

ORDINANCE 2017-004 PASSED: FEBRUARY 13, 2017

AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE", CHAPTER 44 "LANDMARK COMMISSION", AND CHAPTER 48 "DESIGN REVIEW COMMITTEE" REGARDING THE DESIGN REQUIREMENTS FOR NEW RESIDENTIAL CONSTRUCTION.

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and authority conferred upon it by virtue of the Illinois Constitution of 1970 and the Illinois Municipal Code; 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 (UDO), which sets forth the zoning and subdivision standards and procedures for the City of DeKalb; and

WHEREAS, Article 7.14 and Appendix 7-A of the UDO sets forth the design requirements for new residential construction; and

WHEREAS, the City seeks efficient best practice management as articulated in the City's 2025 Strategic Plan, Vision 5; and

WHEREAS, the City wishes to dissolve the Design Review Committee and reassign those duties to the Landmark Commission or the Community Development Director or designee, as applicable; and

WHEREAS, the Planning and Zoning Commission held a public meeting on this proposed amendment at its meeting of January 11, 2017, at which time the Commission recommended approval of the proposed amendment by a vote of 5-0-1.

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Chapter 23 "Unified Development Ordinance", Section 7.14 "Design Requirements for New Residential Construction in Older Neighborhoods", shall be amended as follows:

**7.14. Design Requirements for New Residential Construction ~~in Older~~
Neighborhoods**

The intent and purpose of this Article is to assure the compatibility of new construction with the character of the City's residential neighborhoods, in order to

protect, preserve and enhance the architectural character, protect and enhance property values, and to promote the health, safety and welfare of the City and its residents.

7.14.1 Applicability

- b. For lots created on or after January 1, 1990, the terms of the covenants of the subdivision, annexation agreement, Planned Development or other conditions of approval of the subdivision or Planned Development, shall apply. However, the provisions of this Article shall apply to any construction of new principal residential structures occurring after 90% or more of the residential lots within that subdivision have been improved;
- d. In the case where these provisions conflict with the provisions of the Landmark ~~District~~ Commission regulations or other Municipal Code provisions, the more restrictive shall apply.

7.14.2 Provisions

Each proposed new residential principal structure shall be reviewed based upon the ***Design Guidelines & Checklist*** set forth in Appendix 7-A, attached hereto and made a part of this Ordinance, and shall be referred to the ~~Design Review Committee~~ Landmark Commission or Community Development Director or designee for approval.

7.14.3 Process

- a. All building permit applications for new residential dwellings shall be referred to the ~~Design Review Committee~~ Landmark Commission if located ~~if in a~~ Historic District, or if the property is a Local Landmark. ~~the application shall be referred to the Landmark Commission for review and comment prior to referral to the Design Review Committee.~~
- b. All building permit applications for new residential dwellings shall be referred to the Community Development Director or designee if not located in a Historic District, or if the property is not a Local Landmark.
- ~~b.c.~~ An applicant shall provide supporting materials as outlined in the Design Review ~~Process letter~~ Application Form.
- ~~e.d.~~ The ~~Design Review Committee~~ Landmark Commission and Community Development Director or designee shall consider the application and supporting materials based upon the *Design Guidelines & Checklist*. **A**

minimum score of 75% is required in each of the applicable guideline categories for project approval.

7.14.4 Powers of the ~~Design Review Committee~~ Landmark Commission and Community Development Director or Designee.

After review of a proposal, the ~~Design Review Committee~~ Landmark Commission and Community Development Director or designee may approve, approve with conditions, or deny an application. Denial of the application shall be based upon the failure of the application to obtain sufficient points on the ***Design Guidelines & Checklist***.

7.14.4 Effect of Denial, Appeal

- b. In the case that the applicant has been denied, and the applicant disagrees with the ruling of the ~~Design Review Committee~~ Landmark Commission or Community Development Director or designee, the applicant may appeal the ruling to the City Council. The City Council shall have the final determination on the proposed residential structure.
- c. In the case that a building permit was denied for reasons other than the ruling of the ~~Design Review Committee~~ Landmark Commission or Community Development Director or designee, any appeal shall follow the due course set forth in the appropriate code for which the permit was denied.

Section 2. Appendix 7-A of the UDO shall be amended as shown on Exhibit I.

Section 3. Chapter 44 "Landmark Commission" shall be amended as follows:

44.06 DUTIES AND POWERS.

- e) The Commission shall work cooperatively with the City Planning and Zoning Commission to insure the integrity of landmark or landmark site and historic district designation.
- h) To inform the City Council, the Planning and Zoning Commission; any interested groups and the State of Illinois about the identification and maintenance of sites of historical and architectural importance in the City of DeKalb.
- i) To review new residential dwellings located in a designated historic district or landmark site per the provisions of Article 7.14 "Design Requirements for New Residential Construction" of Chapter 23 "Unified Development Ordinance" of the Municipal Code.

m) To perform such other and further functions as may be from time to time provided by the City Council.

44.08 LANDMARK REGISTER DESIGNATION PROCEDURES.

d) The Commission shall hold public hearings on applications for site recommendations as stipulated by Section 44.06(f) hereof, and shall inform the City Council, City Staff, and the City Planning and Zoning Commission of the intent for a public hearing, requesting the opinion and input of these groups.

1. A formal public hearing will be held at a separate meeting from the Commission's meeting, and minutes shall be taken.
2. Written notice of the public hearing will be given to property owner(s) and notice shall be given to the general public through available news media.
3. Order of Business at the public hearing shall be as follows:

- Convene public hearing
- Read Agenda Item
- Receive Public Input
- Receive City and City Staff Input
- Close Public Hearing

44.10 ADVISORY REVIEW PROCEDURE

a) Upon receipt of an application for a demolition or building permit or an application or petition to any administrative or legislative body related to work upon the exterior of a structure shown on Appendix A, the ~~Code Enforcement office~~ Chief Building Official, within five (5) days, shall (1) advise the applicant of this review; and (2) forward a copy of such application together with plans pertaining thereto to the Commission.

b) The Commission shall consider the extent to which the proposed action may be consistent of inconsistent with preservation of the distinctive physical features of significant structures or areas affected, and with the maintenance of external conditions which affect the long-term viability of those structures or areas. If the proposed alterations appear to adversely affect the purposes and goals of the ordinance, the Commission shall request a conference with the applicant. Any delay by the applicant in complying with such request shall be added to the time allowed for comment by the Commission. The Commission shall make its recommendations and transmit them, in writing to the applicant. The review shall be completed within thirty (30) days of receipt by the City of the application. If the Commission recommends that the proposed action be delayed, then the permit shall not be issued for ninety (90) days from the date of the Commission's recommendation. A summary report shall be sent to the applicant and to any

legislative or administrative body before which the application may be considered; after which time the ~~Code Enforcement office~~ Chief Building Official shall grant or deny the application, as originally submitted, or as amended, on its merits.

Section 4. Chapter 48 "Design Review Committee" shall be deleted in its entirety.


Section 5. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 6. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

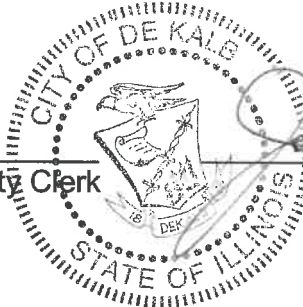

Section 7. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: February 14, 2017. Effective date: February 24, 2017.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of February, 2017, and approved by me as Mayor on the same day. First Reading January 23, 2017. Passed by a 7-0-1 roll call vote. Aye: Jacobson, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Nay: None. Absent: Finucane.

ATTEST:



JENNIFER JEEP JOHNSON, City Clerk

JOHN A. REY, Mayor

Appendix 7-A

Design Guidelines and Checklist

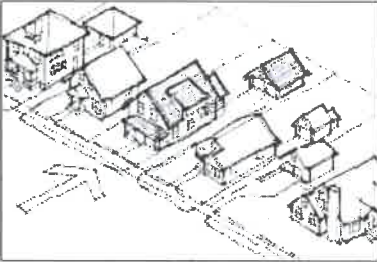
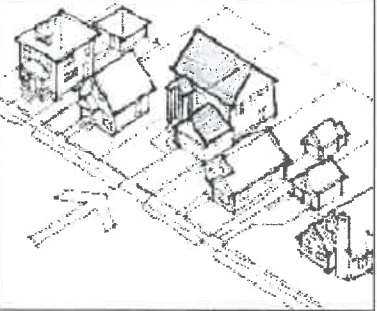
City of DeKalb, IL


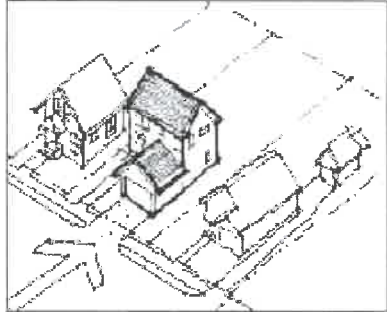
Instructions:



A minimum score of 75% is required in each of the Guideline Categories for project approval. Any individual criteria which is not applicable to a particular project will not be included in the scoring process.

Applicant Name: _____

Address of Project: _____

GUIDELINE #1 - STREETScape RHYTHM: New infill construction should attempt to maintain the existing overall pattern and rhythm of the streetscape. The following characteristics define how well the building will meet this rhythm:	Maximum Points	Applicant	Staff CD Director or Designee	DRC Landmark Commission	EXAMPLES
1.1. Massing and Scale: The massing and scale of new buildings should follow the predominant pattern of the neighborhood. The scale and volume of the new building should respect its neighbors and not overwhelm them or stand out due to inappropriate size. If the infill building is larger than those nearby, consider adjusting the massing to allow large roof forms to be articulated and broken down into smaller well-scaled components.	10				 <p>Appropriate infill: New house maintains overall massing rhythm, sideyard spacing and aligns with predominant street setback.</p>
1.2. Setbacks: The new building should follow the predominant street setback and side yard setbacks of existing properties on the street and adjacent properties.	5				
1.3. Building Height: The new building should be similar in height to the houses on the street. Consideration should be given to the height of the building at both the eave of the roof and at the ridge of the roof.	10				 <p>Inappropriate Infill: New house is more massive, disrupts rhythm along street and does not follow existing alignment.</p>
1.4. Floor Elevations: The new building should emulate the predominant levels of floor elevations on the street.	5				
1.5. Public – Private Transitions: Some neighborhoods have very specific patterns of transition from the public street to the private interior of the home. Porches and stoops are part of the pattern and create a transition from a semi-private porch to the private zone of the interior. The new building should honor the pattern on their street for open porches, covered stoops, or other forms that may be predominant on the street.	10				
Guideline #1 Total:	40				
Guideline #1 Minimum Points Required:	30				

GUIDELINE #2 - SITE DEVELOPMENT: Lot coverage and placement of the house and garage shall be consistent with predominant successful patterns in the neighborhood and shall conform to the other Design Guidelines outlined herein. In addition, site development should maintain existing trees, provide opportunities for new landscaping, and not overwhelm a site.	Maximum Points	Applicant	Staff CD Director or Designee	DRC Landmark Commission	EXAMPLES
2.1. Lot Coverage: The Unified Development Ordinance (UDO) may allow a larger square footage than is compatible with criteria 1.1. If the footprint size of the homes in the neighborhood is less than the maximum area allowed in the UDO, the lesser square footage shall be followed.	10				
2.2. Placement on Corner Lots: Set backs on corner lots shall respect and utilize the rhythm on both streets. Placement of garages and accessory structures and use of landscaping for corner lots is of particular importance.	5				
2.3. Garage Location: Location of the garage and driveway shall follow the predominant patterns of the street. Houses located on alleys should have drives and garages sited at the back of the house.	10				 <p>Appropriate: Recessed garages is downplayed, emphasizing house at streetfront</p>
2.4. Preserve Significant Trees: The size, location and type of trees of 6" caliper or larger shall be indicated on a site plan. The placement and design of the house should take into account the tree canopy, root zone and site grading to avoid disturbing top soil. Trees on adjacent properties shall also be included in the evaluation for potential disturbance due to construction operations.	10				
2.5. New Landscaping: Infill housing typically occurs on streets with mature trees and landscaping. The use of new trees, shrubs and planting areas shall be included in the building design process and be considered part of the overall streetscape and "good neighbor" criteria.	5				
Guideline #2 Total:	40				
Guideline #2 Minimum Points Required:	30				 <p>Inappropriate: Garage-dominated "snout" house.</p>

GUIDELINE #3 - ARCHITECTURAL DETAIL: Use architectural detail to create visual interest and support the best architectural patterns of the neighborhood.	Maximum Points	Applicant	Staff CD Director or Designee	DRC Landmark Commission	EXAMPLES
3.1. Entry Features or Front Porches: Porch and entry feature details shall be consistent with street elevation character rather than mimic backyard deck construction.	10				
3.2. Façade Scale and Character: The façade shall create visual interest, human scale and reflect good elements of the surrounding neighborhood. Doors, windows, and roof elements shall be proportional to the façade. Use of bay windows, gables and other roof variation can be used to avoid large blank walls or monolithic roofs. The size, proportion, and type of windows should be consistent with the predominant pattern of windows on the street.	10				
3.3. Architectural Detail/ Appropriate Materials: Façade details such as window and door trim, corner boards, frieze and fascia boards, columns and brackets can go a long way to creating character and a sense of authenticity. Material selection shall also be consistent with the size, scale and style of neighboring structures.	10				Appropriate: Details are consistent on all sides
3.4. Utilize Four-sided Architecture: The character and detail of the façade shall be consistent on all sides of the house, and recognize that all sides are visible and affect the character of the street. Window size and proportion, use of materials and detailing should be consistent on four sides and work to create an authentic presence on the street. Roof forms, windows styles, siding and detailing all are elements of four-sided architecture.	10				
3.5. Garage Design: Style, mass and use of detail for the garage shall be consistent with the character of the main structure. Dormers, windows or gables shall be used to break up large roofs or walls. Single doors are preferable to double doors. Avoid using standard "one-style-fits-all" garage packages for detached garages. Attached garages with second floors should avoid monolithic, two-story appearance by using gables, dormers or partially recessed rooflines at the second floor to avoid the appearance of a large box.	10				
Guideline #3 Total:	50				
Guideline #3 Minimum Points Required:	38				Inappropriate: Details and material use are not consistent.

GUIDELINE #4 - GOOD NEIGHBOR POLICIES: New infill projects should be designed to be a "good neighbor" to adjacent properties and the surrounding neighborhood. In addition to visual design compatibility, other considerations should be addressed, including maintaining privacy and access to views, light and air.	Maximum Points	Applicant	Staff CD Director or Designee	DRC Landmark Commission	EXAMPLES
4.1. Obstruction: Locate taller portions of buildings to minimize obstruction of sunlight to adjacent yards and rooms.	5				
4.2. View: Consider neighbor's views in placement and size of new building elements.	5				
4.3. Privacy: Windows, balconies and decks should be located to respect privacy of neighboring properties. Consider using landscape elements and fences to buffer views and maintain privacy.	5				
4.4. Exterior Lighting: Minimize the impact of exterior lighting on adjacent properties. Use recessed down light fixtures or shields. Avoid floodlights and non-shielded point source lights. Use motion sensors and timers to control fixtures. (see 10.05 of the UDO)	5				
4.5. Fencing: Fencing design, material and height should be consistent with the principle building(s) on the subject and adjacent properties.	5				
Guideline #4 Total:	<u>25</u>				
Guideline #4 Minimum Points Required:	<u>19</u>				

GUIDELINE #5 - PROXIMITY TO LANDMARKS: New construction located adjacent to or near a designated historic structure or district shall be respectful of such designation. This guideline shall only be considered part of the checklist if applicable.	Maximum Points	Applicant	Staff CD Director or Designee	DRC Landmark Commission	EXAMPLES
5.1. Preserve Quality: The quality of nearby landmarks or historic districts shall be preserved by avoiding excessively similar or dissimilar newly constructed buildings that detract from a landmark or district's character.	10				
5.2. Obstruction: Landmarks should not be dwarfed or obstructed from view by nearby buildings.	10				
5.3. Recommendation: The recommendation(s) of the Landmarks Commission have been met.	10				
Guideline #5 Total:	30				
Guideline #5 Minimum Points Required:	23				

Total Maximum Points	185			
Required Minimum Score				
Guideline #1: 30				
Guideline #2: 30				
Guideline #3: 38				
Guideline #4: 19				
Guideline #5: 23				