

AMENDING CHAPTER 23 “UNIFIED DEVELOPMENT ORDINANCE”, ARTICLE 5.03 AND ARTICLE 5.04 BY ALLOWING TWO-FAMILY ATTACHED DWELLINGS AND MULTIPLE FAMILY ATTACHED DWELLINGS NOT MEETING THE MINIMUM LOT AREA REQUIREMENTS AS A SPECIAL USE IN THE “TFR” TWO-FAMILY RESIDENTIAL DISTRICT AND THE “MFR1” MULTI-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the City of DeKalb (the “City”) is a home rule unit pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, the City has adopted a Unified Development Ordinance (the “UDO”), which sets forth the City’s zoning and subdivision standards and procedures; and,

WHEREAS, the City wishes to amend the UDO’s “Zoning District Regulations” (Article 5) to: (1) allow two-family and multi-family attached dwellings not meeting the minimum lot area requirements as a special use in the “TFR” Two-Family Residential District and “MFR1” Multi-Family Residential District; (2) remove the allowance for a multiple-family dwelling not meeting the building height requirements to apply for a special use permit in the “MFR2” Multi-Family Residential District (the “Text Amendments”); and,

WHEREAS, on March 1, 2021, pursuant to proper legal notice, the City’s Planning and Zoning Commission held a public hearing regarding the Text Amendments and recommended approval of the Text Amendments; and

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

SECTION 1: The City’s corporate authorities adopt and approve an amendment to Chapter 23 “Unified Development Ordinance” of the City’s Municipal Code, Article 5 “Zoning District Regulations” as set forth in Exhibit A attached hereto and incorporated herein;

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thereof in conflict with this Ordinance, including the prior versions of the ordinances included above, are hereby repealed;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: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City’s corporate authorities that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

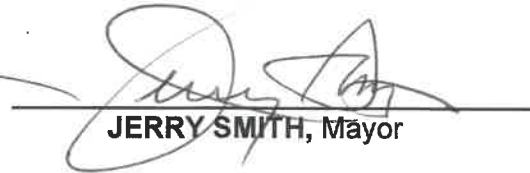
SECTION 4: This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: March 9, 2021. Effective date: March 18, 2021.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 8th day of March 2021 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane (Remote), Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane (Remote), Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:



RUTH A. SCOTT, Executive Assistant



JERRY SMITH, Mayor



EXHIBIT A

5.03 "TFR" Two Family Residential District

5.03.01 Purpose and Intent

This section contains the district regulations of the "TFR" Two Family Residential District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is included for medium density residential development and other land uses which are or can be made compatible with the medium density residential nature of the district.

5.03.02 Permitted Land Uses and Developments in the "TFR" Two Family Residential District

The principal type of land uses and developments intended for this district are:

Single family detached dwellings;

Two family dwellings legally existing on or before the date of this Ordinance (2006-090);

Single family attached dwellings per 5.03.06, below.

Additional permitted land uses and developments include:

Accessory uses;

Community Residence (small) where the residence or operator is licensed or certified by the appropriate state or local agency and where the lot line of the residence is more than one thousand (1,000) feet from the lot line of any existing community residence;

Day care home;

Home occupations;

Passive Parks

5.03.03 Special Land Uses and Developments in the "TFR" Two Family Residential District

The following land uses and developments may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 14, "Permits."

Active Parks;

Bed and Breakfast; Community Residence (small) where the residence or operator is not licensed or certified by the appropriate state or local agency or where the lot line of the residence is less than one thousand (1,000) feet from the lot line of any existing community residence;

Community Residence (large);

Cemeteries and mausoleums;

Churches;

Day Care Centers in buildings constructed prior to the effective date of this Ordinance, where said buildings were designed and clearly intended for non-residential uses (1994-119);

Golf courses, except miniature courses and driving tees operated for commercial purposes;

Group day care home;

Parking lots, as a principal use when located within three hundred (300) feet of the use being served;

Privately owned and operated recreational land uses for the sole use by a particular residential subdivision or complex in which they are located where buildings do not cover more than five (5) percent of the net land area;

Public buildings used by any department of the City, School District, Township, Park District, County, State, or Federal governments; except for vehicle maintenance, raw material storage and other similar type facilities;

Public schools, elementary or secondary, or private schools having a curriculum equivalent to a public elementary or secondary school and having no rooms regularly used for housing or sleeping purposes;

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;

Sewage treatment facilities;

Two-family attached dwellings not meeting the [minimum lot size requirements of Article 5.03.04, subparagraph 1; terms of 5.04.06, subparagraph 2, below;](#)

Converted Dwellings;

New two-family dwellings, but subject to compliance with the all other terms of this Article.

5.03.04 Density and Dimensional Regulations in the "TFR" Two Family Residential District

1. Minimum Lot Size:

a. The minimum lot size for permitted and special land uses in the TFR District shall be as follows:

Use	Minimum Lot Size
Community Residence (Small)	6,000 sq. ft.
Community Residence (Large)	9,000 sq. ft.
Day Care Homes	6,000 sq. ft.
Dwellings, Single Family	6,000 sq. ft.
Dwellings, Two-Family	7,000 sq. ft.
Group Day Care Homes	9,000 sq. ft.

b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, "Off-Street Parking and Loading Requirements," but in no instance shall a lot be created that is less than 6,000 square feet (except for public utility facilities and for single family attached dwellings).

- c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than 6,000 square feet of land area, may be used as a site for one (1) single-family detached dwelling together with accessory structures and uses, provided the location of such dwellings satisfies the minimum setback requirements identified in paragraph 2 below.
 - d. Lots created for public utility facilities may be less than 6,000 square feet, provided that such lots or tracts shall not be used for any other use, except that in the event the public utility facility use terminates and where the lot or tract is combined with an adjacent parcel or parcels to equal or exceed 6,000 square feet, the said lot may be used by any allowable use in the TFR district.
2. **Building and Structure Setback Requirements:** Except as provided for in Article 7, "Supplementary District Regulations and in Subsection 5.03.06," the following setback requirements apply to principal buildings in the TFR district.
 - a. **Front Yard:** No principal building shall be allowed within twenty-five (25) feet of any front lot line or a street right-of-way line.
 - b. **Side Yard:** No principal building shall be allowed within five (5) feet of any side lot line or within a distance of any side lot line equal to ten (10) percent of the average width of the lot, whichever is less; except that no side yard shall have a width of less than three (3) feet.
 - c. **Rear Yard:** No principal building shall be allowed within thirty (30) feet of the rear lot line or within a distance measured from the rear lot line that is equivalent to twenty (20) percent of the total lot depth, whichever is less.
 3. **Building Height Limitations:** No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as provided in Article 7, "Supplementary District Regulations."
 4. **Design Requirements:** Principal structures constructed after the date of this Ordinance shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction. (2006-090)

5.03.05 Other Development Regulations for the "TFR" Two Family Residential District

The following references the appropriate Articles of this Ordinance which specify the other regulations governing development in this district.

1. "Overlay District Regulations": Article 6
2. "Supplementary District Regulations": Article 7
3. "Streets, Sidewalks and Subdivision Design": Article 9
4. "Utilities": Article 10
5. "Floodways, Floodplains, Stormdrainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.03.06 Conditions of Use in the "TFR" Two Family Residential District.

- a. Not more than one (1) principal building shall be located on a zoning lot. The only exception to this is for developments approved under the provisions of a "Planned Development" district (see Section 5.13 of this Article).
- b. Single family attached dwellings having a common wall along a lot line may be permitted in the "TFR," Two Family Residential district provided the City Council approves a Special Use Permit (see Article 14, "Permits") meeting the following criteria (1994-093):
 - a. Not more than one dwelling unit shall be constructed on a lot.
 - b. Not more than one dwelling unit shall be attached to another dwelling unit.
 - c. The side yard setback from the lot line on which the common wall will be placed shall be abated entirely. All other setback requirements of the "TFR" district shall be adhered to.
 - d. A dwelling unit on a lot with an abated side yard setback from the lot line on which the common wall will be placed shall share said common wall with a dwelling unit on an adjacent lot which shall also have an abated side yard setback from the same lotline.
 - e. All common wall construction standards, whether existing or proposed, shall be in conformance with all building, electrical, plumbing, and other applicable codes and ordinances.
 - f. Each dwelling unit shall be serviced with its own water line, sanitary sewer line, sump pump line, and all other utility lines and extensions.
 - g. A minor subdivision plat shall be prepared in accordance with Article 15, "Subdivision of Land" and approved subject to a Minor Plat application. The plat shall reference a recorded common wall agreement which shall comply with the City Standard of Appendix 5-A, attached hereto and made a part of this Ordinance, and shall include a note stating that the construction on the proposed lots shall be limited to "common wall construction only."
 - 1) Individual lots shall have an area of not less than 3500 square feet and shall have a width of not less than twenty-five (25) feet.
 - 2) All other setback and dimensional requirements of this Ordinance shall be adhered to.
- h. Covenants, Conditions and Deed Restrictions (CCR's), which meet the City Standard of Appendix 5-B, attached hereto and made a part of this Ordinance, shall be prepared and recorded simultaneously with the Final Plat and Common Wall Agreement. An Owners Association shall be created, in accordance with Article 15.07, either through the CCR's or in a separate document, which shall also be recorded simultaneously with the other required documents and plat.

5.04 "MFR-1" Low Density Small Scale Multiple Family Residential (2006-090)

5.04.01 Purpose and Intent

This section contains the district regulations of the "MFR-1" Lower Density Small Scale Multiple Family Residential District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is intended for lower density residential development characteristic of mixed use neighborhoods and typically with buildings of fewer than eight (8) units and surrounded by a variety of other lower density residential uses. The intent of the District is also to provide for other local uses which are or can be made compatible with the low density mixed residential nature of the district.

5.04.02 Permitted Land Uses and Developments in the "MFR-1" Multiple Family Residential District (2017-044)

The principal type of land use and development intended for this district is multiple family dwellings legally existing on the date of this amendatory Ordinance 2006-090 (see Subsection 5.04.04.

Additional permitted land uses and developments include:

Accessory uses;

Community Residence (small) where the residence or operator is licensed or certified by the appropriate state or local agency and where the lot line of the residence is more than one thousand (1,000) feet from the lot line of any existing community residence;

Day care home;

Single family detached dwellings;

Single family attached dwellings, subject to Subsection 5.04.06 paragraph 2, below;

Home occupations;

Rooming House conversions, subject to Subsection 5.04.07, below;

Passive Parks.

5.04.03 Special Land Uses and Developments in the "MFR-1" Multiple Family Residential District

The following land uses and developments may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 14, "Permits."

Bed and Breakfast;

Community Residence (small and large) where the residence or operator is not licensed or certified by the appropriate state or local agency or where the lot line of the residence is less than one thousand (1,000) feet from the lot line of any existing community residence;

Cemeteries and mausoleums;

Churches;

Day care centers;

Golf courses, except miniature courses and driving tees operated for commercial purposes;

Group day care home;

Group home;

Hospitals and clinics, but not including animal hospitals or clinics;

Libraries;

Museums;

Nursing and convalescent homes and retirement centers;

Parking lots, as a principal use when located within three hundred (300) feet of the use being served;

Active Parks;

Privately owned and operated recreational land uses for the sole use by a particular residential subdivision or complex in which they are located where buildings do not cover more than five (5) percent of the net land area;

Public buildings used by any department of the City, School District, Township, Park District, County, State, or Federal governments; except for vehicle maintenance, raw material storage and other similar type facilities;

Public schools, elementary or secondary, or private schools having a curriculum equivalent to a public elementary or secondary school and having no rooms regularly used for housing or sleeping purposes;

Public utility facilities, excluding communication towers. 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 a part of the special use permit application;

Rooming House conversions, not meeting the requirements of Subsection 5.04.07, subparagraphs 1 through 9, below;

Sewage treatment facilities;

Two family or multiple family attached dwellings not meeting the [minimum lot size requirements of Article 5.04.04, subparagraph 1; terms of 5.04.06, subparagraph 2, below;](#)

Converted Dwellings;

New two-family or multiple-family dwellings, but subject to compliance with the all other terms of this Article.

5.04.04 Density and Dimensional Regulations in the "MFR-1" Multiple Family Residential District

1. Minimum Lot Size:

- a. The minimum lot size for permitted and special land uses in the MFR-1 District shall be as follows:

Use	Minimum Lot Size
Community Residence (Small)	6,000 sq. ft.
Community Residence (Large)	9,000 sq. ft.
Day Care Homes	6,000 sq. ft.
Dwellings, Single-Family	6,000 sq. ft.
Dwellings, Two-Family	7,000 sq. ft.
Dwellings, Multiple Family	3,500 sq. ft. per dwelling unit (1996-002)
Group Day Care Homes	9,000 sq. ft.
Group Home	15,000 sq. ft.
Hospital	5 acres
Nursing Home	3 acres

- b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, "Off-Street Parking and Loading Requirements," but in no instance shall a lot be created that is less than 6,000 square feet (except for public utility facilities and for single family attached dwellings).
- c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than 6,000 square feet of land area, may be used as a site for one (1) single-family detached dwelling together with accessory structures and uses, provided the location of such dwelling satisfies the minimum setback requirements identified in paragraph 2 below.
- d. Lots created for public utility facilities may be less than 6,000 square feet, provided that such lots or tracts shall not be used for any other use, except that in the event the public utility facility use terminates and where the lot or tract is combined with an adjacent parcel or parcels to equal or exceed 6,000 square feet, the said lot may be used by any allowable use in the MFR district.
2. *Building and Structure Setback Requirements:* Except as provided for in Article 7, "Supplementary District Regulations and in Subsection 5.04.06," the following setback requirements apply to principal buildings in the MFR district.
- a. *Front Yard:* No principal building shall be allowed within twenty-five (25) feet of any front lot line or a street right-of-way line.
- b. *Side Yard:* No principal building shall be allowed within five (5) feet of any side lot line or within a distance of any side lot line equal to ten (10) percent of the average width of the lot, whichever is less; except that no side yard shall have a width of less than three (3) feet.
- c. *Rear Yard:* No principal building shall be allowed within thirty (30) feet of the rear property line or within a distance measured from the rear lot line that is equivalent to twenty (20) percent of the total lot depth, whichever is less.
3. *Building Height Limitations:* No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in paragraph 4 below.
4. *Building Height Exceptions:* By Special Use Permit (see Article 14, "Permits"), or as part of a "Planned Development," multiple family buildings may exceed building height limitations, subject to the following building setback requirements:

- 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. *Site Coverage Limitation*: Site coverage, as defined in Article 3, shall not exceed eighty-five (85) percent of the lot area. The remaining fifteen (15) percent of the lot shall be maintained as open space, and may consist of required building setback areas, perimeter or interior parking lot landscaped area, or other yard or open spaces, provided that the surface is covered in living green plants or ground cover. (1996-002)
 6. *Design Requirements*: Principal structures constructed after the date of this Ordinance shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction. (2006-090)
 7. *Density Limitation*: No building shall include more than eight (8) units.

5.04.05 Other Development Regulations for the "MFR-1" Multiple Family Residential District

The following references for the appropriate Articles of this Ordinance which specify the other regulations governing development in this district:

1. "Overlay District Regulations": Article 6
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

5.04.06 Conditions of Use in the "MFR-1" Multiple Family Residential District

1. Not more than one (1) principal building shall be located on a zoning lot. The only exception to this is for developments approved under the provisions of a "Planned Development" district (see Section 5.13 of this Article).
2. Single family attached dwellings having a common wall along a lot line may be permitted in the "MFR," Multiple Family Residential district provided the City Council approves a Special Use Permit (see Article 14, "Permits") meeting the following criteria (1994-093):
 - a. Not more than one dwelling unit shall be constructed on a lot.

- b. The side yard setback from the lot line on which the common wall will be placed shall be abated entirely. All other setback requirements of the "MFR-1" district shall be adhered to.
- c. A dwelling unit on a lot with an abated side yard setback from the lot line on which the common wall will be placed shall share said common wall with a dwelling unit on an adjacent lot which shall also have an abated side yard setback from the same lot line.
- d. All common wall construction standards, whether existing or proposed, shall be in conformance with all building, electrical, plumbing, and other applicable codes and ordinances.
- e. Each dwelling unit shall be serviced with its own water line, sanitary sewer line, sump pump line, and all other utility lines and extensions.
- f. A minor subdivision plat shall be prepared in accordance with Article 15, "Subdivision of Land" and approved subject to a Minor Plat application. The plat shall reference a recorded common wall agreement which shall comply with the City Standard of Appendix 5-A, attached hereto and made a part of this Ordinance, and shall include a note stating that the construction on the proposed lots shall be limited to "common wall construction only."
 - 1) Where not more than one dwelling unit is attached to another dwelling unit, individual lots on which said dwelling units are located shall have an area of not less than 3500 square feet and shall have a width of not less than twenty-five (25) feet.
 - 2) Where more than one dwelling unit is attached to another dwelling unit, individual lots on which said dwelling units are located shall have an area of not less than 3000 square feet and shall have a width of not less than twenty-five (25) feet.
 - 3) All other setback and dimensional requirements of this Ordinance shall be adhered to.
- g. Covenants, Conditions and Deed Restrictions (CCR's), which meet the City Standard of Appendix 5-B, attached hereto and made a part of this Ordinance, shall be prepared and recorded simultaneously with the Final Plat and Common Wall Agreement. An Owners Association shall be created, in accordance with Article 15.07, either through the CCR's or in a separate document, which shall also be recorded simultaneously with the other required documents and plat

5.04.07 Rooming House Conversions (2001-095)

The intent of this legislation is to allow for the continued economic vitality of large, older rooming house structures by allowing conversion to one bedroom and efficiency multiple family units at a density that is higher than may otherwise be allowed in this District, provided that all other criteria of this District and the supplemental regulations are met.

Rooming Houses exceeding 3,000 square feet in floor area, may be converted to multiple family units if the following criteria are met:

1. Rooming house must have current valid license with no previous revocation hearings.
2. Previous conversions from rooming houses to multiple family units are not eligible.
3. The population density for the proposed new units, calculated by the population equivalent charts in Article 8.02, must be seventy-five (75) percent or less of the licensed occupancy of the rooming house.
4. The building conversion must comply with all applicable building and life safety codes.

5. The building conversion must include strictly remodeling of an existing building, no expansion of the primary living space within the principal building is allowed. Accessory structures which would otherwise be allowed are permitted.
6. No new dwelling units may exceed 1 bedroom.
7. Existing multiple-family units located within the building are grandfathered in and not included as part of the density calculation, provided that no increase or expansion of those units occurs, and those units are not otherwise included in the occupancy stated in the rooming house license.
8. All legal nonconforming rights to rooming house uses are terminated.
9. All current parking regulations must be complied with as if the remodeling was a new development, including paving of parking lots. Existing parking, even if in excess of code requirements for the converted dwellings, must be maintained.
10. Special Use Permit: A Special Use Permit would be required for a conversion if any of the above criteria cannot be met, if the building is proposed to be expanded, or the proposal is for conversion of a rooming house for which the license has previously lapsed or is otherwise not in good standing with the City of DeKalb.

5.05 "MFR-2" High Density, High Bulk Multiple Family Residential District (2006-090)

5.05.01 Purpose and Intent

This section contains the district regulations of the "MFR-2" Multiple Family Residential District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is intended for medium to high density residential development characterized by buildings of eight (8) units or more, surrounded by buildings of eight (8) units or more, and other local uses which are or can be made compatible with the medium to high density residential nature of the district.

5.05.02 Permitted Land Uses and Developments in the "MFR-2" Multiple Family Residential District (2017-044)

The principal type of land use and development intended for this district is multiple family dwellings (see Subsection 5.05.04).

Additional permitted land uses and developments include:

Accessory uses;

Community Residence (small or large) where the residence or operator is licensed or certified by the appropriate state or local agency and where the lot line of the residence is more than one thousand (1,000) feet from the lot line of any existing community residence;

Rooming House conversions, subject to Subsection 5.05.07, below;

Active or Passive Parks.

5.05.03 Special Land Uses and Developments in the "MFR-2" Multiple Family Residential District

The following land uses and developments may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 14, "Permits."

Community Residence (small and large) where the residence or operator is not licensed or certified by the appropriate state or local agency or where the lot line of the residence is less than one thousand (1,000) feet from the lot line of any existing community residence;

Bed and Breakfast;

Cemeteries and mausoleums;

Churches;

Day care centers;

Dormitories;

Fraternities and sororities;

Golf courses, except miniature courses and driving tees operated for commercial purposes;

Group day care home;

Group home;

Hospitals and clinics, but not including animal hospitals or clinics;

Libraries;

Museums;

Nursing and convalescent homes and retirement centers;

Parking lots, as a principal use when located within three hundred (300) feet of the use being served;

Public buildings used by any department of the City, School District, Township, Park District, County, State, or Federal governments; except for vehicle maintenance, raw material storage and other similar type facilities.

Public schools, elementary or secondary, or private schools having a curriculum equivalent to a public elementary or secondary school and having no rooms regularly used for housing or sleeping purposes.

Public utility facilities, excluding communication towers. 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 a part of the special use permit application;

Rooming houses;

Rooming House conversions, not meeting the requirements of Subsection 5.05.07, sub-paragraphs 1 through 9, below.

Sewage treatment facilities.

Converted Dwellings;

Multiple family dwellings, not meeting the requirements of Article 5.05.04, [subparagraph paragraphs 1-4](#).

5.05.04 Density and Dimensional Regulations in the “MFR-2” Multiple Family Residential District

1. *Minimum Lot Size:*

- a. The minimum lot size for permitted and special land uses in the MFR-2 District shall be as follows:

Use	Minimum Lot Size
Community Residence (Small)	6,000 sq. ft.
Community Residence (Large)	9,000 sq. ft.
Day Care Homes	6,000 sq. ft.
Dwellings, Multiple Family	3,500 sq. ft. per dwelling unit (1996-002)
Group Day Care Homes	9,000 sq. ft.
Group Home	15,000 sq. ft.
Hospital	5 acres
Nursing Home	3 acres

- b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, “Off-Street Parking and Loading Requirements,” but in no instance shall a lot be created that is less than 6,000 square feet (except for public utility facilities and for single family attached dwellings).
- c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than 6,000 square feet of land area, may be used as a site for one (1) single-family detached dwelling together with accessory structures and uses, provided the location of such dwelling satisfies the minimum setback requirements identified in paragraph 2 below.
- d. Lots created for public utility facilities may be less than 6,000 square feet, provided that such lots or tracts shall not be used for any other use, except that in the event the public utility facility use terminates and where the lot or tract is combined with an adjacent parcel or parcels to equal or exceed 6,000 square feet, the said lot may be used by any allowable use in the MFR district.
2. *Building and Structure Setback Requirements:* Except as provided for in Article 7, “Supplementary District Regulations and in Subsection 5.05.06,” the following setback requirements apply to principal buildings in the MFR district.
- a. *Front Yard:* No principal building shall be allowed within twenty-five (25) feet of any front lot line or a street right-of-way line.
- b. *Side Yard:* No principal building shall be allowed within five (5) feet of any side lot line or within a distance of any side lot line equal to ten (10) percent of the average width of the lot, whichever is less; except that no side yard shall have a width of less than three (3) feet.
- c. *Rear Yard:* No principal building shall be allowed within thirty (30) feet of the rear property line or within a distance measured from the rear lot line that is equivalent to twenty (20) percent of the total lot depth, whichever is less.
3. *Building Height Limitations:* No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in paragraph 4 below.
4. *Building Height Exceptions:* By Special Use Permit (see Article 14, “Permits”), or as part of a “Planned Development,” multiple family buildings may exceed building height limitations, subject to the following building setback requirements:

- 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. *Site Coverage Limitation*: Site coverage, as defined in Article 3, shall not exceed eighty-five (85) percent of the lot area. The remaining fifteen (15) percent of the lot shall be maintained as open space, and may consist of required building setback areas, perimeter or interior parking lot landscaped area, or other yard or open spaces, provided that the surface is covered in living green plants or ground cover. (1996-002)
 6. *Design Requirements*: Principal structures constructed after the date of this Ordinance shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction. (2006-090)

5.05.05 Other Development Regulations for the "MFR-2" Multiple Family Residential District

The following references for the appropriate Articles of this Ordinance which specify the other regulations governing development in this district:

1. "Overlay District Regulations": Article 6
2. "Supplementary District Regulations": Article 7
3. "Streets, Sidewalks and Subdivision Design": Article 9
4. "Utilities": Article 10
5. "Floodways, Floodplains, Stormdrainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.05.06 Conditions of Use in the "MFR-2" Multiple Family Residential District

1. Not more than one (1) principal building shall be located on a zoning lot. The only exception to this is for developments approved under the provisions of a "Planned Development" district (see Section 5.13 of this Article).

5.05.07 Rooming House Conversions (2001-095)

The intent of this legislation is to allow for the continued economic vitality of large, older rooming house structures by allowing conversion to one bedroom and efficiency multiple family units at a density that is higher than may otherwise be allowed in this District, provided that all other criteria of this District and the supplemental regulations are met.

Rooming Houses exceeding 3,000 square feet in floor area, may be converted to multiple family units if the following criteria are met:

1. Rooming house must have current valid license with no previous revocation hearings.
2. Previous conversions from rooming houses to multiple family units are not eligible.
3. The population density for the proposed new units, calculated by the population equivalent charts in Article 8.02, must be seventy-five (75) percent or less of the licensed occupancy of the rooming house.
4. The building conversion must comply with all applicable building and life safety codes.
5. The building conversion must include strictly remodeling of an existing building, no expansion of the primary living space within the principal building is allowed. Accessory structures which would otherwise be allowed are permitted.
6. No new dwelling units may exceed 1 bedroom.
7. Existing multiple-family units located within the building are grandfathered in and not included as part of the density calculation, provided that no increase or expansion of those units occurs, and those units are not otherwise included in the occupancy stated in the rooming house license.
8. All legal nonconforming rights to rooming house uses are terminated.
9. All current parking regulations must be complied with as if the remodeling was a new development, including paving of parking lots. Existing parking, even if in excess of code requirements for the converted dwellings, must be maintained.
10. Special Use Permit: A Special Use Permit would be required for a conversion if any of the above criteria cannot be met, if the building is proposed to be expanded, or the proposal is for conversion of a rooming house for which the license has previously lapsed or is otherwise not in good standing with the City of DeKalb.