

AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE", ARTICLE 5.09 "CENTRAL BUSINESS DISTRICT", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS TO AUTOMOBILE SALES.

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 adopted a Unified Development Ordinance (the "UDO"), which sets forth the City's zoning and subdivision standards and procedures; and

WHEREAS, the City seeks to amend Section 5.09 of the UDO, "Central Business District", by revising "New automobile, truck and recreational vehicles sales, with vehicle repair and service facilities, rentals, or used car sales as an accessory use only" to remove the "new" automobile requirement and adding a maximum of a three (3) acre property size as set forth in the attached and incorporated Exhibit A (the "Text Amendment"); and

WHEREAS, on October 2, 2023, the City's Planning and Zoning Commission held a public hearing on the Text Amendment and recommended approving the Text Amendment; and

WHEREAS, the City's corporate authorities find that approving the Text Amendment is in the City's best interests for the protection of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this Ordinance are true, material, adopted, and incorporated as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities adopt and approve the Text Amendment attached and incorporated as Exhibit A.

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, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 9th day of October 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

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;

Automobile detailing;

~~New~~ Automobile, truck and recreational vehicle sales on property less than three (3) acres, with vehicle repair and service facilities and, rentals, ~~or used car sales~~ as an accessory use only;

Bus and train stations/terminals;

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