, which shall consist of representatives of Project Management, Zoning, Building, Public Works, Police, and Fire Departments, as well as any others, deemed appropriate. Incomplete applications shall not be accepted or reviewed by the Site Plan Review Team.

b. The purpose of the Site Plan Review Team meeting is to provide the applicant with the results of the Town staff's initial review of his/her proposal by identifying ways in which the proposed site plan complies or does not comply with all the requirements of the Town Codes.

c. If the Zoning Administrator, or designee, does not approve a site plan within fifteen (15) working days of receipt of the completed application, or unless such time is extended by mutual consent of the Zoning Administrator and the petitioner, the applicant may appeal the Zoning Administrator's decision to the Planning and Zoning Commission in accordance with the appeals process in **Division XXXX**, Article 2.

(1) A notice of appeal must be filed with the Zoning Administrator no later than fifteen (15) days after receipt by the applicant of the decision of the Zoning Administrator.

(2) Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a building permit.

5. Effect of Approval

a. Approval of a site plan submitted under the provisions of this Division is valid for a maximum duration of one (1) year unless a building permit(s) has been obtained, in which case the site plan approval, or part thereof for which a building permit is obtained, is extended for the life of the building permit.

6. Required Information on Site Plans

a. One (1) digital copy and five (5) hard copies of the site plan submission shall be provided, and shall comply with the following:

(1) Site plans, or any portion thereof, involving engineering, architecture, landscape architecture, or land surveying shall be respectively certified by an engineer, architect, landscape architect, or land surveyor authorized by the State to practice as such.



(2) Site plans shall be prepared to a reasonable scale, not greater than 1"=100'.

(3) The payment of site plan review fees shall be made at the time of building permit application. Where applicable, all site plans shall contain the following information:

- b. Location of the tract by an insert map at a scale of not less than one inch equals two thousand feet (1" = 2000'), indicating such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, or other landmarks sufficient to identify the location of the property.
- c. On every sheet, the name, and address of the owner and developer, the north point, date and scale of the drawing, and the number of sheets.
- d. A boundary survey of the property.
- e. All existing and proposed streets and easements, their names, widths and whether such streets will be publicly dedicated; existing and proposed utilities; and the zoning and present use of all adjoining properties.
- f. A landscape plan prepared by a registered landscape architect, drawn to scale, including dimensions and distances and the location, size, and description of all proposed landscape materials, fencing, retaining walls as required by the provisions of Division XXX, Article XX.
- g. A survey of existing trees on the property as required by the provisions of Division XXXX, Article XX.
- h. The location of all floodplains, floodways, and wetlands.
- i. The size and location of proposed detention and retention areas, including normal and high water lines and whether such areas will be a wet or dry bottom.
- j. All off-street parking, driveways, loading spaces, and walkways; indicating the type of surfacing, size, angle of stalls, the width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by Division XXXX, Article XX (Off-Street Parking & Loading).
- k. Existing and proposed bike trails.
- l. The proposed location, general use, number of floors, height, and the net and gross floor area for each building; including outside display areas, the proposed floor area ratio, and, where applicable, the number, size, and type of dwelling units.
- m. Architectural elevations, including a list of all exterior building materials, and colors, with a materials sample board.
- n. Existing topography with a maximum contour interval of two (2') feet, except where the existing ground is on a slope of less than two (2%) percent where one (1') foot contours shall be shown.
- o. Proposed finished grading by contours and ground floor elevation.
- p. Any other information, as determined by the Zoning Administrator, to show how the physical improvements associated with the proposed development interrelate with existing or proposed development on adjacent properties.
- q. Any other information as may be required by the Zoning Administrator to appropriately evaluate the impacts of the proposed development or improvement.



- r. The Zoning Administrator may waive any of the requirements above if he/she determines that the information is not applicable or necessary to determine compliance with the application with the requirements of this Chapter.
- 7. Amendment to Approved Site Plan. Any change to an approved site plan that minimally affects the essential design, composition, and character of the site plan may be considered a minor amendment. The Zoning Administrator must make a decision on a request for a minor amendment in accordance with Section 4.02.D (Standards for Site Plan Review) or determine that any received application must be resubmitted for a new site plan review in accordance with Section 4.02 (Site Plan Review). Minor amendments must include the following:
 - a. Any change in gross floor area of the development by less than five percent.
 - b. Any change in the building height of the development by less than five percent.
 - c. Any change in the proportion of the impervious coverage of the development by less than five percentage points
 - d. Any change in the location of dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by less than five feet.
 - e. Any change in the number of off-street parking spaces provided within the development by less than 10 percent.
- 8. Expiration of Site Plan Approval. Site plan approval will expire and be revoked if any of the following conditions occur:
 - a. A building permit has not been obtained within one year after approval of the site plan. The applicant may request one six-month extension of this period by means of a written request filed no later than 30 days before the expiration of the one-year period. The Zoning Officer must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.
 - b. The standards of this Chapter or any of the terms and conditions of the site plan approval are violated.

G. Division 7: Signs

- 1. Variances
 - a. Upon application to the ~~zoning board of appeals~~ Planning and Zoning Commission and after a public hearing on such application, the ~~zoning board of appeals~~ Planning and Zoning Commission may vary or otherwise modify the application of any section of this article to any particular case when, in the opinion of ~~the Commission~~ such board, the literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of this article or the public interest. The ~~Planning and Zoning Commission~~ board may not, however, waive any section of this ~~article~~ Division pertaining to construction, materials, permits, or fees. The decision of the ~~Planning and Zoning Commission~~ board shall specify the nature of the variation or other modification and such reasonable conditions upon which it is made and the facts or other reasons supporting the action taken.
- 2. Permits Required

Commented [KS19]: This Division includes all procedures currently found in Chapter 6, Article IV of the Town Code in its entirety.



- a. Unless otherwise stated in this ~~Chapter~~ article, no sign shall be erected or altered unless a permit, ~~therefore~~, has been issued by the Town in accordance with this requirements and standards of this Division 7, and Article XX, Division XX ~~article~~.
- b. It shall be unlawful to erect or alter any sign within the Town unless a permit has been issued by the electrical department in accordance with this article. A written application for such permit shall be filed with the electrical department stating the name, address, and telephone number of the applicant and the name, address, and telephone number of the property owner, and the application shall contain a sworn statement as to the accuracy of all information provided. Along with the application, the applicant shall provide a survey or site plan showing the subject lot size, the location of the proposed sign, drawings showing the size and structure of the sign, and any and all other information as provided for in this article or by regulation of the electrical department.
- c. The permittee shall, upon the erection of the permitted sign, file a photograph of the sign showing it to conform with this Division 7, and Article XX, Division XX ~~article~~ and with the electrical department.
- d. No permit shall be issued for any sign or billboard within 1,000 feet of any public or private daycare center, preschool, elementary school, or secondary school, church, park, or playground which advertises or promotes the use and/or consumption of alcoholic beverages or tobacco products.

Commented [KS20]: Clarify if this should be the building dept

Commented [KS21]: This provision may not be enforceable under the standards of content neutrality. To be reviewed by legal dept.

3. Insurance and Bond Required

- a. Every applicant for a permit for a sign which will extend over a public right-of-way or which is so located that it may fall upon any public right-of-way shall file with the electrical department before the permit is granted a liability insurance policy covering all damage or injury that might be caused by each of such signs or a certificate of insurance therefor issued by any insurance company authorized to do business in the State and in a form satisfactory to the electrical department with limits of liability no less than \$50,000.00 for property damage and \$100,000.00 for personal injury. The Town and its officers, agents, and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit and throughout and at all times that the sign is displayed. If at any time the insurance shall not be in full force, the permit for the sign shall be revoked and the owner, the property owner, the permittee, the tenant of the property whereon the sign is located, and the business, if any, for which the sign is erected shall be responsible for immediately removing the sign.

Commented [KS22]: These amount should be either deleted with reference to amounts established by the Town or updated.

4. Permit and Inspection Fees

- a. The original fee for the permit required by this ~~article~~ Division shall cover the first annual inspection fee. Subsequent annual inspections shall be subject to the annual inspection fees stated in section 6-107. Permit fees for all signage shall be \$50.00 plus \$2.00 per square foot of sign surface area.

Commented [KS23]: Recommend removing all fees from the UDC as these are subject to change. All fees should be adopted by separate ordinance. This avoids having to amend the UDC each time a fee is changed.

5. Annual Inspection Required

- a. The Town shall inspect annually or at such other times as it deems necessary each advertising structure regulated by this ~~Chapter~~ article to ascertain whether the advertising structure is secure or whether it requires removal or repair. To meet the expense of such inspection, the annual inspection fee to be charged shall be as follows:

Commented [KS24]: Same comment as above



- (1) Electrical or illuminated signs projecting over the public way, \$22.00 per sign plus \$0.70 per square foot of the area of each face. The area of irregularly shaped signs shall be computed by using the area of the outer perimeter design of the signs.
- (2) Electrical or illuminated signs on private property, illuminated signs flat against the building, illuminated painted wall signs, and illuminated signboards, \$22.00 per sign.
- (3) Electrical or illuminated ground signs, the same as computed for projecting signs as specified in subsection (1) of this section.
- (4) Nonilluminated or nonelectrical signs, \$22.00.

H. Division 8: Subdivisions

1. Purpose

- a. The purpose of this application is to provide a procedure for the subdivision or resubdivision of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots.

2. Applicability; Plat Approval Required

- a. The subdivision control regulations set forth in this Division shall apply to all lands within the corporate limits. Whenever the owner of any land within the corporate limits subdivides any lands, blocks, lots, sublots or parcels or any part thereof he shall prepare a plat of subdivision in accordance with this Division, and no such map or plat of subdivision shall be recorded in the recorder's office of the County except after review and approval by the Board of Trustees.
- b. Any other provision of this section to the contrary notwithstanding, whenever the Town or a governmental entity is the owner or purchaser of any real property, which is the subject of a subdivision, it is exempted from this section.

3. Subdivision Classification. Subdivisions are classified as either minor subdivisions approved by the Zoning Officer, or major subdivisions approved by the Village Board. Applications for minor subdivisions and major subdivisions must be filed with the Zoning Administrator.

a. Minor Subdivision. A minor subdivision involves any of the following:

- (1) The division of a single lot into three or fewer lots which front on an existing right-of-way that is not a state or county highway, is served by existing utilities, does not require the dedication of land for public rights-of-way, parks, or other public purposes, does not require any other public improvements, and does not require any exceptions or variances from this Ordinance.
- (2) The consolidation of, or change in the boundary between, three or fewer adjoining lots.

b. Major Subdivision. A major subdivision involves any of the following:

- (1) The division of a single lot into four or more lots.
- (2) Any division or consolidation that involves the construction of new rights-of-way, access to a state or county highway, the extension of utilities, the dedication of land for public rights-of-way, parks, or other public purposes, requires any other improvements or requires exceptions or variations from this Ordinance.
- (3) The consolidation of, or change in the boundary between, four or more adjoining lots.

Commented [KS25]: This is a new section that provides for administrative review of minor subdivisions. The intent is to simplify and streamline the review procedures for minor subdivisions.



(4) Any division or consolidation that involves conservation and cluster subdivision design in accordance with the standards of Section 7.03 (Conservation and Cluster Subdivision Design).

4. Minor Subdivision Procedure. Approval of Preliminary and Final Plats. The required preliminary plat and final plat allow the applicant to obtain final minor subdivision application approval from the Zoning Officer.

a. Action by the Zoning Officer

- (1) Upon determining that the application is complete, the Zoning Administrator must evaluate the application pursuant to the standards of this **Division 8 (Subdivisions)** and the zoning district regulations of this Chapter.
- (2) The Zoning Officer must prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval or denial of the application.
- (3) If a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Zoning Officer for review and approval.
- (4) If the preliminary plat is denied, the applicant may appeal the decision to the Planning and Zoning Commission within 30 days after the date of the decision.

b. Following final plat approval by the Zoning Administrator, the Zoning Administrator may sign the approved final plat.

5. Recording of the Final Plat

- a. The final plat must be recorded within 90 days after the Town Board approves the final plat. The applicant may request an extension of time in writing if such extension is agreed to by the Zoning Administrator. The plat approval will expire if the final plat is not recorded in such timeframe, including any agreed upon extensions of time.
- b. The Town will record the final plat with the Cook County Recorder of Deeds. One copy of the recorded final plat will be retained by the Town.
- c. A building permit will not be issued for the subject property until the final plat has been recorded and a copy has been retained by the Village.

3-6. ~~Tentative~~ **Preliminary** Plat Submission

a. Every person desiring to subdivide any land within the Town shall first submit ten (10) copies of the ~~tentative preliminary~~ plat along with a narrative description of the purpose of the subdivision or plan for the subdivided property to the ~~department of law Zoning Administrator~~ for submission to the ~~economic development committee of the Board of Trustees~~ **Planning and Zoning Commission**. If the person desiring the subdivision is not the owner of record of the land, he must provide evidence that the owner has duly authorized him to subdivide the land. If the land is held in trust, the petitioner must file disclosure statements stating the beneficiaries of the trust, and the petitioner at the time of filing the tentative plat **shall pay to the Town collector a fee for review thereof in the amount of \$450.00**. The ~~economic development committee~~ **Planning and Zoning Commission** may approve or disapprove the ~~tentative preliminary~~ plat or require additional information or changes to bring the plat in conformity with the requirements of this ~~Division~~ **chapter** or any Town ordinances. If the plat is approved, the ~~committee~~ **Planning and Zoning Commission** shall transmit the plat to the Board of Trustees for its approval.

Commented [KS26]: This is an outdated term and conflicts with terms in Section 3 below.

Commented [KS27]: This change brings Cicero's process in line with practices in most communities which places authority for subdivision review under the Planning and Zoning Commission and the Zoning Administrator. The purpose is to place all planning and development related applications under one commission and department.

Commented [KS28]: Recommend removing all references to fee or amounts in the UDC as these are subject to change. All fee should be established by a separate ordinance adopted by the Town Board.



b. Action by the Zoning Administrator

- (1) Upon determining that the application is complete, the Zoning Administrator must evaluate the application pursuant to this **Division 8 (Subdivisions)** and the zoning district regulations of this Chapter.
- (2) The Zoning Administrator must prepare a report for the Planning and Zoning Commission based upon the standards of this Chapter and schedule the application for consideration by the Planning and Zoning Commission.

c. Action by the Planning and Zoning Commission

- (1) The Planning and Zoning Commission must conduct a meeting within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
- (2) The Planning and Zoning Commission must recommend approval or denial of the application and forward its recommendation to the Town Board within 30 days after its decision.

d. Action by the Village Board

- (1) The Town Board must consider the application at a meeting within 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
- (2) The Town Board must take action in the form of approval or denial of the application.
 - (a) If a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Zoning Administrator for review. After the Zoning Administrator determines that the submitted final plat is consistent with the approved preliminary plat, the application may proceed to the Town Board for approval as a final plat
 - (b) If a preliminary plat is denied, the Village Board must state the reason for the denial.

4.7. Specifications for ~~Tentative and~~ Preliminary Plats

- a. A ~~tentative~~ preliminary plat shall be drawn to a scale of not more than 100 feet to one inch and shall be prepared and certified by a land surveyor registered in this state and shall show on its face the following information:
 - (1) The title under which the proposed subdivision is to be recorded.
 - (2) The legal description of the property platted, total acreage included.
 - (3) Date, scale, and north point.
 - (4) Names and addresses of the owner, subdivider, engineer, and land surveyor preparing the plat.
 - (5) The location, widths, and other dimensions of the proposed streets, alleys, easements, parks, playgrounds, and other open spaces proposed to be dedicated for public use; the blocks and lots into which the project is proposed to be subdivided in sufficient detail to determine the character of the development; existing permanent buildings; watercourses; easements; and other existing features pertinent to property subdivision.
 - (6) Designation of all the municipal **and zoning** boundary lines within or adjacent to the proposed subdivision.

Commented [KS29]: Note that in this section of the UDC, the Final Plat does not go back to the Planning & Zoning Commission for approval. This is a change is intended to streamline the approval process. Essentially, the preliminary plat phase is the working phase where the subdivision is modified and corrected. The final plat phase is the approval phase; lot lines are not being modified in this phase. The final plat review by the Zoning is merely a conformity check.



- (7) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for multifamily housing, shopping centers, church sites, or other nonpublic use not requiring individual lots, including dimensions and acreage.
- b. The following information shall be provided as part of the preliminary plat submittal; however, this information may be presented as an overlay to the plat:
 - (1) The location within the proposed subdivision of any existing public streets, alleys, public utility easements, street pavements, sanitary sewer mains, storm sewer mains, water supply mains, watercourses, bridges, culverts, electrical distribution systems, and similar facilities.
 - (2) Ground elevations on the tract.
 - (3) Floodplain lines delineated according to the applicable United States Geological Survey flood quadrangle.

5-8. Final Plat Required

a. After the Board of Trustees has approved the ~~tentative preliminary~~ subdivision plat, the subdivider shall submit a final plat which shall be in substantial compliance with the approved ~~tentative preliminary~~ plat and shall be drawn on tracing cloth, mylar, or equivalent material.

b. Action by the Zoning Officer

- (1) The Zoning Administrator must review the submitted final plat and determine whether the application is complete and that the submitted final plat is consistent with the approved preliminary plat.
- (2) Upon acceptance of a complete application consistent with the approved preliminary plat, the Zoning Administrator must prepare a report for the Town Board based upon the standards of this Chapter and schedule the application for consideration by the Town Board.

c. Action by Town Board

- (1) The Town Board must consider the application at a meeting within 60 days after receiving the report of the Zoning Administrator. The 60-day period may be extended with the written consent of the applicant.
- (2) The Town Board must take action in the form of approval or denial of the application.

d. Recording of the Final Plat

- (1) The final plat must be recorded within 90 days after the Town Board approves the final plat. The applicant may request an extension of time in writing if such extension is agreed to by the Zoning Administrator. The plat approval will expire if the final plat is not recorded in such timeframe, including any agreed upon extensions of time.
- (2) The Town must record the final plat with the Cook County Recorder of Deeds. One copy of the recorded final plat will be retained by the Town.
- (3) A building permit must not be issued for the subject property until the final plat has been recorded, a copy has been secured by the Town.

9. Expiration of Preliminary and Final Plat Approval



- a. Expiration of Preliminary Plat Approval. Preliminary plat approval will expire and be revoked if an application for approval of a final plat has not been filed within one year after approval of the preliminary plat.
- b. Expiration of Final Plat Approval. Final plat approval will expire and be revoked if construction of subdivision improvements has not begun within two years of final plat approval.
- c. Extension of Approval. The applicant may extend the expiration period for an approved preliminary or final plat by means of a written request filed with the Zoning Officer at least 30 days before the expiration of the period. The Zoning Officer must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

10. Illegal Recording

- a. A subdivision must not be recorded until it has been approved in accordance with these regulations. A subdivision that is recorded without approval is invalid. The Town will nullify the illegal recording and have it stricken from County records. The Town may prosecute the parties responsible for the illegal recording in addition to all other remedies available to the Village at law or in equity.

6.11. Stormwater Detention & Runoff Control

- a. An adequate system of stormwater runoff control drainage shall be constructed and installed in the subdivision in accordance with the standard current practices of the Town. All natural drainageways shall be preserved at their natural gradient unless otherwise determined by the Town. Drainage channels, slopes, and swales will be established by the developer for the convenience of moving surface water to the street or public storm sewer and are to be maintained continuously by the lot owner. No material shall be moved from or placed on any lot which obstructs, retards, or changes the direction of water flow through these channels or swales.

b. Requirements

- (1) A combination of stormwater detention and controlled release rates for stormwater runoff is required for all new construction, additions to existing structures or appurtenances, and any additional development or change or use which will increase the volume of stormwater runoff over that which existed before the proposed development. Such detention and release rate shall be calculated in accordance with the procedures accepted by the Metropolitan Water Reclamation District of Greater Chicago and from time to time amended. Each development under this article shall discharge stormwater at the specified release rate into an existing or proposed natural stormwater outlet. All plans, calculations, and specifications shall be subject to the review of the Town Engineer and shall receive his approval before commencement of any construction.
- (2) The release rate of stormwater runoff for new construction shall not exceed the volume of stormwater that would run off the entire subject site in its natural undeveloped state for a three-year rainfall intensity. For additions or change in use, stormwater detention will only be required for that portion of a parcel being developed and increasing the volume of stormwater runoff greater than the land in its natural, undeveloped state.
- (3) The live detention storage to be provided under this article will be calculated on the basis of a 100-year frequency rainfall as published by the National Weather Service for this area and will have sufficient volume to handle the runoff for any and all durations from the parcel subject to the detention under this Division.

Commented [KS30]: This section incorporated Chapter 38, Article IV of the Town Code in its entirety. The current Article IV shall be deleted in Chapter 38 upon adoption of this UDC.



c. **Exemptions; Procedures**

- (1) **Exemptions.** Under this article, stormwater detention facilities meeting the criteria and requirements established in this article are not required by the Town for the projects listed in this subsection, provided that the available outlet capacity is adequate as determined by the Town Engineer. If the outlet capacity is not adequate, detention, as determined by the Town Engineer, will be required to store that portion of the runoff exceeding the outlet capacity. The exempt projects shall be as follows:
- (a) Residential single-family projects having a total area of less than five acres.
 - (b) Residential multiple-family projects having a total area of less than one-third acre; however, any paving of parking areas must be approved by the Town Engineer.
 - (c) Nonresidential projects, having a total area of less than one-third acre, with the same stipulation as in subsection **(1)(b) of this Section**.
 - (d) Nonresidential projects consisting of not less than 500,000 total square feet, if recommended by the Town Engineer.
 - (e) Submission of drawings and calculations. All drawings and calculations shall be submitted in quadruplicate to the town engineer for his approval before any construction permits being issued.
- (2) **Metropolitan Water Reclamation District Manual of Procedures.** In addition to the requirements of the Town in securing a permit for connections to the town sanitary sewer system and the stormwater system, the application shall be governed by the Metropolitan Water Reclamation District Manual of Procedures for the administration of the sewer permit requirements in Article III of Chapter 98 of the Town Code. The procedure of the rules and regulations that are more strict shall govern.

7.12. Sewer and Water Mains

- a. A sanitary sewer main shall be constructed to Town codes and standards throughout the entire subdivision in such a manner as to adequately serve all lots and tracts with connection to a public sanitary sewer system.
 - b. Water mains shall be constructed to Town standards and procedures throughout the entire subdivision in such manner as to serve adequately all lots and tracts with connection to such public system, together with shutoff valves and fire hydrants.
- (1) Cross-reference— Utilities, ch. 98.

8.13. Streets

- a. Public streets shall be provided to afford convenient access to all property in the subdivision.

9.14. Curbs and Gutters

- a. Suitable curbs and gutters shall be constructed in all streets in the subdivision in accordance with the standards established by the Town.

10.15. Sidewalks

- a. A five-foot sidewalk shall be required on both sides of all streets and cul-de-sacs in the subdivision. Pedestrian circulation must be provided in such a manner as to separate vehicular from pedestrian traffic.

11.16. Street Lighting



- a. Street lighting, including underground service cable, shall be provided by the subdivider throughout the subdivision using materials, equipment, and methods approved by the electrical department.

~~12~~17. Street Signs

- a. Street signs required by the Town Code shall be provided by the subdivider at all street intersections.

~~13~~18. Dedication of Lands

- a. As a condition of approval of a final plat of subdivision, each subdivider or developer will be required to dedicate land for park and recreational purposes and land for school sites to serve the needs of the residents of the development in accordance with the criteria determined by the Board of Trustees.

