

**ORDINANCE 2021-042**

**PASSED: OCTOBER 11, 2021**

**AMENDING CHAPTER 23 “UNIFIED DEVELOPMENT ORDINANCE”, ARTICLE 3 “DEFINITIONS”, AND ARTICLE 5 “ZONING DISTRICT REGULATIONS”, OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, PERTAINING TO AUTOMOBILE DETAILING, CAR WASHES, AND SERVICE FACILITIES.**

**WHEREAS**, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; 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 Article 3, “Definitions”, and Article 5, “Zoning District Regulations”, of the UDO to provide for: (1) “auto detailing” as a permitted use in the LC, GC and LI zoning districts and as a special use in the CBD District; (2) “car washes” as a permitted use in the LI district; and (3) “minor vehicle services” under the definition of “service facilities” permitted in the LC district, as more fully set forth in Exhibit A attached hereto and incorporated herein (the “Text Amendments”); and

**WHEREAS**, on October 4, 2021, the City’s Planning and Zoning Commission held a public hearing pursuant to due notice and recommended the approval of the Text Amendments; and

**WHEREAS**, the City’s corporate authorities find that it is in the City’s best interests to approve the Text Amendments for the protection of the public health, safety, morals and welfare; and

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

**SECTION 1:** The City’s corporate authorities adopt and incorporate by reference the findings of fact and recommendation of the City’s Planning and Zoning Commissions regarding the Text Amendments as though fully set forth in this Section 1.

**SECTION 2:** The City’s corporate authorities approve an amendment to Chapter 23 “Unified Development Ordinance” of the City’s Municipal Code, Article 3 “Definitions” and Article 5 “Zoning District Regulations” as set forth in Exhibit A attached hereto and incorporated herein. Except as otherwise amended herein, the prior provisions of the UDO shall remain in full force and effect.

**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 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 provision 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 resolution shall supersede state law in that regard within its jurisdiction.


**SECTION 5.** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: October 12, 2021. Effective date: October 21, 2021.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 11<sup>th</sup> day of October 2021 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.



  
\_\_\_\_\_  
**COHEN BARNES, Mayor**

ATTEST:



Ruth A. Scott, Executive Assistant

# EXHIBIT A

## ARTICLE 3

### DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Ordinance.

#### 3.01 Definitions

*Abandonment:* To cease or discontinue a use or activity without intent to resume. This definition excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility. Also, ceasing an activity during normal periods of vacation or seasonal closure shall not constitute abandonment.

*Abutting:* Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

*Accessory Use:* (see also *Home Occupation*) A use incidental to, and on the same zoning lot as, a principal use. An accessory use is subordinate in size, extent, and/or purpose to the principal use and contributes to the comfort, convenience, and/or necessity of the principal use being served.

*Adult Oriented Use:* Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media (whether print, electronic, magnetic or other) depicting or describing "specified sexual activities" or "specified anatomical areas" (which are further defined in Article 7.13), sale of materials used for "specified sexual activities," the provision of live entertainment which depicts, describes, or characterizes "specified sexual activities" or "specified anatomical areas," or any combination thereof. (1997-010)

*Alley:* A public or private way permanently reserved as a secondary means of access to abutting property.

*Alteration:* As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration.

*Antenna:* (see Article 7, Subsection 7.08.02)

*Apartment:* (see *Dwelling, Multiple-Family*)

*Automatic Teller Machine:* (see *Electronic Banking Facilities*) (1998-041)

[Automobile Detailing: The cleaning, polishing, waxing and hand washing the interior and exterior of automobiles \(passenger vehicles\) by employees but excluding car washes and vehicle services facilities as defined in this Ordinance.](#)

*Banquet Hall:* An establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, business promotional events and similar celebrations. A Banquet Hall is not open to the public and the use is therefore restricted to the invitees of the party contracting for the use of the facility. Such use may or may not include: kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on premise consumption only during scheduled events; and/or outdoor gardens or reception facilities. A Banquet Hall shall not include a Social Club as defined in the Municipal Code.

*Basement:* (see also *Story Above Grade*) That portion of a building which is partly or completely below grade.

## **5.07 "LC" Light Commercial District**

### **5.07.01 Purpose and Intent**

This section contains the district regulations for the "LC" Light Commercial 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 "LC" Light Commercial District is intended to be located in areas adjacent to collector streets and some arterial streets and is designed to accommodate the retail and limited service needs of a larger consumer population than is typically served by the Neighborhood Commercial District.

### **5.07.02 Permitted Land Uses and Developments in the "LC" Light Commercial District**

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

Any use permitted in the "NC" Neighborhood Commercial District, except those uses that may be modified in this list of permitted uses;

Accessory uses;

#### Automobile detailing;

Automobile parts and accessory stores;

Banks and other financial institutions, not including drive-through facilities;

Bicycle stores; sales, rental, and repair;

Catering establishments, including pizza delivery;

Clothing and shoe stores; sales and repair;

Clubs, lodges, meetings halls;

Department, discount and variety stores;

Drug stores;

Greenhouses, nurseries, garden supply and seed stores;

Food stores and grocery stores; convenience stores (excluding motor fuel on the premises); meat markets and bakeries;

Funeral homes, mortuaries;

Furniture stores with repair and re-upholstery only as an accessory use;

Hardware stores;

Household appliance stores, sales, service, and rental;

Interior decorating stores, including carpet, paint, and wallpaper stores;

Medical and dental offices;

Musical instrument stores, sales and repair;

Museums and art galleries;  
Nursing and convalescent homes and retirement centers;

Office supply stores;

Optical sales, examinations;

Pet stores and animal grooming shops;

Public buildings used by any departments 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;

Radio, television and recording studios;

Radio and television stores, sales and service;

Recreation centers, health clubs, athletic clubs, and fitness centers;

Restaurants, with or without alcohol (2008-064);

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

Schools for business, professional or technical training;

Service facilities including barber shops; ~~and~~ beauty shops; nail salons; copying ~~and duplicating~~ services; artists' studios; photographers; locksmith; ~~shoe repair~~; tailors; music and dance instruction studios; ~~typing and stenography services~~; suntan parlors; travel agencies and ticketing offices; minor vehicle services not included under "Vehicle Service Facility"; and other similar type uses.

Specialty shops including antique shops; art and school supplies; bookstores; camera shops, including film developing; card and stationery shops; candy shops; florists; newspaper and magazine stores; gift and novelty shops; jewelry stores; pet shops; record shops; hobby shops and other similar type uses.

Sporting goods stores;

Theaters, indoor and auditoriums;

Toy stores;

**NOTE: Any of the above permitted land uses and developments which include drive-through facilities are considered "Special Land Uses and Developments" (See Subsection 5.07.03).**

#### 5.07.03 Special Land Uses and Developments in the "LC" Light Commercial District

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

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

Amusement establishments, but limited to bowling alleys, indoor skating rinks, swimming pools, video arcades, pinball and other similar non-gambling machine or table games (but specifically excluding activities involving the discharge of firearms, which are separately addressed herein as firing ranges);

Animal boarding facilities;

### 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;

#### Automobile detailing:

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;

## **5.11 "LI" Light Industrial District**

### **5.11.01 Purpose and Intent**

This section contains the district regulations of the "LI" Light Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated in this section by reference. The "LI" Light Industrial District's uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat.

### **5.11.02 Permitted Land Uses and Developments of the "LI" Light Industrial District (2017-044)**

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

Accessory uses;

Any use whose primary purpose includes the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:

appliances, small motors;

books, printed materials;

clothing and textiles;

drugs;

electrical components;

glass and ceramics;

paper and paper products;

plastic and fiberglass;

sheet metal;

tools;

wood assembly and finishing;

Airports, landing strips and heliports;

Animal boarding facilities and animal shelters, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-139);

[Automobile detailing;](#)

Automobile, truck, trailer and recreational vehicle sales and rental;

Boat and marine sales and service;

Body Art Establishment

Building-contractors office and materials storage;

Building material sales and storage;

Bus and train stations and terminals;

Business, professional, and technical training schools;

Car washes;

Cartage and express facilities;

Data Center;

Dwelling unit (one only) only when used by the caretakers and their families, who own or are employed in the allowable commercial or industrial use of the premises, and which may be located on the ground floor;

Farm equipment sales and service;

Fruit, Vegetable and grain processing, packaging, and storage;

Gasoline Stations;

Golf courses and other open space recreational uses;

Ice processing, sales and storage;

Lumberyards;

Machinery sales, service and storage;

Machine shops;

Motor and rail freight terminals;

Newspaper offices;

Offices;

Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;

Parking lots, as a principal use;

Plating establishments;

Plumbing and heating service and equipment stores;

Printing and publishing establishments, duplicating services;

Public buildings used by any department of the City, School District (except school buildings), Township, Park District, County, State, and Federal governments;

Public utility facilities;

Research laboratories and facilities; and





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DeKalb, Illinois 60115  
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**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
September 30, 2021**

**TO:** DeKalb Planning and Zoning Commission  
**FROM:** Dan Olson, Principal Planner  
**RE:** Text Amendments to Chapter 23 of the Municipal Code - Unified Development Ordinance – Auto Detailing, Car Washes, Service Facilities

**BACKGROUND AND ANALYSIS**

The City has initiated a text amendment to the UDO to create the use “auto detailing” so it is separate from a “car wash”. A proposed auto detailing business would like to locate along Sycamore Road on a “GC” General Commercial zoned site, however the UDO only lists car washes as special use in that district. The amendments would add “auto detailing” in the LC, GC and LI zoning districts as a permitted use and as a special use in the CBD District. In addition, the proposed amendments would add car washes as a permitted use in the LI district and modify the use “service facilities” in the LC district to allow minor vehicles services.

The specific amendments are as follows:

Add the use “auto detailing” to Article 3 “Definitions” of the UDO and the following definition:

*“The cleaning, polishing, waxing and hand washing the interior and exterior of automobiles (passenger vehicles) by employees but excluding car washes and vehicle services facilities as defined in this Ordinance.”*

The use distinguishes itself from car washes and requires employees to conduct the cleaning services.

Add “auto detailing” as a permitted use in the “LC” Light Commercial District.

Adding the use “auto detailing” to the LC District as a permitted use automatically adds it as a permitted use in the GC District.

Add “auto detailing” and “car washes” as a permitted use in the “LI” Light Industrial District.

The LI District has other auto related uses such as vehicle service facilities and automobile/truck rental so adding these uses is consistent with the intent of the LI District.

Add “auto detailing” as a special use in the “CBD” Central Business District.

Car washes are prohibited in the CBD District, however an auto detailing facility could be compatible in some locations in the CBD. There is an auto detailing business in the building containing Lovell’s Discount Tires. It was allowed as part of the planned development ordinance for Lovell’s.

Modify the use “service facilities” in the LC district to allow minor vehicles services.

Service facilities is listed as a permitted use in the LC District (and automatically in the GC Dist.) and includes several service use examples (e.g. hair salons, locksmiths). We propose to add “minor vehicle services not included under Vehicle Service Facility”. This would allow minor services such as car window tinting as a permitted use in the LC and GC Districts. The proposed business on Sycamore Road would like to offer this service along with the auto detailing.

## **RECOMMENDATION**

### **Sample Variation Motion:**

Based on the submitted petition and testimony presented, I move the Planning and Zoning Commission recommend to the City Council approval of text amendments to the Unified Development Ordinance regarding auto detailing, car washes and service facilities as indicated in Exhibit A of this report.





**TEXT AMENDMENT PETITION**

**TO:** City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

**FROM:** Petitioner Name(s): City of DeKalb Telephone: 815-748-2631  
Petitioner's Representative: Dan Olson, Principal Planner Cell: \_\_\_\_\_  
Mailing Address: 164 E. Lincoln Hwy Email: Dan.Olson@CityofDeKalb.com  
DeKalb, IL 60115

1. The petitioner hereby petitions the City of DeKalb to amend the Unified Development Ordinance as follows – attach additional page(s) if necessary:

- A. What is the text amendment regarding?  
To add a definition for "automobile detailing"; to add "automobile detailing" as a permitted use in the "LC" Light Commercial District, "GC" General Commercial District and "LI" Light Industrial District; to add "automobile detailing" as a special use in the "CBD" Central Business District; to add "car washes" as a permitted use in the "LI" Light Industrial District; to modify "service facilities" in the "LC" Light Commercial District by allowing minor vehicle services.
- B. What Article(s) and Section(s) of the Unified Development Ordinance are proposed for amendment?  
Article 3 "Definitions"; Article 5.07 "LC" Light Commercial District, Section 5.07.02; Article 5.08 "GC" General Commercial District, Section 5.08.02; Article 5.11 "LI" Light Industrial District, Section 5.11.02; Article 5.09 "CBD" Central Business District, Section 5.09.03
- C. What is the proposed revised text?  
See Attached.
- D. Describe the reason for this text amendment request, and what the intended effect will be.  
The addition of "automobile detailing" as a use and special use in the listed districts would be in line with many already permitted uses in the automobile service/sales category and would bring specificity and clarity to the intended uses. The creation of a definition for "automobile detailing" will help differentiate it from a "car wash".


2. The petitioner hereby submits the Petition Fee (\$250.00).

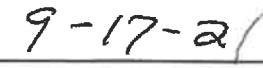
3. The petitioner hereby states that a pre-application conference  \*was  was not held with City staff prior to the submittal of this petition.  
\*Date of pre-application conference: N/A  
Those in attendance: N/A



**\*(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)**

4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.
5. The petitioner has read and completed all of the information and affirms that it is true and correct.

  
\_\_\_\_\_  
Petitioner Signature

  
\_\_\_\_\_  
Date

## LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Monday, October 4, 2021 at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by the City of DeKalb for text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code, to add a definition for “automobile detailing” in Article 3, Definitions; add “automobile detailing” to the list of permitted uses in Article 5.07 “LC” Light Commercial District, Article 5.08 “GC” General Commercial District, and Article 5.11 “LI” Light Industrial District and to add “automobile detailing” in Article 5.09, “CBD” Central Business District as a special use. The proposed amendments also include adding “car washes” in Article 5.11 “LI” Light Industrial District as a permitted use and modifying the use “service facilities” in the “LC” Light Commercial District by allowing minor vehicles services.

All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 by 12:00 p.m. on Monday, October 4, 2021 or by e-mail to [dan.olson@cityofdekalb.com](mailto:dan.olson@cityofdekalb.com). Further information regarding the petition is available from the Community Development Department at (815) 748-2070 or on the City of DeKalb’s web page at <https://www.cityofdekalb.com/1103/Public-Hearings>.

Max Maxwell, Chair

DeKalb Planning and Zoning Commission