

AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE" OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE TO ADOPT MISCELLANEOUS TEXT AMENDMENTS (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 its Unified Development Ordinance (the "UDO") as Chapter 23 of the City's Municipal Code; and

WHEREAS, the City seeks to amend Article 5 "Zoning Regulations", Article 13 "Signs", Article 14 "Permits", Article 18 "Appeals and Variances", and Article 20 "Amendments" of the UDO as set forth in the attached and incorporated Exhibit A (the "Text Amendments"); and

WHEREAS, on September 16, 2024, pursuant to due notice, the City's Planning and Zoning Commission held a public hearing on the Text Amendments and recommended approval; and

WHEREAS, the City's corporate authorities find that approving the Text Amendments 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, by a vote of two-thirds of the members then holding office, adopt and approve the Text Amendments 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 23rd day of September 2024 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, Powell, Verbic, Walker, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None.




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 ~~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 provided the City Council approves a Special Use Permit (see Article 14, "Permits") meeting the following criteria are met. (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.

5.09 “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;

Automobile, truck and recreational vehicle sales on property less than three (3) acres, with vehicle repair and service facilities and rentals 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.

5.13 “PD” Planned Development Districts

5.13.01 Purpose and Intent

The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the design and future operation of the development.

The City Council, upon recommendation by the Planning and Zoning Commission, may, by an Ordinance adopted in the same manner as zoning districts are created, authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The standards contained in the following provisions must be strictly adhered to by the applicant. The City Council may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design, by providing relief from zoning requirements designed for conventional developments in order to obtain one or more of the following objectives:

1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
3. Functional and beneficial uses of open space areas.
4. Preservation of natural features of a development site.
5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
6. Rational and economical in relation to public utilities and services.
7. Efficient and effective traffic circulation, both within and adjacent to the development site.

A person, by choosing to develop property as a planned unit development, elects to submit a contemplated development proposal to a legislative and discretionary review by the Planning and Zoning Commission and City Council.

5.13.02 Relationship of Planned Development Districts to Zoning Map

1. *A Mapped District:* The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation as detailed in this section is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.
2. *Plan Approval Required:* It is the intent of this Ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section, Article 20, “Amendments” and applicable sections of Article 15, “Subdivision of Land.”
3. *Relationship to “SAGRC” Overlay District:* The requirements of the “SAGRC” Overlay District, contained in Article 6, Subsections 6.02.04 through 6.02.09, shall apply. Also, see Article 6, Subsection 6.02.10 for submittal requirements, review and approval procedures associated with development within the “SAGRC” Overlay District.

5.13.03 Coordination with Article 15, "Subdivision of Land" and Article 20, "Amendments"

1. It is the intent of this Ordinance, where a Planned Development involves any subdivision activity, that the subdivision review and approval procedure requirements contained in Article 15, "Subdivision of Land," be carried out simultaneously with the review of a Planned Development under this Section of this Ordinance. As applicable, reference is made to requirements in Article 15 within this Section. Also, with regard to these references, Article 15 may contain the term "plat," which under the "PD" District requirements is intended to be synonymous with "plan" as appropriate.
2. Since obtaining a "PD" District designation requires a map amendment (rezoning), the requirements and procedures of Article 20, "Amendments" shall apply. As applicable, reference to Article 20 is made within this Section.

5.13.04 Types of Planned Developments

All areas of the City subject to the PD designation shall be assigned one of the following District classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this section.

1. *Planned Development - Residential (PD-R)*: Planned developments involving residential uses only.
2. *Planned Development - Commercial (PD-C)*: Planned developments involving commercial uses only.
3. *Planned Development - Industrial (PD-I)*: Planned developments involving industrial and limited commercial uses only.

5.13.05 Permitted Uses

1. *Planned Development - Residential*

The following land uses and developments may be permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Residential District. Specific uses may include those uses designated as permitted, accessory, or special uses in any of the residential districts.
- b. In addition to those uses included in Paragraph "a" above, the following uses may be designated as permitted uses and established as such in the Ordinance governing the particular Planned Development - Residential District:
 - 1) attached single family dwellings/townhouses
 - 2) condominiums
 - 3) zero lot line residential developments
 - 4) mobile home parks
- c. Within the Planned Development - Residential District, more than one principal building may be located on a zoning lot.

2. *Planned Development - Commercial*

The following land uses and developments may be permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Commercial District. Specific uses may include those uses designated as permitted, accessory, or special uses in the "NC," "LC," "GC" and "CBD" Commercial Districts, or other uses of a commercial nature. Exceptions from the Commercial Districts may be granted to include residential uses as long as the criteria in Article 5.13.07.1 are met.

3. *Planned Development - Industrial*

The following land uses and developments may be permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Industrial District. Specific uses may include those uses designated as permitted, accessory, or special uses in the "LI" or "HI" Industrial District, the "ORI" Office, Research and Light Industrial District and those uses in the "NC," "LC," or "GC" Commercial Districts, which are specifically related to the particular development.

5.13.06 Minimum Planned Development Site Size

The minimum site size for any of the Planned Development Districts shall be two (2) acres. This minimum site size may be waived by the City Council upon recommendation by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wet lands, floodplain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the general public interest.

5.13.07 Density and Dimensional Regulations and Performance Standards

1. *General Standards:* The approval of the Development Plan may provide for such exceptions from the regulations associated with traditional zoning districts, including permitted and special uses, as may be necessary or desirable to achieve the objectives of the proposed planned development. However, such exceptions shall consistent with the City's Comprehensive Plan and the standards contained in this Section and have been specifically requested in the application for a planned development; and further, that no planned development shall be allowed which would result in:
 - a. Inadequate or unsafe access to the planned development;
 - b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
 - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
 - d. A development which will be incompatible with the intent and purposes of this Ordinance;
 - e. Detrimental impact on surrounding area including, but not limited to, visual pollution;

The burden of proof that the criteria above are not being violated shall rest with the applicant and not the City of DeKalb.

2. *Building Code:* While it is the intent of the “PD” District to allow greater flexibility than what would otherwise be afforded under conventional zoning districts, it does not preclude the requirements of the City’s Building Code, particularly with regard to building separations, fire lanes, etc.

3. *Planned Development - Residential*

- a. *Density:* The density of residential development shall be consistent with the intent of the Comprehensive Plan. While the Comprehensive Plan specifies upper limits to residential density, density of a Planned Development may be limited to that which is consistent and compatible with nearby existing developed areas. Conversely, the density limits indicated on the Comprehensive Plan may be exceeded on portions of the site within a “PD-R” District as long as total site density is not exceeded. This is referred to as “density transfer.” Additionally, in exchange for creative and extraordinary site design, the total site density may be exceeded up to a limit. This is referred to as “density bonus.”
- b. *Calculation of Density:* The computation of density shall be based on dwelling units per net acre for the entire site. Net acreage is defined as the site area less all land allocated to street rights-of-way. In the case of private streets, the equivalent of public rights-of-way for these private streets shall be deducted from gross acreage. In the event that there is a question regarding the width and length of such equivalent rights-of-way, the Community Development Director shall render a determination.

In situations where a proposed “PD-R” District overlaps two or three residential land use density designations on the Comprehensive Plan, density shall be calculated separately for the portions of the “PD- R” District in each of the different residential designations.

- c. *Density Bonus:* The Planning and Zoning Commission may recommend and the City Council may approve an increase in density within a “PD-R” District (up to a maximum of twenty (20) percent) which shall be based on the precepts listed below. The density bonuses shall be treated as additives and not compounded.

<u>Maximum Percentage Increase</u>	<u>Design Element</u>
10%	A minimum of an additional five (5) percent of the net development area devoted to common open space (above the minimum requirement) and improved with public pedestrian ways, bike paths, park land, swimming pools, tennis courts, community centers, club buildings, etc.
5%	Creative building site designs, and groupings which take advantage of natural terrain and minimize future water run-off and erosion problems. The integration of retention basins into the overall design is encouraged. Variations in building design are permissible.
5%	Provision of tree and shrub planting, including peripheral and interior screen planting and fencing, landscaping of parking lots and the use of existing trees in the plan. This provision shall be a significant and appropriate addition to the required screening and parking lot landscaping requirements found elsewhere in this Ordinance.

If density bonuses (increases) are requested under this Section, the applicant is expected to document all site amenities or improvements for the City’s review and consideration.

- d. *Development Phasing:* If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or legally

provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the City Council.

Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved "PD- R" District.

- e. *Non-Residential Development:* Non-residential uses are limited to those specifically listed in the residential zoning districts. Churches, schools and other non-residential uses permitted in the "PD-R" District shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the district in which they are first permitted.

4. *Planned Development - Commercial or Industrial*

- a. *Site Coverage:* Total site coverage by uses permitted in the "PD-C" or "PD-I" Districts shall be seventy (70) percent, except as permitted to be exceeded in accordance with Paragraph "b" below.
- b. *Site Coverage Bonus:* The Planning and Zoning Commission may recommend and the City Council may approve an increase in maximum site coverage from seventy (70) percent up to ninety (90) percent. In order to qualify for this bonus, the development plan must demonstrate compliance with four (4) or more of the following performance criteria:
 - 1) Provide storm drainage detention/retention facilities having a capacity significantly and appreciably in excess of what is required.
 - 2) Install storm drainage detention facilities underground.
 - 3) Providing a release rate from a detention facility that is significantly and appreciably stricter than otherwise required.
 - 4) Increasing parking lot landscaping by fifty (50) percent more than otherwise required.
 - 5) Submitting for approval developments on tracts that are fifteen (15) or more acres in size.
 - 6) Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property.
 - 7) Construction of separate-grade pedestrian and bicycle paths.
 - 8) Providing for sufficiently screened loading and unloading areas that are located in side or rear yards.
 - 9) Providing for mixed-use developments that include community facilities that further the goals, objectives and policies of the Comprehensive Plan.
 - 10) Demonstration of a development using highly innovative architectural, site planning and land use design of a caliber not previously used in the DeKalb area and of such quality as to set an excellent example for subsequent developments.
 - 11) Any other performance criteria that further the goals, objectives and policies of the Comprehensive Plan and that, in the opinion of the Planning and Zoning Commission and City Council, warrant the approval of development bonuses.

- c. *Signage*: Signage shall be in compliance with Article 13, "Signs," unless the applicant for a "PD-C" or "PD-I" District designation elects to submit a "Comprehensive Sign Plan" in addition to the submission of other required development plan documents. The Planning and Zoning Commission may recommend, and the City Council may approve, a Comprehensive Sign Plan and such plan shall be made part of the Ordinance approving the "PD" District.

This Ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the City Council. Comprehensive sign plans approved under this Section shall be evaluated based upon the following criteria:

- 1) *Placement*: All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.
 - 2) *Quantity*: The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development sub-areas and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.
 - 3) *Size*: All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences. In no event shall a plan contain a sign which exceeds by more than twice that of any maximum area standard contained in Article 13, "Signs," unless otherwise waived by the City Council.
 - 4) *Materials*: Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography.
- d. A request for approval for a Comprehensive Sign Plan shall accompany the request for "PD-C" or "PD-I" zoning classification and shall include, but is not limited to, the following:
- 1) A site plan, depicting the proposed plan of development and illustration of proposed sign locations;
 - 2) Descriptions and drawings indicating size, qualities, materials and illumination; and
 - 3) A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the Comprehensive Sign Plan relates to each of the criteria set forth in this Section.

5. *Common Open Space Requirements*

- a. Common open space shall comprise at least fifteen (15) percent of the gross area of a "PD-R" development or be of a size equivalent to one (1) acre for each 100 persons of expected population within the "PD-R" development, whichever is less.

For purposes of this Section, the expected population shall be determined by multiplying the total number of dwelling units times the average city-wide household size as provided in the most recent Census.

This common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment by the occupants of the development; however, up to 50 percent of the required open space may be composed of common open space on privately owned properties dedicated by easement to assure that the common open space will be permanent. In addition to these general open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.

- 1) Of the required common open space, up to one-half of it may be covered by water, floodplain, stormwater drainage facilities or left in a natural state.
- 2) The area of each parcel of open space shall not be less than 6,000 square feet in area nor less than thirty (30) feet in its smallest dimension. Also, at least fifty (50) percent of the common open space shall be contiguous or connected via pedestrian/bicycle paths.
- 3) In as much as practical, common open spaces should be distributed equitably throughout the development in relation to the dwelling units in which such common open space is intended to serve. The open space must not be isolated in one corner of a development, but highly accessible (physically and/or visually) to the residents or employees within a development.
- 4) The use, operation, and maintenance of areas for common open space, common ground, and common buildings shall be guaranteed by the establishment of necessary open space covenants as provided for in Subsection 5.13.10, paragraph 6, of this Article.

6. *Perimeter Buffer Requirements*

- a. Where a "PD-R" District containing residential development along the perimeter of the site that is higher in density than that of an adjacent residentially zoned property, there shall be a minimum thirty (30) foot buffer area. The buffer area must be kept free of buildings or structures and must be landscaped or protected by natural features so that all higher-density residential is effectively screened from the view of the abutting lower density residential property.
 - b. Where a "PD-C" or a "PD-I" abuts a residential district, there shall be a minimum fifty (50) foot buffer area between any non-residential use and the adjacent residential district. This buffer area shall be landscaped in accordance with Article 7, "Supplementary District Regulations," Section 7.05.
7. *Streets:* Public and private streets shall conform to Article 9, "Streets, Sidewalks and Subdivision Design," except as provided herein. Upon recommendation by the Planning and Zoning Commission and approval by the City Council, the right-of-way width for local residential streets may be reduced to sixty (60) feet and/or the pavement width for the same street may be reduced to twenty-eight (28) feet wide (with no parking allowed on either side).

5.13.08 Other Development Regulations for "PD" Districts

1. "Overlay District Regulations": Article 6 (Re: Floodplain Regulations)
2. The following Sections of Article 7, "Supplementary District Regulations," apply to development within a "PD" District.
 - a. Section 7.04, "Accessory Uses, Buildings and Structures," Paragraph 9;
 - b. Section 7.05, "Screening Requirements Between Non-Residential and Residential Zoning Districts";

- c. Section 7.07, "Home Occupations";
- d. Section 7.08, "Antenna Regulations";
- e. Section 7.09, "Air Navigation Space Regulations";
- f. Section 7.10, "Sight Distance Triangle";
- g. Section 7.11, "Screening of Rubbish, Garbage and Dumpster Facilities";
- h. Section 7.12, "Traffic Access and Impact Studies";
- 3. "Utilities": Article 10
- 4. "Floodways, Floodplains, Storm Drainage and Erosion": Article 11
- 5. "Off-Street Parking and Loading Requirements": Article 12
- 6. "Signs": Article 13 (except as may be modified through a Comprehensive Sign Plan. See Subsection 5.13.07, paragraph 4.c. of this Article).

5.13.09 Dedication and Reservation of Land

Whenever a planned development embraces all or any part of an arterial street, collector street, drainage way or other public way which has been designated in the adopted Comprehensive Plan or other adopted plans of the City of DeKalb, sufficient land shall be dedicated or reserved on the development plan for said public improvements in a manner similar to that required of all subdivisions as specified in Section 15.05, Article 15, "Subdivision of Land."

5.13.10 Procedures for Planned Development Approval

1. *Pre-Application Meeting*: Prior to petitioning for a rezoning to one of the Planned Development Districts, the applicant shall schedule a pre-application meeting with the Community Development Director. At the pre-application meeting, the applicant shall submit a ~~sketch-concept~~ plan for review and comment by City Staff. City Staff shall review and evaluate the ~~sketch-concept~~ plan and shall report to the applicant at the meeting or as soon as practicable thereafter, Staff's opinion as to the merits and feasibility of the planned development and its improvements contemplated by the ~~sketch-concept~~ plan. Staff shall also inform the applicant of the required standards, documentation submittals and procedures to follow should the applicant decide to submit a formal petition.
 - a. *Contents of ~~ConceptSketch~~ Plan*: The information that should be included with the ~~concepts~~~~sketch~~ plan are itemized in Section 15.02 of Article 15, "Subdivision of Land," of this Ordinance. In addition to items listed in that section, the following information should be included as well:
 - 1) Building outlines (footprints) of all structures except single family detached dwellings proposed on subdivided lots.
 - 2) Internal private circulation drives and parking areas.
 - 3) Conceptual landscaping plan, ~~building elevations~~, open space/common areas and buffer areas between the proposed development and adjacent properties, if determined necessary by the Community Development Director or designee.
2. *Planning and Zoning Commission ~~Review~~Work Session*: Prior to formal application for rezoning to a "PD" District, the applicant may submit the ~~concepts~~~~sketch~~ plan for review by the at-a-work-session

~~held with the Planning and Zoning Commission at a regularly scheduled meeting. The meeting work session is not mandatory, but is highly encouraged. Work sessions are held at the Planning and Zoning Commission's regularly scheduled meetings. If determined beneficial by the Community Development Director or designee, the concept plan and supporting material shall be mailed to the property owners within 250 feet of the site advising of the Planning and Zoning Commission meeting. The mailing shall occur within 10 days of the Commission meeting.~~

3. *Preliminary Development Plan Submittal Requirements:* The Preliminary Development Plan submitted shall include the information required in Subsection 15.06.01, Article 15, "Subdivision of Land." In addition to these submittal requirements, the following shall be submitted as applicable:
 - a. Net area of tract;
 - b. Maximum number of dwelling units allowed per the original zoning district and/or the Comprehensive Plan;
 - c. Number of dwelling units proposed;
 - d. Number of off-street parking spaces required and proposed;
 - e. The location, gross floor area of, and distance between buildings and structures. Floor area for non-residential uses shall be identified by use type;
 - f. The proposed location and general use of common ground, including recreational areas, plazas, pedestrian ways and major landscaped areas including buffer areas. Landscaping information shall include location and approximate size (at time of planting) of all plant material by type (such as deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping within parking areas shall be included;
 - g. Quantification of site area by building coverage, parking, loading and driveways, and common open areas divided into usable open areas and areas to be dedicated to water retention/detention, floodplain and/or natural areas;
 - h. The location and details of all retaining walls, fences and earth berms;
 - i. The location of all refuse collection facilities including screening to be provided;
 - j. Illustrative site cross sections (two minimum) indicating edge conditions and internal grade changes in relation to principal variations of building elevations and site-lines to adjacent properties/structures;
 - k. Typical building elevations of sufficient scale and detail to illustrate building mass, exterior construction materials and signage if applicable;
 - l. Project report to include an explanation of the character of the proposed development, verification of the applicant's ownership or contractual interest in the subject site and proposed development schedule.
 - m. The applicant may be required to provide, at the applicant's expense, additional clarification and/or further detail of the site plan as determined necessary by the Principal Planner, Community Development Director or the Planning and Zoning Commission. (2017-044)
 - n. In addition to meeting all of the preliminary plan submittal requirements in this section, the developer of each preliminary plan shall clearly show the location and general design of any collector and arterial streets, major stormwater drainage facilities, main utility lines and facilities, and other features deemed necessary by the Planning and Zoning Commission and City Council

on all of the contiguous property holdings of such developer, his/her agents, trustees, beneficiaries, or owners, whether or not said contiguous land holdings are intended for immediate development. The Planning and Zoning Commission and City Council shall take steps to assure that the developer is not omitting any contiguous holdings from the preliminary plan submittal and to prevent the circumvention of the purpose and intent of this paragraph.

4. *Preliminary Development Plan Review Procedure:* The review procedure for a preliminary development plan shall be consistent with the procedures described within Article 15, Subsection 15.06.02, Paragraphs 1 thru 7.
5. *Public Hearing and Actions on Preliminary Development Plan*
 - a. Review and actions on the part of the Planning and Zoning Commission and City Council shall take place in accordance with Section 20.04, Article 20, "Amendments." The Planning and Zoning Commission may recommend approval, disapproval or approval with amendments, conditions or restrictions with respect to the preliminary development plan.
 - b. If the preliminary development plan is approved by the City Council, it shall adopt an Ordinance approving said preliminary development plan and plat, if applicable, with conditions as specified and authorizing the preparation of the final development plan and plat, if applicable. Simultaneously with the approval of the preliminary development plan, the City Council shall adopt an Ordinance rezoning the site to the appropriate "PD" District and said Ordinance shall include all conditions imposed on the development plan.
 - c. All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in tenancy or ownership of any or all of said area, provided, however, that nothing herein shall be construed to limit the right of the developer, his successors or assigns to sell property in said planned development, except for such conditions imposed upon said common open-space areas.
 - d. Approval of the preliminary development plan by the City Council does not constitute approval of the plan, but is merely an authorization to proceed with the preparation of the final development plan. Approval of the preliminary development plan shall be valid for a period of two (2) years from the date of City Council approval. If an application for final plan approval for all or a geographic portion of the preliminary plan has not been filed within the two (2) year period, or if a developer has not requested and received approval of a one (1) year extension from the City Council, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval. In no case shall a building permit be issued prior to final development plan approval.
6. *Final Development Plan Submittal Requirements:* The final development plan shall include the required information described in Section 15.07, Article 15, "Subdivision of Land," as applicable. In addition to these submitted requirements, the following shall be submitted.
 - a. The final development plan including that information required for the preliminary development plan plus the required information described in Article 17, "Site Plan Review Requirements."
 - b. The final landscape plan with specific location of all plant material, specifying size and species.
 - c. A statement that with the exception of the minimum lot requirements of the Unified Development Ordinance (UDO) of the City of DeKalb, all requirements of the UDO have been complied with by the applicant and owner.
 - d. A statement placed on the plat indicating that the operation and maintenance of designated common areas, common facilities, common buildings, and open spaces shall be under the control of a homeowner's association in accordance with the laws of the City of DeKalb governing

such associations as provided for in Article 15, "Subdivision of Land," Section 15.07.03, "Maintenance of Common Land and Structures."

7. *Final Development Plan Review and Approval:* The procedure for reviewing and approving the final development plan shall be in accordance with Subsection 15.07.06, Article 15, "Subdivision of Land."

5.13.11 Requirements and Procedures Prior to Recording of Plan

After the final development plan (and subdivision plat, if applicable), engineering plans and other associated documents have been approved by the City Council, the applicant shall meet the terms and conditions of Section 15.08, Article 15, "Subdivision of Land."

5.13.12 Final Development Plan Approval Not Acceptance of Dedication Offers

Approval of a planned development does not constitute acceptance by the City of the offer of dedication of any streets, utilities, sidewalks, parks or other public facilities shown on the plan. However, the City Council may accept any such offer of dedication by resolution and may delay such acceptance until such time that the Public Works Director determines that the public improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority. (2017-044)

5.13.13 Amendments to Final Development Plan

1. *Minor Changes:* Minor changes in the location, siting and height of buildings and structures may be authorized by the Community Development Director without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in overall coverage of structures;
 - c. An increase in the intensity of use;
 - d. An increase in the problems of traffic circulation and public utilities;
 - e. A reduction in approved open space;
 - f. A reduction of off-street parking and loading space;
 - g. A reduction in required pavement widths.

Notwithstanding anything foregoing to the contrary, all amendments, changes, or revisions to the final plan and plat of subdivision for any planned development located on parcels of property under common ownership which are at least 500 acres in size, shall constitute minor changes under this Section that may be authorized by the City Manager or Community Development Director without additional public hearings, provided that said amendments, changes, or revisions conform to the conditions and development standards established in the Ordinance adopted by the City Council governing the particular planned development.

2. *Plan Amendments:* All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be approved by the City Council after report of the planning staff and recommendation by the Planning and Zoning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy.

Any changes to the approved final plan must be recorded as amendments in accordance with the procedures and requirements of Article 20, "Amendments." Additionally, the City Council shall require the applicant to re- file his application subject to the requirements of this Section as if it were an entirely new application.

5.13.14 Failure to Initiate Construction After Final Development Plan Approval

1. No approval of a final development plan shall be valid for a period longer than two (2) years from the date of approval unless within such period a building permit is obtained and construction of a development's foundation is commenced.
2. The City Council may grant a one (1) year extension upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application. At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms and conditions thereof may be declared null and void and the City Council may initiate actions to rezone the site to its original or other appropriate zoning district in accordance with the procedures and requirements of Article 20, "Amendments."

5.13.15 Properties Zoned Planned Development District by Enactment of this Ordinance

"Planned Unit Developments" which have been authorized by special use permit procedures of the City's former Zoning Ordinance prior to the enactment date of this Ordinance, are hereby created Planned Developments and all approved characteristics of such developments, such as lot sizes and configurations, setbacks, easements, dimensional characteristics, roads, utilities and other improvements, are made a part of the Planned Development District Zoning classification as herein defined, whether conforming or legal non-conforming in character.

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 ~~City Council approves a Special Use Permit (see Article 14, “Permits”) meeting 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.

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.

ARTICLE 13

SIGNS

13.01 Purpose and Intent

It is the purpose of this Article to regulate and control the location, erection, number, and maintenance of signs within the City of DeKalb in order to promote public safety, health, and general welfare of the community. The regulations are intended to provide uniform, content-neutral sign standards, ensure public safety, regulate traffic, promote economic development, enhance the value of properties, and maintain an attractive community appearance and aesthetics. This Article is adopted for the following specific purposes:

1. Providing for uniform regulation and orderly development of signs;
2. Prohibiting hazardous and dangerous signs;
3. Authorizing the use of street graphics (signs) which are compatible with their surroundings appropriate to the activity to which they pertain, expressive of the identity of the proprietors; legible in the circumstances in which they are seen and expressive of the image the City desires to project;
4. Encouraging sound sign display practices and mitigating the objectionable effects of competition in respect to the size and placement of signs;
5. Preserving the value of private property by assuring compatibility of signs with nearby land uses;
6. Promoting the convenience, enjoyment, and free flow of traffic within the City by protecting the public's ability to identify uses and premises without confusion; and
7. Promoting the goals, principals and standards identified in the Comprehensive Plan and Neighborhood Plans for residential, commercial, and industrial development.

13.02 Administration

13.02.01 Definitions

Unless otherwise expressly stated, the following words or terms shall, for the purposes of this Article, have the meanings indicated in this Section.

Abandoned Sign: A sign which is obsolete or no longer correctly directs or exhorts any person; advertises a bona fide business; lessor, tenant, owner, project, or activity conducted or product available on the premises where such sign is displayed.

Attention-Getting Device: Any pennant, flag, valance, banner, propeller, spinner, streamer, search light, inflatable sign or similar device or ornamentation designed for purpose of attracting attention, promotion, or advertising.

Banner: A flexible material (e.g. cloth, paper, vinyl, etc.) which may or may not include grommets for mounting on which a sign is painted or printed. (2008-052)

Billboard: An off-premises sign owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign

Building: A structure housing or sheltering any use or occupancy. For the purpose of this Article, an aggregation of two or more structures and/or businesses connected by a wall, fire wall, facade, or other structured element, except for a sidewalk, shall constitute a single building.

Changeable Copy Sign (Electronic): A component of a sign that uses changing LED's, fiber optics, light bulbs, or other illumination devices within the electronic display panel(s) to form messages in text and/or image format where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time and temperature signs are considered Electronic Changeable Copy Signs.

Changeable Copy Sign (Manual): A component of a sign on which copy is changed manually.

Copy: The wording, graphics, or images on a sign surface.

Erect: To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, install, move, or relocate and includes the painting and repainting of existing sign structures.

Façade: The front or main part of a building facing a street; for purposes of this Section, the facade is defined as measured from the ground elevation to the head beam.

Fixed Awning, Fixed Canopy and Marquee: Any hood, canopy or awning made of cloth, metal or of permanent construction materials projecting from the wall of a building supported solely by the building to which it is attached.

Flashing Sign: A sign with an intermittent or sequential flashing light source used primarily to attract attention. This definition does not include Electronic Changeable Copy Signs.

Grommet: A reinforced eyelet, as in cloth or leather, through which a fastener may be passed which may or may not include a small metal or plastic ring used to reinforce such an eyelet. (2008-052)

Ground Sign: Any sign supported by uprights or braces placed in or upon the ground, and not attached to any building or structure. This definition includes signs which ~~may are~~ also be referred to as "monument signs." or "pole signs".

Illuminated Sign: Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights, luminous tubes, or any other means of illumination.

Lot: A single piece or parcel of property, or multiple tracts of properties, established by a legal instrument and serving a principal use or uses. For the purposes of this Article, multiple parcels or tracts serving a single building (as defined herein) shall be considered one lot.

Moving or Rotating Sign: Any sign or other advertising structure which physically moves or rotates in any manner whatsoever.

Off-Premises Signs: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located.

Permanent Sign: Any ground or wall sign that is substantially anchored to the ground with concrete piers or foundations or the equivalent, or any wall sign substantially attached to a building with bolts, rivets or the equivalent or any awning, canopy, marquee or under-canopy sign or any other sign that is designed, constructed and intended to be so located or affixed for an indefinite time.

Portable Sign: Any sign not permanently affixed to a building structure or the ground; a sign designed to be moved from place to place. Portable signs primarily include, but are not limited to, signs attached to wood or metal frames designed to be self-supporting and moveable; paper, cardboard, or canvas signs wrapped around supporting poles and signs commonly trailer mounted and designed to be moved from place to place.

Projecting Sign: Any sign which projects from the building wall at any angle other than a plane primarily parallel to the building wall; excluding signs attached to the vertical face of marquees or canopies. Most projecting signs are oriented in a plane perpendicular to the building wall.

Roof Sign: Any sign erected, constructed, or maintained on the roof of any building. A roof sign includes any wall sign which extends above the roof line.

Sidewalk Sign: A portable sign placed on the sidewalk in front of a business and displayed during operating hours of the entity advertised (also called a Sandwich Board Sign).

Sight Distance Triangle: See Article 7, Section 7.10, Sight Distance Triangle.

Sign: Any display, device, notice, figure, painting, drawing, message, placard, poster, bulletin board, symbol, letter, word, numeral, emblem, trademark, flag, banner, pennant or other thing which is designated, intended or used to advertise, inform, direct attention to and of which any part of the existing or intended display, advertising or informative contents.

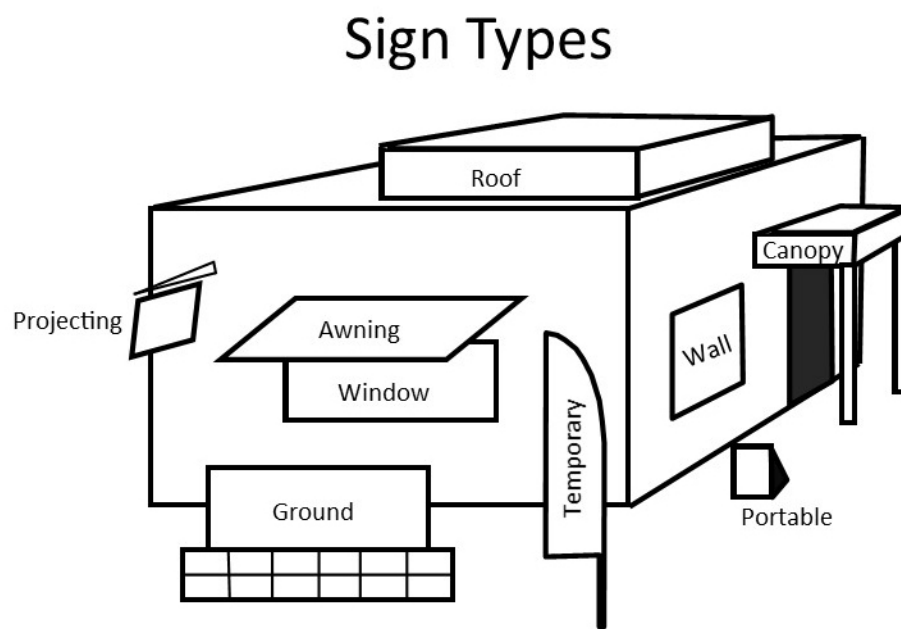
Temporary Sign: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only. (2008-052)

Time and/or Temperature Sign: Any sign indicating time and temperature with intermittent change.

Under Canopy Sign: Any sign suspended beneath a canopy or marquee.

Wall Sign: Any sign mounted, attached to, or painted on the exterior wall of a building or structure, in a plane parallel to that of the supporting wall.

Window Sign: Any sign advertising sales or specials attached to, or located within, the glass surface of any window (glazing) and visible from public right-of-way in such a manner as to be viewed or intended for view primarily from the exterior of a building or structure. Window signs may include Electronic Changeable Copy Signs.



13.02.02 Calculation of Area

The following regulations shall govern the determination of sign area:

1. For a ground sign, the total square footage of the sign shall be calculated by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display. *The sign base, support structure, architectural features, any material, framing, or color forming a part of the background of the display and the property address shall not be included in the sign area.*
2. For a wall sign enclosed by a frame, cabinet, panel, box or outline, the total square footage of the sign shall be calculated by the measurement of the outer dimensions of the frame or cabinet, panel, box or outline, surrounding the sign.
3. For a wall sign comprised of individual letters or other elements attached directly to a building, the square footage of no more than three (3) imaginary squares or rectangles that can be drawn to completely encompass all of the letter and/or elements shall be deemed the sign area. The area of each sign(s) shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display. *Any material, framing or color forming a part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed shall not be included in the sign area.*
4. Any letters, numbers or characters painted or otherwise permanently placed on a canopy, awning or marquee shall count toward the maximum area of wall signage permitted per this Article.
5. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
6. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

Calculation of Sign Area



13.02.03 Maintenance

1. Signs, together with all supports, braces, guys and anchors, shall be kept in safe condition and, when not galvanized or constructed of approved corrosion resistive, noncombustible materials, shall be painted when necessary to prevent corrosion or to correct peeling.
2. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall become unlawfully installed, erected or maintained in violation of any of the Ordinances of the City, the owner thereof, or the person or firm maintaining the same, shall, upon written notice of the Chief Building Official or designee, forthwith in the case of immediate danger and in any case, within not more than ten (10) days, make such sign conform to the Ordinances of the City or shall remove it. If within ten (10) days the order is not complied with, the Chief Building Official or designee may remove such sign at the expense of the owner or lessee thereof.

13.02.04 Miscellaneous

1. Sign Illumination: Internal and external illumination of signs shall concentrate the illumination upon the area of the sign to prevent glare upon the street or adjacent property.
 - a. No red, yellow, green, or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.
 - b. Beacon lights and illumination by flame are prohibited.
 - c. The light which is cast upon any illuminated sign shall be shaded, shielded, or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.
 - d. No exposed reflective type bulb or incandescent lamp which exceeds fifteen (15) watts shall be used with any sign in such a manner as to expose the face of the bulb, light or lamp to any public street or to adjacent property.
 - e. No sign shall be either directly or indirectly illuminated in such a manner as to adversely affect the use and enjoyment of nearby buildings containing dwelling units.
2. Miscellaneous Advertising Objects Prohibited: No person shall place on, or suspend from, any building or structure, any goods, wares, merchandise or other advertising object or structure other than a sign as defined, regulated and prescribed by this Article.
3. Obstruction to Doors, Windows, or Fire Escapes: No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from any door, window, or fire escape. No sign shall be attached to a standpipe or fire escape.
4. Signs Not to Constitute Traffic Hazard: No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "go," "look," "danger," "one-way," "yield" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. Additionally, sign placement shall be in accordance with the requirements contained in Article 7, Section 7.10, "Site Distance Triangle."
5. Non-Discrimination Against Non-Commercial Speech: The owner of any sign which is otherwise allowed under this Article may substitute non-commercial copy in lieu of any other commercial or non-commercial copy, subject to the same regulations applicable to such signs. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring either of commercial speech over non-commercial speech or of any particular non-commercial message over any other non-commercial message.

13.02.05 Permits

1. Unless exempted by this Article, no temporary or permanent sign shall be erected, constructed, posted, painted, altered or relocated until a Sign Permit has been issued by the Chief Building Official or designee per the requirements of the DeKalb Municipal Code.
2. Structural materials, wind load and safety requirements shall be in accordance with Chapter 24, "Building Code," of the DeKalb Municipal Code.
3. Application for a sign permit shall be made upon forms provided by the Community Development Department and accompanied by all required submittals.
4. Permit Issued if Application in Order: It shall be the duty of the Chief Building Official or designee, upon the filing of an application for a sign permit, to examine such plans, specifications and other data, and the premises upon which it is proposed to erect the sign. If the proposed sign complies with the requirements of this Article and if the appropriate permit fee has been paid, a sign permit shall be issued.
5. Revocation of Permit: Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or of obtaining the permit. Upon the termination or revocation of the permit, or upon discovery of a sign being improperly installed, the permittee shall remove the sign and supports without cost or expense of any kind to the City, provided that in the event of the failure, neglect or refusal on the part of the permittee to do so, the City may proceed to remove the same and charge the expenses to the permittee.

13.02.06 Variations

Variance requests shall be processed in accordance with the provisions provided in Article 18.03. Variances of the Unified Development Ordinance.

13.02.07 Enforcement

Enforcement of the provisions of this Article 13 shall be as provided in Article 16.04 of the Unified Development Ordinance, with the following additional provisions:

1. Illegal signs placed in the public right-of-way or any roadway easement are herein declared to be an immediate threat to the safety of the motoring public and are subject to confiscation by the roadway jurisdiction having authority, without prior notice.
2. Paragraph 1 shall not apply to permitted signs in the "CBD" Central Business District.

13.02.08 Nonconforming Signs

Signs that were legally conforming at the time of adoption of this Amendatory Ordinance of 2003, or which were legally nonconforming at the time of adoption of this Ordinance or subsequent amendments, which are now or remain legal nonconforming signs, are subject to the provisions of Article 19 of the Unified Development Ordinance, except for the following provisions:

1. Sign panels within existing sign structures may be changed, repaired, replaced, or maintained; provided that a permit is obtained in accordance with Article 13.02.05, the size of the panel is not increased, and the structure is not altered.
2. No nonconforming sign may be changed to another nonconforming sign, nor structurally altered to prolong the life of the sign.

3. No nonconforming sign may be moved, removed, and replaced, or altered, other than provided in paragraph 1, above, unless brought into full conformity with this Amendatory Ordinance of 2003 or subsequent amendments.

13.03 Prohibited Signs

Any sign not specifically permitted by this Article is hereby prohibited, including but not necessarily limited to the following:

1. Moving or rotating signs.
2. Any sign erected on, or extending into, a public easement or right-of-way, except as permitted in the Central Business District (see Subsection 13.07.07 of this Article). (2008-052)
3. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk, or other surface located on, or extending into, public property not specifically excluded from the regulations of this Article.
4. Any billboard or other off-premises sign, except as authorized elsewhere in this Article, advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located.
5. Signs placed or affixed to vehicles and/or trailers which are parked so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on, or affixed to, vehicles and trailers, such as permanent lettering on motor vehicles where the sign is incidental to the primary use of the vehicle or trailer.
6. Roof signs.
7. Portable signs, excluding sidewalk signs as defined within this Article. (2008-052)
8. Projecting signs, except as otherwise permitted in the "CBD" Central Business District, "LC" Light Commercial District and "GC" General Commercial District (see Subsection 13.067.067 of this Article).
9. Electronic Changeable Copy Signs in the "CBD" Central Business District, except as allowed in Article 13.06.04.2, of this Ordinance and any Residential Zoning Districts except for non-residential uses in the SFR1, SFR2, TFR and RC-1 Districts.
10. Flashing signs.
11. Abandoned signs which advertise a business no longer conducted or a product no longer offered for sale on the premises where such sign is located; providing a sign indicating a move of such business is permitted for a period of time not exceeding 90 days from the date of discontinuance of the business at the location.
12. Attention getting devices, including by not limited to searchlights, propellers, pennants, streamers, ribbons, strings of light bulbs, spinners, balloons, inflatable signs, and similar devices, except "Special Events Signs" and "Temporary Commercial and Non-Commercial Signs" as provided for in this Article.
13. Sound devices attached to any sign, or any sign that emits any sound for any purpose.
14. Permitted signs (excluding temporary signs) on fences or walls that are not part of a building structure.

15. Any sign that constitutes a hazard to public health or public nuisance.

13.04 Exempt Signs – No Permit Required

Except as regulated in this Section, the provisions of this Article shall not apply to the signs listed below. Any illuminated sign shall obtain an Electrical Permit from the City as determined by the Chief Building Official.:

1. Bulletin Board: Bulletin boards not over twelve (12) square feet in area when attached to buildings housing public, charitable or religious institutions when the same are located on the premises of said institution.
2. Informational Signs: Signs providing information, but bearing no advertising matter, including identifying restrooms, hours of operation, walkways and similar features or facilities, and not exceeding twelve (12) square feet in area.
3. Private Property Regulation Sign: Signs regulating the use of a property, such as no hunting, no fishing, beware of dog, no trespassing, etc., of no more than two (2) square feet in area.
4. Directional and Parking Lot Entrance and Exit Signs: Signs marking and designating entrances and exits to/from parking lots including directing vehicle and pedestrian traffic within parking lots, provided such signs not exceed five (5) feet in height, nor six (6) square feet for properties zoned commercial or residential with non-residential uses or six (6) feet in height, nor twelve (12) square feet for properties zoned industrial and shall conform to the regulations of Article 12, "Off-Street Parking and Loading Requirements." However, where said signs are illuminated, they shall conform to Section 13.02.04 of this Article. Such signs may contain on-site advertising matter.
5. Signs on Property for Sale or Lease or with Construction Activity: Signs on property for sale or lease not exceeding one hundred (100) square feet in area in commercial or industrial districts, and not exceeding twelve (12) square feet in area in any other zoning district. Signs on property for sale or lease in the "CBD" Central Business District shall not exceed fifty (50) square feet. Signs on property with construction activity not exceeding twelve (12) square feet in any residential zoning district and fifty (50) square feet in any commercial or industrial district. All Signs shall be removed within five (5) days following the sale or lease of the property or upon completion of the construction activity. All signs shall be limited to eight (8) feet in height and there shall be a limit of one (1) sign per street frontage.
6. Tablets in Building Walls: Signs or tablets denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. Traffic, Government Signs, Public Utility Company Signs and Emergency Signs: Traffic or other municipal or government signs, public utility signs, legal notices, railroad crossing signs, danger and other temporary emergency or non-advertising signs as may be approved or required by Federal law, State Statute, or the authority having jurisdiction.
8. Sidewalk Sign: A Temporary Sign in the Central Business District not exceeding four (4) feet in height and eight (8) square feet in area per side. No more than one (1) sign per business is allowed and said sign shall be located within the boundaries of the business frontage not interfering with pedestrian foot traffic. Sidewalk signs shall be self-supporting and not be permanently installed or affixed to any object, tree, surface, or other means of support and shall be removed at the close of the business day.
9. Window Signs: Window Signs shall not exceed fifty (50) percent of the total window surface area per building or tenant elevation.

10. Menu board signs for drive-through operations provided such sign does not exceed thirty-two (32) square feet and six (6) feet in height.
11. Address numbers, illuminated on non-illuminated, located on the property where the address referenced is located per the requirements of Chapter 24 "Building Code", ~~Article 10, Section 304.3.~~
12. Flags displaying non-commercial speech.
13. Temporary non-commercial ground or wall mounted signs not exceeding sixteen (16) square feet on residential zoned properties and forty (40) square feet on residential zoned properties with non-residential uses, commercial zoned properties, or industrial zoned properties. Temporary non-commercial ground signs are limited to six (6) feet in height. Signs shall be allowed to be displayed for no more than 90 days per calendar year and removed within seven (7) calendar days of conclusion of the event. Temporary non-commercial signs are also exempt per P.A. 96-0904 of the Illinois General Assembly and Section 17-29 of the Illinois Election Code.

13.05 Permanent Signs – All Zoning Districts

13.05.01 Sign Chart

The following signs are permitted in all zoning districts, subject to obtaining a sign permit as required by Article 13.02.05.

Zoning District	Allowable Signs	Maximum Size, Height and Setback	Number	Maximum Time for Display
SFR1, SFR2, TFR, RC-1, PD-R	Permanent Wall	Max. Size – 1 sq. ft.	One	None
	Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)	Max. Size – 50 sq. ft. Max. Height (Ground Sign) – 6 feet Min. Setback – 18 inches from any lot line	One per subdivision or development entrance	None
SFR1, SFR2, TFR, RC-1 (Non-Residential Use)	Permanent Wall	1.5 square feet of signage for each lineal foot of building or tenant frontage 300 sq. ft. max. for any sign	One per building or tenant frontage	None
	Permanent Ground	Max. Size - 50 sq. ft. Max. Height-10 feet Min. Setback -18 inches from any lot line	One per street frontage – Max. of 2	None
	Permanent Subdivision or Development Identification	Max. Size – 50 sq. ft. Max. Height (Ground Sign) – 6 feet	One per subdivision or development entrance	None

	Sign (10 or more lots or dwelling units)	Min. Setback – 18 inches from any lot line		
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Zoning District	Allowable Signs	Maximum Size, Height and Setback	Number	Maximum Time for Display
MFR-1, MFR-2	Permanent Wall	Max. size – 10 sq. ft.	One per building frontage	None
	Permanent Ground	Max. Size - 20 sq. ft. Max. Height- 6 feet Min. Setback -18 inches from any lot line	One per street frontage – Max. of 2	None
	Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)	Max. Size – 50 sq. ft. Max. Height (Ground Sign) – 6 feet Min. Setback – 18 inches from any lot line	One per subdivision or development entrance	None
NC, LC, GC, PD-C, ORI, LI, HI, PD-I	Permanent Wall	1.5 square feet of signage for each lineal foot of building or tenant frontage 2 square feet of signage for each lineal foot of building or tenant frontage for buildings 500,000 sq. ft. and over located between Fairview Dr. and Gurler Rd.	One per building or tenant frontage	None
	Permanent Ground – Buildings with one tenant	Max. Size - 50 sq. ft. Max. Height-10 feet Min. Setback -18 inches from any lot line	One per street frontage	None

	Permanent-Ground Buildings with two tenants or subdivisions with two lots	Max. Size - 75 sq. ft. Max. Height- 32 20 feet Min. Setback -18 inches from any lot line	One per street frontage	None
	Permanent Ground - Buildings with three or more tenants or subdivisions with three or more lots	Max. Size - 150 sq. ft. Max. Height-30 feet Min. Setback -18 inches from any lot line	One per street frontage	None

Zoning District	Allowable Signs	Maximum Size, Height and Setback	Number	Maximum Time for Display
NC, LC, GC, PD-C, ORI, LI, HI, PD-I (Continued)	Permanent Subdivision or Development Identification Sign (5 or more lots)	Max. Size – 50 sq. ft. Max. Height (Ground Sign) – 6 feet Min. Setback – 18 inches from any lot line	One per subdivision or development entrance	None
	Projecting Sign	Max. Size – 12 sq. ft; Not to extend more than 4 feet from vertical plane of façade	Two per building or tenant	None
CBD	Permanent Wall	2 square feet of signage for each lineal foot of building or tenant frontage	One per building or tenant frontage	None
	Permanent Ground	Max. Size - 50 sq. ft. Max. Height-10 feet Min. Setback -18 inches from any lot line	One per street frontage	None
	Projecting Sign	Max. Size – 12 sq. ft.; Not to extend more than 4 feet from vertical plane of façade or closer than 2 feet to the back of the curb of the adjoining street	None	None

13.05.02 Signs on Residential Zoned Property with Construction Activity

Signs on residential zoned property with construction activity shall be permitted one (1) on-site sign not exceeding one hundred (100) square feet in area nor exceeding eight (8) feet in height. When the property has frontage on two (2) or more existing and adjacent streets, an on-site sign shall be permitted along each frontage. Signs on residential zoned property with construction activity shall not require a permit if they qualify under the provisions of Article 13.04.05.

1. Signs on residential zoned property under construction shall be permitted any number of off-site directional signs not exceeding ten (10) square feet in area nor exceeding three and one-half (3-1/2) feet in height. Such signs may not be attached to any public utility pole, tree, fire hydrant, curb, sidewalk, or other surface located on, or extending into, public property or right of way. In addition, the following regulations apply:
 - a. A sign permit is required with a minimum fee of one hundred dollars (\$100.00), or as may be modified by the City Manager or designee.
 - b. Signs shall not be placed before noon on any Friday and must be removed by noon on the following Monday.
 - c. No such sign shall be located within two hundred (200) feet from any other sign for the same property.
2. All signs shall be removed within five (5) years from the date of issuance of the sign permit, or when seventy-five (75) percent of the lots or gross floor area have been sold or leased, whichever is first.

13.05.03 Temporary Signs

Temporary commercial on-site signs and attention-getting devices that are otherwise prohibited by this Article may be permitted for purposes of promoting special commercial activities, grand openings, sales, special events, etc., subject to the following provisions (exception see Subsection 13.07.07, Central Business District).

1. A fully completed temporary sign permit application and site plan shall be submitted to and approved by the Community Development Department.
2. A temporary sign permit must be obtained from the Community Development Department.
3. Temporary commercial on-site sign permits shall be limited to a maximum of ninety (90) days per calendar year. The days for the display of the sign(s) do not have to be concurrent and are determined by the applicant, however the dates of the display must be provided to the Community Development with the permit. Applicable fees are established per Chapter 24 of the Municipal Code.
4. The maximum size of a temporary commercial sign is 40 square feet and must not be more than fifteen (15) feet in height and must not be located in the sight distance triangle as defined in Article 7.10. There is no limit on the number of ground signs however a maximum of 40 square feet per roadway frontage is allowed. Wall mounted temporary signs are limited to one and may not extend above the roofline of the parapet of a building. Roof mounted temporary signs are prohibited. The maximum size of a temporary commercial sign (ground or wall) for buildings ~~between over~~ 50,000 square feet and 500,000 square feet is one square foot per one lineal foot of building frontage with a maximum of 100 square feet. The maximum size of a temporary commercial sign (ground or wall) for buildings over 500,000 square feet is one square foot per one lineal foot of building frontage with a maximum size of 500 square feet.
5. Displaying temporary commercial signs off-premises is prohibited.

13.06 Additional Sign Regulations

Additional regulations governing signs in all zoning districts shall be as follows, unless a sign plan is approved as part of a Planned Development – Residential, Planned Development – Commercial or Planned Development – Industrial zoning district:

13.06.01 Permanent Ground Signs

1. Any combination of tenants, users or businesses that share a common entrance, common restrooms, or a common cash register or payment facility shall count as a single user or tenant, regardless of relationships through franchises, business or corporate names, or similar distinguishing factors. Examples include a snack bar ~~or coffee shop~~ inside a department store, or a convenience store located within a gas station, both of which shall be considered a single user in all circumstances.
2. Ground signs serving buildings with three or more tenants, commercial subdivisions with three or more lots, where only one lot has street frontage, or similar situations, shall have the following additional regulations:
 - a. No individual tenant, user or building occupant shall have a panel or portion of the sign exceeding fifty (50) square feet in area.
 - b. The sign shall be designed to provide adequate advertising opportunity to all lots and tenants.
 - c. In the case of a single owner, the owner may assign smaller or greater percentage of allowable sign area to each tenant, subject to subparagraph a, above. In the case of multiple owners, the percentage of allowable sign area granted to the various owners and/or tenants shall be by written agreement. ~~executed by the owners and recorded as a covenant running with the land.~~ A copy of the ~~executed and recorded~~ agreement shall be provided with any sign permit application for such sign.
3. A ground sign serving multi-tenant situations shall not exceed the height of the primary structure by five (5) feet, and the required front yard setback for the sign shall be increased by one (1) additional foot for each one (1) foot by which the height of such sign exceeds ten (10) feet;
4. In the following areas, ground signs for single users will be allowed up to one hundred (100) square feet in area, or up to one hundred fifty square feet (150) to multiple users, and may be up to thirty-five (35) feet in height. The maximum height may be increased to a height of not more than sixty (60) feet, without being limited to the height of the primary structure on the property, after receiving a special use permit from the City Council:

All property located south of Fairview Drive, north of Gurler Road, east of the line lying parallel to and 1150 feet west of the center line of South Annie Glidden Road, and west of a line parallel to and ~~43207000~~ feet east of the center line of Peace Road.
5. No portion of a ground sign shall be located in the sight distance triangle as defined in Article 7.10.
6. The placement of ground signs shall not interfere with any utility lines as determined by the Chief Building Official or designee.
7. Ground signs shall be set back a distance of one (1) lineal foot from any property line if the topmost edge of the sign exceeds ten (10) feet in height from the ground; the said ground sign shall be setback an additional one (1) lineal foot from the property line for every additional one (1) foot the height of the topmost edge of the sign exceeds ten (10) feet.

8. Ground signs over twelve (12) sq. ft. or over six (6) feet in height supported by a pole or poles or base shall have the support pole(s) or base screened from view from all visible directions. Support pole or poles shall be enclosed in skirting or a solid base, with a minimum width not less than half of the width of the proposed sign and with a maximum width not greater than the ten (10) percent more than the width of the proposed sign. The skirting or base shall be constructed of materials consistent with the appearance of the principal structure(s) located on the same lot as the sign, or constructed of materials consistent with the intent of this provision as approved by the Chief Building Official or designee.
9. The ground immediately adjacent to said skirting or base shall be landscaped sufficiently so as to screen fifty (50) percent of the lower half of the skirting or base, measured as fifty (50) percent of the height between the ground and the bottom edge of the display portion of the proposed sign or two (2) feet, whichever is lower. The landscaping shall include species of vegetation appropriate to and consistent with the climate and appearance of the City of DeKalb, as approved by the Chief Building Official or designee.
10. It shall be the sole responsibility of the property owner(s) to maintain the neat appearance and functionality of any ground signs, including the skirting, base, and/or landscaping associated with said ground sign.
11. A lot that has no frontage on a street shall be allowed one ground sign no larger than twenty-four (24) square feet and six (6) feet in height to be located on a lot that has frontage on the street and provides access to the lot without frontage. The allowable twenty-four (24) square feet of sign may be transferred to a sign on a lot directly adjacent to the lot providing access to the lot without frontage, however such sign shall not exceed 50% of sign size on the adjacent lot. The allowable sign area for the lot without frontage cannot be on both the lot providing access and the adjacent lot. The principal building on the lot with no street frontage shall be at least 100 feet from the street right-of-way. At the time of permit submittal, the owner of the property with no street frontage shall provide proof of the ability to place a sign on the lot providing access or written approval from the adjacent property owner for the construction of the sign. Said approval shall include rights to access the sign for routine maintenance or removal. All of other provisions of this Article shall apply to the off-site sign, except such sign cannot be an electronic changeable copy sign.

13.06.02 Permanent Wall Signs

1. 1. Wall signs shall be substantially flush with the building wall, shall not extend beyond the wall of the building more than eighteen (18) inches and shall not project beyond any property line.
2. The size of the wall signs facing alleys or other public areas (but not streets or roads) shall be computed the same as a regular wall sign identifying the business or occupant located within the building.
3. The Aarea allowed on one side of a building with one tenant shall neither be transferred to another side of the building, or to any other building.
4. In buildings containing two or more multiple tenants, the owner of such building may assign smaller or greater percentage of allowable sign area to each tenant; however, the total sign area shall not exceed the maximum allowable under this Article.
5. Wall signs shall not extend above the roof line.
6. Wall signs may be placed on the vertical face of a mansard roof, whether real or artificial.
7. Each business in the "NC" Neighborhood Commercial District shall be limited to one wall sign facing a roadway. No wall sign shall exceed fifty (50) square feet in area.

8. Internally illuminated wall signs facing the property line of an adjacent property zoned residential, which contains one or more dwelling units, shall not be permitted if the adjoining property line is closer than fifty (50) feet to the wall in question.
9. Wall signs cannot be made of vinyl or other flexible material and must be affixed to a solid non-flexible base or substrate. (2008-052)
10. Banner signs are not considered a permanent wall sign and are only temporarily permissible, per the regulations in Articles 13.04.13 and 13.05.03. (2008-052)

13.06.03 Under Canopy Signs

1. One (1) sign located under a canopy, fixed awning or marquee shall be permitted for each business in a building. There shall be a minimum clearance of eight (8) feet between the ground and any such sign.
2. The area of an under-canopy sign shall not exceed one (1) square foot.

13.06.04 Manual and Electronic Changeable Copy Signs

1. Each lot, building or property, whichever is most restrictive, may have one manual or electronic changeable copy sign, which may be either a wall sign or part of a ground sign.
2. Electronic Changeable Copy Signs are not allowed in the CBD Central Business District, except for time and temperature signs, and any Residential Zoning District (except for non-residential uses located in the SFR1, SFR2, TFR and RC-1 Districts). Electronic Changeable Copy Ground Signs are allowed in the CBD Central Business District, except along E. Lincoln Highway, if the overall size of the ground sign is 25 sq. ft. or less and the electronic changeable copy portion of the sign does not exceed 50% of the overall sign size.
3. Manual and electronic changeable copy signs shall not exceed fifty (50) percent of the permitted maximum sign area of a ground sign or forty (40) sq. ft., whichever is less. The "permitted maximum sign area" for manual and electronic changeable copy signs may include the sign base, support structure, architectural features, any material, framing, or color forming a part of the background of the sign display.
4. Manual and electronic changeable copy signs shall conform to the regulations for ground signs or wall signs, except as otherwise provided for in this subsection.
5. No advertising shall be placed upon a manual or electronic changeable copy sign other than the owner or references to the business conducted within the premises to which the sign is attached, community events and the time and/or temperature.
6. For electronic changeable copy signs the following regulations shall also apply:
 - a. Digital displays shall be static in nature and shall not have movement of any kind or the appearance or optical illusion of movement, on any part of the sign.
 - b. Each message on the sign must be displayed for a minimum of five (5) seconds.
 - c. The change between static messages must be accomplished immediately, with no use of any transitions.

- d. The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days than during sunny days. In no instance shall lighting intensity exceed 500 nits.
- e. The sign shall not contain any "off-site" advertising, except for the dissemination of bona fide emergency public messages issued by a unit of government.
- f. The sign shall be equipped with an automatic off switch when the sign is malfunctioning or has missing light fields.

13.06.05 Gasoline Station or Drive-Through Facilities

A gasoline station or drive-through facility with a permitted canopy may have no more than one (1) sign, attached on each of any three (3) sides of the vertical face of the canopy. The area of each sign shall not exceed twelve (12) square feet. When attached to the vertical face of the canopy, each sign shall be a flat sign and shall not project above or below the vertical face of the canopy by more than one (1) foot and shall not infringe upon the vertical clearance requirements of Article 7, Section 7.04 of this Ordinance. If illuminated, such signs shall only be illuminated by non-intermittent light sources.

13.06.06 Projecting Signs

- 1. The lowest portion of a projecting sign shall not be closer than eight (8) feet to the sidewalk and the highest portion of the sign, including the supporting structure, shall not be taller than the building wall.
- 2. The sign shall advertise only the name and/or nature of the business. However, the sign may display a product directly associated with the business. No such product shall violate any other provision of this UDO.
- 3. Remote lighting by a neutral color is permitted. Such remote illumination must be placed so that it does not interfere with similar lighting of the next adjacent establishment or vehicular movement. Remote lighting shall not project from the facade of the building more than eleven (11) inches. Interior lighting of projecting signs is not allowed in the CBD Central Business District.
- 4. The area of all projecting signs counts toward the total area of signage allowed per this Article.

13.06.07 Area of Special Control - "CBD" Central Business Zoning District (2017-044)

- 1. In the Central Business District, the maximum size of all signs shall include all ground, projecting, canopy, awning, marquee, and wall signs.
- 2. Awnings, Canopies and Marquee Signs
 - a. The construction materials and manner of construction of all awnings, canopies and marquees shall be subject to Chapter 6 of the City of DeKalb Municipal Code.
 - b. No awning, canopy or marquee shall be constructed or erected so that the lowest portion thereof is less than eight (8) feet above the sidewalk or parkway.
 - c. No awning, canopy or marquee shall be constructed or erected to extend neither greater than five (5) feet from the vertical plane of the building façade, nor closer than two (2) feet to the back of the curb of the street on which the building fronts.
 - d. All awnings, canopies and marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as supports.

- e. No advertising shall be placed on any awning or canopy except that the name of the owner and business, industry or pursuit conducted within the premises may be painted on or otherwise permanently placed in letters not exceeding twenty (20) inches in height on the front and side portions thereof.
 - f. The area of signage on an awning, canopy or marquee shall be measured and considered as contributing to a property's maximum permitted wall signage area in accordance with the provisions of Article 13.02.02 Calculation of Area.
3. Special event signs may be placed on the sidewalk portion of the public right-of-way if no practicable alternative exists to place the sign on private property. Such signs may be approved by the City Manager or designee, after receiving a report and recommendation from the Chief Building Official or designee in accordance with the provisions found in Article 13.05, subparagraph 6, except as follows:
- a. Such signs shall be limited to a thirty (30) day maximum exposure period for not more than two (2) times during a calendar year. The City Manager or designee ~~Council~~ may extend this maximum exposure period when necessary.
 - b. Such signs shall neither exceed forty-eight (48) inches in height nor thirty (30) inches in width.
 - c. The placement of such signs shall be limited to a location deemed appropriate by the City Manager or designee.
 - d. Any sign to be located in the Lincoln Highway (Illinois Route 38) or Fourth Street (Illinois Route 23) right-of-way shall first be approved by the State of Illinois Department of Transportation prior to City of DeKalb ~~Council~~ approval. (1993-042)

ARTICLE 14

PERMITS

The use made of property may not be substantially changed; substantial clearing, grading or excavation may not be commenced; and buildings or other structures may not be constructed, erected, moved or substantially altered, without obtaining a permit (or permits) as specified below.

14.01 Building Permit

It shall be unlawful to construct, enlarge, alter or demolish a structure; or change the occupancy of a building or structure requiring greater strength, exit or sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the City's Building Code, without first filing an application for a building permit per Chapter 24 "Building Code" of the DeKalb Municipal Code. In addition to the requirement that the application meets building code and other applicable codes, it shall also be in compliance with the provisions of this Ordinance.

14.02 Certificate of Use and Occupancy

14.02.01 Certificates

1. A Certificate of Use and Occupancy shall be issued by the Community Development Director prior to the use or occupancy, in whole or in part, of a newly constructed building, altered building or change in use made in a building, or of a property. Said certificate shall be issued in accordance with Chapter 24 "Building Code" of the DeKalb Municipal Code.
2. Prior to the issuance of a Certificate of Use and Occupancy, the Applicant shall provide the City Engineer a Certificate of Compliance, completed and certified by a licensed surveyor or a registered civil engineer, verifying that the parcel's final elevations are in compliance with the permit grading plan elevations. Finished ground elevations, with sod in place or area having evidence of turf, shall be within 0.10 foot of proposed grading elevation. Finished foundation wall elevation shall be no greater than 0.10 foot lower or 0.25 foot higher than the permit grading plan elevation. (2006-019)

14.02.02 Temporary Certificate

The Community Development Director may issue a temporary Certificate of Use and Occupancy where the approved plan has been substantially complied with, but the owner or developer is prevented from complete compliance by reasons of occurrences beyond his control. Prior to issuance of the temporary Certificate of Use and Occupancy, the owner shall file with the City, for the use of the City, one of the following: a corporate surety bond issued by an Illinois insurance company or one licensed to do business in the State of Illinois; a letter of credit from an appropriate financial institution; or a cash deposit. Forms for these financial assurances are available from the Community Development Director.

14.03 Special Use Permit

14.03.01 Purpose

In addition to those uses specifically classified and permitted in each district, there are certain additional uses which may be desirable to allow because of the service they provide to the public. However, because of their unusual and unique characteristics and impacts, these "special uses" (to some referred to as "conditional uses") require particular consideration as to their proper location in relation to adjacent established or intended uses or with respect to site layout, traffic circulation, etc. The special uses itemized in each zoning district (see Article 5, "Zoning District Regulations") require a special use permit. The ordinance adopted by the City Council that authorizes a special use shall serve as the special use permit.

14.03.02 Initiation of a Special Use Permit

Special Use Permits may be initiated by the City Council or the Planning and Zoning Commission, or which may be initiated by them in response to a request by any City Board or staff member. A Special Use Permit may also be requested by the owner(s), or authorized representative(s) of the owner(s), of the property proposed for the Special Use Permit provided an appropriate application for such is submitted in accordance with this section.

14.03.03 Application for a Special Use Permit

1. An application form for a Special Use Permit shall be filed with the Community Development Director or designee. The application form is available from the Community Development Department. In addition to submitting the completed application, the applicant shall be required to submit the following information:
 - a. Legal owners of the property(s) proposed for the Special Use Permit. If the property is held in an Illinois Land Trust, a Statement of Beneficiary Interest is also required.
 - b. Legal description of the property(s) proposed for the Special Use Permit.
 - c. Common street address of the property(s) proposed for the Special Use Permit.
 - d. Size of the property (in square feet or acres).
 - e. Current zoning of the property and its proposed special use.
 - f. Narrative description of the various specific components of the special use and the reasons for requesting the Special Use Permit.
 - g. How the proposed Special Use will comply with the findings of fact in Article 14.03.05 of this Ordinance. Estimated impact of the special use on the surrounding properties.
 - h. Vicinity map showing the property proposed for the Special Use Permit and its surrounding area.
2. The applicant for a Special Use Permit shall submit a site plan that includes, but is not necessarily limited to, the following information.
 - a. The approximate location, designated uses, and square footage of floor areas of existing and proposed buildings and structures.
 - b. Where applicable, the approximate location of all existing and proposed curbcuts, driveways, off-street parking spaces and loading areas, traffic circulation patterns, adjoining street pavement and right-of-way widths, sidewalks, landscaping, screening, open space areas, signage, lighting, sanitary sewer and water utilities, and other related site plan features.
 - c. The property's existing and proposed grades, the direction of stormwater flow, and the appropriate location of existing and proposed drainage facilities.
 - d. If a new building is proposed, ~~Two~~ (2) cross section profiles through the site showing preliminary building form and other structural elevations.

- e. If determined by the Community Development Director or designee, a tree survey, which means an aerial photograph or drawing to scale (one inch equals 200 feet (1" = 20') or smaller ratio) which provides the following information:
 - 1) Location of all trees.
 - 2) Common names of all trees.
 - 3) Diameter breast height of each tree.
 - 4) Age of tree.
 - 5) Overall health of the tree.
 - 6) Life expectancy.
3. At the time of submitting an application for a Special Use Permit, the applicant may submit to the City certified petitions of signatures of area residents supporting the proposed Special Use Permit. Such petitions are optional.
4. At the time of submitting an application for a Special Use Permit and paying the filing fee, the applicant City shall also furnish to the City obtain a list of owners and their mailing addresses of all property within two hundred fifty (250) feet of the property that is the subject of the proposed special use. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public right-of-ways. In all instances, the furnished list shall include the names and addresses of a minimum of ten (10) property owners. Should the two hundred fifty (250) foot notification area not result in list of ten (10) property owners, then the notification area shall be appropriately expanded until this minimum has been met. In expanding the notification area, preference shall be given towards those properties comprised of urban-sized lots or in areas most likely to be affected by the proposal.

14.03.04 Public Notice Requirement

1. The Community Development Director or designee shall be responsible for preparing a public hearing notice providing the time, date, and place of the required public hearing, along with a summary of the request and ~~legal~~ description of the property location that is the subject of the hearing. The public hearing notice required by this section does not need to include a metes and bound legal description of the area proposed for the special use if the notice includes a common street address or addresses and the property index number (PIN) or numbers of all the property proposed for the special use. The applicant shall publish the public hearing notice at least once in a newspaper having general circulation in the City of DeKalb not more than thirty (30) nor less than fifteen (15) days before the hearing date. The applicant shall pay all publication costs.
2. The applicant City shall send by first class mail a notice of the public hearing to those property owners within two hundred fifty (250) feet of the subject property. Notice of the public hearing shall also be mailed to all applicable governmental agencies, including but not limited to: School District, Park District, Kishwaukee Water Reclamation District, Drainage District, and the Soil and Water Conservation District.
3. The ~~Community Development Director City~~ may require the applicant to erect a sign or signs on the subject property not less than fifteen (15) days before the scheduled public hearing by the Planning and Zoning Commission. The sign(s) shall have on their surface a notice that the property is to be the subject of a public meeting including contact information. The sign (s) and shall not be removed until the public hearing has been closed. City Council has taken final action on the special use permit. There shall be one (1) sign erected for every public street frontage and it shall be clearly visible from the adjacent or nearest public rights-of-way. The Community Development Director or

designee shall direct the erection of at least one (1) sign on the subject property and shall be located, where possible, along the adjacent or nearest public rights of way.

~~All signs shall be furnished by the City after receiving from the applicant any appropriate deposits. The deposits shall be returned to the applicant upon the timely return of the sign or signs in good condition.~~

14.03.05 Special Use Permit Review Procedure

1. The Community Development Director ~~or designee~~ shall review the application for the Special Use Permit ~~and - The Community Development Director shall~~ solicit the opinions and comments of other City staff members and, along with the comments received from property owners ~~and other~~ , governmental agencies ~~,-etc,-~~ The Community Development Director or designee shall forward to the Planning and Zoning Commission ~~his/her~~ their recommendations of approval or denial of the Special Use Permit or approval with conditions placed on the Special Use Permit.
2. The Planning and Zoning Commission shall hold a public hearing and shall consider the Special Use Permit and relevant facts presented by the applicant or ~~his/her~~ their representative, City Staff, other governmental agencies, or by any interested citizen. Once the Planning and Zoning Commission is satisfied that they have heard all relevant facts, they shall recommend to the City Council that the Special Use Permit be approved or denied. Alternatively, the Planning and Zoning Commission may approve the Special Use Permit with conditions. Such conditions may include, but are not limited to, one or more of the following: size, height, and location of proposed buildings and structures; landscaping and screening; parking and loading areas; signage; traffic flow and access requirements; lighting; hours of operation; open-space areas; drainage and stormwater facilities; or architectural and engineering features. These conditions shall be in addition to any regulations contained in the underlying zoning district or other applicable regulations of the City. In making their recommendation, the Planning and Zoning Commission shall consider and adopt findings in each of the following:
 - a. The proposed special use complies with all provisions of the applicable district regulations.
 - b. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.
 - c. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1) The location, nature and height of buildings, structures, walls and fences on the site; and
 - 2) The nature and extent of proposed landscaping and screening on the proposed site.
 - d. Adequate utility, drainage and other such necessary facilities have been or will be provided.
 - e. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.

3. Upon receipt of the Planning and Zoning Commission's recommendation, the City Council shall consider the proposed Special Use Permit. The adoption of an ordinance that affirms, affirms in part, or reverses the Planning and Zoning Commission's recommendation on the Special Use Permit shall require a favorable vote of a simple majority of the City Council members present.

14.03.06 Special Use Permit Terms and Limitations

1. *Permit Effective Date.* The permit shall become effective upon adoption of the appropriate ordinance by the Council. In the event that a Special Use Permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
2. *Site Plan Approval.* Upon issuance of a Special Use Permit, but prior to the issuance of a building permit, the petitioner shall submit a site plan which conforms to the conditions of the Special Use Permit and the underlying zoning district regulations for review and approval in accordance with the procedures established in Article 17, "Site Plan Review Requirements." The Community Development Director or designee may determine the level of detail required on the site plan based upon the Special Use Permit approved.
3. *Time Limit of Special Use Permits.* Special Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the Special Use Permit be reviewed by the Council, which may extend it for an unlimited period or for a specified additional period of years.
- ~~4. *Failure to Commence Construction or Operation.* Unless otherwise stated in the conditions of a particular Special Use Permit, substantial construction or operation of the special use where construction is not required shall commence within two (2) years of the effective date of the permit unless such time period is extended through appeal to and approval by the Council. If no appeal is made or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the one (1) year period.~~
4.
5. *Revocation of Special Use Permit.* Upon a finding that an approved Special Use Permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the Council shall have the authority to revoke the permit after affording the current property owner the right to be heard.
6. *Transferability.* All Special Use Permits shall be approved for the specific tract or parcel of land, and may not be transferred to any other location. An approved Special Use Permit is transferrable to any subsequent land owner.
7. *Procedure to Amend Approved Special Use Permit.* Any expansion, increase in extent of operation, or other changes made to a special use beyond that which was designated on the original Special Use Permit application and/or authorized by ordinance by the City Council, shall be considered an amendment to the Special Use Permit. In order to amend an existing Special Use Permit, the application procedures, required materials, and approval process shall be the same as for a new permit.

14.04 Floodplain Permit

No person shall commence any construction, substantial improvement, subdivision of land, placement of manufactured homes or other development in areas located in a floodplain (A Zone) without first obtaining a floodplain permit from the ~~City Engineer Community Development Director~~. The ~~Director~~ City Engineer shall not issue such permit for any construction, substantial improvement or other development that does not comply with the provisions of Article 11 "Floodplains, Floodways, Stormdrainage and Erosion," or that has been denied a permit required by Federal or State Law, including Section 404 of the *Federal Water Pollution Control Act, 1972, 33 U.S.C. 1334*.

14.05 Flood Elevation Certificate

When construction is proposed on a lot which is partially within the floodplain and no change or construction is proposed involving land below the floodplain elevation, a flood elevation certificate may be issued by ~~the Community Development Director~~ the City Engineer. Prior to issuance of the permit, the owner shall submit a plan, sealed by an Illinois Registered Land Surveyor, certifying the location of the floodplain and any proposed construction or improvements.

14.06 Grading Permit

No person shall construct, alter, relocate, remove or destroy any ditch, drain or drainage structure upon any real property within the City, whether subdivided or not, without obtaining a grading permit. No person shall alter the contours of any real property within the City, whether subdivided or not, so as to change the flow of water into or through any ditch, drain or drainage structure without obtaining a grading permit. Any person desirous of obtaining a grading permit shall make application to the ~~City Engineer Community Development Director~~ on the required a form, provided by said Director. The ~~City Engineer Said Director~~ shall not issue a grading permit if the application does not comply with the provisions of Article 11, "Floodways, Floodplains, Stormdrainage and Erosion," Section 11.02.

14.07 Temporary Use Permits

The Community Development Director or designee is authorized to issue a permit for a temporary use provided it meets the requirements of this section. The permit shall be issued for a specified period of time; shall contain health, safety and traffic provisions; and may require such assurances or guarantees of compliance with stated provisions as is reasonable and appropriate under the circumstances.

14.07.01 Temporary Uses Permitted

1. *Christmas Tree Sales*: Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required yard setback for any district by more than fifty (50) percent and no display or equipment shall be located within the twenty-five (25) foot sight distance triangle of a street intersection as defined in this Ordinance. A deposit of one hundred (\$100.00) dollars shall be made to the Community Development Director at the time of issuing the temporary use permit for Christmas tree sales.
2. If the site is promptly cleared and cleaned (within ten (10) days after the permit expires), then the Director shall return the deposit, in a timely manner, to the individual, corporation or organization to which the permit was issued.
3. *Contractor's and Real Estate Sales Offices*: Temporary buildings or trailers may be used as construction offices, real estate sales offices, field offices or for storage of materials to be used in connection with the development of a tract of land, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits,

or on order by the Community Development Director or designee upon a finding ~~by him/her~~ that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand (\$1,000.00) dollars for their removal shall be posted with the City.

4. *Amusement Devices:* The Community Development Director or designee is authorized to issue a permit for the installation of amusement devices on a temporary basis within any zoning district, provided that said permit shall not be valid for more than ten (10) consecutive calendar days and further provided that no permit shall be valid without a license to operate said amusement devices as required by Chapter 34, "Amusements," of the Municipal Code. The Director or designee may, in regard to any given site, designate the hours and days of the week of operation and the specific location of the amusement devices on the property. No more than two such permits shall be issued in any calendar year with regard to any particular property. For the purpose of this paragraph, "amusement device" includes those devices enumerated in Chapter 34 of the Municipal Code.
5. *Amusement Activities:* The Community Development Director or designee is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, art display, trade or animal show, concert, dance, rally, parade, athletic competition and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days. The permit shall contain such conditions as are necessary for the protection of public health, safety and welfare. The Director or designee may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies.
6. *Temporary Outdoor Sales:* The Community Development Director or designee is authorized to issue a permit for temporary outdoor sale activities. For purposes of this paragraph, "Outdoor Sales" includes sidewalk sales, roadside sales and tent sales. The Director or designee may designate the hours and days of the week of operation. The permit shall be issued for a specific period of time and contain such conditions as are necessary for the protection of public health, safety and welfare. The Director or designee may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.

14.08 Sign Permits

It shall be unlawful for any person to erect, alter, or relocate within the City, any sign as regulated in Article 13, "Signs," without first obtaining a sign permit or a temporary sign permit, as the case may be, from the Community Development Director or designee. All illuminated signs, shall, in addition, be subject to all the applicable electrical provisions of Chapter ~~245, "Building Code Electrical Regulations,"~~ of the DeKalb Municipal Code.

14.08.01 Application for a Sign Permit

Application for a sign permit shall be made upon forms provided by the Community Development ~~Department~~Director and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

3. Position of the sign or advertising structure in relation to adjacent property and/or buildings or structures.
4. ~~Two blue prints or ink drawings to scale of the~~ Plans and specifications and method of construction, attachment to the building or other structure or placement in the ground.
5. Structural components shall comply with Chapter 24, "Building Code," of the DeKalb Municipal Code.
6. Name of person or company intending to erect the sign.
7. Such other information as the Community Development Director or designee shall require to show full compliance with this Article and any of the ordinances of the City.

14.08.02 Permit Issued if Application in Order

It shall be the duty of the Community Development Director or designee, upon the filing of an application for a sign permit, to examine such plans, specifications, and other data, and the premises upon which it is proposed to erect the sign. If the proposed sign complies with the requirements of this Article and Article 13, "Signs," of this Ordinance and if the appropriate permit fee has been paid, a sign permit shall be issued.

14.08.03 Revocation of Permit

~~Any permit issued shall become invalid if the~~ The Community Development Director or designee may revoke any permit if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or of obtaining the permit. Upon the termination or revocation of the permit, the permittee shall remove the sign and supports without cost or expense of any kind to the City; provided that in the event of the failure, neglect or refusal on the part of the permittee to do so, the City may proceed to remove the same and charge the expenses to the permittee.

14.09 Permit Fees

The fees for all permits herein addressed shall be as established by the City of DeKalb in Chapter 9, "Establishment of Fees," and Chapter 24, "Building Code," of the DeKalb Municipal Code as revised. A fee schedule is available for review at the Community Development Department.

14.10 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, or the DeKalb Municipal Code, no building permit or special use permit is necessary for the following uses:

1. Streets;
2. Electric power, ~~telephone, telegraph, cable television~~telecommunications, gas, water, and sewer lines, wire or pipes, together with supporting poles or structures, *located within a public right-of-way or an easement*;
3. Neighborhood utility facilities *located within a public right-of-way or an easement* with the permission of the owner (state, county, township or city) of the right-of-way.

14.11 Who May Submit Permit Applications

1. Applications for permit(s) will be accepted only from persons having the legal authority to take such action. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property

contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees);

2. The Community Development Director or designee may require an applicant to submit evidence of his authority to submit the application in accordance with paragraph 1 whenever there appears to be a reasonable basis for questioning this authority.

14.12 Permit Denial

Application for any of the permits listed herein shall be denied if it does not comply with the applicable code or this Ordinance, subject to the right of appeal to the Planning and Zoning Commission or Building Code Board of Appeals. Additionally, if the applicant is a defaulter of the City, the permit shall be denied. For purposes of this Section, "defaulter" shall mean: (2017-044)

1. The applicant or owner of the property did not make a required payment under the Rehabilitation Loan Program, or any similar program on the date the payment was due; or
2. The applicant or owner of the property has any outstanding financial obligation to the City of DeKalb, including, but not limited to, past due water bills, past due special assessment payment, past due tax payments, past due license fees, past due loan payments, parking ticket violations, weed and nuisance abatement fine or liens, ordinance violation fines, or any other payment owed to the City of DeKalb.

ARTICLE 18

APPEALS AND VARIANCES

18.01 Planning and Zoning Commission

The Planning and Zoning Commission has been duly established by the City Council of DeKalb, Illinois, as set forth in Chapter 21 of the DeKalb Municipal Code. Except as provided for in Article 16, "Administration and Enforcement," the Planning and Zoning Commission is authorized to take action on appeals and variances with regard to this Ordinance and other applicable Illinois State Statutes. Rules and procedures governing the conduct of the Commission are contained in its adopted bylaws and as may be amended from time to time.

18.02 Appeals

An appeal may be taken to the Planning and Zoning Commission by any person aggrieved, or by an ~~Officer, Department, Commission or Commission~~ of the City affected by a decision of the Community Development Director or designee relative to this Ordinance. Such appeal shall be taken within forty-five (45) days of the action complained of by filing with the Community Development Director or designee a notice of appeal, specifying the grounds thereof and by paying a fee to the City of DeKalb of such amount as may be established from time to time by the City Council. The Community Development Director or designee shall forthwith transmit to the Commission all of the papers constituting the record upon which the appeal action was taken.

An appeal shall stay all proceedings in furtherance of the action that has been appealed, unless the Community Development Director or designee certifies to the Planning and Zoning Commission, after the notice of appeal has been filed with ~~the Director him~~, that by reason of facts stated in the certificate, a stay would, in ~~their his~~ opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record on application, on notice to the Community Development Director or designee and on due cause shown.

The Commission shall hear appeals under this Ordinance and as to any such appeal shall follow the rules herein contained.

18.02.01 Hearing Required

The Planning and Zoning Commission shall hear an appeal at one of their regularly scheduled meetings and give due notice thereof to the parties and shall render a decision of the appeal without unreasonable delay. No hearing shall be held upon an appeal unless the parties thereto receive at least seventy-two (72) hours' notice of such hearing. Any party to the proceeding may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

18.02.02 Decision

1. The Commission may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Commission may decide to be fitting and proper, and to that end the Commission shall also have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirements, decision or determination of the Community Development Director or ~~designee or~~ to decide in favor of the applicant.

2. All final orders, requirements, and decisions of the Commission shall bear the signature of the Chair (or Vice-Chair if the Chair is unavailable). It shall be the duty of the Community Development

Director or designee to give proper notification of the final orders, requirements, and decisions and draft them if so instructed by the Commission.

18.03 Variances

When a property owner shows that a strict application of the terms of this Ordinance relating to the construction or alteration of buildings or structures imposes upon ~~him~~them practical difficulties or particular hardship, then the Commission may determine and vary their application of the regulations of this Ordinance in harmony with their general purpose and intent when the Commission is satisfied under the evidence heard before it that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the strict letter of the regulations of this Ordinance. No variance shall authorize a use not among the uses specified by this Ordinance, as permitted in the zoning district in which such property is located.

18.03.01 Hearing Required

No variation shall be made by the Planning and Zoning Commission except after a public hearing of which notification of time and place of the hearing shall be provided in the following manner:

1. At the time of submitting an application for a variance and paying the filing fee, the ~~applicant-City~~ shall ~~furnish to the City-obtain~~ a list of owners and their mailing addresses of all property within two hundred fifty (250) feet of the property that is the subject of the proposed variance. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public rights-of-way. In all instances, the furnished list shall include the names and addresses of a minimum of ten (10) property owners. Should the two hundred fifty (250) foot notification area not result in list of ten (10) property owners, then the notification area shall be appropriately expanded until this minimum has been met. In expanding the notification area, preference shall be given towards those properties comprised of urban-sized lots or in areas most likely to be affected by the proposal.
2. ~~The~~ Community Development Director or designee shall be responsible for preparing a public hearing notice providing the time, date, and place of the required public hearing, along with a summary of the request and ~~legal~~ description of the property location that is the subject of the hearing. The public hearing notice required by this section does not need to include a metes and bound legal description of the area proposed for the variance if the notice includes a common street address or addresses and the property index number (PIN) or numbers of all the property proposed for the variance. The ~~applicant-City~~ shall publish the public hearing notice at least once in a newspaper having general circulation in the City of DeKalb not more than thirty (30) nor less than fifteen (15) days before the hearing date. The applicant shall pay all publication costs.
3. The ~~applicant-City~~ shall send by first class mail a notice of the public hearing to those property owners within two hundred fifty (250) feet of the subject property. Notice of the public hearing shall be mailed to all applicable governmental agencies, including but not limited to: School District, Park District, Kishwaukee Water Reclamation District, Township, Drainage District and Soil and Water Conservation District.

18.03.02 Application Procedures

1. *Application:* The petitioner shall submit an application, on forms available from the Community Development Department. The application shall also include the following information:
 - a. The legal owners of the property and common description of the property on which the variance is to be considered.
 - b. The variance requested, including the Articles in the UDO, and the reasons for the request.

- ~~c. The property's present zoning classification and current land use.~~
 - ~~d. A site plan showing the subject property and its dimensions.~~
 - ~~e. The location of all existing and proposed buildings, structures and other improvements, building sizes including square footage, and their distances from adjacent lot lines.~~
 - ~~e.f. How the variance request meets the findings of fact in Article 18.03.03(2) of this Ordinance.~~
 - ~~f. List of owners and their mailing addresses as required in Subsection 18.03.01.~~
 - g. Any other information which the Planning and Zoning Commission or Community Development Director or designee requests.
2. *Burden of Proof:* In submitting an application for a variance, the burden of proof shall rest with the applicant to clearly establish that the findings of fact required in Subsection 18.03.03, Paragraph 2 are met.
 3. *Review Procedure:* The Community Development Director or designee shall review the variance petition. The Community Development Director or designee shall solicit the opinions and comments of other City staff members ~~and, along with the comments received from nearby~~ property owners, governmental agencies, ~~and etc., shall~~ forward to the Planning and Zoning Commission their recommendation of approval or denial of the variance petition or approval of a modified version of the variance petition.

18.03.03 Hearing Procedures

1. The Planning and Zoning Commission shall hold a public hearing and shall consider the variance petition and relevant facts presented by the applicant or their representative, City staff other governmental agencies, or by an interested citizen. (2019-025)
2. *Findings of Fact:* Upon review of the application and information presented at the public hearing, the Commission shall consider and adopt findings of fact sustaining each of the following criteria, which are consistent with the rules provided to govern determinations of the Planning and Zoning Commission as referenced by the Illinois Compiled Statutes.
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.
 - b. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.
 - c. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
 - d. The denial of the proposed variance will deprive the applicant the use of ~~their his/her~~ property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.
 - e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.
 - ~~f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. (2019-025)~~

~~g.f.~~ The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public ~~safetywelfare, or of other property within the neighborhood or~~ substantially diminish or impair property values within the neighborhood.

3. *Variances:* When a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures imposes upon ~~them him~~ practical difficulties or particular hardship, then the Commission may grant a variance to said ordinance in harmony with its general purpose and intent, when the Commission is satisfied under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth. The Commission may grant variations from the regulations of this ordinance only in the following instances:
- a. To permit the reconstruction of a non-conforming building which has been damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage where the Commission shall find some compelling public necessity requiring a continuance of the non-conforming use.
 - b. To permit the erection of a building in any location for a public service corporation for public utility purposes which the Commission deems reasonably necessary for the public convenience or welfare.
 - c. To permit a yard, setback or landscape buffer of a lesser dimension than required by the applicable regulations.
 - d. To allow a fence in excess of the height limitations ~~or not meeting the location requirements requiredas required~~ by the applicable regulations.
 - e. To permit the use of a lot of a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot be less than eighty percent (80%) of the required area and width.
 - f. To reduce the applicable off-street parking or loading facilities required by not more than twenty percent (20%).
 - g. To increase the maximum height requirement of any district.
 - h. To increase the maximum site coverage.
 - i. To vary the height, size or location requirements for signs.
 - j. To make a variance where, by reason of an exception situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property or record, or by reason of exceptional topographical conditions, the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner provided such relief can be granted without substantial detriment to the public good and without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

The concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of the Community Development Director or designee to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render decision, or to effect any variance. (1993-063, 2017-044, 2019-025)

4. *Non-conformity as Basis for Variance:* The existence of any non-conformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.
5. Conditions imposed on Variances:
 - a. In granting variances, the Commission may impose such reasonable conditions as ~~will ensure to ensure that~~ the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
 - b. A variance may be issued for an indefinite duration or for a specified duration only.
 - c. The nature of the variance and any conditions attached to it shall be entered on the face of the Commission's order, or the Commission's order may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.
6. *Notification of Decision:* All final orders, requirements, and decisions of the Commission shall bear the signature of the Chair (or Vice-Chair if the Chair is unavailable). It shall be the duty of the Community Development Director or designee to give proper notification of the final orders, requirements and decisions and draft them if so instructed by the Commission.
7. *Period of Validity:* No order of the Commission permitting the ~~construction or alteration of buildings or structures erection or alteration of a building~~ shall be valid for a period longer than ~~one year six months~~, unless a building permit for such ~~construction erection~~ or alteration is obtained within such ~~time period_ and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.~~

No order of the Commission permitting a use of a building or premises shall be valid for a period longer than ~~six (6) months~~ ~~one year~~, unless such use is established within such period; provided, however, that where such use is permitted is dependent upon the ~~erection~~ ~~construction~~ or alteration of a building ~~or structure~~, such order shall continue to force and effect if a building permit for said ~~erection construction~~ or alteration is obtained within such ~~time period_ and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.~~

18.04 Appeal of Final Actions

No decision of the Planning and Zoning Commission shall be subject to review, reversal or modification by the City Council but shall be subject to judicial review pursuant to the provisions of the Code of Civil Procedure concerning Administrative Review Law.

ARTICLE 20

AMENDMENTS

20.01 Authority to Amend Ordinance

The regulations imposed and districts created under this Ordinance may be amended from time to time by Ordinance, after the Ordinance establishing them has gone into effect. Amendments shall be made in accordance with the regulations of this Article and applicable Illinois State Statutes.

20.02 Types of Amendments

Amendments shall be classified as follows:

1. *Text Amendments:* Amendments to the regulations contained in this Ordinance shall be referred to as "Text Amendments."
2. *Map Amendments:* Amendments to the location of district boundaries on the Official Zoning Map shall be referred to as "Map Amendments" (also referred to as a rezoning).

20.03 Text Amendments

20.03.01 Initiation of Text Amendments

Text amendments may be initiated by the City staff, City Council or the Planning and Zoning Commission, which may be initiated by them in response to a request by any City Board or City staff member. A text amendment may also be requested by any other person provided an appropriate application for such is submitted in accordance with this section.

20.03.02 Application for Text Amendment

Persons applying for a text amendment shall do so by completing and submitting the appropriate application forms provided by the Community Development Department. The application must state the exact section of this Ordinance proposed for amendment, the proposed substitute wording, the reasons for requesting the amendment, and any other information that the Community Development Director or designee may require. Graphic materials may also be submitted if it will assist in understanding the benefits of the amendment.

20.03.03 Public Notice Requirement

-The Community Development Director or designee shall be responsible for preparing a public hearing notice providing the time, date, and place of the required public hearing, along with a summary of the request. The applicant shall publish the public hearing notice at least once in a newspaper having general circulation in the City of DeKalb not more than thirty (30) nor less than fifteen (15) days before the hearing date.

20.03.04 Text Amendment Review Procedure

1. The Community Development Director or designee shall review the proposed text amendment. The Community Development Director or designee shall solicit the opinions and comments of other City staff members and shall recommend to the Planning and Zoning Commission the approval or denial of the proposed text amendment or approval of a modified version of the proposed text amendment.

2. The Planning and Zoning Commission shall hold a public hearing and shall consider the proposed text amendment and relevant facts presented by the applicant or ~~his/her~~ their representative, City staff, or by any interested citizen. Once the Planning and Zoning Commission is satisfied that they have heard all relevant facts, they shall recommend to the City Council approval or denial of the proposed text amendment or the approval of a modified version of the proposed text amendment. In making its recommendation, the Planning and Zoning Commission shall consider and adopt findings in each of the following:

a. The consistency of the proposed amendment with the City's Comprehensive Plan.

b. The proposed amendment conforms to the intent and purpose of this Ordinance.

c. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

d. The extent to which the proposed amendment creates nonconformities.

~~2-e.~~ The implications of the proposed amendment on all similarly zoned property.

3. Upon receipt of the Planning and Zoning Commission's recommendation, the City Council shall consider the proposed text amendment. The adoption of an ordinance that amends any of the following Articles shall require a favorable vote of two-thirds (2/3) of the City Council members then holding office:

Article 5 (Zoning District Regulations);

Article 6.02 (South Annie Glidden Corridor Overlay District);

Article 7 (Supplementary District Regulations);

Article 12 (Off-Street Parking and Loading Requirements);

Article 13 (Signs)

The adoption of an Ordinance that amends any portions of all other Articles not otherwise mentioned above shall require a simple majority vote of the City Council members present. (1998-086)

20.04 Map Amendments (Rezoning)

20.04.01 Initiation of Map Amendments

Map amendments may be initiated by the City staff, City Council or the Planning and Zoning Commission, which may be in response to a request by any City Board or City staff member. A map amendment may also be requested by the owner(s), or authorized representative(s) of the owner(s), of property within the area subjected to the proposed map amendment provided an appropriate application for such is submitted in accordance with this section.

20.04.02 Application for Map Amendment

1. A request for a Map Amendment, or change of zoning, is called a petition to rezone and is filed with the Community Development Department. The application form for a petition to rezone is available

from the Community Development Department. In addition to submitting the completed application, the petitioner shall be required to submit the following information:

- a. Legal owners of the property(s) to be rezoned. If the property is held in an Illinois Land Trust, a Statement of Beneficiary Interest is also required;
- b. Legal Description of the property(s) to be rezoned;
- c. Common street address of property(s) to be rezoned;
- d. Size of property (in square feet or acres);
- e. Current zoning of property;
- f. Requested zoning of property;

g. Narrative description of the reasons for requested rezoning;

g-h. ~~How the proposed rezoning will comply with the findings of fact in Article 20.04.04(2) of this Ordinance.~~

~~h.~~ ~~Estimated impact of rezoning on surrounding neighborhood;~~

i. Vicinity map showing the area to be rezoned.

i-j. ~~Filing fee per Chapter 9 of the Municipal Code.~~

2. At the time of submitting a petition to rezone, the petitioner may submit to the City certified petitions of signatures of area residents supporting the rezoning. Such petitions are optional.
3. At the time of submitting a petition to rezone and paying the filing fee, the City applicant shall obtain ~~also furnish to the City~~ a list of owners and their mailing addresses of all property within two hundred fifty (250) feet of the property that is the subject of the proposed rezoning. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public rights-of-way. In all instances, the furnished list shall include the names and addresses of a minimum of ten (10) property owners. Should the two hundred fifty (250) foot notification area not result in a list of ten (10) property owners then the notification shall be appropriately expanded until this minimum has been met. In expanding the notification area, preference shall be given towards those properties comprised of urban-sized lots or in areas most likely to be affected by the proposal.
4. Nothing shall preclude an applicant from submitting a single petition that includes requests for two or more zoning districts on a single tract of land and which would be subjected to only one application fee and one public hearing process. However, this shall not preclude the City Council from considering and possibly adopting separate ordinances that would approve the individual rezoning requests.

20.04.03 Public Notice Requirement

1. The Community Development Director or designee shall be responsible for preparing a public hearing notice providing the time, date, and place of the required public hearing, along with a summary of the request and ~~legal~~ description of the property location that is the subject of the hearing. The public hearing notice required by this section does not need to include a metes and bound legal description of the area proposed for the map amendment if the notice includes a common street address or addresses and the property index number (PIN) or numbers of all the property proposed for the map amendment. The applicant shall publish the public hearing notice at

least once in a newspaper having general circulation in the City of DeKalb not more than thirty (30) nor less than fifteen (15) days before the hearing date. The applicant shall pay all publication costs.

2. The ~~applicant-City~~ shall send by first class mail a notice of the public hearing to those property owners within two hundred fifty (250) feet of the subject property. Notice of public hearing shall also be mailed to all applicable governmental agencies, including but not limited to: School District, Park District, Kishwaukee Water Reclamation District, Drainage District, and the Soil and Water Conservation District.
3. The ~~Community Development Director-City~~ may ~~require the applicant to~~ erect a sign or signs on the subject property not less than fifteen (15) days before the scheduled public hearing by the Planning and Zoning Commission. The sign(s) shall have on their surface a notice that the property is to be the subject of a public hearing including contact information. The sign(s) and shall not be removed until the public hearing has been closed. City Council has taken final action on the rezoning petition. There shall be one (1) sign erected for every public street frontage and it shall be clearly visible from the adjacent or nearest public rights-of-way. The Community Development Director or designee shall direct the erection of at least one (1) sign on the subject property and shall be located, where possible, along the adjacent or nearest public rights of way. All signs shall be furnished by the City after receiving from the applicant any appropriate deposits. The deposits shall be returned to the applicant upon the timely return of the sign or signs in good condition.

20.04.04 Map Amendment Review Procedure

1. The Community Development Director or designee shall review the rezoning petition and ~~The Community Development Director shall~~ solicit the opinions and comments of other City staff members and, along with the comments received from nearby property owners and other governmental agencies, ~~etc., The Community Development Director or designee~~ shall forward to the Planning and Zoning Commission his/her/their recommendation of approval or denial of the rezoning petition or approval of a modified version of the rezoning petition.
2. The Planning and Zoning Commission shall hold a public hearing and shall consider the rezoning petition and relevant facts presented by the applicant or his/her/their representative, City staff, other governmental agencies, or by any interested citizen. Once the Planning and Zoning Commission is satisfied that they have heard all relevant facts, they shall recommend to the City Council that the rezoning petition be approved or denied for all or part of the subject property. Alternatively, the Planning and Zoning Commission may recommend approval of an amendment to the rezoning petition to a zoning district classification more restrictive than the zoning district classification originally requested by the applicant. For the purpose of this section, the SFR-1 District shall be considered the most restrictive classification and the HI District shall be considered the least restrictive classification. In making their recommendation, the Planning and Zoning Commission shall consider and adopt findings in each of the following:
 - a. The proposed rezoning conforms to the Comprehensive Plan; or conditions or trends of development have changed in the area of the request, since the adoption of the Comprehensive Plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development;
 - b. The existing uses and zoning of the surrounding area.
 - ~~b-c.~~ The proposed rezoning conforms to the intent and purpose of this Ordinance;
 - d. The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses;

~~c-e. The suitability of the property in question to the uses permitted under the existing zoning classification and under the proposed classification.~~

~~d. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses;~~

~~e. Adequate public facilities and services exist or can be provided.~~

3. Upon receipt of the Planning and Zoning Commission's recommendation, the City Council shall consider the proposed map amendment. The adoption of an ordinance that affirms or reverses the Planning and Zoning Commission's recommendation for a map amendment shall require a favorable vote of a simple majority of the City Council members present.

20.04.05 Protest Procedure

1. If a formal written protest to a proposed map amendment, signed and acknowledge by certain property owners as hereinafter described, is filed with the ~~City Clerk~~ Executive Assistant not less than twenty-four (24) hours prior to the City Council meeting at which the proposed map amendment is to be considered, the proposed map amendment shall not be approved except by a favorable vote of two-thirds (2/3) of the City Council members then holding office. In order for the written protest to be valid, property owners whose signatures appear on the protest shall own property in the following manner:
 - a. Owners of twenty (20) percent of the property proposed to be rezoned, or
 - b. Owners of property comprising twenty (20) percent of the frontage directly opposite the frontage of the property proposed to be rezoned or across an alley therefrom, or
 - c. Owners of property comprising twenty (20) percent of the property that is immediately adjacent and contiguous to the property proposed to be rezoned.
2. Further, in order for the written protest to be valid, a copy of said protest shall be served by the protester(s) on the applicant(s) for the proposed map amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown on the application for the proposed map amendment.

20.04.06 Resubmission of Application

From the date of the City Council action on the Planning and Zoning Commission's report on an application for a Map Amendment, no subsequent application requesting the same classification with reference to the same property, or part thereof, shall be filed within twelve (12) months from said receipt and filing.