ORDINANCE 13-44

AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF DEKALB, ILLINOIS, AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE ARTICLE 3 "DEFINITIONS," ARTICLE 5 "ZONING DISTRICT REGULATIONS," AND ARTICLE 14 "PERMITS."

WHEREAS, the City of DeKalb is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and,

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution of 1970 gives to Home Rule Municipalities the authority to exercise any powers pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and general welfare; and,

WHEREAS, the City of DeKalb has adopted a Unified Development Ordinance (the "UDO"), which sets forth the zoning and subdivision standards and procedures for the City of DeKalb; and,

WHEREAS, Article 3 of that Unified Development Ordinance sets forth the Definitions Section; and,

WHEREAS, Article 5 of that Unified Development Ordinance sets forth the regulations for Zoning District Regulations; and,

WHEREAS, Article 14 of that Unified Development Ordinance sets forth the regulations for Permits; and,

WHEREAS, the provision of those Articles do not reflect the needs or desires of the community for such regulations, and these proposed amendments will benefit the general welfare of the community; and,

WHEREAS, the Planning and Zoning Commission held a public hearing on this proposed amendment at its meeting of May 15, 2013, at which time the Commission recommended approval of the proposed amendment by a vote of 4-0; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. That the Unified Development Ordinance of the City of DeKalb, Illinois Article 3 "Definitions", Article 5 "Zoning District Regulations", and Article 14 "Permits" as shown following:

3.01 Definitions (Pages 3-1 through 3-13)
Add to Section 3.01 Definitions in alphabetical order

*Tree Survey:* A Tree Survey locates, identifies, and measures the trees growing on a parcel of property. The position, type, and diameter (generally measured at breast height) of each living tree is typically shown. Tree Surveys are required prior to approving new construction or improvements to a property should a permit be issued.

1.) **ARTICLE 5 “ZONING DISTRICT REGULATIONS” PROPOSAL TO THE UDO**

   **5.07 “LC” Light Commercial District** (Pages 5-25 through 5-29)

   Delete from Section 5.07.02 Permitted Land Uses and Developments

   13. — Dwelling units, when located above the ground floor, with an allowed commercial use on the ground floor, when located on lots with not less than 9,000 square feet in area for the first three (3) dwelling units, and not less than 2,500 square feet in area for each additional dwelling unit over the first three (3) dwelling units;

   Delete from Section 5.07.03 Special Land Uses and Developments

   8. Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor, and when located on lots with less than 9,000 square feet in area for the first three (3) dwelling units, and less than 2,500 square feet in area for each additional dwelling unit over the first three (3) dwelling units;

   **5.08 “GC” General Commercial District** (Pages 5-31 through 5-34)

   Delete from Section 5.08.02 Permitted Land Uses and Developments

   12. — Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor, and when located on lots with not less than 9,000 square feet in area for the first three (3) dwelling units, and not less than 2,500 square feet in area for each additional dwelling unit over the first three (3) dwelling units;

   9. Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor, and when located on lots with less than 9,000 square feet in area for the first three (3) dwelling units, and less than 2,500 square feet in area for each additional dwelling unit over the first three (3) dwelling units;

2.) **ARTICLE 14 “PERMITS” PROPOSAL TO THE UDO**

   **14.03 Special Use Permit** (Pages 4-1 through 4-9)

   Amend Section 14.03.03 Application for a Special Use Permit Subsection 2, item e to read as
followed:

2. The applicant for a Special Use Permit shall submit a site plan that includes, but is not necessarily limited to, the following information.
   
   e. Tree survey, in accordance with Section 7.13, "Tree Preservation," which means an aerial photograph or drawing to scale (one inch equals 200 feet 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

Section 2. That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, other than the part affected by such a decision.

Section 3. That except as to the amendments heretofore mentioned, all Sections of the Unified Development Ordinance of the City of DeKalb, Illinois shall remain in full force and effect.

Section 4. Upon its passage and approval according to law, this Ordinance shall, by authority of the City Council, be published in pamphlet form. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: June 10, 2013. Effective date: June 20, 2013.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 24th day of June, 2013 and approved by me as Mayor on the same day. Passed by roll call vote 7-1. Aye: Finucane, Lash, Snow, Naylor, Baker, O’Leary, Rey. Abstain: Jacobson.

ATTEST:

ELIZABETH E. PEERBOOM, City Clerk

JOHN A. REY, Mayor