

**AMENDING CHAPTER 23 “UNIFIED DEVELOPMENT ORDINANCE”,
ARTICLE 5.09 “CBD” CENTRAL BUSINESS DISTRICT”, OF THE CITY
OF DEKALB MUNICIPAL CODE AS IT PERTAINS TO TEXT
AMENDMENTS MAKING PRIVATE PARKING LOTS AND PARKING
STRUCTURES A PERMITTED USE IN THE CENTRAL BUSINESS
DISTRICT.**

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and authority conferred upon it by virtue of the Illinois Constitution of 1970 and the Illinois Municipal Code; and

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution of 1970 gives to Home Rule Municipalities the authority to exercise any powers pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and general welfare; and

WHEREAS, the City of DeKalb has adopted a Unified Development Ordinance (UDO), which sets forth the zoning and subdivision standards and procedures for the City of DeKalb; and

WHEREAS, the City wishes to amend a portion of the UDO. The amendment proposes the addition of private parking lots and parking structures as permitted use in the “CBD” Central Business District (Article 5.09); and

WHEREAS, the Planning and Zoning Commission held a public hearing regarding the proposed text amendment at its meeting on October 9, 2019, at which time a recommendation for approval was made.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

SECTION 1: Chapter 23 “Unified Development Ordinance” Article 5 “Zoning District Regulations, Subsection 5.09.02 “CBD” Central Business District, adding private parking lots and parking structures to the list of permitted uses as indicated in Exhibit A;

SECTION 2: All ordinances or portions thereof in conflict with this Ordinance, including the prior versions of the ordinances included above, are hereby repealed;

SECTION 3: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: October 15, 2019. Effective date: October 24, 2019.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 14th day of October 2019 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by a 7-0 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:



RUTH A. SCOTT, Executive Assistant


JERRY SMITH, Mayor

EXHIBIT A

5.09 "CBD" Central Business District (2006-011)

5.09.01 Purpose and Intent

This section contains the district regulations for the "CBD" Central Business District. These regulations are supplemented and qualified by additional general regulations elsewhere in this Ordinance which are incorporated as a part of this section by reference. The "CBD" Central Business District is designed to accommodate those retail and office uses which are characteristic of the downtown commercial core of the City of DeKalb.

5.09.02 Permitted Land Uses and Developments in the "CBD" Central Business District

The following land uses and developments are permitted in this district:

Any use permitted in the "LC" Light Commercial District, except those uses that may be modified herein;

Accessory uses;

Amusement establishments, but limited to bowling alleys, indoor skating rinks, swimming pools and other non-gambling machines or table games;

Bed and Breakfasts;

Banquet halls;

Bars, taverns, and package liquor stores;

Body Art Establishments

Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor, and when located on lots having an area not less than 1,500 square feet per dwelling unit;

Hotels and motels;

Laboratories, medical, dental, research, and technical;

Micro-Distillery;

Newspaper offices;

Private parking lots and parking structures, as a principal use, when located within three hundred (300) feet of the use being served.;

Public parking lots and parking structures, as a principal use, if owned or operated by the City of DeKalb;

Printing and publishing establishments;

Restaurants;

Restaurants (fast-food), but not including drive-through facilities;

Union halls, hiring halls, and trade association offices/meeting rooms.

NOTE: Any of the above permitted land uses and developments which include drive-through facilities are considered "Special Land Uses and Developments" (see Subsection 5.09.03).

5.09.03 Special Land Uses and Developments in the "CBD" Central Business District

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, "Permits":

All permitted on special land uses and developments which include drive-through facilities;

New Automobile, truck and recreational vehicle sales, with vehicle repair and service facilities, rentals, or used car sales as an accessory use only;

Bus and train stations/terminals;

Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor, and when located on lots having an area less than 1,500 square feet per dwelling unit;

Outdoor Patios

Public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

adequately screened with landscaping, fencing or walls, or any combination thereof, or

placed underground, or

enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted as part of the special use permit application.

Retail Tobacco Stores (see Article 7.17 regulations).

5.09.04 Prohibited Uses in the "CBD" Central Business District

Pawn Shop, Cash Store, Title Loan Store, or any other use which loans money on deposit of personal property or deals in the purchase or possession of personal property on the condition of selling the same back to the depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This provision shall not be interpreted to prohibit banks, savings & loans or credit unions which are insured by the FDIC and which offer full service deposit, investment, and loan services;

Rooming Houses and/or Lodging Houses;

Cemeteries and Mausoleums;

Community Residences;

Outdoor storage of any type as a principal use;

Car washes;

Gasoline Stations or any other establishments selling motor fuel on the premises;

Vehicle Repair and/or Service Facilities;

Sewage Treatment Facilities;

Firearm Retailers / Firearm Dealers; and

Medical cannabis dispensary.

5.09.05 Density and Dimensional Regulations for the "CBD" Central Business District

1. *Minimum Lot Area:* Except as required for residential dwellings, no minimum lot area is established for permitted and special land uses in the CBD District.
2. *Building Setback Requirements:* Except as provided for in Article 7, "Supplementary District Regulations," the following setback requirements apply to buildings in the CBD District.
 - a. *Front Yard:* No building setback is required from a front lot line or street right-of-way line; however, no building shall be set back further than the average of the buildings on either side. If only one adjacent building exists, the new building shall match the existing building.
 - b. *Side Yard:* No building setback is required from a side lot, except for a lot which abuts a residence district or upon an alley separating this lot from a residence district. Under these circumstances, no principal building shall be allowed within twenty (20) feet of the side lot line. See Article 7, "Supplementary District Regulations," for screening requirements.
 - c. *Rear Yard:* No building setback is required from a rear lot line, except for a lot which abuts a residence district or upon an alley separating this lot from a residence district. Under these circumstances, no principal building shall be allowed within twenty (20) feet of the rear lot line. See Article 7, "Supplementary District Regulations," for screening requirements.
3. *Maximum Site Coverage:* There is no limitation on site coverage in the CBD District.
4. *Building Height Limitations:* No building shall exceed six (6) stories or ninety (90) feet in height, except as provided in Article 7, "Supplementary District Regulations" and as provided in paragraph 5 below.
5. *Building Height Exceptions:* By Special Use Permit (see Article 14, "Permits"), or as part of a "Planned Development," buildings may exceed building height limitations, subject to the following building setback requirement:
 - a. *Front Yard:* The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no setback from a front lot line need ever exceed 150 feet.
 - b. *Side Yard:* The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no side yard setback need ever exceed fifty (50) feet.
 - c. *Rear Yard:* The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no setback from the rear lot line need ever exceed fifty (50) feet.

5.09.06 Other Development Regulations for the "CBD" Central Business District

1. The following references the appropriate Articles of this Ordinance which specify the other regulations governing development in this district.
2. "Supplementary District Regulations": Article 7
3. "Streets, Sidewalks and Subdivision Design": Article 9

4. "Utilities": Article 10
5. "Floodways, Floodplains, Storm Drainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.09.07 Conditions of Use for the "CBD" Central Business District

1. Outdoor display of items intended for direct sale to the public shall be permitted as an accessory use only. Outdoor storage of items not intended for direct sale to the public shall not be permitted. All other business, servicing, and processing, except for off-street parking and loading and drive-through facilities shall be conducted within completely enclosed buildings.

No Church, Laundromat, Day Care Center, nor Dwelling Unit may have frontage at the street level on Lincoln Highway, except for an entrance door.