

CICERO UNIFIED DEVELOPMENT ORDINANCE UPDATE CHAPTER 114

10.19.2022



Article I. Title, Intent, Purpose, Scope of Regulations, Authority and Severability

A. Division 1: Title, Intent and Purpose

1. Title. This Chapter shall be known as the Unified Development Code of 2023. Cited and referred to as the "Cicero Unified Development Code."
2. Intent and Purpose. This Chapter is adopted for the purpose of:
 - a. Promoting public health, safety, comfort, morals, convenience, and general welfare.
 - b. Securing adequate light, pure air, and safety from fire and other dangers.
 - c. Conserving the taxable value of land and buildings throughout the Town of Cicero.
 - d. These regulations have been based upon the Comprehensive Plan for the Town of Cicero. Said Comprehensive Plan included a study of existing zoning, an estimate of population growth, land use surveys, a land use plan, plans for major streets, community facilities, public utilities, housing, and a capital improvement program. The need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated and desirable physical development of the Town. The regulations herein are the foundation of the entire process of improvement of the physical environment and accomplish certain standards and objectives.
 - (1) Preserve and protect existing uses and values against adverse or unharmonious adjacent uses.
 - (2) Avoid and lessen congestion in the public streets.
 - (3) Prevent the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected related to land area.
 - (4) Establish, regulate and limit the building setback lines on or along streets, alleys, or property lines.
 - (5) Regulate and limit the intensity of use of lot areas, and regulate and determine the area of open spaces within and surrounding such buildings.
 - (6) Prevent additions to and alterations or remodeling of, existing buildings and structures in such a way as to avoid the restrictions and limitations imposed hereunder.
 - (7) Provide for the gradual elimination of those uses, buildings, and structures that are incompatible with the character of the districts in which they are located.



(8) Define and limit the powers and duties of the administrative officers and bodies, and prescribe penalties for the violation of the Chapter.

B. Division 2: Scope of Regulations, Authority, Transition and Severability

1. Scope of Regulations

- a. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such, buildings, uses or land shall be located.
- b. However, where a building permit for a building or structure has been issued in accordance with the regulations herein prior to the effective date of this Chapter, and provided construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use of which originally designated, subject thereafter to the provisions of Article 3, Division 3 (Nonconforming Buildings, Structure and Uses).
- c. Where a plan(s) has been approved, but building or construction permits have not been issued, the applicant must comply with all current Town regulations if the building permit(s) have not been approved within ninety (90) days of plan approval. This will require the resubmittal of all plans for approval under the current Town regulations as may be amended.
- d. Where a building permit has been issued pursuant to the provisions of this Chapter, such permit shall become null and void unless work thereon is substantially underway within six months of the date of the issuance of such permit.
- e. A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six months for any reason.
- f. Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this Chapter, except that side yards shall not be required on lots used for garden purposes without buildings or structures, nor on lots used for public recreation areas.
- g. No land which is located in a residential district shall be used for driveways, walkways, or access purposes to any land which is located in a business or manufacturing district or used for any purpose not permitted in a residential district.
- h. No use or structure not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely because of the adoption of this Chapter, and to the extent that, and in any manner that, said unlawful structures or use conflict with the requirements of this Chapter, said structure or use remains unlawful under the provisions of this Chapter.
- i. This Chapter is not intended to abrogate any easement, covenant, or another private agreement provided that where the regulations of this Chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of the Chapter shall govern.

2. Authority

- a. **Federal and State Laws.** None of the provisions in this Chapter are construed to require that the Town violate any Federal or State laws. In the event any provisions herein should conflict with any such laws, such provisions shall be modified to the extent necessary to conform to such laws.
- b. **Home Rule Authority.** This Chapter is adopted pursuant to the home rule authority granted to the Town by Article VII, Section 6 of the Illinois Constitution of 1970 of the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.) unless expressly preempted by the State as a limitation of the Town's home rule authority.

3. Transition Rules. The following transition rules apply in determining the applicability of this Chapter concerning the previously applicable regulations.

- a. **Permitted Uses Rendered Special Uses.** If a use was classified as a permitted use before the effective date of this Chapter and is classified as a special use as of the effective date of this Chapter, or its subsequent amendments, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to this Chapter's requirements for special uses.
- b. **Special Uses Rendered Permitted Uses.** If a use was classified as a special use before the effective date of this Chapter and is classified as a permitted use as of the effective date of this Chapter, or its subsequent amendments, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to this Chapter's requirements for such permitted use and is no longer subject to the special use Code under which it was originally approved.
- c. **Uses Rendered Legally Nonconforming.** If a use was classified as a permitted or special use before the effective date of this Chapter, and this Chapter no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of Article 3, Division 3, (Nonconforming Buildings, Structures, Lots and Uses).
- d. **Structures and Lots Rendered Legally Nonconforming.** If a structure or lot existing on the effective date of this Chapter was conforming or legally nonconforming before the effective date of this Chapter, structure or lot does not meet all standards set forth in this Chapter, that structure or lot is deemed legally nonconforming and is controlled by the provisions of Article 3, Division 3 (Nonconforming Building, Structures, Lots and Uses)
- e. **Previously Granted Special Uses and Variations.** All special uses and variations granted before the effective date of this Chapter remain in effect. The recipient of the special use or variation may proceed to develop the property in accordance with the plans and any applicable conditions approved by the Town Board. If the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Chapter govern.

4. Severability

- a. Any Chapter heretofore adopted that conflicts with the regulations herein is hereby repealed. The provisions of this Code are severable, and if any of its provisions are found unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect any of the remaining provisions.



C. Division 3: Administration and Enforcement

1. Zoning Administrator

- a. **Appointment.** The three (3) members of the Architectural Review Board shall be appointed as the zoning administrators by the Town President with the advice and consent of the Town Board. The duties of the Zoning Administrator may be carried out by one or more persons as determined by the Town President. All Zoning Administrators shall have the same powers and duties as set forth herein.
- b. **Duties.** In addition to any other duties as provided for in this Chapter the Zoning Administrator shall be responsible for:
 - (1) Accepting and deciding all applications submitted seeking a grant of legal nonconforming status; and
 - (2) Accepting and deciding all applications submitted seeking a fence variance whether for location or height; and
 - (3) Receive and complete an administrative review of all site plan submissions for development within the Town and submit written reports of his or her decision to the Development Review Team and/or the Planning and Zoning Commission, as may be required.
 - (4) Maintaining a file of all applications received, all materials submitted, minutes of any proceeding held and of his or her determination.
- c. **Appeals.** The Planning and Zoning Commission shall hear and decide any appeals regarding a decision or determination made by the Zoning Administrator. Once appealed the matter shall follow the procedure provided for in Article 2, Division 3 (Variations & Appeals).

2. Planning and Zoning Commission

- a. **Purpose.** It is the purpose of the Planning and Zoning Commission to provide for planning the future development and redevelopment of the Town of Cicero in accordance with the home rule powers granted by the constitution of the State of Illinois. Such planning may be directed to the following ends:
 - (1) Adoption by the Town Board of an official Comprehensive Plan for the present and future development or redevelopment of the Town. Such plan may be adopted in whole or in separate geographical or functional parts, each of which when adopted, shall be the official Comprehensive Plan, or part thereof. Such a plan in itself shall not be regulatory but shall be for the general guidance of local governments and others.
 - (2) Adoption by the Town Board of (1) new or amended zoning, subdivision platting, housing, building construction, and other regulations or ordinances, (2) an official map in one or more parts supplementing such ordinances, and (3) a plan and program of capital improvements, all designed to bring about the desired use and development or redevelopment of land as indicated in specific or general terms by the official Comprehensive Plan.
 - (3) Adoption from time to time by the Town Board, when changed conditions warrant changes or amendments to the previously adopted official Comprehensive Plan, official map regulations, ordinances, and programs.



- (4) Providing aid and assistance to the officials of the Town, special districts, and other local governments who are charged with acquiring public land or making or directing improvement projects embraced within or affecting the official Comprehensive Plan, official map, regulations and capital improvement plan, and initiation of such acquisitions and projects.
- b. **The Planning and Zoning Commission is hereby invested with the following authority and jurisdiction:**
- (1) To initiate studies, reports, and recommendations to the town board, or officials of other local government bodies on matters concerning the present or future development or redevelopment of the Town.
 - (2) To study and review and prepare recommendations on all matters related to the Comprehensive Plan which are referred by the Town Board.
 - (3) To study and review and prepare recommendations on the annual revision of the capital improvement programs and on plans and proposals of other departments of the Town government which relate to the implementation of the Comprehensive Plan.
 - (4) To hear and decide appeals, where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this Chapter.
 - (5) To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of the passage of this Chapter.
 - (6) To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the Chapter, as shown upon the zoning district map, fixing the several districts accompanying and made a part of this Chapter where the street layout on the ground varies from the street layout as shown on the map aforesaid.
 - (7) To propose or initiate amendments to this Chapter, to the Comprehensive Plan, or the official zoning map or zoning map Chapter.
 - (8) To hear applications for variations from the terms provided in this Chapter in the manner and subject to the standards set forth in this Chapter.
 - (9) To hold public hearings in matters pertaining to applications for appeals, variations, planned developments, amendments, and special uses.
 - (10) To hear all other matters referred to it or upon which it is required to pass under this Chapter.
 - (11) To consider applications for Subdivision as detailed in Article 7 of this Chapter.

c. **Membership and Procedures**

- (1) The Planning and Zoning Commission shall consist of seven members, all of whom shall be residents of the town and all of whom shall be persons with adequate knowledge of construction, real estate, architecture, fine arts, engineering, city planning, landscape architecture or law.
- (2) All appointments to the Planning and Zoning Commission shall be made by the President and Board of Trustees and shall consist of seven members to serve respectively for the following terms:
 - (a) One for one year
 - (b) Two for two years
 - (c) Two for three years
 - (d) Two for four years
- (3) The successor to each so appointed to serve a term of five years. One of the members shall be named chairman at the time of appointment.
- (4) Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. If the office of chairman is vacated for any reason, the Town President shall immediately appoint at its option, either one of the remaining members on the Planning and Zoning Commission, or any member who is appointed to fill such vacancy on the Planning and Zoning Commission and the new chairman. Each member shall serve until his successor is appointed and qualified. Members of the Planning and Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Town President, upon written charges having been filed with the Town Board and after the public hearing has been held regarding such charges, a copy for the charges having been served upon the member so charged at least ten days before the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be allowed to be heard and answer such charges.
- (5) The Planning and Zoning Commission shall organize and adopt rules in accordance with provisions of this Chapter. Meetings of the Planning and Zoning Commission shall be held at the call of the chairman, and at such times as the Planning and Zoning Commission may determine. Public hearings will be advertised by the zoning administrator for the first scheduled meeting of the Planning and Zoning Commission in accordance with State Statutes. Advertisement will be in one or more newspapers within 15 to 30 days before the public hearing. A quorum of the Planning and Zoning Commission must be present at the public hearing or at a meeting at which business is conducted. A public hearing not convened, due to lack of a quorum, must be continued for a future public hearing date in keeping with the applicable state statutes.
- (6) All testimony by witnesses at any hearings provided for in this zoning Chapter shall be given under oath. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Planning and Zoning Commission shall be open to the public.

(7) The Planning and Zoning Commission is hereby designated as the proper commission to post or publish notices as required by statute and this Chapter pertaining to variations to the regulations imposed and the districts created by ChapterChapter of the Town of Cicero municipal code.

3. ChapterChapterArchitectural Review Committee

a. **Membership, Terms**

(1) Membership. The Committee shall consist of the following employees of the Town of Cicero (the "Town"):

- (a) Building Commissioner;
- (b) Deputy Building Commissioner; and
- (c) Project Manager.

(2) Term/Compensation

- (a) *Term*. Each Committee member shall serve on the Committee during the term of his or her employment with the Town unless otherwise removed from the Committee by the Town president and a majority vote of the Board of Trustees of the Town, in the sole and absolute discretion of the same. In the event of a vacancy on the Committee due to the death, discharge by the President and the Board of Trustees of the Town, or termination of a Committee member, such vacancy shall be filled by an interim appointment to the Committee, via appointment by the Town President, subject to confirmation by a majority vote of the Board of Trustees of the Town. In the event of an interim appointment of a Committee member due to death or termination, such interim appointment shall be effective from the time the confirmation vote is recorded until the vacant employment position is filled. In the case of an interim appointment of a Committee member due to discharge by the President and the Board of Trustees of the Town, the interim appointment shall be effective from the time that the confirmation vote is recorded until the President appoints a permanent replacement to the Committee, and such appointment shall be subject to confirmation of the appointment by resolution by a majority vote of the Board of Trustees of the Town.
- (b) *Compensation*. The members of the Committee shall receive no additional compensation for service on the Committee, but shall be eligible for reimbursement for all out-of-pocket expenses incurred while performing service on the Committee in accord with the Town's normal reimbursement policies.

b. **Duties, Powers, Meetings, Jurisdiction and Denial**

- (1) Duties. The Committee shall review all blueprints, building plans and other documents (collectively, "documents") submitted to the building department for buildings and structures proposed to be built upon parcels of real property located within the corporate limits of the Town, which contain less than 3,500 square feet to provide advice to the Building Commissioner and his or her designee in determining whether the proposed development should receive a building permit. The Committee, after its review of the documents, shall determine if the submitted documents:
 - (a) comply with the Code of Ordinances of the Town of Cicero, Illinois;
 - (b) propose a structure that is in the best interests of the health, safety, and welfare of the Town and its populace; and
 - (c) provide the submitter or his, or her, or its previously appointed designee with a written proposal review form/action plan (the "action plan") regarding the proposed development. The action plan shall be required to contain no more than a written summary statement wherein the Committee informs the submitter whether the proposed development has been recommended for: (1) outright approval; (2) outright denial; or (3) approval with conditions.
 - (d) Concurrently with the submission of an action plan wherein the proposal has been recommended for approval with conditions, the Committee shall schedule a meeting with the submitter to set forth all conditions required for approval, which may or may not have been set forth in the action plan. Any submission that has received a recommendation for approval with conditions shall be deemed recommended for approval outright upon the submitter's satisfactory completion of all conditions required by the Committee, as determined by the Committee in its reasonable discretion. The Committee shall make all findings required under this section of the Cicero Zoning Code within 15 working days after the submission of the documents to the Town.
- (2) Powers. The Committee is hereby granted the authority to review and recommend for approval and/or denial all documents regarding the erection of structures including, but not limited to, detached houses on individuals lots on parcels of real property containing less than 3,500 square feet, which include, without limitation, nonstandard lots and accessory lots. The Committee shall have the power to retain third party experts to assist the Committee with the completion of its duties, the promulgation of rules and regulations and the development of forms as the third party determines, in his, her or its best judgment, are necessary for the implementation of the Committee's duties. The Committee, in its discretion, has the right to make written recommendations to the Board of Trustees of the Town and/or the Cicero Planning and Zoning Commission regarding the development of real estate or real property located within the Town.
- (3) Meeting. All meetings of the Committee shall be held at the call of the Building Commissioner. The Building Commissioner, at the commencement of the meeting, shall distribute copies of all documents received for review to the other members of the Committee.

- (4) Jurisdiction. The jurisdiction of the Committee extends only to the receipt, review, approval, and denial of documents submitted for the development of structures on parcels of real property containing less than 3,500 square feet, which include, without limitation, non-standard lots and accessory lots and all matters necessarily incidental thereto. The jurisdiction of the Committee in no way alters the jurisdiction or the powers of the building commissioner, the Cicero Planning and Zoning Commission, or the Board of Trustees of the Town, except as specifically set forth herein.
- (5) Denial. If the Committee recommends denying the proposed development reflected in the documents submitted for review, the submitter shall have the option of petitioning the Planning and Zoning Commission of the Town to request that the submitter be allowed to proceed with the proposed development. The submitter may be heard at a regularly scheduled meeting of the Planning and Zoning Commission of the Town after the submitter receives notification of the Committee's recommendation to deny the submitter's request.

4. Enforcement

c. **Authorized Administrator**

- (1) Duties. It shall be the duty of the Zoning Administrator to enforce this Ordinance. The Zoning Administrator shall issue permits and furnish the prescribed certificates. The Zoning Administrator shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of the law are complied with. The Zoning Administrator shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for. The Zoning Administrator shall when requested by the President or Town Board of Trustees, or when the interests of the municipality so require, make investigations in connection with matters referred to in this ordinance and render written reports on the same. To enforce compliance with the law, the Zoning Administrator shall issue notices or orders as may be necessary.
- (2) Inspection. An inspection shall be made by the Zoning Administrator or a duly appointed assistant.
- (3) Rules. For carrying into effect its provisions, the Zoning Administrator may adopt rules consistent with this Chapter.
- (4) Records. The Zoning Administrator shall keep careful and comprehensive records of permits issued, certificates issued, inspections made, reports, rendered, and of notices or orders issued. The Zoning Administrator shall retain on file, copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Zoning Administrator.
- (5) Cooperation of other Officials. The Zoning Administrator may request and shall receive, so far as may be necessary for the discharge of his duties, the assistance, and cooperation of the Town engineer in fixing grades, of the chief of police in enforcing orders, of the Town Attorney in prosecuting, and of other officials.
- (6) Permits

- (a) Zoning Certificates. No permit pertaining to the use of land or buildings shall be issued unless the Zoning Administrator has certified after examination that it complies with all provisions of this Chapter.
- (7) Abatement Liens: Where authorized by State Statute, the Zoning Administrator may order any work necessary to abate any violation of this Zoning Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Zoning Administrator shall have the right to file a lien for such costs and all costs of collection against the property in question.
- (8) Revocation of Rezoning, Permits, Variations, or Approvals: The violation of any provision of this Zoning Ordinance, any permit or approval granted pursuant to this Chapter, or of any condition imposed pursuant to this Chapter shall be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this Chapter and affecting the property involved in the violation.
 - (a) Upon the finding of a violation of this Chapter, the Zoning Administrator shall refer such matter to the Planning and Zoning Commission for review of the Zoning Administrators findings determination of the violation.
 - (b) The Planning and Zoning Commission shall recommend to the Board of Trustees the approval or denial of the violation order as provided by the Zoning Administrator. Where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this Chapter, the revocation shall be preceded by a similar public hearing.
 - i) All rezonings, permits, variations or approvals shall be suspended, and not further improvement or action shall be taken by the owner during the review process by the Planning and Zoning Commission and Board of Trustees.
- (9) Remedies Not Limited: Nothing in this Section shall be deemed or interpreted as limiting or restricting the imposition of fines or injunctive or other remedies by courts of proper jurisdiction.