

## Article II. Development Review Procedures

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### A. Division 1: Planned Unit Development

#### 1. General Procedures

##### a. **Planned Unit Development Approval Process**

(1) The process to secure a planned unit development permit consists of 6 steps, and shall generally follow the process below: (additional information regarding the requirements of each step is provided in this Division.)

(a) Pre-application meeting to review concept plan.

(b) Petitioners file a complete application for a preliminary plan

(c) Staff reviews the application and prepares a report for Planning and Zoning Commission hearing

(d) Planning and Zoning Commission public hearing

(e) Town Board meeting

(f) Staff review of final plan submittal for compliance with approved preliminary plans and issuance of permits.

b. Application for approval of a planned unit development shall be made in accordance with the provision of this Chapter relating to special uses, except as specifically provided herein to the contrary.

c. 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. **Pre-Application Meeting**

(1) Before 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.

(a) All applications shall be made on forms supplied by the Town.

e. 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 the approval of the Town.

#### 2. Conceptual Development Plan

a. Prior to the Pre-Application Meeting with Town staff, an applicant shall submit a conceptual development plan to the Zoning Administrator for review prior to incurring the expenses associated with formal preliminary 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 Town Staff is considered advisory and is not binding upon the Town.



- b. A conceptual development plan shall include maps and written statements and shall describe enough of the surrounding area to show the relationship of the planned unit development to adjoining uses both existing and proposed.
- c. Maps that are part of the 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 dwellings, the approximate location of major thoroughfares and the water, sewage, and drainage systems proposed.
- d. A plan narrative containing 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.
- e. The Zoning Administrator shall review the conceptual development plan within 30 days after receipt of such plan and shall prepare a written report containing its recommendations to Planning and Zoning Commission and the applicant.

### 3. Preliminary Development Plan

- a. **Staff Review and Report.** After completion of the pre-application meeting and submittal of all required documents, plans, and data as provided in Subsection 3. c. below, the Zoning Administrator shall review all items and shall prepare a report to be submitted to the Planning and Zoning Commission for the required public hearing within 60 days of submission of a complete application as determined by the Zoning Administrator.
- b. **Public Hearing.** 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 2 of this Article.
- c. 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 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 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 unit development and its open space or other facilities referred to above.
  - (4) A list of all modifications from the zoning district regulations which will be necessary for the proposed planned unit development.



- d. If the Planning and Zoning Commission finds that the planned unit development requires 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 Planning and Zoning Commission shall review at a public hearing the preliminary development plan and shall recommend whether it is in substantial compliance with the conceptual development plan if provided and if it complies with all other standards in this Chapter for planned unit developments.
  - (4) The Planning and Zoning Commission shall, within 60 days of receiving a preliminary development plan 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 unit development including a written report of its conclusions and findings of fact related to the specific proposal and shall set forth 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.
    - (c) 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 spaces and schools, and further the amenities of light and air, recreation and visual enjoyment.
    - (d) The compatibility of the proposed planned unit development with the adjacent properties and neighborhood.
    - (e) The desirability of the proposed planned unit development to physical development and economic well-being of the entire community.
    - (f) The conformity with the recommendations of the Comprehensive Plan.
- e. The Planning and Zoning Commission must forward its recommendation to the Town Board within 30 days after the close of the public hearing.
- f. Within 60 days, the Board of Trustees shall approve, approve with modifications, or disapprove the preliminary development plan. The Board of Trustees may also refer the preliminary development plan back to the Planning and Zoning Commission for further review to resolve any outstanding issues addressed by the Town Board. However, no plats shall be recorded and no building permits issued until a final development plan has been approved by the Board of Trustees.

- (1) Preliminary approval of a Planned Unit Development shall not constitute approval of the final planned unit development. Rather, it shall be deemed an expression of approval of the proposed development and a guide to the preparation of the final planned unit development plans and documents to be submitted pursuant to the procedures set forth in this Article.
4. Within one year following the approval of the preliminary planned unit development plan, the applicant shall file with the Board of Trustees a final planned unit development plan completing in final form all information set forth by subsection 4. of this Division. 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 Administrator a final planned unit 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 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) A subdivision plat of all subdivided lands shall be in the same form and meet all the requirements of a normal subdivision plat.
      - (3) An accurate legal description of each separate 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 construction schedule.
    - b. **Final Plan Approval Process.** The final development plan shall be approved as follows:
      - (1) The Zoning Administrator shall review the final development plan within 30 days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Zoning Administrator shall prepare a report to the Board of Trustees indicating if 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 Zoning Administrator must forward its recommendation to the Town Board within 30 days after a decision.
      - (2) The 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 Ordinance granting the planned unit development special use permit.

(3) If the Zoning Administrator 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 in writing within 30 days of a decision.

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 unit development shall lapse and shall be of no further effect. The zoning regulations applicable before the special use for planned unit development was approved shall then be in effect. In its discretion and for good cause, the Town 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 Zoning Administrator 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, Zoning Administrator shall not approve an occupancy permit for any building or structure shown on the development plan of any stage of the planned unit development unless the planned open space and public facilities allocated to that 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 Zoning Administrator shall periodically review all permits issued for the planned unit development, examine all construction that has taken place on the planned unit development site, and compare actual development with the approved development schedule.

b. If the Zoning Administrator shall find that the owners of the property in the planned unit 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 Zoning Administrator shall notify the Planning and Zoning Commission in writing.

(1) The Planning and Zoning Commission shall approve or amend the report from the Zoning Administrator. Upon approval of the report from the Zoning Administrator, the Planning and Zoning Commission shall send the report, including any modifications, to the Town Board.

c. Within 30 days of such notice, the 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 after review and recommendation to the Board of Trustees by the Planning and Zoning Commission.



## 7. Amending Final Plan

- a. No changes may be made to the approved final development plan during the construction of the planned unit development except upon the application to the 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 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 square footage of any building or structure by more than five percent (5%).
  - (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, upon recommendation of the 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 subsection 7. , in the event the final development plan is an expedited development plan, the 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 five percent (5%). All other bulk, height, or density changes must be made pursuant to subsection (2) above.

## 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 Zoning Administrator 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 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 Zoning Administrator under the procedures for seeking amendments, special uses, and variations under this 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 zoning district or zoning 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 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 zoning district regulations of this Chapter. Before authorizing the issuance of such a special use permit, the Planning and Zoning Commission and Town Board may impose such conditions 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 zoning 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 zoning 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 Chapter 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 previously approved special use permit must require a new special use permit.



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.

6. Application for Special Uses

- a. An application for a special use shall be filed with the Zoning Administrator in such number of copies, be in such form, and be accompanied by such information as is required by the Planning and Zoning Commission.

7. Public Hearing Procedure

- a. The 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 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 Chapter in accordance with State Statutes.
- 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 Planning and Zoning Commission may, by rule, prescribe from time to time.

8. Findings of Fact and Recommendation

- a. Within 30 days after the close of the hearing on the proposed special use, the Planning and Zoning Commission shall provide written finding of fact 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.

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 Planning and Zoning Commission on the proposed application. After receiving the recommendation and findings from the Planning and Zoning Commission, the Board of Trustees shall, within 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 Planning and Zoning Commission for further consideration.

10. Conditions

- a. The 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 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.
- 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 Division 4 of this Article (Administrative Adjustment) must be considered a variation.
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 Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois.
  - b. The 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 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 Chapter 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 Planning and Zoning Commission may, by rule, prescribe from time to time. All decisions of the Planning and Zoning Commission on variations arrived at after the 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 to 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 zoning district to exceed the floor area ratio imposed by the applicable regulations.
  - (5) To increase driveway widths from 24 feet to 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 the BC-P, BC-T, BC-A, BD, IC, LI, and GI zoning districts for a building or structure, due to special equipment or processes.
- d. Findings of Fact. The Planning and Zoning Commission shall not recommend varying the provisions of this Chapter as authorized in this 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 zoning 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) To supplement the above standards, the 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, substantially increase the danger of fire, otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.



- e. The Planning 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
- a. Sign Variances. All variances approved for signs allowed as in this Chapter shall expire upon a change in property or business ownership.
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.
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.
  - b. The 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 Chapter.
  - c. An appeal may be taken to the Planning and Zoning Commission by any person, firm or corporation, or governmental agency aggrieved by administrative order, requirement, decision, or determination under this Chapter by the Zoning Administrator or other authorized official of the Town of Cicero.
  - d. An appeal application shall be filed with the Town Clerk, who shall forward such appeal to the Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois..
  - e. An appeal shall be filed within 20 days after the decision by the Zoning Administrator with the Town Clerk. All documents constituting the record upon which the action appealed from is taken shall be transmitted to the Planning and Zoning Commission. The 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 30 days after it is submitted. At the hearing, any party may appear in person or by an attorney.



- f. All decisions, after hearing before the 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 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.
- 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 Division 7 of this Article (Temporary Signs).
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 on each of the standards of Section 4 of this Division (Standards for Administrative Adjustments). The Zoning Administrator may consult with other Town 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 Division 3 of this Article (Variations & Appeals) even if it meets the criteria for an administrative adjustment.
  - d. The applicant shall provide notice to property owners in accordance with the notice requirements for Special Uses in this Article, Division 2 of this Article.
  - e. 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 Division 2 of this Article (Variations & Appeals).
  - f. 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 4 of this Division (Standards for Administrative Adjustments).
  - g. If the Zoning Administrator denies an application for an administrative adjustment, the applicant may apply for a variation in accordance with Division 3 of this Article (Variations & Appeals), or appeal the decision.
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 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 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 zoning district created by this Chapter or Official Zoning Map.
3. Initiation of Amendment. Amendments may be proposed by the Board of Trustees, Town Zoning Administrator, 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 Planning and Zoning Commission.
5. Finding of Facts. Within 30 days after the close of the hearing of a proposed amendment, the 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. **Recommendation of the Planning and Zoning Commission.** Within 30 days after the close of the public hearing on a proposed text or map amendment, the Planning and Zoning Commission shall 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 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 Town of Cicero current Comprehensive Plan.
    - (f) The 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 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 Town 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 the 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 Article 5, Division 1 (Off-Street Parking & Loading).
    - (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 Article 5, Division 2.
    - (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 Division 6 of this Article (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 the 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 3 of this Article.
  - (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 three (3) 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', and shall include the address and PIN or tax identification number on each page.
  - (3) The payment of site plan review fees shall be made at the time of the 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, the 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, and retaining walls as required by the provisions of Article 5, Division 2.
- g. A survey of existing trees on the property as required by the provisions of Article 5, Division 2.
- 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 Article 5, Division 1 (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 determined 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, and any change that does not affect the health, safety, and well-being of users of the development.
  - 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 the 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 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 site plan approval are violated.

## G. Division 7: Signs

### 1. Variances

- a. Upon application to the Planning and Zoning Commission and after a public hearing on such application, the 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, 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 may not, however, waive any section of this Division pertaining to construction, materials, permits, or fees. The decision of the Planning and Zoning Commission 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

- a. Unless otherwise stated in this Chapter, no sign shall be erected or altered unless a permit, has been issued by the Town in accordance with the requirements and standards of this Article 5, Division 3.
- 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 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 Article 5, Division 3, 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, secondary school, church, park, or playground which advertises or promotes the use and/or consumption of alcoholic beverages or tobacco products.



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 as established by the Town. 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.

4. Permit and Inspection Fees

- 5. The original fee for the permit required by this Division shall cover the first annual inspection fee. Subsequent annual inspections shall be subject to the annual inspection fees stated *in* Section 6-107. 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 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 established by the Town.

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 Administrator, or major subdivisions approved by the Town 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 that 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 Chapter
  - (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.
  - (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 Administrator and the Town Board.
- a. **Action by the Zoning Administrator**
- (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 Article 7 (Subdivision Development Standards), and the zoning district regulations of this Chapter.
  - (2) 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 or denial of the preliminary plat application.
  - (3) If a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Zoning Administrator for review. The Zoning Administrator shall submit a report to the Town Board for approval of the final plat.
- b. Following final plat approval by the Town Board, 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 applicant shall record the final plat with the Cook County Recorder of Deeds. One copy of the recorded final plat will be provided to 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 Town.



## 6. Preliminary Plat Submission

- a. Every person desiring to subdivide any land within the Town shall first submit one (1) digital and three (3) copies of the preliminary plat along with a narrative description of the purpose of the subdivision or plan for the subdivided property to the Zoning Administrator for submission to the 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 as established by the Town. The Planning and Zoning Commission may approve or disapprove the preliminary plat or require additional information or changes to bring the plat in conformity with the requirements of this Division or any Town ordinances. If the plat is approved, the Planning and Zoning Commission shall transmit the plat to the Board of Trustees for its approval.
- 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), Article 7 (Subdivision Development Standards) and the zoning district regulations of this Chapter.
  - (2) The Zoning Administrator must prepare a report for the Planning and Zoning Commission based on 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 Town 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, or may refer such matter back to the Planning and Zoning Commission for further review of issues raised by the Town Board.
    - (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 Town Board must state the reason for the denial.



## 7. Specifications for Preliminary Plats

- a. A 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.
  - (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.

## 8. Final Plat Required

- a. After the Board of Trustees has approved the preliminary subdivision plat, the subdivider shall submit a final plat which shall be in substantial compliance with the approved preliminary plat and shall be drawn on tracing cloth, mylar, or equivalent material.
- b. **Action by the Zoning Administrator**
  - (1) The Zoning Administrator must review the submitted final plat and determine whether the application is complete and whether 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 from 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, and 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 Administrator at least 30 days before the expiration of the 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.

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 Town at law or in equity.

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 the 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 changes 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.

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 c.(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 are 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.

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 a 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.

13. Streets

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

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.

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.

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.

17. Street Signs

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

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.

