

AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE", ARTICLE 3 "DEFINITIONS", ARTICLE 7 "SUPPLEMENTAL DISTRICT REGULATIONS", SUBARTICLE 7.04 "ACCESSORY USES, BUILDINGS AND STRUCTURES", AND ARTICLE 12 "OFF-STREET PARKING, LOADING AND STORAGE REQUIREMENTS", SUBARTICLE 12.07 "SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE AS IT PERTAINS TO TEXT AMENDMENTS FOR ELECTRIC VEHICLE (EV) CHARGING STATIONS (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 under Article VII, Section 6, of the Illinois Constitution of 1970; and

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

WHEREAS, the City seeks to amend Article 3 "Definitions"; Article 7.04 "Accessory Uses, Buildings and Structures" of the UDO and Article 12.07 "Supplemental Off-Street Parking and Loading Regulations" of the UDO for Electric Vehicle (EV) Charging Stations as set forth in the attached and incorporated Exhibit A (the "Text Amendment"); and

WHEREAS, on March 3, 2025, the City's Planning and Zoning Commission held a public hearing on the Text Amendment and recommended approving the Text Amendment; and

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

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

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

SECTION 2: The City's corporate authorities adopt and approve the Text Amendment.

SECTION 3: This ordinance 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 10th day of March 2025 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Zasada. Second Reading waived by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Zasada.



A handwritten signature in black ink, appearing to read "Cohen Barnes".

COHEN BARNES, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Ruth A. Scott".
Ruth A. Scott, Executive Assistant

EXHIBIT A

ARTICLE 3

DEFINITIONS

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

3.01 Definitions

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

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

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

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

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

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

Antenna: (see Article 7, Subsection 7.08.02)

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

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

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

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

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

Double Frontage Lot: (see *Lot, Through*)

Drive-Through Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Driveway: An open area of land other than a street, sidewalk, or other public way permitting ingress from a public street or alley or other public right-of-way to public or private property, the principal use of which is for the standing, parking, loading or unloading of a motor vehicle.

Dwelling, Single-Family Attached: A dwelling unit which is attached to another dwelling unit by a common wall extending from the floor to the ceiling and from exterior wall to exterior wall.

Dwelling, Detached: A dwelling unit which is entirely surrounded by open space on the same lot and not connected in any manner to another dwelling unit.

Dwelling, Multiple-Family: One (1) building consisting of three (3) or more dwelling units, each of which is attached to at least one other dwelling unit, by a common wall extending from floor to ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from exterior wall to exterior wall, except for a common stairwell exterior to the dwelling units.

Dwelling, Single-Family Detached: A detached dwelling unit designed for and intended for use by one (1) family or one (1) household.

Dwelling, Two-Family Attached: One (1) building consisting of two (2) dwelling units attached by a common wall extending from the floor to the ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: A room or group of rooms meeting minimum habitable room sizes as required by the City's building code which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family or one (1) household, including sleeping, cooking, eating and sanitation facilities. This definition includes manufactured and modular homes but not mobile homes.

Easement: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity for a specific purpose.

Electric Vehicle (EV's): Vehicles that store electric energy to be used for propulsion.

Electric Vehicle Charging Infrastructure: Make ready electrical equipment including panels with circuit breakers, switchboards, transformers, conduit, wiring, junction boxes, conduit hangers and other interconnections necessary to deliver electrical power from a facility to an EVSE.

Electric Vehicle Charging Station: Equipment designed to safely supply and manage power into Plugin EVs. EV Charging Stations include hard-wired Stations and Stations that plug into standard wall outlets and may also integrate communication, metering, GPS and other features that assist EV drivers and the host facility.

Electric Vehicle Supply Equipment: The conductors and the electric vehicle connectors, attachment plugs, and other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

Electronic Banking Facilities: An unmanned banking station at which a client can access accounts, make deposits, withdraw cash, or perform other banking and financial functions. Such facilities are commonly called "Automatic Teller Machines." Wall-mounted units intended strictly for pedestrian access, or interior units, shall be considered accessory to any commercial or industrial use. Wall-mounted or freestanding Electronic Banking Facilities intended as drive-up or drive-through units shall be allowed as a special use

7.04 Accessory Uses, Buildings and Structures

1. Accessory buildings or structures may be built in a required rear yard, but such buildings, structures or combination thereof shall not cover more than thirty (30) percent of the required rear yard. On lots platted prior to this Amendatory Act of 2004, which are less than fifty feet in width, the maximum thirty (30) percent rear yard coverage (above) shall not apply; however the total of all structures on the lot shall not exceed a coverage of fifty (50) percent of the lot area, and all other setbacks shall apply.
2. Any accessory building attached in any structural manner to the principal building must conform to the minimum setback requirements for the principal building.
3. Accessory building or structures less than ten (10) feet from the principal building shall conform with the minimum setbacks required for the principal building or those setbacks required under paragraph 4 below, whichever is greater. (2017-044)
4. Accessory buildings or structures ten (10) feet or more from the principal building shall meet the following minimum setbacks: (2017-044)
 - a. Garages which enter directly onto an alley shall be set back from the alley right-of-way at least ten (10) feet.
 - b. Any accessory structure (except for fences) shall be set back from any side or rear lot line at least two (2) feet, plus one (1) additional foot for each one (1) foot by which the height of such structure exceeds fourteen (14) feet.
 - c. Swimming pools (above-ground or in-ground) shall be subject to Chapter 24 "Building Code" of the Municipal Code. The edge of the water of swimming pools shall be set back from a side or rear lot line at least ten (10) feet, and accessory equipment shall be set back at least five (5) feet. (2017-044)
 - d. The setbacks for paragraph b, above, shall not apply for historically based detached accessory buildings within an Historic District or on properties designated a local landmark, provided the proposed building is approved by the Landmark Commission. In such case the building placement may be as approved by the Landmark Commission.
5. No detached accessory building shall exceed the height of the principal building, and no detached accessory building shall exceed the number of stories of the principal building.
6. The total area at ground level (footprint) of all detached accessory buildings upon a lot shall not exceed the total area at ground level (footprint) of the principal building. The gross floor area of all detached accessory buildings upon a lot shall not exceed the gross floor area of the principal building.
7. No detached accessory building in a residential zoning district shall be constructed or used for the purposes of human habitation.
8. Detached accessory buildings in residential zoning districts may be provided with water and sanitary sewer service meeting the following standards:
 - a. No more than one (1) each of the following fixtures shall be allowed:
 - 1) Lavatory, slop sink, or other sink;
 - 2) Urinal, toilet, or other water closet fixture;

- 3) Water heater, but only if provided with an expansion tank;
 - 4) Hose bib conforming to ASSE 1019;
 - 5) Floor drain, and in areas larger than one thousand (1,000) square feet, the floor drain shall also have a gas and oil separator.
- b. No other plumbing fixtures are allowed in the accessory structure;
 - c. The water service to the detached accessory structure shall be equipped with a backflow prevention assembly conforming to ASSE 1013;
 - d. The building shall be heated and shall have a full perimeter frost footing with a minimum depth of forty-two (42) inches below grade;
 - e. All other pertinent building and plumbing codes shall apply.
9. No accessory use shall be established upon a lot, and no accessory building shall be constructed upon a lot until, the construction of the main building has been actually commenced.
 10. An accessory building shall not be located closer to the front lot line than the distance the principal building is located from the front lot line and in no instance shall an accessory building be located within a required front yard setback.
 11. Accessory uses customarily incidental to residential uses, such as the use of a lot or portion thereof for a vegetable or flower garden and the keeping of domesticated animals are permitted, but not on a commercial basis or at a scale reasonably objectionable to adjacent or nearby property owners.
 12. All accessory buildings or structures shall match the character of the intended use, the character of the property and zoning district of which they are a part, and shall conform to all building codes. No vehicle or portion of a vehicle may be converted to an accessory structure, and no temporary or portable structures, tension membrane structure, pods, inter-modal carriers or containers, or similar "drop off and pick up" units shall be used and as accessory structure, except for temporary purposes not exceeding thirty (30) days. (2017-044)
 13. In residential districts, all detached accessory buildings exceeding one hundred twenty (120) square feet in size, shall substantially conform to the principal building in material, type and design of construction, finish and color.
 14. Gasoline dispensing facilities and other unenclosed, roofed structures:
 - a. Pump islands are permitted within the required front yard setbacks provided that they and the entrances and exits to the gasoline station are installed according to the most recent standards of the Illinois Department of Transportation and the Public Works Department. (2017-044)
 - b. Roofed, unenclosed structures to shelter vehicles being serviced at the pump islands are permitted in conjunction with said pump islands subject to the following requirements:
 - 1) There shall be a minimum vertical clearance of fourteen (14) feet between the lowest portion of the roof of said structure and the grade level of the surface below said roof structure;
 - 2) There shall be a minimum setback of twelve feet (12') from the nearest right-of-way line;

- 3) No portion of a roofed, unenclosed structure may be included within the area utilized for off-street parking;
 - 4) No portion of a roofed, unenclosed structure shall impede any portion of a fire lane or interfere with a fire department connection;
 - 5) No portion of a roofed, unenclosed structure shall be so placed on a lot so as to interfere to tend to interfere with fire-fighting equipment or potential fire rescue equipment as may be needed to combat a fire or perform a rescue from a building on or adjoining such lot;
15. Bus Shelters, constructed or installed by the City of DeKalb or agents of the City pursuant to a contract, agreement or license executed by the City, shall be a permitted use in any zoning district when constructed in conformance with the criteria set forth in this Paragraph:
- a. All locations shall be as approved within the contract, agreement, or license;
 - b. Such structures may be located on private property, with proper permission from the property owner, or in the public right-of-way, subject to permission of the jurisdiction having authority over that right of way;
 - c. The agent shall be responsible for maintenance, liability, and any damage claims associated with the structure;
 - d. Advertising or signage material is allowed, including off-premises signage which would otherwise be construed to violate Article 13.03 Paragraphs 2 and/or 4, but is subject to regulations which may be stipulated within the contract, agreement or license. All such signage shall be incorporated into and constitute part of the structure, except for changeable panels which slide into a frame that constitutes a part of the structure. Informational material such as bus schedules, routes, or other material pertaining to Green Line, Huskie Bus Line, or other transit services shall also be permitted;
 - e. Such shelters shall be constructed to minimum Building Code standards as adopted by the City of DeKalb. Final approval on methods of construction, materials, and any other construction related issues shall be as outlined in the contract, agreement or license, and shall be subject to the approval of the Community Development Director or designee.
16. Bus shelters, constructed or installed by any party other than the City or its agent, shall be a permitted use in any zoning district when constructed in conformance with the criteria set forth in this Paragraph:
- a. All requests for bus shelters shall be accompanied by a scale drawing (1/20 scale preferred) showing the proposed location of the shelter in relation to existing structures on the site, existing rights-of-way and other pertinent physical features. One such shelter shall be permitted per bus stop as designated on the Huskie Bus Line and approved by the NIU Student Association. Shelters shall be located outside of the vision triangle as defined in this ordinance. The final location of all such shelters shall be subject to the approval of the Director of Public Works or his/her designee;
 - b. All such structures shall be located on private property out of the public right-of-way. The property owner shall be responsible for maintenance, liability, and any damage claims associated with the structure;
 - c. Any advertising or signage material shall be prohibited from being part of the structure. Informational material such as bus schedules, routes, or other material pertaining to Huskie Bus Line service shall be permitted;

- d. Such shelters shall be constructed to minimum Building Code standards as adopted by the City of DeKalb. Final approval on methods of construction, materials, and any other construction related issues shall be subject to the approval of the Community Development Director or designee.

17. Free-Standing Electronic Banking Facilities shall be considered allowed uses in all Commercial and Industrial zoning districts, subject to the criteria set forth below:

- a. The unit may be located within a required front, side or rear yard, except it may not be located within 10 feet of a public right of way, within five feet of any other property line, nor within any required buffer yard adjacent to a residential zoning district;
- b. The unit shall be located on private property in a location that provides a minimum of three automobile stacking spaces;
- c. The unit shall not be located within an area that blocks safe vision for access or vehicle maneuvering throughout the site or on neighboring properties or streets, and in no case shall a unit be located within a sight distance triangle as defined in Article 7.10;
- d. Neither the unit nor the required stacking area shall be located in an area that conflicts with typical automobile maneuvers within adjacent or nearby parking lots, driving lanes or streets;
- e. Canopies intended for weather protection of the user shall be allowed, but said structures shall not interfere with any driving lane or maneuvering area, and the clearance height of the structure shall be clearly posted on the unit facing the direction of approach. The maximum height of any such canopy or roof shall not exceed twenty (20) feet;
- f. Signage on the unit shall be limited to wall and canopy signage. Signs shall not project beyond the edge of the unit, and shall be restricted to the name or type of the electronic banking facility, the name of the sponsoring financial institution, and the types of cards accepted at the unit. All other aspects of the signage, including size, shall be in accordance with Article 13, Signs;
- g. Lighting shall be provided at and around the unit in a manner that creates a safe environment for the user without adding unnecessary glare or illumination to surrounding streets or properties.

~~g-~~ 18. Electric Vehicle Charging Stations and Electric Vehicle Charging Infrastructure are permitted as accessory uses in all zoning districts.

7.05 Screening Requirements

- 1. In situations where a use is constructed on a commercial or industrial zoned lot, and said lot is located adjacent to, or across an alley from a residentially zoned lot, then the developer of the non-residential use shall provide the following screening within the required rear and/or side yard building setback area:
 - a. Within this setback, there shall be a landscaped area planted with one (1), two and one-half (2-1/2) inch caliper tree for every thirty (30) lineal feet of common property line and other ornamental vegetation having a height not less than six (6) feet at the time of planting so that all non-residential buildings and uses are effectively screened from the view of the abutting residential properties.
 - b. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a height of six (6) feet.

ARTICLE 12

OFF-STREET PARKING, LOADING AND STORAGE REQUIREMENTS

12.01 Purpose and Intent

It is the purpose of these off-street parking and loading regulations to reduce the congestion on the streets due to excessive use for parking and loading of motor vehicles, to provide for appropriate areas for vehicle parking, loading and storage of motor vehicles and other vehicles and trailers, and to assure that said areas are compatible with the intent and purpose of the underlying zoning districts. Further this Ordinance is intended to improve the appearance of said off-street parking, loading and storage areas and protect and preserve the appearance, character and value of the surrounding properties and streets by providing for the installation and maintenance of landscaping, screening and buffering.

12.02 Applicability

1. For every use, activity or structure permitted by this Ordinance, and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing; parking; circulation; unloading and loading of motor vehicles that may be expected to transport their occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity or place of residence at any time under normal conditions for any purpose. When a use is expanded or changed, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion or change, and including that which would be required for the previously existing uses, structure or activity.
2. These off-street parking regulations shall not apply to any use of new buildings or structures, or any existing principal building or structure which is enlarged or increased in capacity after the adoption of this Ordinance, when located with the area bounded as follows:
 - a. A tract of land situated in the City of DeKalb, County of DeKalb, State of Illinois, said tract bounded as follows:

Beginning at a point where the centerline of the right-of-way of First Street crosses the centerline of the right-of-way of Oak Street; thence Easterly along said centerline of Oak Street to a point where said centerline of Oak Street crosses the centerline of Seventh Street; thence Southerly along the said centerline of Seventh Street to a point where the said centerline of Seventh Street crosses the centerline of Grove Street; thence Westerly along said centerline of Grove Street to a point where said centerline of Grove Street crosses the centerline of Second Street; thence Northerly along said centerline of Second Street crosses the Southerly right-of-way line of the Union Pacific Railroad; thence Westerly along said Southerly right-of-way line of said railroad to a point where said Southerly right-of-way line crosses the centerline of First Street; thence Northerly along said centerline of First Street to the point of beginning.

This provision in no way effects required off-street loading spaces.

3. These off-street parking regulations shall not apply to any use of new buildings or structures, or any existing principal building or structure which is enlarged or increased in capacity after the adoption of this Ordinance, when located with the area bounded as follows (1995-074):

4. Perpendicular parking depths may be reduced to eighteen feet (18'), subject to the approval of the City Engineer and the Community Development Director or designee, in cases where the parking stall is adjacent to a landscaped area which provides additional overhang depth for the parking stalls. Angled parking stalls may be reduced by a proportional amount under the same circumstances.
5. Aisle widths associated with allowable compact car parking spaces shall be the same as required in the above table.
6. Off-street parking spaces for vehicles other than automobiles or small trucks (one ton or less) shall be of a size (exclusive of aisle, drives and maneuvering space) sufficient to accommodate the length and width of the vehicle as well as the opening of vehicle doors for ingress and egress as determined by the City Engineer or designee.

12.07 Supplemental Off-Street Parking and Loading Regulations

1. Determination of Required Number of Spaces

- a. *Employees:* Employees, when used as a measurement for determining the number of parking spaces for a new or established business expanding, shall be based on the number of employees in the largest shift.
- b. *Floor Area:* The term "floor area," as employed in this Article, shall mean that, in the case of office, merchandising, or service types of use, the floor area of a building or structure intended to be used for employee service to the public as customers, patrons, clients or patients including area occupied by fixtures and equipment used for conduct of office activities, display or sale of merchandise. "Floor area" for the purpose of this Article shall not include area used for storage accessory to the principal use of a building or other accessory areas such as stairwells, restrooms, mechanical rooms and processing or packaging areas.
- c. *Fractional Parking Spaces:* When application of the schedule of parking requirements as hereinafter provided might be interpreted as requiring a certain number of parking spaces, plus a fraction of a space, then such fraction shall be rounded off to the next highest whole number to determine the number of spaces required.
- ~~e.d.~~ *Electric Vehicle Charging Stations:* Electric vehicle charging stations, associated equipment, and make-ready parking spaces may be counted toward satisfying minimum off-street parking space requirements.

2. Accessible Parking

- a. Parking spaces provided for persons with disabilities shall comply with the standards set forth by the American National Standards Institute (ANSI) Code and the most recent edition of the Illinois Accessibility Code, as may be amended by state statute.
- b. In shopping centers, ramps from accessible parking spaces or drive aisles shall be provided along the sidewalks abutting building frontages at intervals of not more than sixty (60) feet.
3. *Parking Exception for Churches:* Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas.
4. *Parking for Multiple Use Buildings:* The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except for churches. The same off-street parking