

AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE", ARTICLE 5 "ZONING DISTRICT REGULATIONS", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS TO SINGLE-FAMILY ATTACHED DWELLINGS HAVING A COMMON WALL ALONG A LOT LINE (CITY OF DEKALB).

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 the UDO, to revise Article 5 "Zoning Regulations" of the UDO as it Pertains to Single-Family Attached Dwellings having a Common Wall along a Lot Line as set forth in the attached and incorporated Exhibit A (the "Text Amendment"); and

WHEREAS, on September 16, 2024, 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: By a vote of two-thirds of the members then holding office, the City's corporate authorities adopt and approve the Text Amendment to Chapter 23 "Unified Development Ordinance" of the City's Municipal Code, Article 5 "Zoning District Regulations", as it Pertains to Single-Family Attached Dwellings having a Common Wall along a Lot Line as set forth in the attached and incorporated 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 14th day of October 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Zasada. Second Reading waived by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Zasada.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

EXHIBIT A

ARTICLE 5

ZONING DISTRICT REGULATIONS

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;

Two-family attached dwellings not meeting the minimum lot size requirements of Article 5.03.04, subparagraph 1;

Converted Dwellings;

New two-family dwellings, but subject to compliance with 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 following criteria are met.
 - 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 lot line.
 - 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.
- h.i. The exterior of the two (2) dwelling units shall remain reasonably compatible in colors, materials, architectures and aesthetics.

5.14 "RC-1" Residential Conservation District

5.14.01 Purpose and Intent

Within the City of DeKalb there are unique and distinctive older residential neighborhoods which contribute significantly to the overall character and identity of the City and are worthy of preservation and protection. As a matter of public policy, the City aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods through the establishment of a Residential Conservation District.

The following is the purpose of a Residential Conservation District in older City residential neighborhoods or commercial districts:

1. to promote and provide for economic revitalization and/or enhancement;
2. to protect and strengthen desirable and unique physical features, design characteristics, and recognized identity, charm and flavor;
3. to protect and enhance the livability of the City;
4. to reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
5. to enhance property values;
6. to encourage and strengthen civic pride; and
7. to encourage the harmonious, orderly and efficient growth and redevelopment of the City.

5.14.02 Designation Criteria

To be designated a Residential Conservation District; the area must meet the following criteria:

1. The area must contain a minimum of one block face (all the lots on one side of a block);
2. The area must have been platted or developed at least twenty-five (25) years ago;
3. At least seventy-five (75) percent of the land area in the proposed district is presently improved; and
4. The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association;
 - a. scale, size, type of construction, or distinctive building materials;
 - b. lot layouts, setbacks, street layouts, alleys or sidewalks;
 - c. special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
 - d. land use patterns, including mixed or unique uses or activities; or
 - e. abuts or links designated historic landmarks
5. The area must be predominantly residential in use and character.

This section contains the district regulations of the "RC-1" Residential Conservation District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this Article by reference.

5.14.03 Permitted Land Uses and Developments of a "RC-1" Residential Conservation District

The principal type of land use and development intended for this district is:

Single family detached dwellings.

Original Residential Uses defines in part as: any lawfully established single-family dwellings, two-family dwellings, or multiple-family dwellings, but excluding rooming house dwellings units on lots that are less than seven thousand (7,000) square feet, and subject to the terms of this Article.

Additional permitted land uses and developments include:

Accessory uses;

Passive Park facilities owned by the Park District or private entity;

Day care homes;

Home occupations;

5.14.04 Special Land Uses and Developments of a "RC-1" Residential Conservation 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."

Two-Family Units;

Multi-Family Units;

Bed and breakfasts;

Churches;

Converted Dwellings;

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;

Active Parks

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

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;
Parking facilities within 300 feet of principal ancillary use;
Community Centers (2008-051).

5.14.05 Density and Dimensional Regulations of a "RC-1" Residential Conservation District

1. Minimum Lot Size:

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

Use	Minimum Lot Size
Community Residence (Small)	8,000 sq. ft.
Community Residence (Large)	11,000 sq. ft.
Day Care Homes	6,000 sq. ft.
Group Day Care Homes	9,000 sq. ft.
Dwellings, Single Family	6,000 sq. ft.
Dwellings, Two-Family	7,000 sq. ft.
Dwellings, Multi-Family	3,500 sq. ft./unit

- 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 six thousand (6,000) square feet (except for public utility facilities).
- c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than six thousand (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 six thousand (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 six thousand (6,000) square feet, then said lot may be used by any allowable use in the RC-1 district.
- e. In this RC-1 Zoning District, the minimum required zoning lot area shall be six thousand (6,000) square feet per single-family detached dwelling. For "original residential uses" (SEE BELOW), encompassing existing two-family dwellings and existing multiple-family dwellings the minimum required lot area shall be the original lot area at the time the land use was lawfully established or the minimum required lot area at the time the land use was lawfully established, whichever is greater and constitutes the zoning lot area on the effective date of this Article. In the case where the existing dwelling unit is rebuilt, a replacement deadline of one year will be enforced, otherwise replacement with a single family dwelling is the only permissible option.
- 2. Building Setback Requirements:** Except as provided for in Article 7, "Supplementary District Regulations," the following setback requirements apply to principal buildings in the RC-1 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 for non-residential structures; this may be waived as part of the approval of the Special Use Permit.
- 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.

5.14.06 Other Development Regulations for the "RC-1" Residential Conservation District

The following references the appropriate Articles in 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

5.14.07 Conditions of Use of a "RC-1" Residential Conservation District

- 1. *Use*: Not more than one (1) principal building shall be located on a zoning lot.
- 2. *Conversions*: In no event shall existing dwellings be converted to more units, partially or otherwise, except as specifically provided for in this district by Planning and Zoning Commission approval subject to the Special Use Requirements, however converting to fewer units is permissible by right, provided the total number of bedrooms is also reduced. Restrictions on number of bedrooms shall not apply to single family residences.
- 3. *Reconstruction*: The reconstruction of dwellings will be permitted for "original residential uses" pending no additional residential dwelling units are created. All other permitted uses will be subject to Special Use Approval.
- 4. *Parking Requirements*: Any change in use or conversion (i.e., new development, building additions or conversions of use required by this Ordinance) shall provide required Off-Street Parking Areas in accordance with the following regulations.
 - a. *Existing Parking Areas*: Off-Street Parking Areas shall not be reduced below the minimum requirement for such use as required by this Ordinance. Any Off-Street Parking Areas existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.

- b. *Location of Parking Areas:* Off-Street Parking Areas shall be located on the same Lot or within three hundred (300) feet of the Building, Structure or use served by the Off-Street Parking Area. Off-Street Parking for any use shall be located within a zoning District which permits the use for which the Off-Street Parking is required per Article 12.
5. *Lot combinations / Subdivision:* Any combination or subdivision of an existing lot of record would require that the new zoning lot(s) created conform to all applicable zoning regulations, except as allowed with a Special Use Permit outlined in Article 5.14.07(7). A Final Plat shall be prepared and submitted in accordance with Article 15.07, FinalPlats.
6. The following rules shall govern the transition from the provisions of the former Zoning Ordinance to the provisions of this Article or to the provisions of any subsequent amendment hereto:
- a. *Permitted Uses Rendered Special:* Where a property is used for a purpose which was classified as a "permitted use" in the zoning district in which it was located prior to mapping of this District, or prior to any subsequent amendment hereto, and such use is classified by this Article as a "Special Use" in this zoning district, such use is hereby deemed a lawful existing Special Use, subject to the provisions of subsection D below..
 - b. *Existing Special Use:* Where a property has become a lawful Special Use pursuant to subsection A, above, or where a property has been granted a Special Use prior to the effective date of this Article, or prior to any subsequent amendment hereto, such use shall be considered a lawful Special Use if the use is classified by this Article as a Special Use.
 - 1) If the passage of the ordinance granting such Special Use was subject to one or more conditions, those conditions shall remain in full force and effect, as may be amended from time to time, subject to the provisions of this Article.
 - 2) All Special Uses shall be subject to the provision that they shall expire if not established within one year from the date of passage of the ordinance granting the Special Use. No Special Use shall be reestablished subsequent to abandonment through a discontinuation of use for three hundred sixty-five (365) consecutive days, regardless of any reservation of intent to reestablish such Special Use.
 - c. *Changes To Existing Special Use:* Where a property has been granted a Special Use prior to the effective date of this Article, or where a property has been granted a Special Use pursuant to the provisions of this Article, a change to such Special Use shall be allowed provided that the desired change was explicitly approved in the ordinance passed granting the Special Use. Any other change to such an existing Special Use shall be subject to the provisions this Chapter or others, as applicable. However, changes involving accessory structures may be made to existing Special Uses, subject to the site design regulations of the zoning district in which it is located, and provided that there is no change to the function, operation, or traffic characteristics of the existing Special Use.
7. Single family attached dwellings having a common wall along a lot line may be permitted in the "RC-1" Residential Conservation District provided the following criteria are met:
- 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 "RC-1" 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 lot line.
- 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 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), 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.

i. The exterior of the two (2) dwelling units shall remain reasonably compatible in colors, materials, architectures and aesthetics.

5.14.08 Definitions

Original Residential Use: The initial use of a zoning lot for the purpose of a dwelling, as such initial dwelling was originally designed and intended, encompassing any lawfully established single-family dwellings, two-family dwellings, or multiple-family dwellings, but excluding rooming house dwellings.

Change in Use: A change in the use of a zoning lot from one land use specifically enumerated in the lists of permitted uses and special uses to another land use specifically enumerated in the lists of permitted uses and Special Uses. For multiple-family dwellings, an increase or decrease in the number of dwelling units shall be considered a change in use.