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ARTICLE 1

TITLE, PURPOSE AND EFFECTIVE DATE

1.01 Title
This Ordinance shall be known and cited and referred to as the “Unified Development Ordinance of the City of DeKalb.”

1.02 Purpose and Intent
The purpose and intent of this Ordinance is to regulate and control the development and use of land within the jurisdiction of the City of DeKalb. It is designed to promote safety, health and general welfare of the public. This Ordinance is more specifically designed to:

1. Support the goals, objectives and policies of the Comprehensive Plan and other plans adopted by the City of DeKalb;

2. Protect the character and stability of residential, commercial, industrial, recreation, and open space areas within the City of DeKalb, and promote their orderly and beneficial development;

3. Regulate the intensity of land use by establishing open areas surrounding buildings and structures and limiting their height, to provide adequate light and ventilation;

4. Lessen and avoid congestion on streets by requiring and regulating off-street parking and loading;

5. Prevent overcrowding of land and undue concentration of population while balancing the need to provide urban services in a compact, contiguous manner and preserve open space and agricultural land;

6. Prohibit uses, buildings, or structures which are incompatible with the character of development or uses, buildings, or structures permitted within specified zoning districts;

7. Prevent illegal additions or alterations of existing buildings or structures;

8. Divide the City into zoning districts and establish, by reference to a map, the boundaries of said districts;

9. Fix reasonable standards to which buildings, structures, and their uses must conform;

10. Fix reasonable standards to which subdivision of land and installation of streets and utilities must conform;

11. Establish review/approval procedures and documentation requirements for proposed subdivisions or other developments;

12. Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity and other nuisances and hazards in support of other codes and regulations adopted by the City or enacted as law by the state or federal governments;

13. Preserve and enhance the taxable value of land, buildings, and structures throughout the City and preserve features of historical significance, and to improve the visual value and aesthetics of developments;
14. Designate and define the powers and duties of the official(s) administering and enforcing this ordinance; and

15. Provide penalties for the violation of this Ordinance

1.03 Effective Date

The provisions in this Ordinance were originally adopted and became effective on February 4, 1993, (1993-014), and amended from time to time.
ARTICLE 2

GENERAL PROVISIONS

2.01 Authority

1. This Ordinance is adopted pursuant to the authority contained in the Illinois Municipal Code, Plat Act, and other Illinois Statutes and Federal regulations as applicable.

2. Whenever any provision of this Ordinance refers to or cites a section of the relevant Statute and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

3. The provisions of this Ordinance shall be considered the minimum requirements for the promotion of the public health, safety, and welfare. Where provisions of this Ordinance impose greater restrictions than those of any other Statute, ordinance or regulation, including the City of DeKalb Municipal Code, the provisions of this Ordinance shall be controlling. Where the provisions of any other Statute, ordinance or regulation, including the City of DeKalb Municipal Code impose greater restrictions than this Ordinance, the provisions of such Statute, ordinance or regulation shall be controlling.

2.02 Jurisdiction

1. This Ordinance shall be effective throughout the incorporated area of the City of DeKalb.

2. In addition to Paragraph 1 above, the provisions contained in Article 5.13, “Planned Developments,” Article 9, “Streets, Sidewalks and Subdivision Design,” Article 10, “Utilities,” Article 11, “Floodways, Floodplains, Stormdrainage and Erosion Control,” Article 12, “Parking and Loading,” Article 13, “Signs,” and Article 15, “Subdivision of Land” shall be applicable to the unincorporated area within one and one-half (1-1/2) miles of the corporated limits to the extent that these regulations apply to new development within that 1-1/2 mile area, whether subdivided or unsubdivided, except as prohibited by law. Additionally, boundary agreements between the City of DeKalb and other municipalities will take precedence in establishing jurisdiction for the unincorporated areas.

2.03 Relationship to the Comprehensive Plan and Other Planning Documents

It is the intention of the City Council that this Ordinance implement the planning policies adopted by the Council for the City and its extraterritorial planning area, as reflected in the Comprehensive Plan and other planning documents. While the Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

2.04 Rules of Interpretation

For the purpose of this Ordinance, certain rules of construction apply to the text, as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

2. The terms “shall” and “must” are mandatory and not discretionary; the words “may” or “should” are permissive.

3. Words and phrases defined herein shall be given the defined meaning. Words and phrases not defined exclusively herein but defined elsewhere in the City of DeKalb Municipal Code shall be
given the meaning found in the Municipal Code. Words and phrases which are not defined shall be
given their usual meaning except where the context clearly indicates a different or specified
meaning.

4. The words “use” or “occupy” shall include the words “intended,” “designed,” or “arranged” to be
“used” or “occupied.”

2.05 Computation of Time

1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed
by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal
holiday, that day shall be excluded. When the period of time prescribed is less than seven days,
intermediate Saturdays, Sundays and holidays shall be excluded.

2. Unless otherwise specifically provided, whenever a person has the right or is required to do some
act within a prescribed period after the service of a notice or other paper upon him/her and the
notice or paper is served by mail, three days shall be added to the prescribed period.

2.06 Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses
and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or
phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid
judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections,
paragraphs, sentences, clauses or phrases of this Ordinance since the same would have been enacted
without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph,
sentence, clause or phrase.
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)

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.

Bed and Breakfast: An owner-occupied dwelling unit having not more than five (5) bedrooms used to provide transient lodging accommodations to the public as a commercial use.
Bedroom: The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study or a den.

Buffer Area: (see also Screening) A strip of land established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. To determine the number of buildings on a zoning lot, each building shall be considered a separate building when they are not joined by common wall, roof, ceiling and floor assemblies.

Building, Accessory: A building which is subordinate to and serves a principle building or use. An accessory building is subordinate in size, extent, and/or purpose to the principle building or use and contributes to the comfort, convenience and/or necessity of the occupants of the principal building or use being served. Examples of accessory buildings include private garages and storage buildings. (2017-044)

Building Line: (see Setback)

Building, Principal: A building in which is conducted the main or the principal use of the lot on which said building is situated.

Car Wash: An area of land and/or a structure with machine (or hand) operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles not exceeding six (6) tons in gross vehicle weight.

Carry-Out Restaurant: (see Restaurant, Fast-Food)

Certificate of Use and Occupancy: The certificate issued by the Chief Building Official which permits the use of a building in accordance with the approved plans and specifications. It also certifies compliance with the provisions of this Ordinance for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit.

Certify: Whenever this Ordinance requires that some person or agency certify the existence of some fact or circumstance to the City, the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the City may accept certification by telephone from some agency when the circumstances warrant it, or the City may require that the certification be in the form of a letter or other document.

Change of Use: An alteration by change of use in a building or a tract of land, heretofore existing, to a new use which imposes other provisions of this Ordinance or the Building Code governing building construction, equipment or means of egress.

Chief Building Official: The individual named the Chief Building Official or his/her designee. (2017-044)

Church: An institution that people regularly attend to participate in or hold religious services, meetings and other related activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Circulation Area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

City: The City of DeKalb, Illinois.

Club or Lodge: A building, along with accessory structures and facilities, primarily intended to accommodate an association of persons and in which the buildings, structures and facilities are limited and restricted to members and their guests. This definition does not include fraternities and sororities.
Commercial Use: An occupation, employment, or enterprise that is carried on for a profit by the owner, lessee, or licensee.

Community Development Director: The individual holding the position of Community Development Director or his/her designee. (2017-044)

Community Residence: A specialized residential care home serving unrelated persons with disabilities that are:

1. Attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and
2. Likely to continue for a significant amount of time or indefinitely; and
3. Results in functional limitations in three (3) or more of the following areas of major life activities:
   a. self-care
   b. receptive or expressive language
   c. learning
   d. mobility
   e. self-direction
   f. capacity for independent living
   g. economic self-sufficiency; and
4. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are a life-long or extended duration.

A Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

Community Residence, Small: A Community Residence serving eight (8) or fewer persons with disabilities, along with necessary support staff, in a family-like atmosphere.

Community Residence, Large: A Community Residence serving more than eight (8) persons with disabilities along with necessary support staff.

Comprehensive Plan: A document containing both written and graphic information concerning the future development of the City of DeKalb and its environs. It is an officially adopted policy guide for locating land uses and streets, and other community development issues.

Conditional Use: (see Special Use)

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 7,500
square feet. Convenience stores differ from other retail commercial uses in their operating characteristics and potentially adverse neighborhood effects (i.e., hours of operation, traffic generation and turning movements, noise, litter and lighting).

**Council:** The City Council of the City of DeKalb, Illinois.

**Cul-de-Sac:** A local or sub-local street, one end of which is closed, and consists of a circular turn-around. (See Article 9, Section 9.01, for the definition of local and sub-local streets).

**Data Center:** Buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services, along with ancillary warehouse, administrative office, and storage buildings.

**Day Care Center:** A building in which any person, group of persons, agency, association or organization arranges for or cares for more than twelve (12) children.

**Day Care Home:** A dwelling unit in which any person or group of persons provides for the care of not more than eight (8) children inclusive of the child care provider's own children.

**Deck:** A platform structure of single or multiple tier construction that is either freestanding or attached to a principal or accessory building located in the rear yard or side yard and constructed above grade and unenclosed by solid or non-solid walls or a roof. If located in the side yard, an attached deck must meet principal building setbacks. (2017-044)

**Density:** The number of dwelling units per net acre of land. Net acreage is defined as the site area less all land allocated to street rights-of-way. With private streets, the equivalent of public rights-of-way for these streets shall be deducted from gross acreage. If there is a question regarding the width and length of such equivalent rights-of-way, the Community Development Director shall render a determination.

**Development:** All structures and other modifications of the natural landscape, above and below ground or water, on a particular site.

**Development, Planned:** Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development includes a program for the provision, operation, and maintenance of common areas, facilities, and improvements that are for the use by the occupants of the planned development district, but which will not be provided, operated, or maintained at public expense.

**Distillery:** A facility that produces alcoholic beverages on-site in quantities exceeding 20,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcoholic beverages manufactured outside the facility are prohibited. (2017-035)

**Dormitory:** A building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than twenty (20) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery or other institutional use.

**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.

**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 in any commercial or industrial zoning district, pursuant to the requirements of Article 7.04, Paragraph 11, of this Ordinance. (1998-041)

**Family:** Two (2) or more persons related to each other by blood, marriage, adoption or other means of legal custody, plus not more than two (2) unrelated lodgers or guests, living together as a single housekeeping unit in a dwelling unit.

**Fast-Food Restaurant:** (see Restaurant, Fast-Food)

**Flag Lot:** (see Lot, Flag)

**Floodplain:** (see Article 11, Subsection 11.01.02)

**Floodway:** (see Article 11, Subsection 11.01.02)

**Floodway Fringe Area:** (see Article 11, Subsection 11.01.02)
**Floor Area Ratio:** A bulk requirement to limit the proportion of a building's size to its lot as determined by dividing the gross floor area of all buildings (inclusive of garages and accessory buildings) on a lot by the area of that lot.

**Floor Area, Gross:** Gross floor area shall be the floor area within the perimeter of the exterior walls of the building under consideration, including hallways, stairs, closets, thickness of walls, columns or other features. Gross floor area includes all floors that are above grade, including mezzanines and habitable attic space. It does not include basements, unenclosed porches or attics not used for human occupancy.

**Floor Area, Net:** (See Article 12, Section 12.07 for the definition of floor area used to compute required parking.)

**Fraternities or Sororities:** An organization of a group of individuals with a common purpose under a constitution, by-laws or other rules adopted by them, and chartered by the State of Illinois as a corporation or authorized by the State of Illinois to carry on the purpose for which they are organized and recognized by an accredited school. A fraternity or sorority may be affiliated with a nationally recognized organization having an identical or similar purpose. This definition does not include any organization formed by the owner of real estate for the purpose, among others, of operating a lodging or rooming house.

**Garage, Private:** An accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**Garage, Public:** (see Parking Structure)

**Garage, Repair:** (see Vehicle Repair Facility)

**Gasoline Station:** Buildings and premises where the primary use is the supply and dispensing of retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories. This definition includes self-service stations.

**Grade Plane:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls; when the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

**Group Day Care Home:** A dwelling unit in which any person or group of persons provides for the care of not more than twelve (12) children inclusive of the care provider’s own children.

**Group Home:** A dwelling unit serving not more than twenty (20) persons used as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease. This definition does not include Community Residences.

**Habitable Space:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**Height, Building:** The vertical distance from grade plane to the highest point of the building, excluding structural projections identified in Article 7, Section 7.02.

**Home Occupation:** An occupation, profession, or other business activity that is clearly a customary, incidental, and secondary use of a residential dwelling unit which does not alter the exterior of the building or lot or affect the residential character of the neighborhood.

**Homeowners Association:** A private, nonprofit corporation of homeowners that operates and maintains various common properties of a subdivision or development.
**Hotel:** (see also Motel) A facility offering transient lodging accommodations on a daily rate to the public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**Household:** A group of:

1. Not more than three (3) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit located east of Normal Road, north of Lucinda Avenue and east of the Kishwaukee River, south of Lucinda Avenue; or

2. Not more than four (4) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit located west of Normal Road, north of Lucinda Avenue and west of Kishwaukee River, south of Lucinda Avenue.

**Impound Yard:** A parcel of land on which a combination of operable and/or inoperable vehicles are collected and stored until claimed by the owner or otherwise disposed of.

**Junkyard:** (see also Vehicle Wrecking Yard): A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

**Loading Space:** (see Article 12, Subsection 12.08.08)

**Lodging House:** A dwelling unit in which, sleeping accommodations and/or meals are provided for not more than twenty (20) persons seeking shelter on a temporary basis for indefinite periods and open to the public and transients. This definition includes only those uses operating under the authorization of a recognizable local, state or federal agency.

**Lot Area:** (see also Density) The total area circumscribed by the boundaries of a lot, except that:

1. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary shall be the street right-of-way line, for computing the lot area. If the right-of-way line cannot be determined, a line running parallel to and 33 feet from the center of the traveled portion of the street, and

2. In a residential district, when a private road provides access to the dwelling units is located along any lot boundary, then the lot boundary shall be based on excluding what would be the area equivalent of a public right-of-way for computing the lot area.

**Lot, Corner:** A lot abutting on and at the intersection of two or more streets. For the establishing of building setbacks, a corner lot is considered to have two or more front yards.

**Lot Depth:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

**Lot, Flag:** A lot with access provided to the bulk of the lot by a narrow corridor of property.

**Lot Line:** A line dividing one lot from another or from a street or any public place.

**Lot Line, Front:** (see also Yard, Front) On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street providing access.

**Lot Line, Rear:** (see also Yard, Rear) The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

**Lot Line, Side:** (see also Yard, Side) Any lot line not a front or rear lot line.
Lot, Through: A lot having its front and rear yards each abutting on a street (also known as “double frontage” lot).

Lot Width: The horizontal distance between side lot lines, measured at the front lot line.
Lot of Record: A lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally approved by the City Council and recorded in the office of the Recorder of Deeds of DeKalb County. A “Lot of Record” may or may not coincide with a zoning lot.

Lot, Zoning: A single tract (or combination of tracts) of land located within a single block, which (by filing and recording an affidavit for the use of more than one lot at the time of application for a building permit) is designated by the owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a “Lot of Record.”

Manufactured Home: A dwelling unit designed for long-term human habitation that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act where all parts and systems have been fabricated and assembled at a factory into at least two (2) finished, transportable components which are designed to be temporarily attached to a wheeled carriage for transportation to the building site and then joined for use on a permanent foundation. A manufactured home is at least twenty (20) feet in width at its narrowest point, is installed on a foundation system in compliance with the City’s building code, is covered with exterior materials customarily used on conventional dwellings, has a roof with a pitch and materials customarily seen on conventional dwellings, is convertible to real property and is taxed as a site-built dwelling as provided by law.

Mezzanine(s): An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the area of the room in which the level or levels are located.

Micro-Distillery: A facility that produces alcoholic beverages on-site in quantities not to exceed 20,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcoholic beverages manufactured outside the facility are prohibited. (2017-035)

Mobile Home: A transportable factory-built home designed to be used as a year-round residential dwelling with a permanent foundation, which is less than twenty (20) feet in width at its narrowest point, was built on a chassis with wheels on axles permanently attached to its body or frame and does not have facade or roof design customarily seen on conventional dwellings.

Mobile Home Park: Any parcel or parcels, under single ownership or control, with spaces designated for long-term residential use and intended for rent or lease where the residences are comprised of mobile homes.

Mobile Home Subdivision: A tract of land, subdivided into lots, designated and developed for long-term residential use and intended for sale where the residences are comprised of mobile homes.

Modular Home: A factory-built home certified as meeting the City’s building codes as applicable to modular housing and subject to the same standards as site-built homes.

Motel: (see also Hotel): A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises

Non-conforming Lot: A lot of record existing at the effective date of this Ordinance, or amendment thereto, (and not created for evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located or dimensional requirements of Article 9. (See Article 19, Section 19.12 for permissible uses of certain non-conforming lots.)
**Non-conforming Situation:** A situation that occurs when, on the effective date of this Ordinance, or amendment thereto, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance. Non-conforming signs shall be regarded as non-conforming situations for purposes of Article 19.

**Non-conforming Use:** A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zones area constitutes a non-conforming use).

**Non-conformity, Dimensional:** A non-conforming situation that occurs when the height of a structure, or the relationship between an existing building or buildings and other buildings or lot lines, does not conform to the regulations applicable to the district in which the property is located.

**Office:** A building or portion of a building wherein services are performed involving primarily administrative, professional, or clerical operations.

**Office Park:** A large tract of land that has been planned, developed, and operated as an integrated facility for several separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

**Open Space:** An area that provides light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

**Open Space, Common:** Open space within or related to a development, not in individually owned lots, but is designed and intended for the common use or enjoyment of the residents of the development. This term is synonymous with common ground, common land, and common area when used in the appropriate context.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours.

**Owner:** Any person, agent, firm or corporation having a legal or equitable interest in the property.

**Park:** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking Lot, Off-Street:** (see also Parking Structure) An area not within a building where motor vehicles may be stored for temporary, daily or overnight off-street parking.

**Parking Space, Off Street:** An area on a lot and/or within a parking structure intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a street. Tandem parking stalls in single-family detached, single-family attached and two-family attached residential uses shall be considered to have a means of access to a street so long as no vehicle is parked partially or fully within a street right-of-way. For this definition, tandem parking will be considered to be parallel parking (See Article 12, Section 12.06 for dimensional requirements).
Parking Structure: A building designed and used for the storage of four (4) or more vehicles; such a building may be operated as a business enterprise or as a public service, with or without charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Patio: An open, hard-surfaced area installed at grade unattached from either a principle or accessory structure designed and intended for recreational use by people and not as a parking space. Patios shall not be physically attached to any foundation system. (2017-044)

Person: Includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word “person” is used in any section of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such section.

Place of Worship: (see Church)

Porch: A structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. (2017-044)

Porch, Enclosed: a porch that is enclosed by walls, screens, lattice, or other material on two (2) or more sides. A screened-in porch shall be considered an "Enclosed Porch." (2017-044)

Porch, Unenclosed: a porch that is open on two (2) or more sides, and may have a railing along the edge. (2017-044)

Principal Use: The primary purpose or function of a building, structure, or parcel of land, or portion thereof, as determined by the Community Development Director or designee, based upon the configuration and improvement of the space and the available information regarding its use. A principal use may be a permitted or special use. (2017-009)

Public Works Director: The individual holding the position of Public Works Director or his/her designee. (2017-044)

Rear Yard: (see Yard, Rear)

Recommendation: An official position taken by staff, the Planning and Zoning Commission, and/or any other body that advises the City Council or other authority to approve with or without conditions, to deny, and/or to take no action on a development proposal or some similar issue.

Recreational Vehicle: A vehicle, whether self-propelled or a trailer, which is constructed with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

Recycling Center: A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Collection Point: An accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources; this use does not include processing of such items.

Recycling Plant: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Required: Shall be construed to be mandatory by provisions of this Ordinance.
**Research Laboratory**: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Residents Association**: (see *Homeowners Association*) **Restaurant**: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building or at supplemental outdoor seating areas.

**Restaurant, Fast Food**: Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or carry-out, and where either:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or
2. The establishment includes a drive-through service facility or offers curb service.

**Right-Of-Way**: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Rooming House**: A building in which sleeping accommodations and/or meals are provided for compensation (pursuant to previous arrangements for definite periods and not open to the public or transients) to:

1. Four (4) or more unrelated individuals where said dwelling unit is located east of Normal Road, north of Lucinda Avenue and east of the Kishwaukee River, south of Lucinda Avenue; or
2. Five (5) or more unrelated individuals where said dwelling unit is located west of Normal Road, north of Lucinda Avenue and west of the Kishwaukee River, South of Lucinda Avenue.

**Salvage Yard**: See *Vehicle Wrecking Yard* (1998-041)

**Satellite Dish Antenna**: (see Article 7, Subsection 7.08.02)

**Screening**: (see also *Buffer Area*) The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

**Self-Service Storage Facility, Exterior Unit Access**: A building or group of buildings containing storage units of varying sizes, which are leased or rented for the storage of customer goods and wares and which have exterior unit access generally consisting of roll-up doors and direct drive-up access from the outside. A “Self-Service Storage Facility, Exterior Unit Access” may also contain outdoor storage. Storage units shall not contain any hazardous materials, as defined in the City’s Building Code, nor involve any wholesale or retail sale of goods. (2018-008)

**Self-Service Storage Facility, Interior Unit Access**: A building or group of buildings containing storage units of varying sizes, which are leased or rented for the storage of customer goods and wares and in which all storage units have an access door from an interior hallway. A “Self-Service Storage Facility, Interior Unit Access” shall not contain any outdoor storage. Storage units shall not contain any hazardous materials, as defined in the City’s Building Code, nor involve any wholesale or retail sale of goods. (2018-008)

**Service Station**: (see *Vehicle Service Facility*)
**Setback, Building Line:** The required minimum horizontal distance between the closest point of an exterior wall of a building or any projection thereon and the related front, side, or rear lot line.

**Shall:** The term, when used in this Ordinance, “shall” be construed as “mandatory.”

**Side Yard:** (see Yard, Side)

**Sign:** (see Article 13, Section 13.02)

**Site Coverage:** The area of the site which is covered by buildings, driveways, parking lots, loading areas, but excluding open spaces, plazas, pedestrian circulation, and unpaved buffer areas.

**Social Club:** (see definition in Municipal Code). Special Use: A use that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

**Stoop:** An exterior platform constructed of wood, concrete, pavers or masonry that does not exceed thirty-five (35) square feet, which provides direct access to a building and is used solely for the purposes of ingress and egress. A stoop/entryway may or may not be roofed as allowed per this Ordinance. (2017-044)

**Story:** (see also Mezzanine). That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Story Above Grade:** Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

1. More than six (6) feet above grade plane;
2. More than six (6) feet above the finished ground level for more than fifty (50) percent of the total building perimeter; or
3. More than twelve (12) feet above the finished ground level at any point.

**Street:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform which are defined in Article 9, Section 9.01.

**Structure:** Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. (2017-044)

**Structure, Accessory:** A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used for a permitted accessory use. Examples of accessory structures include signs, fences, decks, porches and pools. (2017-044)

**Subdivision:** Notwithstanding the exemptions provided in State Law, a subdivision is the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

**Subdivision, Major:** (see Article 15, Subsection 15.04.01)

**Subdivision, Minor:** (see Article 15, Subsection 15.04.02)

**Terminal, Bus, Train:** A building or area specifically designated for the assembly and boarding and un-boarding of passengers to/from buses or trains.
Terminal, Motor Freight: A building or area in which freight brought by truck is assembled and/or temporarily stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Townhouse: (see Dwelling, Single-Family Attached)

Through Lot: (see Lot, Through)

Tract: (also see Lot of Record). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

Trailer: Any structure built on a chassis for licensing by the State as a trailer and designed for general hauling or recreational purposes.

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.

Variance: A modification of the specific requirements of this Ordinance granted by the Planning and Zoning Commission / Board of Appeals or City Council under the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modifications do not include authorizing a use not among the uses specified by this Ordinance as permitted in the district in which such property is located.

Vehicle Repair Facility: A building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

Vehicle Service Facility: A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and servicing vehicles with such products is performed on the premises. A vehicle service facility may include performing minor repairs to passenger cars and trucks (replacement of parts and engine services), but not including body repairs or major mechanical overhauling.

Vehicle Wrecking Yard: (see also Junkyard) The dismantling, wrecking or salvage of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been, or are to be, removed for reuse or sale, shall constitute prima-facie evidence of an vehicle wrecking yard.

Video Gaming Establishment: An establishment whose primary purpose is to operate video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. seq.), where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is secondary and accessory to the operation of the video gaming terminals. In determining whether an establishment constitutes a video gaming establishment, any one or a combination of the following criteria may be considered in the City’s decision, as determined by the Community Development Director: (2017-044)

1. The establishment contains video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. seq.).

2. The number of seats designated for the serving of food or beverages is 30 or less. Seats designated for a video gaming terminal, as defined by the Video Gaming Act (240 ILCS 40/1 et. seq.), are not included.

3. Establishments that have a Category 2 or 3 Food Establishment Permit from the DeKalb County Health Department (or equivalent licensure or authorization that provides predominantly for service
of food items for consumption on-site, when prepared offsite) or which do not provide for the service of any food items.

4. The gross floor area of the establishment is 2,500 square feet or less.

5. The floorplan for such facility is designated in such a fashion as to indicate that the predominant purpose of the facility is video gaming, based upon the distribution of a disproportionate area for video gaming terminals and related seating, in comparison to other seating areas in the facility. (E.g. if the facility features a video gaming terminal area that includes open floor space around it that is disproportionate in quantity or orientation to the open floor space allotted around non-video gaming terminal seating, it shall be presumed that the facility is a Video Gaming Establishment.)

6. The documentation submitted to the City in relation to such establishment, whether as a component of a liquor license application, video gaming terminal application, or any other submittal to the City, indicates that the primary or a primary purpose of the establishment is video gaming, such as through the name of the facility, the signage proposed for the facility, or the narrative or documents accompanying any such application.

7. The facility shares a name or ownership with another existing Video Gaming Establishment within the State of Illinois (applying the same criteria described herein).

For the purposes of this subsection, establishments that have a Public Entity/Non-Profit Liquor License (as defined in Chapter 38 “Intoxicating Liquors” of the Municipal Code) shall be exempt from these regulations as long as the operation of the video gaming terminals are accessory and subordinate to the principal use. (2017-009)

Wall, Common: An interior wall that separates and distinguishes two (2) or more uses located in the same building or structure. A common wall extends from floor to ceiling and from exterior wall to exterior wall, and conforms to the fire resistance requirements of the City's building code.

Wall, Exterior: A wall fully exposed to the outside air which forms the perimeter of a building or structure. Where a building or structure is not wholly surrounded by exterior walls, then the exterior wall shall be considered as the vertical projection between the roof above and the floor below.

Wall, Interior: A wall located wholly within a building or structure which separates different rooms and/or uses of such building or structure, as distinguished from an exterior or common wall.

Warehouse and Distribution Center: A building used in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wetland: An area that is defined as a wetland in the most recent editions of the Army Corps of Engineers Regulatory Definitions, 33 C.F.R. 328.3(b), the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and/or other companion documents, manuals, or guidelines hereafter published.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where a lot abuts a street, all yards abutting said street shall be measured from the street right-of-way.

Yard, Front: A yard extending across the full width of the lot and lying between the required front building setback line and the front property line of the lot.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line and the required rear building setback line.
Yard, Side: A yard lying between the side line of the lot and the nearest line of the required side building setback line and extending from the front yard to the rear yard.

Zero Lot Line: The location of a building on a lot in such a manner (as may be allowed in a planned development) that one or more of the building's sides rest directly on a lot line.

Zoning Map, Official: A map of the City of DeKalb delineating the boundaries of various zoning districts for determining which, regulations contained in this Ordinance apply to specific tracts or lots. Such official Zoning Map and amendments thereto, has been adopted by the City Council and is on file in the Office of the City Clerk.
ARTICLE 4

ZONING DISTRICTS AND OFFICIAL ZONING MAP

4.01 Establishment of Zoning Districts

In order to classify, regulate, and control the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding buildings, the City of DeKalb, Illinois is hereby divided into the following Districts:

Residential Districts
- "SFR-1" Single-Family Residential District (10,000 Square Foot Minimum Lot Size)
- "SFR-2" Single-Family Residential District (6,000 Square Foot Minimum Lot Size)
- "TFR" Two-Family Residential District
- "MFR" Multiple Family Residential District

Commercial Districts
- "NC" Neighborhood Commercial District
- "LC" Light Commercial District
- "GC" General Commercial District
- "CBD" Central Business District

Industrial Districts
- "ORI" Office/Research/Light Industrial District
- "LI" Light Industrial District
- "HI" Heavy Industrial District

Planned Development Districts
- "PD-R" Planned Development - Residential District
- "PD-C" Planned Development - Commercial District
- "PD-I" Planned Development - Industrial District

The above Districts, except for the Planned Development Districts, are listed in order of intensity, from least intensive at the top to most intensive at the bottom. The intensity of the Planned Development Districts are determined by the Community Development Director based upon the residential density of the individual Planned Development, or the uses allowed within that Planned Development. Each Planned Development District is a unique zoning district established by a separate Ordinance as further described in Article 5.13 of this Ordinance.

4.02 Establishment of Overlay Districts

There are certain instances where regulations contained in the various districts need to be superseded by or supplemented with other regulations. For example, the "Permitted Land Uses and Developments" listed in a zoning district are still valid, but are subjected to special floodplain requirements if the subject property is located within the boundaries of the "FP" Floodplain Overlay District as well. Portions of the City of DeKalb, Illinois are hereby included within one or more of the following overlay districts:

- "FP" Floodplain Overlay District
- "SAGRC" South Annie Glidden Road Corridor Overlay District
4.03 Official Zoning Map

1. The boundaries of the zoning and overlay districts are shown upon the map made a part of this Ordinance, and is designated as the “Official Zoning Map.” The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance, and have the same force and effect as if the Official Zoning Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which Zoning Map is attached hereto and made a part of this Ordinance by reference.

2. The Flood Insurance Study and Flood Insurance Rate Map for DeKalb County, Illinois, and Incorporated Areas, Map Number 17037C0000 (City of DeKalb Map Panels 0234, 0242, 0244, 0250, 0251, 0253, 0275), with effective date January 2, 2009, and amendments thereto, delineating areas that are susceptible to the base flood, as prepared by the Federal Emergency Management Administration, is hereby adopted as the boundaries of the “FP” Floodplain Overlay District for the purpose of this Article and filed as a record in the office of the City Clerk. Copies of said maps are also available at the Public Works Department. (2017-044)

4.04 Zoning District Boundaries

4.04.01 Interpretation of Zoning District Boundaries

The Community Development Director shall interpret the provisions of this Ordinance as they pertain to the location of district boundaries where uncertainty exists as to the location of the district boundaries in relation to the Official Zoning Map, subject to the right of appeal to the Zoning Board of Appeals per Article 18, “Appeals and Variances.” The following rules for interpretation shall apply. (2017-044)

1. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended as otherwise indicated.

2. In areas not subdivided into lots and blocks, whenever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section, or division lines or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.

3. In the event that a zoning district boundary line is shown on the Official Zoning Map as following a property line or a political boundary line, the actual location of such zoning district boundary line shall govern, as determined by survey, rather than the representation of the location of said boundary line on the Zoning Map, if there is a discrepancy between the two locations.


1. Highways, streets, alleys, public ways, waterways, easements for underground utilities, and railroad rights-of-ways shall be considered allowed uses in each zoning district except as may be modified elsewhere in this Ordinance.

2. All highways, streets, alleys, public-ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon such alleys, streets, public-ways, or waterways and railroad rights-of-way. Where the center line of a street, alley, public-way, waterway or railroad right-of-way serves as district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.
3. Land dedicated to street right-of-way shall not be included in computing minimum lot area or density for the purposes of this Ordinance. However, if through dedication of street right-of-way, the area of any lot already legally established is decreased below the minimum area required in the applicable zoning district, the provisions for lots under the allowable minimum size as set forth in Articles 5 and 19.12 shall apply.

4.05 Zoning of Annexed Area

All territory which may hereafter be annexed to the City of DeKalb, Illinois shall be considered as being in the “SFR-1” Single-Family Residential District, and as appropriate, in the “FP” Floodplain Overlay District, until otherwise changed by ordinance. Additionally, those areas annexed to the City which are part of the South Annie Glidden Road Corridor Plan (adopted by the City Council on January 22, 1990) shall be subjected to the regulations to the “SAGRC” Overlay District (see Section 6.02 of Article 6 of this Ordinance).

Nothing shall preclude the City Council, upon a recommendation from the Planning and Zoning Commission after a public hearing in accordance with Article 20.04, from adopting a simultaneous Ordinance that has either been initiated by the City Council or by an applicant that rezones the annexed territory to an appropriate zoning district other than the SFR-1 District (see Article 20, “Amendments”).
ARTICLE 5
ZONING DISTRICT REGULATIONS

5.01 “SFR-1” Single Family Residential District

5.01.01 Purpose and Intent

This section contains the district regulations of the “SFR-1” Single Family Residential District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is intended for low density residential development and other land uses which are or can be made compatible with the low density residential nature of the district.

5.01.02 Permitted Land Uses and Developments of the “SFR-1” Single Family Residential District (2017-044)

The principal type of land use and development intended for this district is single family detached dwellings. 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 homes;
- Home occupations;
- Passive Park facilities owned by the Park District or private entity

5.01.03 Special Land Uses and Developments of the “SFR-1” Single 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.”

- Community Residences (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 mausoleum;
- 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;
Active Parks

Privately owned and operated neighborhood 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, 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;

Sewage treatment facilities.

5.01.04 Density and Dimensional Regulations of the “SFR-1” Single Family Residential District

1. Minimum Lot Size:

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Residence (Small)</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Community Residence (Large)</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>Day Care Homes</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Single Family</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Group Day Care Homes</td>
<td>15,000 sq. ft.</td>
</tr>
</tbody>
</table>

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 10,000 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 10,000 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 10,000 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 10,000 square feet, then said lot may be used by any allowable use in the SFR-1 district.

2. **Building Setback Requirements**: Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to principal buildings in the SFR-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.

4. **Design Requirements**: Principal structures constructed after the date of this Ordinance 06-90 shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction.

5.01.05 Other Development Regulations for the “SFR-1” Single Family Residential 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

5.01.06 Conditions of Use of the “SFR-1” Single Family Residential District

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).
5.02 “SFR-2” Single Family Residential District

5.02.01 Purpose and Intent

This section contains the district regulations of the “SFR-2” Single Family Residential District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is intended for low density residential development (though a smaller lot size is allowed than the SFR-1 District) and other land uses which are or can be made compatible with the low density residential nature of this district.

5.02.02 Permitted Land Uses and Developments in the “SFR-2” Single Family Residential District (2017-044)

The principal type of land use and development intended for this district is single family detached dwellings. Additional permitted land uses and developments include:

- Accessory uses;
- Community Residences (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, public or private

5.02.03 Special Land Uses and Developments in the “SFR-2” Single 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.”

- 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 Residences (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;
- Active Parks;
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, 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;

Sewage treatment facilities.

5.02.04 Density and Dimensional Regulations in the “SFR-2” Single Family Residential District

1. Minimum Lot Size:

   a. The minimum lot size for permitted and special land uses in the SFR-2 District shall be as follows:

   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).

   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 dwelling 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, then said lot may be used by any allowable use in the SFR-2 district.

2. Building Setback Requirements: Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to principal buildings in the SFR-2 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.

4. **Design Requirements:** Principal structures constructed after the date of this Ordinance 06-90 shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction.

5.02.05 Other Development Regulations for the “SFR-2” Single 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

5.02.06 Conditions of Use

1. 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).
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;

Sewage treatment facilities;

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:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Residence (Small)</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Community Residence (Large)</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>Day Care Homes</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Single Family</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Two-Family</td>
<td>7,000 sq. ft.</td>
</tr>
<tr>
<td>Group Day Care Homes</td>
<td>9,000 sq. ft.</td>
</tr>
</tbody>
</table>

b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, “Off-Street Parking and Loading Requirements,” but in no instance shall a lot be created that is less than 6,000 square feet (except for public utility facilities and for single family attached dwellings).
c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than 6,000 square feet of land area, may be used as a site for one (1) single-family detached dwelling together with accessory structures and uses, provided the location of such dwellings satisfies the minimum setback requirements identified in paragraph 2 below.

d. Lots created for public utility facilities may be less than 6,000 square feet, provided that such lots or tracts shall not be used for any other use, except that in the event the public utility facility use terminates and where the lot or tract is combined with an adjacent parcel or parcels to equal or exceed 6,000 square feet, the said lot may be used by any allowable use in the TFR district.

2. **Building and Structure Setback Requirements**: Except as provided for in Article 7, “Supplementary District Regulations and in Subsection 5.03.06,” the following setback requirements apply to principal buildings in the TFR district.

   a. **Front Yard**: No principal building shall be allowed within twenty-five (25) feet of any front lot line or a street right-of-way line.

   b. **Side Yard**: No principal building shall be allowed within five (5) feet of any side lot line or within a distance of any side lot line equal to ten (10) percent of the average width of the lot, whichever is less; except that no side yard shall have a width of less than three (3) feet.

   c. **Rear Yard**: No principal building shall be allowed within thirty (30) feet of the rear lot line or within a distance measured from the rear lot line that is equivalent to twenty (20) percent of the total lot depth, whichever is less.

3. **Building Height Limitations**: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as provided in Article 7, “Supplementary District Regulations.”

4. **Design Requirements**: Principal structures constructed after the date of this Ordinance shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction. (2006-090)

5.03.05 Other Development Regulations for the “TFR” Two Family Residential District

The following references the appropriate Articles of this Ordinance which specify the other regulations governing development in this district.

1. “Overlay District Regulations”: Article 6
2. “Supplementary District Regulations”: Article 7
3. “Streets, Sidewalks and Subdivision Design”: Article 9
4. “Utilities”: Article 10
5. “Floodways, Floodplains, Stormdrainage and Erosion”: Article 11
6. “Off-Street Parking and Loading Requirements”: Article 12
7. “Signs”: Article 13
5.03.06 Conditions of Use in the “TFR” Two Family Residential District.

a. Not more than one (1) principal building shall be located on a zoning lot. The only exception to this is for developments approved under the provisions of a “Planned Development” district (see Section 5.13 of this Article).

b. Single family attached dwellings having a common wall along a lot line may be permitted in the “TFR,” Two Family Residential district provided the City Council approves a Special Use Permit (see Article 14, “Permits”) meeting the following criteria (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 lot line.

   e. All common wall construction standards, whether existing or proposed, shall be in conformance with all building, electrical, plumbing, and other applicable codes and ordinances.

   f. Each dwelling unit shall be serviced with its own water line, sanitary sewer line, sump pump line, and all other utility lines and extensions.

   g. A minor subdivision plat shall be prepared in accordance with Article 15, “Subdivision of Land” and approved subject to a Minor Plat application. The plat shall reference a recorded common wall agreement which shall comply with the City Standard of Appendix 5-A, attached hereto and made a part of this Ordinance, and shall include a note stating that the construction on the proposed lots shall be limited to “common wall construction only.”

      1) Individual lots shall have an area of not less than 3500 square feet and shall have a width of not less than twenty-five (25) feet.

      2) All other setback and dimensional requirements of this Ordinance shall be adhered to.

h. Covenants, Conditions and Deed Restrictions (CCR’s), which meet the City Standard of Appendix 5-B, attached hereto and made a part of this Ordinance, shall be prepared and recorded simultaneously with the Final Plat and Common Wall Agreement. An Owners Association shall be created, in accordance with Article 15.07, either through the CCR’s or in a separate document, which shall also be recorded simultaneously with the other required documents and plat.
5.04 “MFR-1” Low Density Small Scale Multiple Family Residential (2006-090)

5.04.01 Purpose and Intent

This section contains the district regulations of the “MFR-1” Lower Density Small Scale Multiple Family Residential District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is intended for lower density residential development characteristic of mixed use neighborhoods and typically with buildings of fewer than eight (8) units and surrounded by a variety of other lower density residential uses. The intent of the District is also to provide for other local uses which are or can be made compatible with the low density mixed residential nature of the district.

5.04.02 Permitted Land Uses and Developments in the “MFR-1” Multiple Family Residential District (2017-044)

The principal type of land use and development intended for this district is multiple family dwellings legally existing on the date of this amendatory Ordinance 2006-090 (see Subsection 5.04.04.

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;
- Single family detached dwellings;
- Single family attached dwellings, subject to Subsection 5.04.06 paragraph 2, below;
- Home occupations;
- Rooming House conversions, subject to Subsection 5.04.07, below;
- Passive Parks.

5.04.03 Special Land Uses and Developments in the “MFR-1” Multiple 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.”

- Bed and Breakfast;
- Community Residence (small and large) 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;
- Cemeteries and mausoleums;
- Churches;
- Day care centers;
- Golf courses, except miniature courses and driving tees operated for commercial purposes;
Group day care home;

Group home;

Hospitals and clinics, but not including animal hospitals or clinics;

Libraries;

Museums;

Nursing and convalescent homes and retirement centers;

Parking lots, as a principal use when located within three hundred (300) feet of the use being served;

Active Parks;

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, 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;

Rooming House conversions, not meeting the requirements of Subsection 5.04.07, subparagraphs 1 through 9, below;

Sewage treatment facilities;

Two family or multiple family attached dwellings not meeting the minimum lot size requirements of Article 5.04.04, subparagraph 1;

Converted Dwellings;

New two-family or multiple-family dwellings, but subject to compliance with the all other terms of this Article.
5.04.04 Density and Dimensional Regulations in the “MFR-1” Multiple Family Residential District

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Residence (Small)</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Community Residence (Large)</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>Day Care Homes</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Single-Family</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Two-Family</td>
<td>7,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Multiple Family</td>
<td>3,500 sq. ft. per dwelling unit (1996-002)</td>
</tr>
<tr>
<td>Group Day Care Homes</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>Group Home</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>Hospital</td>
<td>5 acres</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

   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 dwelling 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 MFR district.

2. Building and Structure Setback Requirements: Except as provided for in Article 7, “Supplementary District Regulations and in Subsection 5.04.06,” the following setback requirements apply to principal buildings in the MFR 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 property 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 three (3) stories or forty-five (45) feet in height, except as provided in paragraph 4 below.

4. Building Height Exceptions: By Special Use Permit (see Article 14, “Permits”), or as part of a “Planned Development,” multiple family buildings may exceed building height limitations, subject to the following building setback requirements:
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. *Site Coverage Limitation:* Site coverage, as defined in Article 3, shall not exceed eighty-five (85) percent of the lot area. The remaining fifteen (15) percent of the lot shall be maintained as open space, and may consist of required building setback areas, perimeter or interior parking lot landscaped area, or other yard or open spaces, provided that the surface is covered in living green plants or ground cover. (1996-002)

6. *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)

7. *Density Limitation:* No building shall include more than eight (8) units.

5.04.05 Other Development Regulations for the “MFR-1” Multiple Family Residential District

The following references for 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, Storm Drainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.04.06 Conditions of Use in the “MFR-1” Multiple Family Residential District

1. 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).

2. Single family attached dwellings having a common wall along a lot line may be permitted in the “MFR,” Multiple Family Residential district provided the City Council approves a Special Use Permit (see Article 14, “Permits”) meeting the following criteria (1994-093):

   a. Not more than one dwelling unit shall be constructed on a lot.
b. 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 “MFR-1” district shall be adhered to.

c. 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.

d. All common wall construction standards, whether existing or proposed, shall be in conformance with all building, electrical, plumbing, and other applicable codes and ordinances.

e. Each dwelling unit shall be serviced with its own water line, sanitary sewer line, sump pump line, and all other utility lines and extensions.

f. 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) Where not more than one dwelling unit is attached to another dwelling unit, individual lots on which said dwelling units are located 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) Where more than one dwelling unit is attached to another dwelling unit, individual lots on which said dwelling units are located shall have an area of not less than 3000 square feet and shall have a width of not less than twenty-five (25) feet.

3) All other setback and dimensional requirements of this Ordinance shall be adhered to.

g. 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.

5.04.07 Rooming House Conversions (2001-095)

The intent of this legislation is to allow for the continued economic vitality of large, older rooming house structures by allowing conversion to one bedroom and efficiency multiple family units at a density that is higher than may otherwise be allowed in this District, provided that all other criteria of this District and the supplemental regulations are met.

Rooming Houses exceeding 3,000 square feet in floor area, may be converted to multiple family units if the following criteria are met:

1. Rooming house must have current valid license with no previous revocation hearings.

2. Previous conversions from rooming houses to multiple family units are not eligible.

3. The population density for the proposed new units, calculated by the population equivalent charts in Article 8.02, must be seventy-five (75) percent or less of the licensed occupancy of the rooming house.

4. The building conversion must comply with all applicable building and life safety codes.
5. The building conversion must include strictly remodeling of an existing building, no expansion of the primary living space within the principal building is allowed. Accessory structures which would otherwise be allowed are permitted.

6. No new dwelling units may exceed 1 bedroom.

7. Existing multiple-family units located within the building are grandfathered in and not included as part of the density calculation, provided that no increase or expansion of those units occurs, and those units are not otherwise included in the occupancy stated in the rooming house license.

8. All legal nonconforming rights to rooming house uses are terminated.

9. All current parking regulations must be complied with as if the remodeling was a new development, including paving of parking lots. Existing parking, even if in excess of code requirements for the converted dwellings, must be maintained.

10. Special Use Permit: A Special Use Permit would be required for a conversion if any of the above criteria cannot be met, if the building is proposed to be expanded, or the proposal is for conversion of a rooming house for which the license has previously lapsed or is otherwise not in good standing with the City of DeKalb.
5.05 “MFR-2” High Density, High Bulk Multiple Family Residential District (2006-090)

5.05.01 Purpose and Intent

This section contains the district regulations of the “MFR-2” Multiple Family Residential District. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. This district is intended for medium to high density residential development characterized by buildings of eight (8) units or more, surrounded by buildings of eight (8) units or more, and other local uses which are or can be made compatible with the medium to high density residential nature of the district.

5.05.02 Permitted Land Uses and Developments in the “MFR-2” Multiple Family Residential District (2017-044)

The principal type of land use and development intended for this district is multiple family dwellings (see Subsection 5.05.04).

Additional permitted land uses and developments include:

- Accessory uses;
- Community Residence (small or large) 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;
- Rooming House conversions, subject to Subsection 5.05.07, below;
- Active or Passive Parks.

5.05.03 Special Land Uses and Developments in the “MFR-2” Multiple 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.”

- Community Residence (small and large) 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;
- Bed and Breakfast;
- Cemeteries and mausoleums;
- Churches;
- Day care centers;
- Dormitories;
- Fraternities and sororities;
- Golf courses, except miniature courses and driving tees operated for commercial purposes;
- Group day care home;
- Group home;
Hospitals and clinics, but not including animal hospitals or clinics;

Libraries;

Museums;

Nursing and convalescent homes and retirement centers;

Parking lots, as a principal use when located within three hundred (300) feet of the use being served;

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, 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;

Rooming houses;

Rooming House conversions, not meeting the requirements of Subsection 5.05.07, sub-paragraphs 1 through 9, below.

Sewage treatment facilities.

Converted Dwellings;

Multiple family dwellings, not meeting the requirements of Article 5.05.04, subparagraph 1.
5.05.04 Density and Dimensional Regulations in the “MFR-2” Multiple Family Residential District

1. Minimum Lot Size:

   a. The minimum lot size for permitted and special land uses in the MFR-2 District shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Residence (Small)</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Community Residence (Large)</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>Day Care Homes</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Dwellings, Multiple Family</td>
<td>3,500 sq. ft. per dwelling unit (1996-002)</td>
</tr>
<tr>
<td>Group Day Care Homes</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>Group Home</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>Hospital</td>
<td>5 acres</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

   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 dwelling 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 MFR district.

2. Building and Structure Setback Requirements: Except as provided for in Article 7, “Supplementary District Regulations and in Subsection 5.05.06,” the following setback requirements apply to principal buildings in the MFR 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 property 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 three (3) stories or forty-five (45) feet in height, except as provided in paragraph 4 below.

4. Building Height Exceptions: By Special Use Permit (see Article 14, “Permits”), or as part of a “Planned Development,” multiple family buildings may exceed building height limitations, subject to the following building setback requirements:
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. **Site Coverage Limitation:** Site coverage, as defined in Article 3, shall not exceed eighty-five (85) percent of the lot area. The remaining fifteen (15) percent of the lot shall be maintained as open space, and may consist of required building setback areas, perimeter or interior parking lot landscaped area, or other yard or open spaces, provided that the surface is covered in living green plants or ground cover. (1996-002)

6. **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)

5.05.05 Other Development Regulations for the “MFR-2” Multiple Family Residential District

The following references for 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, Storm Drainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.05.06 Conditions of Use in the “MFR-2” Multiple Family Residential District

1. 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).

5.05.07 Rooming House Conversions (2001-095)

The intent of this legislation is to allow for the continued economic vitality of large, older rooming house structures by allowing conversion to one bedroom and efficiency multiple family units at a density that is higher than may otherwise be allowed in this District, provided that all other criteria of this District and the supplemental regulations are met.

Rooming Houses exceeding 3,000 square feet in floor area, may be converted to multiple family units if the following criteria are met:
1. Rooming house must have current valid license with no previous revocation hearings.

2. Previous conversions from rooming houses to multiple family units are not eligible.

3. The population density for the proposed new units, calculated by the population equivalent charts in Article 8.02, must be seventy-five (75) percent or less of the licensed occupancy of the rooming house.

4. The building conversion must comply with all applicable building and life safety codes.

5. The building conversion must include strictly remodeling of an existing building, no expansion of the primary living space within the principal building is allowed. Accessory structures which would otherwise be allowed are permitted.

6. No new dwelling units may exceed 1 bedroom.

7. Existing multiple-family units located within the building are grandfathered in and not included as part of the density calculation, provided that no increase or expansion of those units occurs, and those units are not otherwise included in the occupancy stated in the rooming house license.

8. All legal nonconforming rights to rooming house uses are terminated.

9. All current parking regulations must be complied with as if the remodeling was a new development, including paving of parking lots. Existing parking, even if in excess of code requirements for the converted dwellings, must be maintained.

10. Special Use Permit: A Special Use Permit would be required for a conversion if any of the above criteria cannot be met, if the building is proposed to be expanded, or the proposal is for conversion of a rooming house for which the license has previously lapsed or is otherwise not in good standing with the City of DeKalb.
5.06 “NC” Neighborhood Commercial District

5.06.01 Purpose and Intent

This section contains the district regulations for the “NC” Neighborhood Commercial District. These regulations are supplemented and qualified by additional general regulations elsewhere in this Ordinance which are incorporated as part of this section by reference. The “NC” Neighborhood Commercial District encompasses areas located within or near residential neighborhoods wherein may be located certain limited sales and service facilities that constitute a convenience or essential service to residents in the immediate neighborhood, or are of such character and intensity which are compatible with the surrounding neighborhood.

5.06.02 Permitted Land Uses and Developments in the “NC” Neighborhood Commercial District

The following land uses and developments as permitted in this district:

- Accessory uses;
- Churches;
- Day care centers;
- Drop-off cleaning establishments and laundries;
- Laundromats, self-serve;
- Dwelling unit (one only) only when used by the caretakers and their families, who own or are employed in the allowable commercial use of the premises, and which may be located on the ground floor;
- Financial institutions, not including drive-through facilities;
- Offices and office buildings for accountants, bookkeepers, architects, engineers, planners, financial consultants, income tax preparers, insurance salespersons, lawyers, real estate salespersons, real estate brokers, real estate appraisers, and other similar type offices;
- Parks and playgrounds, public or private not-for-profit;
- Public buildings used by any department of the City, School District, Township, Park District, County, State, and Federal governments; except for vehicle maintenance, raw material storage and other similar type facilities.
- Service facilities including barber shops and beauty shops; copying and duplicating services; artists’ studios; photographers; locksmith; shoe repair; tailors; music and dance instruction studios; typing and stenography services; suntan parlors; travel agencies and ticketing offices; and other similar type uses.
- Specialty shops including antique shops; art and school supplies; bookstores; camera shops, including film developing; card and stationery shops; candy shops; florists; newspaper and magazine stores; gift and novelty shops; jewelry stores; pet shops; record shops; hobby shops; and other similar type uses;
- Video sales and rental stores.
5.06.03 Special Land Uses and Developments in the “NC” Neighborhood Commercial District

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

All permitted land uses and developments set forth in Subsection 5.05.02 of this Article which exceed one (1) story or twenty (20) feet in height, whichever is less, including rooftop mechanical equipment;

Drug stores;

Financial institutions, with drive-through facilities;

Food stores and grocery stores; convenience stores (excluding sale of motor fuel on the premises); meat markets and bakeries;

Medical and dental offices;

Parking lots, as a principal use;

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 part of the special use permit application.

Restaurants, but not including restaurants which serve alcoholic beverages and/or have drive-through facilities;

Restaurants (fast-food), but not including drive-through facilities.

5.06.04 Density and Dimensional Regulations in the “NC” Neighborhood Commercial District

1. Minimum Lot Size: 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.”

2. Building Setback Requirements: Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to principal buildings in the NC 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 setback is required from a side 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 side lot line. See Article 7, “Supplementary District Regulations” for screening requirements.

   c. Rear Yard: No principal 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:** On lots two (2) acres in size or greater, site coverage shall not exceed seventy (70) percent, except as may be approved under the provisions of a planned development district (see Section 5.13 of this Article). There is no limitation on site coverage on lots less than two (2) acres in size.

4. **Building Height Limitations:** No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in Article 7, "Supplementary District Regulations."

### 5.06.05 Other Development Regulations for the "NC" Neighborhood Commercial 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, Storm Drainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

### 5.06.06 Conditions of Use in the "NC" Neighborhood Commercial District

1. Not more than one (1) principal building shall be located on a zoning lot. The only exceptions to this are developments approved under the provisions of a “Planned Development” district (see Section 5.13 of this Article).

2. A principal building, in which one or more uses may locate, shall not exceed twelve thousand (12,000) square feet in gross floor area.

3. All business, servicing, processing and storage, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
5.07 “LC” Light Commercial District

5.07.01 Purpose and Intent

This section contains the district regulations for the “LC” Light Commercial 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 “LC” Light Commercial District is intended to be located in areas adjacent to collector streets and some arterial streets and is designed to accommodate the retail and limited service needs of a larger consumer population than is typically served by the Neighborhood Commercial District.

5.07.02 Permitted Land Uses and Developments in the "LC" Light Commercial District

The following land uses and developments are permitted in this district:

- Any use permitted in the "NC" Neighborhood Commercial District, except those uses that may be modified in this list of permitted uses;
- Accessory uses;
- Automobile parts and accessory stores;
- Banks and other financial institutions, not including drive-through facilities;
- Bicycle stores; sales, rental, and repair;
- Catering establishments, including pizza delivery;
- Clothing and shoe stores; sales and repair;
- Clubs, lodges, meetings halls;
- Department, discount and variety stores;
- Drug stores;
- Greenhouses, nurseries, garden supply and seed stores;
- Food stores and grocery stores; convenience stores (excluding motor fuel on the premises); meat markets and bakeries;
- Funeral homes, mortuaries;
- Furniture stores with repair and re-upholstery only as an accessory use;
- Hardware stores;
- Household appliance stores, sales, service, and rental;
- Interior decorating stores, including carpet, paint, and wallpaper stores;
- Medical and dental offices;
- Musical instrument stores, sales and repair;
- Museums and art galleries;
Nursing and convalescent homes and retirement centers;
Office supply stores;
Optical sales, examinations;
Pet stores and animal grooming shops;
Public buildings used by any departments 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;
Radio, television and recording studios;
Radio and television stores, sales and service;
Recreation centers, health clubs, athletic clubs, and fitness centers;
Restaurants, with or without alcohol (2008-064);
Restaurants (fast-food), but not including drive-through facilities;
Schools for business, professional or technical training;
Service facilities including barber shops and beauty shops; copying and duplicating services; artists' studios; photographers; locksmith; shoe repair; tailors; music and dance instruction studios; typing and stenography services; suntan parlors; travel agencies and ticketing offices; and other similar type uses.
Specialty shops including antique shops; art and school supplies; bookstores; camera shops, including film developing; card and stationery shops; candy shops; florists; newspaper and magazine stores; gift and novelty shops; jewelry stores; pet shops; record shops; hobby shops and other similar type uses.
Sporting goods stores;
Theaters, indoor and auditoriums;
Toy stores;

**NOTE:** Any of the above permitted land uses and developments which include drive-through facilities are considered “Special Land Uses and Developments” (See Subsection 5.07.03).

### 5.07.03 Special Land Uses and Developments in the "LC" Light Commercial District

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

All permitted or special uses and developments which include drive-through facilities;

Amusement establishments, but limited to bowling alleys, indoor skating rinks, swimming pools, video arcades, pinball and other similar non-gambling machine or table games (but specifically excluding activities involving the discharge of firearms, which are separately addressed herein as firing ranges);

Animal boarding facilities;

Animal hospitals and veterinary clinics;
Automobile, truck, trailer and recreational vehicle sales and rental, except for automobile sales on property greater than three (3) acres that derives a majority of annual sales from new vehicles (see Section 5.08.03);

Banquet halls;

Bars, taverns, and package liquor stores;

Cannabis business establishment;

Car washes;

Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor;

Gasoline stations and any other establishments selling motor fuel on the premises, but not including vehicle repair;

Group homes;

Hospitals and clinics;

Hotels and motels;

Laboratories, medical, dental, research, and technical;

Lodging house;

Outdoor seating, service, dining and/or recreation areas accessory to any restaurant, bar, tavern, club, lodge or meeting hall (2008-064);

Parking lots, as a principal use;

Public or private schools, within buildings existing prior to the effective date of this Ordinance (1995-116);

Public utility facilities. 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;

Retail Tobacco Stores (see Article 7.17);

Self-service storage facility, interior unit access (see Article 7.21) (2018-008); and

Video Gaming Establishments.

5.07.04 Density and Dimensional Regulations in the “LC” Light Commercial 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 LC District, however, lot dimensions shall be sufficient to
meet other requirements of this Section and Article 12, “Off-Street Parking and Loading Requirements.”

2. **Building Setback Requirements**: Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to buildings and structures in the LC District.
   
   a. **Front Yard**: No principal building shall be allowed within forty (40) feet of any front lot line or a street right-of-way line.
   
   b. **Side Yard**: No principal building setback is required from a side 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 thirty (30) feet of the side lot line. See Article 7, “Supplementary District Regulations” for screening requirements.
   
   c. **Rear Yard**: No principal building setback is required from a rear lot line, except for a lot that 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 thirty (30) feet of the rear lot line. See Article 7, “Supplementary District Regulations” for screening requirements.

3. **Maximum Site Coverage**: Site coverage shall not exceed seventy (70) percent, except as may be approved under the provisions of a “Planned Development” district (see Section 5.13 of this Article) (2008-064).

4. **Building Height Limitations**: No building shall exceed three (3) stories or forty-five (45) 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 requirements:
   
   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.

**5.07.05 Other Development Regulations for the “LC” Light Commercial 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

5.07.06 Conditions of Use in the “LC” Light Commercial District

1. 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) (2008-064).

2. A principal building, in which one or more uses may locate, shall not exceed twenty-five thousand (25,000) square feet in gross floor area (2008-064).

3. All business, servicing, processing and storage, except for off-street parking and loading and drive-through facilities, shall be conducted within completely enclosed buildings.
5.08 “GC” General Commercial District

5.08.01 Purpose and Intent

This section contains the district regulations for the “GC” General Commercial District. These regulations are supplemented and qualified by additional regulations elsewhere in this Ordinance which are incorporated as a part of this section by reference. The “GC” General Commercial District is intended to be located in areas adjacent to arterial streets and designed to accommodate a wide range of retail and service needs for the consumer populations of the City of DeKalb and its surrounding areas.

5.08.02 Permitted Land Uses and Developments in the “GC” General Commercial 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 in this list of permitted uses;
- Accessory uses;
- Animal boarding facilities;
- Animal hospitals and veterinary clinics;
- Automobile, truck, trailer and recreational vehicle sales and rental, except for automobile sales on property greater than three (3) acres that derives a majority of annual sales from new vehicles (see Section 5.08.03);
- Banquet halls;
- Bars, taverns, and package liquor stores;
- Boat and marine sales and service;
- Body Art Establishments
- Community residences (small or large), when located above the ground floor;
- Farm equipment sales and service;
- Group homes, when located above the ground floor;
- Hospitals and clinics;
- Hotels and motels;
- Laboratories, medical, dental, research, and technical;
- Micro-Distillery;
- Newspaper offices;
- Parking lots and parking structures;
- Building supply, electrical, plumbing and heating service and equipment stores (2008-064);
- Printing and publishing establishments;
Tire stores, sales and service;

Union halls, hiring halls, and trade association offices/meeting rooms;

Warehouses associated with showrooms or retail outlets where the warehouse portion does not exceed fifty (50) percent of the total gross from the area.

NOTE: Any of the above permitted land uses and developments which include drive-through facilities are considered “Special Land Uses and Developments” (See Subsection 5.08.03).

5.08.03 Special Land Uses and Developments in the “GC” General Commercial District (2017-009)

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

All permitted or special land uses and developments which include drive-through facilities;

Amusement establishments, indoor or outdoor, including miniature golf, water recreation and other similar type recreation facilities (2008-064) (but specifically excluding activities involving the discharge of firearms, which are separately addressed herein as firing ranges);

Automobile impound yards, but not including storage of wrecked vehicles;

Automobile sales on property greater than three (3) acres that derives a majority of annual sales from new vehicles;

Building material sales and storage (retail) as a principal use;

Bus and train stations/terminals;

Cannabis business establishment;

Cartage and express facilities;

Car washes;

Convention, exhibition, and civic centers, arenas and stadiums;

Distillery;

Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor;

Firearm Retailers with a size of 50,000 square feet in area or more;

Gasoline stations;

Lodging house;

Parking lots and parking structures, as a principal use (2008-064);

Pawn shops;

Public or private schools, within buildings existing prior to the effective date of this Ordinance (1995-116);

Public utility facilities. 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
closed 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.

Restaurants (fast food) which include drive-through facilities;
Retail Tobacco Stores (see Article 7.17 regulations);
Self-service storage facility, interior unit access (see Article 7.21) (2018-008);
Social Club;
Theaters, outdoor and drive-in;
Vehicle service facilities;
Vehicle repair facilities;
Video Gaming Establishments;
Wholesale establishments.

5.08.04 Density and Dimensional Regulations in the “GC” General Commercial 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 GC District, however, lot dimensions shall be sufficient to meet other requirements of this Section and Article 12, “Off-Street Parking and Loading Requirements.”

2. **Building Setback Requirements:** Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to buildings in the GC District.
   a. **Front Yard:** No principal building shall be allowed within forty (40) feet of any front lot line or street right-of-way line.
   b. **Side Yard:** No principal building setback is required from a side 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 fifty (50) feet of the side lot line. See Article 7, “Supplementary District Regulations” for screening requirements.
   c. **Rear Yard:** No principal building setback is required from a rear lot line, except for a lot that 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 fifty (50) feet of the rear lot line. See Article 7, “Supplementary District Regulations,” for screening requirements.

3. **Maximum Site Coverage:** Site coverage shall not exceed seventy (70) percent, except as may be approved under the provisions of a “Planned Development” district (see Section 5.13 of this Article) (2008-064).
4. **Building Height Limitations:** No building shall exceed three (3) stories or forty-five (45) 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.

### 5.08.05 Other Development Regulations for the “GC” General Commercial 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, Storm drainage and Erosion”: Article 11
6. “Off-Street Parking and Loading Requirements”: Article 12
7. “Signs”: Article 13

### 5.08.06 Conditions of Use in the “GC” General Commercial District

1. A principal building or combination of buildings on a zoning lot in which one or more uses may locate shall not exceed fifty-thousand (50,000) square feet in gross floor area. The only exception to this is for developments approved under the provisions of a “Planned Development” district (see Section 5.13 of this Article).

2. 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 also be permitted as an accessory use as long as the storage area is completely screened from the public view and located behind the front building line of the principal building, except that automobiles, recreational vehicles, boats, etc. that have been serviced, or are awaiting service, may be temporarily stored in front of the building line of the principal building until such time as they are picked up by their owners.
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;
- New Automobile, truck and recreational vehicle sales, with vehicle repair and service facilities, rentals, or used car sales as an accessory use only;
- Bus and train stations/terminals;
- 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.
**5.10 “ORI” Office, Research, and Light Industrial District**

**5.10.01 Intent and Purpose**

The “ORI” Office, Research and Industrial District is intended to support the goals and objectives of the City of DeKalb Comprehensive Development Plan which guides the present and future land use needs of the City of DeKalb. This district is also consistent with the objectives of the Illinois Research and Development Corridor (generally including communities along the East/West Tollway [I-88] between Chicago and DeKalb). The “ORI” District is designed to allow new construction which is consistent with good planning practice and is compatible with permitted land uses and developments in adjoining districts.

Further, the purpose and intent of the ORI District is to provide an area in the community within which office, research and light industrial enterprises can locate with an assurance of a high and permanent level of design quality, extensive site amenities, open space, and environmental protection. The restrictions and conditions applied to this district are intended to promote the development of a park-like atmosphere which will enhance the quality of the community. The ORI District also promotes the economic development potential of the City.

**5.10.02 Permitted Land Uses and Developments of the “ORI” Office, Research, and Light Industrial District**

The following land uses and developments are permitted in this District:

- Accessory Uses;
- Advertising agencies, commercial graphics and drafting services;
- Data Center;
- Hotels and motels, including conference centers, meeting and dining facilities;
- Laboratories and ancillary uses (in enclosed structures) for research and development including, but not limited to:
  - Engineering and testing laboratories;
  - Medical and dental research laboratories;
  - Agricultural research laboratories.

  *Conduct of animal, plant or other biological and genetic research activities outdoors is prohibited;*

- Manufacturing, including, but not limited to, electronic, scientific and precision instruments manufacture and repair, experimental product development and plastic products design and assembly, cloth products manufacture, light machinery production and assembly, printing and publishing; but not including those uses which may be obnoxious or offensive by reason of emission of toxic or hazardous substances, odor, noise, dust, smoke, or gas;

- Offices, excluding medical and dental offices or clinics providing patient diagnostics and/or treatment;

- Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability;

- Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability;
Retail activities, but only where it is incidental or secondary to a principal building containing forty thousand (40,000) or more square feet of gross floor area. One (1) or more uses hereinafter set forth may be operated as accessory uses if each such use meets the following conditions: (1) is provided for the convenience of the owner and/or tenants, (2) does not have exterior signs of any type, (3) does not have separate outside entrance facing any street and (4) is not evident from any street:

- Blueprinting and reprographic establishments;
- Book and stationery store;
- Barbershop, or beauty parlor;
- Camera and photographic supply shops;
- Candy, ice cream, deli, and sandwich shops;
- Drug stores;
- Gift shops and newsstands;
- Office supply store;
- Optician, optometrist;
- Parcel delivery station of not more than two hundred fifty (250) square feet;
- Photographic development and processing;
- Postal substations and telegraph office;
- Travel bureau and transportation ticket office;
- Typewriter, computer and office machine sales and drop-off repair service;
- Valet shop, cleaning pick-up and drop-off only (no plant on premises).

Training and educational facilities;
Warehouse and distribution facilities, but excluding motor freight terminals;
Union halls and trade association offices/meeting rooms.

5.10.03 Special Land Uses and Developments of the “ORI” Office, Research, and Light Industrial District

The following land uses and developments may be permitted under conditions and procedures specified in Article 14, “Permits.”

- Banks and financial institutions including drive-through facilities;
- Clubs, lodges and fraternal organizations;
- Day care centers;
- Firearm Retailers with a size of 50,000 square feet area or more in area;
- Parking areas, including parking structures, as a principal use of a property;
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.

Police and fire stations;

Recreation facilities, health club, including but not limited to gymnasium, skating rink, indoor tennis, racquetball, or similar facility within a fully enclosed structure;

Restaurants;

Retail Tobacco Stores (see Article 7.17); and

Showrooms and retail outlets associated with warehouse or manufacturing facilities where the showroom or retail portion does not exceed thirty (30) percent of the total floor area.

5.10.04 Density and Dimensional Regulations of the “ORI” Office, Research, and Light Industrial District

1. **Minimum Lot Area:** No minimum lot area is established for permitted and special land uses in this district; however, lot dimensions shall be sufficient to meet other requirements of this Section and Article 12, “Off-Street Parking and Loading Requirements.”

2. **Building Setback Requirements:**
   
   a. **Front Yard:** No principal building shall be allowed within seventy-five (75) feet of any front lot line or a street right-of-way line.
   
   b. **Side Yard:** No principal building shall be allowed within twenty (20) feet of any side lot line.
   
   c. **Rear Yard:** No principal building shall be allowed within twenty (20) feet of the rear lot line.
   
   d. **Exception:** Building setback requirements described above for side or rear yards adjacent to a railroad or a railroad siding shall not be applicable.
   
   e. **Special Yards:** Setback requirements for principal buildings shall be in conformance with the following when applicable:
      
      1) **Yards Adjacent to a Residential District:** Where a side or rear lot line in an ORI district abuts a residential zoning district, no principal building shall be allowed within fifty (50) feet of the residential lot line. See Article 7, “Supplementary District Regulations” for screening requirements.
      
      2) **East-West Tollway (I-88):** Where a property located within the ORI district abuts the East-West Tollway, no principal building shall be within one hundred fifty (150) feet of the Tollway right-of-way.

3. **Parking Area Setback Requirements:**
a. Front Yard: Except for access drives, no parking area shall be allowed within thirty (30) feet of any front lot line.

b. Side Yard: Except for access drives, no parking area shall be allowed within twenty (20) feet of any side lot line. If adjacent to the East-West Tollway (I-88), the parking area setback shall be increased to fifty (50) feet.

c. Rear Yard: No parking area shall be allowed within twenty (20) feet of the rear lot line. If adjacent to the East-West Tollway (I-88), the parking area setback shall be increased to fifty (50) feet.

4. Maximum Site Coverage: Site coverage shall not exceed seventy (70) percent.

5. Building Height Limitations: Notwithstanding other provisions in this ORI district and Article 7, “Supplementary District Regulations,” no building shall exceed five (5) stories or sixty (60) feet. However, this height limit may be increased to a maximum of 100 feet by a Special Use Permit in accordance with procedures established in Article 14, “Permits” as long as the minimum building setbacks are increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height over sixty (60) feet.

5.10.05 Landscaping Requirements of the “ORI” Office, Research, and Light Industrial District

1. All development shall be landscaped in accordance with the definitions and maintenance regulations specified in Article 12, “Off-Street Parking and Loading Requirements.” In addition, developments shall be landscaped as follows:

2. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner.

3. Trees in front yards shall be planted at a ratio of at least one (1), two and one-half (2-1/2) inch caliper shade tree for every 30 feet of street frontage. Strategic grouping of trees is encouraged, as opposed to even spacing of trees.

4. Yard areas shall be landscaped at a ratio of at least one (1) shrub or tree for every ten (10) feet of the principal buildings nearest exterior wall. Strategic grouping of these plantings is also encouraged.

5. Parking lots shall be landscaped in accordance with the provisions of Article 12, “Off-Street Parking and Loading Requirements.”

5.10.03 Other Development Regulations for the “ORI” Office, Research and Light Industrial District

The following list 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, Storm Drainage and Erosion”: Article 11

6. Off-Street Parking and Loading shall be provided in accordance with Article 12, except as is more restrictive in this section (i.e., parking area setbacks).
7. Signs shall be regulated in accordance with Article 13, except that for lots abutting the East-West Tollway (I-88), two (2) free-standing signs shall be permitted on each lot: one along the East-West Tollway (I-88) and one along the public street, providing access to the lot.

5.10.07 Conditions of Use of the "ORI" Office, Research, and Light Industrial District

1. Every use, unless expressly exempted by this Ordinance shall be operated in its entirety within a completely enclosed structure.

2. All outdoor storage areas of goods, products, materials, supplies, machinery equipment or commercial vehicles shall not be allowed in the front yard. In the case of through lots, outdoor storage areas are permitted in those front yards that do not serve as the access to the lot. Where permitted, these outdoor storage areas shall be enclosed to a height of eight (8) feet above grade and screened to an opacity of not less than seventy-five (75) percent by erecting a fence eight (8) feet above grade; installing berming and/or a landscaping screen; or erecting or installing a combination of fencing, berming, and/or a landscaping screen.
   a. The seventy-five (75) percent opacity requirement can be achieved by using any one or a combination of the following methods:
      1) The image of the storage area can be screened with trees having a leafy structure or with fences having structural components through which only twenty-five (25) percent of the image is visible.
      2) Fences, berms, and/or landscaping can be installed to a height where only twenty-five (25) percent of the remaining vertical image is visible.
      3) Fences, berms, and/or landscaping can be installed having a width or design where only twenty-five (25) percent of the remaining horizontal image is visible.
   b. For sites which are located below the grade or elevation of adjoining streets or highways by reason of bridges, overpasses, interchange ramps, etc., landscaping and screening requirements for outdoor storage areas and other features requiring screening may be adapted to substantially comply with the intent of the landscaping and screening requirements without necessarily meeting the 75 percent opacity level. In these instances, the outdoor storage areas shall be screened to the extent practical through the use of tall-growing shade or evergreen trees or through the use of other landscaping or architectural features.

3. All rooftop building service equipment must be screened from view from the grade level of any street, parking lot, or from grade level of other properties within the district. All mechanical equipment shall be screened or colored to blend in with the field color of the building. Rooftop equipment may be permitted without screening if it is of a low profile design, in a location on the roof which is not visible from adjoining properties, and is of a color which blends in with the building color.

4. Fencing shall be permitted as follows:
   a. Unless otherwise approved by the City Council, fences shall not exceed 8 feet in height.
   b. Fences shall be designed to be consistent in style and color with the principal structure. Corrugated fencing material is prohibited. Chain-link type fencing is permitted if it has been pre-finished in an appropriate color. Black, brown or green are recommended for this type of fencing. However, chain link fences having an alternative color may be approved if they are found to be compatible with adjoining structures and if they are erected along with a mix of trees, shrubs and other landscaping features placed along their perimeter.
5. Antennas, satellite dishes and other communication transmitting and receiving equipment shall be located to the rear or “hidden” side of the building. In the case of through lots, these facilities are permitted in those front yards that do not serve as the access to the lot if said facilities are screened between the ground level and eight (8) feet above the ground with a sight-obscuring fence, wall or landscaped area placed around its perimeter.

6. All refuse collection areas and containers shall be fully screened from streets and adjacent properties with a six (6) foot high sight-obscuring fence, wall or landscaped area placed around said facility.
5.11 “LI” Light Industrial District

5.11.01 Purpose and Intent

This section contains the district regulations of the “LI” Light Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated in this section by reference. The “LI” Light Industrial District's uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat.

5.11.02 Permitted Land Uses and Developments of the “LI” Light Industrial District (2017-044)

The following land uses and developments are permitted in this district:

Accessory uses;

Any use whose primary purpose includes the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:

- appliances, small motors;
- books, printed materials;
- clothing and textiles;
- drugs;
- electrical components;
- glass and ceramics;
- paper and paper products;
- plastic and fiberglass;
- sheet metal;
- tools;
- wood assembly and finishing;
Airports, landing strips and heliports;
Animal boarding facilities and animal shelters, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-139);
Automobile, truck, trailer and recreational vehicle sales and rental;
Boat and marine sales and service;
Body Art Establishment
Building-contractors office and materials storage;
Building material sales and storage;
Bus and train stations and terminals;
Business, professional, and technical training schools;
Cartage and express facilities;
Data Center;

Dwelling unit (one only) only when used by the caretakers and their families, who own or are employed in the allowable commercial or industrial use of the premises, and which may be located on the ground floor;

Farm equipment sales and service;
Fruit, Vegetable and grain processing, packaging, and storage;
Gasoline Stations;
Golf courses and other open space recreational uses;
Ice processing, sales and storage;
Lumberyards;
Machinery sales, service and storage;
Machine shops;
Motor and rail freight terminals;
Newspaper offices;
Offices;
Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;
Parking lots, as a principal use;
Plating establishments;
Plumbing and heating service and equipment stores;
Printing and publishing establishments, duplicating services;
Public buildings used by any department of the City, School District (except school buildings), Township, Park District, County, State, and Federal governments;
Public utility facilities;
Research laboratories and facilities; and
Self-service storage facility, interior unit access. (2018-008)

Sewage treatment plants;
Showrooms and retail outlets associated with warehouse or manufacturing facilities where the showroom or retail portion does not exceed thirty (30) percent of the total floor area;

Sign shops;

Tire stores, sales and service;

Tool and dye shops;

Union halls, hiring halls, and trade association offices/meeting rooms;

Upholstery stores;

Vehicle repair facilities;

Vehicle service facilities;

Warehouse and wholesale establishments, distribution centers;

Welding.

5.11.03 Special Land Uses and Developments of the “LI” Light Industrial District (2017-044)

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

Cannabis business establishment;

Day Care Centers;

Distillery;

Firearm Retailers / Firearm Dealers regardless of size (See Article 7.19 regulations);

Indoor firing range (See Article 7.19.05 regulations);

Junkyards, salvage yards, and vehicle wrecking yards conducted within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater, and where no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level;

Penal, correctional, and other institutions necessitating restraint of inhabitants;

Railroad switching yards;

Recycling centers;

Retail Tobacco Stores (See Article 7.17 regulations); and

Sanitary landfills, solid waste transfer stations, composting, energy reclamation facilities, recycling plants, incinerators, and similar solid-waste management facilities, but excluding hazardous or radioactive waste disposal; and

Self-service storage facility, exterior unit access (see Article 7.21) (2018-08).
5.11.04 Density and Dimensional Regulations of the “LI” Light Industrial 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 LI District, however, lot dimensions shall be sufficient to meet other requirements of this Section and Article 12, “Off-Street Parking and Loading Requirements.”

2. **Building Setback Requirements:** Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to buildings in the LI District.
   
a. **Front Yard:** No principal building shall be allowed within forty (40) feet of any front lot line or a street right-of-way line.

b. **Side Yard:** No building setback is required from a side 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 seventy-five (75) feet of the side lot line. (See Article 7, “Supplementary District Regulations” for screening buffer 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 seventy-five (75) feet of the rear lot line. (See Article 7, “Supplementary District Regulations” for screening requirements.)

3. **Maximum Site Coverage:** On lots two (2) acres in size or greater, site coverage shall not exceed seventy (70) percent, except as may be approved under the provisions of a “Planned Development” district (see Section a. of this Article). There is no limitation on site coverage on lots less than two (2) acres in size.

4. **Building Height Limitations:** No building shall exceed six (6) stories or seventy-five (75) 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.

5.11.05 Other Development Regulations for the “LI” Light Industrial 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, Storm Drainage and Erosion”: Article 11

6. "Off-Street Parking and Loading Requirements": Article 12

7. “Signs”: Article 13

5.11.06 Conditions of Use of the “LI” Light Industrial District.

1. Depending on sewage collection and treatment requirements, a developer or business shall verify the adequacy of said system with the Kishwaukee Water Reclamation District prior to applying for a building or occupancy permit.

2. All outdoor storage areas, whether they are the principal or accessory use of the property, shall be screened from this public view by placing a solid, sight-proof fence not less than six (6) feet in height around the storage area. Junkyards, salvage yards, and vehicle wrecking yards shall meet the screening requirements set forth in Subsection 5.11.03.
5.12 “HI” Heavy Industrial District

5.12.01 Purpose and Intent

This section contains the district regulations of the “HI” Heavy Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated as a part of this section by reference. The “HI” Heavy Industrial District is intended to be located in selected areas so that its permitted and special uses’ noise, vibration, smoke, dust, toxic or noxious materials odors, fire, explosive, glare, heat, and other hazardous characteristics are not detrimental to the rest of the community.

5.12.02 Permitted Land Uses and Developments of the “HI” Heavy Industrial District

The following land uses are permitted in this district:

Any use permitted in the “LI” Light Industrial District;

Accessory uses;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly (does not include disassembly), processing or treatment of goods and services, including but not limited to:

- boats,
- construction equipment,
- containers and storage units,
- motor vehicles and engines,
- paints, inks,
- stoneware, earthenware;

Data Center;

Railroad switching yards; and

Self-service storage facility, interior unit access. (2018-008)

5.12.03 Special Land Uses and Developments of the “HI” Heavy Industrial District

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

Animal slaughtering, meat packing, or rendering facilities;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly, disassembly, processing or treatment of goods and services, including but not limited to:

- concrete, asphalt, cement,
- motor vehicles and engines,

Bulk fuel distribution or storage;
Distillery;

Extraction of raw materials from the earth and processing thereof;

Firearm Retailers / Firearm Dealers - regardless of size (See Article 7.19 regulations);

Firing Range, both indoor or outdoor (See Article 7.19 regulations);

Junkyards, salvage yards, vehicle wrecking yards conducted within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater, and where no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level.

Manufacturing and processing of flammable liquids, gases, explosives, chemicals, acids, fertilizers;

Penal, correctional, and other institutions necessitating restraint of inhabitants;

Petroleum refining or storage;

Recycling centers;

Retail Tobacco Stores (see Article 7.17);

Sanitary landfills, solid waste transfer stations, composting, energy reclamation facilities, recycling plants, incinerators, and similar solid waste management facilities, but excluding hazardous or radioactive waste disposal;

Self-service storage facility, exterior unit access (see Article 7.21) (2018-008);

Steel mills, foundries, forges, and smelters;

Storage of hazardous substances as the principal use of the property; and

Sulfur and rubber reclamation plants.

5.12.04 Density and Dimensional Regulations of the “HI” Heavy Industrial 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 HI District, however, lot dimensions shall be sufficient to meet other requirements of this Section and Article 12, “Off-Street Parking and Loading Requirements.”

2. **Building Setback Requirements:** Except as provided for in Article 7, “Supplementary District Regulations,” the following setback requirements apply to buildings in the HI District.

   a. **Front Yard:** No principal building shall be allowed within forty (40) feet of any front lot line or a street right-of-way line.

   b. **Side Yard:** No building setback is required from a side 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 one hundred (100) 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 one hundred (100) 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 HI District.

4. **Building Height Limitations**: No building shall exceed six (6) stories or seventy-five (75) 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 right-of-way 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.

**5.12.05 Other Development Regulations for the “HI” Heavy Industrial District**

The following list 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, Storm Drainage and Erosion”: Article 11
6. “Off-Street Parking and Loading Requirements”: Article 12
7. “Signs”: Article 13

**5.12.03 Conditions of Use**

Depending on sewage collection and treatment requirements, a developer or business shall verify the adequacy of said system with the Kishwaukee Water Reclamation District prior to applying for a building or occupancy permit.
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.

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 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.

<table>
<thead>
<tr>
<th>Maximum Percentage Increase</th>
<th>Design Element</th>
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<tbody>
<tr>
<td>10%</td>
<td>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.</td>
</tr>
<tr>
<td>5%</td>
<td>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.</td>
</tr>
<tr>
<td>5%</td>
<td>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.</td>
</tr>
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</table>

   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 bicyclepaths.

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.


   b. Section 7.05, “Screening Requirements Between Non-Residential and Residential Zoning Districts”;

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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 plan for review and comment by City Staff. City Staff shall review and evaluate the sketch 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 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 Sketch Plan:** The information that should be included with the 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, open space/common areas and buffer areas between the proposed development and adjacent properties.

2. **Planning and Zoning Commission Work Session:** Prior to formal application for rezoning to a “PD” District, the applicant may submit the sketch plan for review at a work session held with the Planning and Zoning Commission. This work session is not mandatory, but is highly encouraged. Work sessions are held at the Planning and Zoning Commission’s regularly scheduled meetings.
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:

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

   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.

5.14.07 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

5.14.08 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.

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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, Final Plats.

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:

   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 6
OVERLAY DISTRICT REGULATIONS

6.01 “FP” Floodplain Overlay District

6.01.01 Purpose and Intent

The flood hazard areas of the City of DeKalb, Illinois are subject to periodic floodwater inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

This District is therefore necessary to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; and to help maintain a stable tax base providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.

It is the purpose of this overlay district to restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities; to require that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction; to control the alternation of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and to control filling, grading, dredging, and other development which may increase erosion or flood damage.

It is also the purpose of this District to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the Federal Emergency Management Administration and the Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, 44 FR 31177, Parts 59 and 60, May 31, 1979, as amended, and which are hereby adopted by reference, and filed in the office of the City Clerk, pursuant to Illinois law and the Illinois Compiled Statutes.

6.01.02 Scope of Provisions

This section contains the regulations for the “FP” Floodplain Overlay District of the City of DeKalb, Illinois. Property zoned “FP” is also zoned under another applicable District governed by this Ordinance. The “FP” District constitutes an “overlay” district, and the other applicable zoning district constitutes the underlying zoning. This Article controls in the case of any conflict between the regulations contained in this Article and the regulations otherwise applicable to any property by virtue of its “underlying” zoning.

All of the area within the “FP” District is the floodplain, as defined in this Ordinance, and is subject to all of the provisions of this Article and Article 11, “Floodways, Floodplains, Stormdrainage and Erosion.” A portion of the area within this District is designated as the Floodway, as established by the maps applicable to this District. Property within the Floodway is subject to those provisions of Article 11, “Floodways, Floodplains, Stormdrainage and Erosion” of this Ordinance.

6.01.03 Boundaries

The Flood Insurance Study and Flood Insurance Rate Map for DeKalb County, Illinois, and Incorporated Areas, Map Number 17037C0000 (City of DeKalb Map Panels 0234, 0242, 0244, 0250, 0251, 0253, 0275),
with effective date January 2, 2009, and amendments thereto, delineating areas that are susceptible to the base flood, as prepared by the Federal Emergency Management Administration, is hereby adopted as the boundaries of the “FP” District for the purpose of this Article and filed as a record in the office of the City Clerk. Copies of said maps are on file for review in the Public Works Department. (2017-044)

6.01.04 Permitted Land Uses and Developments

Land uses and developments listed as permitted or special uses in the underlying district are allowed only if, and to the extent, such use meets the requirements of the underlying district, the regulations of Section 6.01 of this Article, and Article 11, “Floodways, Floodplains, Stormdrainage and Erosion Control” of this Ordinance.

6.01.05 Conditions of Use

All permitted and special uses within an “FP” Floodplain Overlay District are subject to the following conditions of use:

1. No person, firm, corporation or governmental body not exempted by law shall commence any construction, substantial improvement, subdivision of land, or other development in the “FP” Floodplain Overlay District without first obtaining a floodplain permit in accordance with Article 14, “Permits.”

2. All public or private road surfaces shall be constructed above the Base Flood Elevation.

3. No substantial improvement to a building may take place unless the entire building is brought into compliance with the requirements of Article 11, “Floodways, Floodplains, Stormdrainage and Erosion.” See Article 11, Section 11.01.02 for the definition of substantial improvements.

4. No development shall occur in the floodway except the following uses:
   a. Bridges, culverts, roadways, walkways, railways and any modification thereto, which are necessary for crossing the floodway;
   b. Flood-proofing activities to protect existing structures including the construction of water tight window wells, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, which are not considered substantial improvements to the structure;
   c. Public flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding of existing structures, erosion, or water quality or habitat for fish, wildlife and native vegetation;
   d. Storm and sanitary sewer outfalls;
   e. Underground and overhead utilities.

5. All developments allowed in accordance with underlying zoning district regulations shall comply with the provisions of Article 11, “Floodways, Floodplains, Stormdrainage and Erosion.”
6.02 “SAGRC” South Annie Glidden Road Corridor Overlay District

6.02.01 Purpose and Intent

The purpose of the “SAGRC” South Annie Glidden Road Corridor District is to regulate and set appropriate limits on all new development in accordance with the goals, objectives, and policies of the South Annie Glidden Road Corridor Plan (hereinafter referred to as the “Corridor Plan”) as adopted by the City Council on January 22, 1990, to:

1. Ensure that the Corridor's future land uses and residential densities are properly located and are appropriately mixed to reflect the types and styles of land uses and densities that are encouraged to develop in the City of DeKalb.
2. Ensure South Annie Glidden Road and all other existing and future streets within the Corridor provide for safe, efficient, and non-congested vehicle and pedestrian traffic flow.
3. Encourage all new construction to develop in a visually and aesthetically pleasing manner that contributes toward ensuring South Annie Glidden Road's role as the signature street of the City of DeKalb.
4. Preserve and protect the Corridor's floodplain and other natural areas from the intrusion of incompatible development.
5. Provide for man-made and natural areas to serve as both open space areas and as a means to convey and temporarily hold the Corridor's stormwater flow.

6.02.02 Applicability

The South Annie Glidden Road Corridor District regulations apply to all new development within the Planning Area of the South Annie Glidden Road Corridor Plan as delineated on the Official Zoning Map. Any additions or modifications to buildings or structures existing on or before the adoption of this Ordinance are not subject to these regulations. Persons owning property adjacent to the Planning Area may petition the City Council at any time for inclusion of their property into the South Annie Glidden Road Corridor District using those procedures required for a rezoning (see Article 20, “Amendments”).

6.02.03 Scope of Provisions

This section contains the regulations for the “SAGRC” South Annie Glidden Road Corridor Overlay District. Property zoned “SAGRC” is also zoned under another applicable district governed by this Ordinance. Land encumbered by this District may be used in a manner permitted in the underlying district only if, and to, the extent permitted in the “SAGRC” Overlay District. This Article controls in case of any conflict between the regulations contained in this Article and the regulations otherwise applicable to any property by virtue of its “underlying” zoning.

6.02.04 General Standards

Within the South Annie Glidden Road Corridor Overlay District, the following standards shall apply:

1. Except as otherwise specified in this Section, uses permitted to be made of property in the Corridor Overlay District are those uses permitted by the property's zoning district classification as defined in Sections 5.01 through 5.13 of Article 5, “Zoning District Regulations.”
2. The maximum density for residential development shall be twelve (12) dwelling units per net acre. A net acre shall be an amount of land less than that acreage devoted to public street surfaces and public or private rights-of-way as defined elsewhere in this Ordinance.
3. All access to South Annie Glidden Road shall be by means of one or more points of access only when they are located in reasonable proximity to those points of access shown on the Street and Access Plan map in the Corridor Plan. In no instance shall a point of access be located closer than six hundred sixty (660) feet to any other point of access on the same side of South Annie Glidden Road. Points of access on opposite sides of South Annie Glidden Road shall be directly opposed to one another and shall not be offset. All access points shall be designed for shared use by adjacent properties, as anticipated in the South Annie Glidden Road Corridor Plan and as recommended by the City Engineer and/or designee.

All access points to Annie Glidden Road shall be improved with landscaping islands and entry features that complement the landscaping design concept for the South Annie Glidden Road Corridor.

4. Except for off-street parking and loading, all business, servicing, and processing uses, and the storage and display of merchandise whether or not intended for sale to the public, shall occur only within completely enclosed buildings.

5. All on-site utilities shall be located underground per Article 10, “Utilities,” of this Ordinance, regardless of the use or uses served.

6. The development shall include highly innovative architectural, site planning and land use design of a caliber not commonly used in DeKalb and of such quality as to set an excellent example for further development in this Overlay Corridor.

6.02.05 Density and Dimensional Regulations

1. Building and Structure Setback Requirements: In the South Annie Glidden Road Corridor Overlay District, the following setbacks are required:

a. Annie Glidden Road Yard: No building, fence or structure of any sort shall be allowed within forty (40) feet of the Annie Glidden Road right-of-way, unless otherwise allowed or required herein. In no case shall this required yard be reduced or waived as part of any of the bonus incentives provided herein, except for legal lots of record platted prior to this amendatory act of 2003.

b. Front Yard: No building, fence or structure of any sort shall be allowed within forty (40) feet of any roadway right-of-way line, unless otherwise allowed or required herein.

c. Side Yard: No principal building or structure shall be allowed within ten (10) feet of the side property lines.

d. Rear Yard: No principal building or structure shall be allowed within thirty (30) feet of the rear property line.

e. Special Yard: Where a side or rear yard of property in a non-residential zoning district abuts a residential zoning district, building or structure setbacks in the non-residential zoning district shall be in accordance with the applicable underlying zoning district regulations. Also, see Article 7, “Supplemental District Regulations” for landscape buffer requirements.

f. Building Height Limitations: In the South Annie Glidden Road Corridor Overlay District, buildings shall have a maximum height equal to or less than one-half (1/2) of the distance said building is located from the edge of the right-of-way of the Planning Area’s arterial streets, as shown on the Street and Access Plan Map in the Corridor Plan. In no instance shall a building exceed the following:
1) In residential zoning districts, all buildings shall have a maximum height of thirty-five (35) feet.

2) In non-residential zoning districts, all buildings shall have a maximum height of forty-five (45) feet.

2. Floor Area Ratio Requirements: In lieu of maximum site coverage requirements contained in the underlying zoning districts, site development intensity in the SAGRC Overlay District is controlled by floor area ratio requirements. For purposes of this Section, floor area ratio is the ratio of a building's gross above-grade floor area (inclusive of garages, accessory buildings, etc.) to the lot area on which said building is located. In addition to using lot area, the Planning and Zoning Commission and City Council may also allow the use of common and open space areas as credit toward a floor area ratio requirement of a building. Said areas must be located adjacent or in close proximity to a building and must be designed to help offset what would otherwise be the appearance of a building with excessive bulk and lot coverage. Floor area ratio requirements are as follows:

   a. For duplex and multiple family dwellings of two stories in height or less, the floor area ratio shall not exceed .25.

   b. For multiple family dwellings greater than two stories, the floor area ratio shall not exceed .40.

   c. For all non-residential buildings, the floor area ratio shall not exceed .40.

6.02.06 Landscaping

All developments and parking lots shall be landscaped in accordance with the definitions and maintenance regulations specified in Section 12.04, “Landscape Requirements,” of this Ordinance. In addition, developments shall be landscaped as follows:

1. Landscaping Requirements for Property Adjacent to the South Annie Glidden Road Right-of-Way: A yard having a minimum of forty (40) feet in width shall be required between the edge of the right-of-way of South Annie Glidden Road and any building or parking lot. With the exception of approved signage, lighting, and intersecting driveways, there shall be no buildings, structures, or any portion of parking lots located within this required yard. The area of this required yard shall be landscaped in accordance with the following:

   a. The required yard shall be landscaped with trees that are planted in a row lying parallel to South Annie Glidden Road and have a consistent spacing of not less than thirty (30) feet on-center. Ornamental and evergreen trees are not permitted in this required yard. Exceptions to this requirement, as otherwise specified in Section 12.04, “Landscape Requirements,” shall not be permitted.

   b. The required yard shall be landscaped with a mix of shrubs and/or ground cover. There shall be planted four (4) shrubs for every thirty (30) feet of frontage. Strategic grouping of shrubs and/or ground cover is permitted. Exceptions to this requirement, as otherwise specified in Section 12.04, “Landscape Requirements,” shall not be permitted.

   c. Where a parking lot would otherwise be visible from South Annie Glidden Road, this required yard shall have placed within it either one or a combination of the following:

      1) A landscaped earthen berm not less than three (3) feet in height, as measured from the grade of the adjacent parking lot, and having slopes not steeper than the ratio of 1:3.

      2) A neat, clean, and maintained decorative and opaque fence or wall not less than three (3) feet in height, nor greater than forty-two (42) inches, as measured from the grade of the adjacent parking lot. This option is only feasible when the parking lot location is outside of
the forty foot required setback area along South Annie Glidden Road. Said fence or wall shall be constructed of materials and finished in colors which match the principal building(s) on the site.

3) A dense, compactly planted evergreen hedge not less than three (3) feet in height at the time of planting, as measured from the grade of the adjacent parking lot. The hedge shall be neatly maintained at a height not less than three (3) feet (thirty-six (36) inches) and not exceeding forty-two (42) inches.

2. **Landscaping Requirements for Parking Lots:** Where a parking lot of any size serving any multiple family residential, commercial, industrial or institutional land use is wholly or partially visible from an adjacent public or private street, it shall be landscaped with perimeter and interior landscaping with the quantities and specifications otherwise set forth in Section 12.04, “Landscape Requirements.”

**6.02.07 Signage**

Regulations for the number, size, type, height, and location of signs shall be those regulations as provided in Article 13, “Signs,” of this Ordinance, except that the following shall apply in the South Annie Glidden Road Corridor Overlay District:

1. Ground signs, as defined in Article 13, shall be further regulated as follows:
   a. The height of a ground sign shall not exceed the greater of either ten (10) feet or a height that is one-half (1/2) the numerical distance the sign is placed from the edge of the public right-of-way. Except as provided otherwise in this Section, a ground sign shall not exceed the lesser of thirty (30) feet in height or five (5) feet above the height of the primary building in which occurs the activity that the sign advertises.
   b. All ground signs shall have a base or supporting structure of not less than the width of the sign, if the sign is less than 15 feet in height, and not less than seventy-five (75) percent of the width of the sign if the sign is greater than fifteen feet in height. The sign base and all related visible structural sign elements shall be constructed of materials and finished with colors that match the principal building.
   c. All ground signs shall be surrounded by decorative landscaping at the base following the intent of the Landscaping Requirement for this corridor.
   d. All signage shall be constructed of natural or natural-looking materials and subdued colors.

**6.02.08 Subdivision Standards**

Subdivision standards shall be those as provided in Article 9, “Streets, Sidewalks and Subdivision Design,” except that the following shall apply in the South Annie Glidden Road Corridor District:

1. A subdivision of land that abuts the right-of-way of South Annie Glidden Road shall not result in lots having less than six hundred sixty (660) feet of frontage along said right-of-way. However, after receiving a recommendation from the Planning and Zoning Commission, the City Council may allow a subdivision having lots with a lesser frontage if it is satisfactorily demonstrated to them, on an approved preliminary plat or an approved preliminary plan for a planned development, that the lots will be accessed by driveways and/or publicly dedicated streets that intersect South Annie Glidden Road at locations having reasonable proximity to those points of access shown on the Street and Access Plan Map in the Corridor Plan.
2. When a subdivision of land is adjacent to the right-of-way of an existing or proposed collector or arterial street, as shown on the Street and Access Plan Map in the Corridor Plan, then the subdivider shall dedicate as a part of the subdivision the following amount of public right-of-way:

   a. A proportionate share of a full seventy (70) foot right-of-way when the subdivision is adjacent to an existing or proposed collector street.

   b. A proportionate share of a full one hundred (100) foot right-of-way when the subdivision is adjacent to an existing or proposed arterial street.

   c. A proportionate share of the full one hundred ten (110) foot right-of-way, and accompanying landscaping easements, as set forth in the South Annie Glidden Road Corridor Preliminary Engineering and Landscaping Plan, on file in the office of the City Engineer, when the subdivision is adjacent to South Annie Glidden Road.

6.02.09 Performance Incentives

Development bonuses and the performance criteria used to qualify for them are as follows:

1. After receiving a recommendation from the Planning and Zoning Commission, the City Council may grant one or more of the following development bonuses beyond what is required by this Section and other City regulations:

   a. An increase of up to twenty (20) percent more than the maximum density of dwelling units per net acre either as required by this Ordinance or as recommended on the Land Use Plan map of the Corridor Plan.

   b. An increase of the floor area ratio requirements of up to .05 for residential buildings and .10 for non-residential buildings.

   c. A reduction in a required front yard of up to ten (10) feet less than those required on an arterial, major collector, or collector street, or a reduction of up to fifteen (15) feet for residential front yard setbacks for proposed lots fronting on a local or sub-local street. The front yard requirement Annie Glidden Road shall not be reduced in any circumstance.

   d. An increase in maximum building heights of up to ten (10) feet higher than what is required by this Article.

2. In order to qualify for the bonuses in this Section, a development must demonstrate compliance with six (6) or more of the following performance criteria. The criteria used should reasonably relate to the bonuses being granted.

   a. Limiting access to South Annie Glidden Road to an extent which is more restrictive than what is recommended by the Corridor Plan.

   b. Increasing parking lot landscaping by fifty (50) percent more than otherwise required.

   c. Preservation and significant and appreciable improvement of natural areas.

   d. Construction of separate-grade pedestrian and bicycle paths that interconnect with the bike path network.

   e. Dedication and/or construction of a detention facility having a capacity significantly and appreciably in excess of what is required.
f. Providing a release rate from a detention facility that is significantly and appreciably stricter than otherwise required, including a dual-release detention flow control with maximum 10-year release rate of 0.04 cfs per acre and 100-year release rate of 0.10 cfs per acre.

g. Providing for a detention facility or facilities which is (are) designed with recreational and aesthetic values, including irregular organic shapes, walkable side slopes, useable open space surrounding the facility, natural landscaping, and minimal intrusion of concrete, steel or other man-made looking structures, including inlet and outlet structures.

h. Providing for only open space or recreational types of land uses in the 100-year floodplain regardless of what may otherwise be permitted.

i. Providing for sufficiently screened loading and unloading areas that are located in side or rear yards.

j. Providing for mixed-use developments that include community facilities that further the goals, objectives, and policies of the Corridor Plan.

k. Any other performance criteria that further the goals, objectives, and policies of the Corridor Plan and that, in the opinion of the Planning and Zoning Commission and City Council, warrant the approval of development bonuses.

l. Providing for preservation of open space view sheds of the river corridor and floodplain areas from South Annie Glidden Road, Fairview Drive, and South First Street.

m. Providing for a residential home design which reduces the visual impact of garages to a minor architectural element to minimize the effects of garages upon the streetscape.

n. Providing for open space and recreational areas that are shared by and integrated into the layout of the neighborhoods, corporate and/or public lands, instead of located around the periphery or in secluded areas.

3. The development bonuses and performance criteria used to obtain those bonuses shall be memorialized on the final plats and/or plans related to the proposed development. Appropriate other provisions may be required to assure long-term maintenance and continuation of said bonuses and criteria.

6.02.10 Procedures

Regardless of parcel size, all new developments shall be submitted and approved in accordance with the procedures required in Article 5, Section 5.13, “Planned Development Districts.” Except for single family detached dwellings on individual lots, all developments shall have their final site plans administratively approved per Article 17, “Site Plan Review Requirements,” of this Ordinance, and submitted to the Planning and Zoning Commission and City Council for their review and approval.
ARTICLE 7
SUPPLEMENTAL DISTRICT REGULATIONS

7.01 Purpose and Intent

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Ordinance. These regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance. (2004-103)

7.02 Height Exceptions

Chimneys, cooling towers, elevator head houses, monuments, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances usually required to be placed above the roof level are not subject to the height limitations contained in Article 5, “Zoning District Regulations,” except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than twenty (20) percent, except as indicated below:

1. Structural projections exceeding the above height limitations shall be considered Special Uses and shall be processed in accordance with Article 14.03 Special Use Permits, of this Ordinance; provided further that any such structural projections shall require an increased building setback of one (1) foot on all sides for each additional two (2) feet that such structure exceeds the specified height limit as established by the regulations of the district in which such building is situated;

2. Height limitations and exceptions associated with antennas and satellite dishes shall be governed by Section 7.08 of this Article.

7.03 Setback Exceptions

1. Every part of a yard between the property lines and the required building setback line shall be unoccupied and unobstructed by any building or structure or portion of a building or structure from thirty (30) inches above the general ground level of the graded lot upward, except for:
   a. Accessory buildings or structures where otherwise allowed in a rear or side yard; (2017-044)
   b. Fences, walls, hedges, flagpoles and other customary yard accessories, ornaments and furniture; may be permitted in any yard subject to location and size limitations, height limitations and requirements limiting obstruction of visibility contained in Article 7.10 of this Ordinance or other provisions of the DeKalb Municipal Code.

2. Open or lattice-enclosed fire escapes, unenclosed fireproof outside stairways, balconies opening upon fire towers and the ordinary projections of chimneys and flues, or bay windows may project into the required side or rear yard building setback for a distance of not more than three and one-half (3-1/2) feet.

3. An unenclosed porch or stoop may project into the required front yard building setback for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into the required front yard building setback for a distance not to exceed four (4) feet. Bay windows may project into the required front yard building setback for a distance not to exceed three and one-half (3-1/2) feet. (2017-044)

4. Patios, stoops, decks, enclosed porches, retaining walls and similar ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side or rear yard building setback, provided these projections be distant at least two (2) feet from the adjacent side or rear lot line. (2017-044)
5. **Required front yard building setback heretofore established:** Where forty (40) percent or more of the lots on one side of a street between two intersecting streets are developed with buildings that do not conform to the required front yard setback; the required building setback may be adjusted as follows:

   a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum required front yard building setback shall be a straight line drawn between the two closest front corners of the adjacent buildings on the two sides, or

   b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected at the same or greater setback as the existing adjacent building.

6. **Front Yard Setbacks on Corner Lots of Record:** Where a lot of record is located at the intersection of two or more streets, there shall be a setback on each street side of the corner lot equivalent to the front yard building setback requirement of the zoning district in which the lot is located. However, the required front yard building setback from the longer of the two front lot lines may be reduced to a distance that is equivalent to fifteen (15) feet or twenty (20) percent of the lot width, whichever is greater. This exception only applies to legal lots of record, created before March 26, 1956.

7. **Side and Rear Yard Setbacks:** In any zoning district, the minimum required side and/or rear yard building setback(s) shall be a distance that is equivalent to twenty (20) percent of the lot width and/or depth, or the district's required side and/or rear yard building setback, whichever is less.

8. Where residential dwelling units are permitted above non-residential use (i.e., commercial), setback requirements for the non-residential use shall govern building placement on the lot.

9. **ADDITIONAL SETBACK REQUIRED:** Where residential property fronts upon a Minor Collector, Major Collector, Arterial, or Regional, County or State Highway, as designated on the Development Plan Map or in the Comprehensive Plan, the minimum front yard setback shall be increased by the following amounts:

   a. Minor Collector: Ten (10) feet;

   b. Major Collector: Fifteen (15) feet;

   c. Arterial: Twenty (20) feet;

   d. Regional, County or State Highway: Twenty-five (25) feet.

This additional setback only applies to lots or dwelling units approved as part of a Planned Development, subdivision, rezoning, special use permit, or any other zoning or subdivision action occurring after this Amendatory Act of 2004.

This additional setback does not apply to lots platted prior to this Amendatory Act of 2004, nor in circumstances where this requirement would otherwise be reduced or eliminated through the provisions of Article 7.03, Paragraph 5, above.
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;
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.

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.

c. The use of earth sculpting, or berms may be allowed in place of the fencing provided they are designed to provide the same screening effect and are designed to avoid erosion, drainage or maintenance problems.
2. Residential developments, when approved as part of a Planned Development, subdivision, rezoning, special use permit, or any other zoning or subdivision action, shall provide the same landscaping and screening as in Paragraph 1, above, when located adjacent to an existing commercial or industrial zoned property, whether developed or vacant. This provision shall not apply to lots platted prior to this Amendatory Act of 2004, when a building permit is all that is necessary to construct a development on that lot.

3. Rooftop mechanical equipment shall be enclosed by an opaque architectural screen or louver that substantially conforms to the color and building materials of the principal structure, and of a height not less than the height of such equipment.

4. Outdoor storage areas must be screened with an opaque architectural screen or fence that substantially conforms to the color and building materials of the principal structure, and of a height not less than the height of the materials stored.

5. Outdoor storage areas shall be paved or hard surfaced in accordance with the Construction Requirements set forth in Article 12.03, Paragraph 1.

7.06 Fences

1. For the purposes of this section, there shall be the following types of fences:

   a. **Open Fence**: A fence in which the openings in the materials of which the fence is constructed represent more than fifty (50) percent of the area of the fence and which do not interfere with visibility, or the free passage of air, through the fence;

   b. **Privacy Fence**: All fences other than Open Fences.

2. In residential districts, open fences six (6) feet or less in height are permitted in the rear yard, and in the side yard behind the front of the principal structure. Except as provided for elsewhere in this Ordinance, open fences in non-residential districts shall not exceed four feet in height in the front yard, but may be erected to any height anywhere else on a lot.

3. In residential districts, privacy fences six (6) feet or less in height are permitted in the rear yard and in the side yard behind the nearest front of the principal building on the lot, provided that said fence is located at least five (5) feet from any principal building on adjacent property. In commercial or industrial districts, privacy fences are also allowed in the front yard, but not closer to the street than the required building setback line, when providing screening required elsewhere in this Ordinance.

4. Through lots and corner lots with frontage on more than one street (2009-050):

   a. **Through lots**: On residential lots that are through lots (lots with frontage on one street and the rear yard having frontage on another street) the front and side fence placement shall comply with Article 7.06.2 or Article 7.06.3. The location of the rear yard fence may abut the property line unless the Plat of Subdivision specifically identifies a greater set-back from the property line. Prior to issuance of a Fence Permit, a Certified Plat of Survey must be submitted to the Building and Code Enforcement Division for review and approval.

   b. **Corner lots with frontage on more than one street**: On residential corner lots that have frontage on two or more streets, no privacy fences greater than thirty-six (36) inches in height or open fence greater than forty-eight (48) inches in height shall be permitted in the frontage yards (yards that front on the streets). The location of the side and rear yard fence shall comply with Article 7.06.02 or Article 7.06.3 unless the Plat of Subdivision specifically identifies a greater set-back from the property line. Prior to issuance of a Fence Permit, a Certified Plat of Survey must be submitted to the Building and Code Enforcement Division for review and approval.”
5. The maximum height of an open fence in front of the front building line established by the principal structure shall be forty-eight (48) inches.

6. The maximum height of a privacy fence in front of the front building line established by the principal structure shall be thirty-six (36) inches, unless allowed elsewhere in this Article.

7. Fences may exceed the above stated maximum heights in a Planned Development, Commercial (PD-C) or any Industrial zoning district when approved as part of a landscaping plan, or as part of a buffering or screening requirement as may be provided for elsewhere in this Ordinance. Also, fences (or walls), used as a decorative feature and/or as a backdrop to an identification sign at subdivision, apartment, condominium or planned development entrances, may exceed the above stated maximum heights, if approved by the Community Development Director.

8. Barbed wire may be used as part of a fence in the “GC” General Commercial District, “ORI” Office, Research, Light Industrial District, “LI” Light Industrial District, “HI” Heavy Industrial District, “PD-C” Planned Development-Commercial District or the “PD-I” Planned Development – Industrial District when located in the side or rear yard and is attached to the fence above six (6) feet and is at a 45-degree angle. Barbed wire may be used as part of a fence in the “GC”, “ORI”, “LI”, “HI”, “PD-C” or “PD-I” Districts in the front yard when used in association with an electric power substation, transformer station, communications facility, publicly owned property, or a use requiring a secured entrance as determined by the City Manager. Fences using barbed wire that is angled towards the exterior of the property shall be setback a minimum of two (2) feet from the property line. Razor wire fencing is prohibited.

9. Fences may be placed at the property line, except no fence shall be erected along, parallel to or substantially parallel to and within five (5) feet of an adjoining property line unless the finished side of the fence faces the adjoining property. If a fence is erected with posts and supports, the side on which the posts and supports are most visible shall be considered the unfinished side. No fence shall be constructed in such a manner or location as to block any natural or planned stormwater conveyance system, nor shall any fence be constructed over or within a stormwater drainage easement.

10. All fences shall conform to the requirements of Section 7.10, “Sight Distance Triangle,” of this Article.

11. Prohibited Fences: Electrically charged, chicken wire, permanent snow or any other fence constructed of materials from used or discarded materials including but not limited to corrugated metal, plywood or other type of sheet metal. An underground electrical pet fence is exempt from this prohibition. (2019-025)

12. Temporary Fencing: Temporary fencing is permitted for construction sites, special events, temporary uses pursuant to Article 14.07, and for public safety requirements as determined by the Chief Building Official. (2019-025)

7.07 Home Occupations

7.07.01 Restrictions and Limitations

1. Home occupations are permitted as an accessory use to a residential use in any district subject to the requirements of this Section.

2. Home occupations shall be operated entirely within the principal residential dwelling and shall not occupy more than fifteen (15) percent of the total floor area of the said residential dwelling, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants.
3. No home occupation is to be conducted in a garage or other accessory structure.

4. In no way shall the appearance of the dwelling be altered or the occupation within the residence be constructed in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises or vibrations, except that one (1) non-illuminated sign not greater than one (1) square foot in area may be affixed to the residence in which the home occupation is located.

5. Such occupation shall be conducted entirely within the residence and carried on by not more than two (2) individuals (not necessarily related), one of whom is the principal occupant.

6. A home occupation shall not create substantially greater vehicle or pedestrian traffic than normal for the district in which it is located. Nor shall substantially more vehicles be parked on the property or adjacent streets than what would typically be required for the normal use of the residence.

7. No outdoor storage of materials or equipment used in the home occupation shall be permitted.

8. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of the residence.

9. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuation in line voltage beyond the property line of the lot upon which the home occupation is conducted.

10. No home occupation shall cause a substantial increase in the use of any one or more utilities (water, sewer, electricity) so that the combined use for the residences and the occupation exceeds the average for residences in the neighborhood.

11. Retail Sales of stocks of merchandise, supplies or products is prohibited. Direct sales from display racks or shelves is prohibited. Sales activities that occur over the phone or other communications device, or that occur off-site, are allowed, provided that orders are delivered off-site, and said goods are not picked up on the site of the home occupation.

7.07.02 Examples of Uses That Frequently Qualify as Home Occupations

The following are typical examples of uses which often can be conducted within the limits established herein and thereby qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this paragraph, nor does this listing of a use in this paragraph automatically qualify it as a home occupation: accountant, architect, artist, attorney, individual tutoring, insurance, one-chair barber shops, two-chair beauty shops.

7.07.03 Home Occupations that Are Prohibited

The uses specified herein (other than personal) shall not be permitted as home occupations: auto repair or service, carpentry work, painting of vehicles or appliance, garage or yard sales exceeding occasional instance per Chapter 32.06 of the Municipal Code, furniture stripping or refinishing, body art establishments or body art (tattooing), Firearm Retailers / Firearm Dealers and other similar uses.

7.08 Antenna and Satellite Dish Regulations (Wireless Communications Ordinance) (1997-067)

7.08.01 Purpose and Intent

It is the intent and purpose of this Section to permit antennas and satellite dishes where they can be installed with minimal visual impact by encouraging co-location and other aesthetic measures, without creating adverse economic or safety impacts and promoting the health, safety and general welfare of the community. Furthermore, it is the intent of this Section to ensure compliance with Federal Communications Commission
(FCC) regulations as they relate to the promotion of universal service, competitive contracting by ensuring fairness through the creation of clear and objective approval criteria.

7.08.02 Definitions

For the purpose of this Article, the following definitions apply:

Antenna: A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. For the purposes of this section an antenna includes any supporting tower, pole, mast, or building to which it is affixed.

Co-location: The placement of two or more antenna systems or platforms by separate FCC license holders on the same structure, building, water tank, or utility pole.

Height: The height of an antenna or satellite dish shall be measured vertically from the highest point of the signal receiving/transmitting apparatus, when positioned for operation, to the bottom of the base, which supports the antenna.

Neutral in Color: Light or pastel hues of white, beige, gray or light blue. Dark, bright or brilliant colors (including but not limited to primary colors, neon colors, etc.) are prohibited.

Publicly Owned Property: Property in any district owned, leased, or otherwise controlled by a governmental entity.

Satellite Signal Receiving Antenna (Satellite Dish): A device designed for the purpose of receiving and converting earth orbiting satellite communications signals. It may be a solid, open mesh or bar configured structure typically in the shape of a shallow dish or parabola. Said antenna of this type are hereinafter referred to as “satellite dishes.”

Usable Satellite Signal: A satellite signal which, when converted and viewed on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

7.08.03 Permits Required

1. Building and Electrical Permit: Building and electrical permits shall be required prior to the erection of an antenna or satellite dish, except as provided for in paragraph 2 below. The plans and specifications shall meet or exceed the applicable requirements of Chapters 24 and 25, “Building Code” and “Electrical Regulations,” of the DeKalb Municipal Code.

2. Exceptions: The private use of an antenna or satellite dish for the reception or transmission of radio or television signals, ham radio signals, or citizen band transmissions, of a height no greater than sixty-eight (68) feet are exempt from the requirements of a building permit, engineering report, or special use permit.

7.08.04 General Requirements

1. Federal Communication Commission Compliance: All antennas, towers, and satellite dishes shall comply with all Federal Communication Commission (FCC) requirements.

2. No lot shall have more than (1) antenna, tower, or satellite dish, except for radio or television studios or amateur radio operators licensed by the FCC, in which case the only antennas, towers or satellite dishes allowed shall be those used related to the principal use of the property. Businesses selling satellite dishes shall be allowed a maximum of three (3) satellite dishes located outdoors and only one (1) of these shall be allowed in front of the building.
3. An antenna, tower, or satellite dish shall be located in the side or rear yard. In the situation of a corner lot, the antenna, tower, or satellite dish shall not be closer to the adjoining side street than the principal building.

4. In the event that a usable satellite signal cannot be obtained from the rear yard or side yard of the property, such antenna, tower, or satellite dish may be placed on the roof of a building subject to the approval of the Community Development Director and to the other requirements of this section.

5. Satellite dishes shall not be visible between the ground level and ten (10) feet above ground from any street adjoining the property. Screening used to achieve this requirement shall be in compliance with the Building Code, the provisions of this Ordinance and approved by the Community Development Director.

6. Within residential zoning districts, the diameter of satellite dishes shall not exceed seven (7) feet. The dish and supporting structure shall be neutral in color and shall, as much as possible, blend with the character and appearance of the neighborhood.

7. No antenna or satellite dish shall be used or serve as a sign or bear an advertising emblem other than the name of the manufacturer in letters not to exceed two (2) inches in height.

8. Guy wires (only where necessary) shall not be anchored within any front yard area but may be attached to the building.

9. Whenever an antenna is installed within a distance less than the height of the tower to power or telephone lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna or mast or tower and secured in a direction away from the hazard.

10. Antennas, towers, and satellite dishes shall meet and be installed according to all manufacturers’ specifications. The mast or tower shall be constructed of non-combustible materials, unless otherwise approved by Underwriters’ Laboratories (UL). Brackets, turnbuckles, clips, and similar type equipment shall be protected with materials approved by Underwriters’ Laboratories (UL).

11. Antennas, towers, or satellite dishes shall meet the setback requirement for a primary structure for the zoning district in which the facilities are located.

7.08.05 Prohibited Uses
The following uses are prohibited:

1. **Towers or Antennas in Residential Districts**: a tower or antenna used for any commercial or other non-residential purpose, including the placement of other support equipment or buildings, used in connection with the tower or antenna in any residential district, including the “PD-R” Planned Development Residential district.

7.08.06 Permitted Uses
The following uses are permitted:

1. **Co-locating Antennas on City of DeKalb Property**: Antennas on an existing communication tower of any height provided that:

   a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower; and

   b. The antenna is neutral in color; and
c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

2. **Co-locating Antennas on City of DeKalb Property**: Antennas on an existing structure other than a tower (such as a building, water tank, sign, utility pole, power pole, or other structure), provided that:
   
   a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure; and
   
   b. The antenna is neutral in color; and
   
   c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

### 7.08.07 Special Uses

The following uses may be permitted under the conditions and requirements specified in Article 14, “Permits” in addition to those outlined below:

1. **Co-locating Antennas on Existing Non-Tower Structures or Existing Commercial Towers in Residential Districts**: Antennas on an existing structure (such as a building (excluding dwelling units), water tank, sign, utility pole, or other structure), provided that:
   
   a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure; and
   
   b. The antenna is neutral in color; and
   
   c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

2. **Towers or Antennas in Commercial or Industrial Zones or on Publicly Owned Property**: Antennas or towers of any height, including the placement of other supporting equipment and accessory buildings. Any equipment shelter shall comply with development standards (i.e., setbacks, height limitations, bulk, etc.) of the property's zoning district classification.

3. **Private Use Antennas, Towers or Dishes Greater than Sixty-Eight (68) feet**: The residential use of an antenna or satellite dish for the reception of radio or television signals, ham radio signals, or citizen band transmissions, in excess of sixty-eight (68) feet in height. These special uses shall meet the requirements of Article 14 (Permits), but will be exempt from the requirements of Article 7.08.08 below.

### 7.08.08 Application for a Special Use Permit for Antenna Facilities

In addition to the requirements of Article 14 “Permits,” the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed special use will satisfy the following conditions:

1. **Points of Visual Interest Shall be Protected**: Views from residential structures located within 250 feet of the proposed antenna or tower to the following points of visual interest shall be protected to the greatest practical extent:
   
   a. Public Open Spaces;
   
   b. Natural Areas as defined on the Development Plan;
c. Landmark Structures

2. **Methods for Protecting Points of Visual Interest**: The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed antenna or tower to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:

   a. Examine locations within the same area where such visual impacts can be minimized;

   b. Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest;

   c. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that co-location or the use of other structures within the service area is not feasible at this time;

   d. Minimize visual impacts by varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good as or better than that which would otherwise be required without said variations.

3. **Color**: Antennas or towers and their support structures, wiring and all related facilities and appurtenances shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.

4. **Height**: Antennas or towers shall not exceed the maximum building height plus fifteen (15) feet, in the zoning district in which it is located, applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this maximum standard. The Planning and Zoning Commission and City Council shall decide, through the special use permit, if sufficient evidence has been provided to demonstrate the need for the additional height requested.

5. **Setbacks (Adjacent to Residential Uses)**: Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.

6. **Lighting**: None allowed except as required by the Federal Aviation Administration (FAA).

7. **Fencing and Security**: For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six (6) feet in height.

8. **Landscaping and Screening**: Landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas and shall consist of fast growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material. Building or tower mounted antenna and related facilities and appurtenances shall be screened by an appropriate material which either: a) matches the building to which it is mounted (in the case of building-mounted structures); or, b) provides an alternate façade that screens the appearance of the facilities and provides a positive appearance/benefit to the public.

9. **Noise**: Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 30dBA when adjacent to residential areas and 45dBA in other areas.

10. **Tower Design**: Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation
shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.

11. **Co-location Protocol**: Any special use request for the erection of a new tower shall complete the co-location protocol as outlined in Article 7.08.09.

### 7.08.09 Co-location Protocol

1. **Purpose**

   The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the City of DeKalb, at the time the provider schedules a pre-application conference with the City of DeKalb. This co-location protocol is designed to increase the likelihood that all reasonable opportunities for co-location have been investigated and that the appropriate information has been shared among the providers.

   The City of DeKalb recognizes that co-location is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that co-location of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible co-location opportunities, and will also assure the City that all reasonable accommodations for co-location have been investigated.

2. **Pre-Application Requirement**

   A pre-application conference is required for all proposed support structures.

3. **Co-location Request Letter Requirement**

   At the time of pre-application conference, the applicant shall demonstrate that the following notice was mailed to all other providers rendering service within the City of DeKalb:

   "Pursuant to the requirements of Article 7.08.09.03, (applicant) is hereby providing you with notice of our intent to meet with the City of DeKalb in a pre-application conference to discuss the location of a wireless communication facility that would be located at ________________________________. In general, we plan to construct a support structure of ______ feet in height for the purpose of providing (Cellular, PCS, etc.) Service"

   Please inform us whether you have any existing or pending antenna or tower facilities located within ________________ feet of the proposed facility that may be available for possible co-location opportunities. Please provide us with this information within ten (10) business days after the date of this letter. Your cooperation is appreciated.

   Sincerely, (applicant)"

4. **Applicant's Duty to Analyze the Feasibility of Co-location**

   If a response to a co-location request letter is received by an applicant indicating an opportunity for co-location, the applicant shall analyze the feasibility of co-location. This analysis shall be submitted with an application for any support structure.

   The investigation of the feasibility of co-location shall be deemed to have occurred if the applicant submits all of the following information:
a. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by co-location at the possible location site;

b. Evidence that the lessor of the possible co-location site either agrees or disagrees to co-location on their property;

c. Evidence that adequate access does or does not exist at the possible co-location site to accommodate needed equipment and meets all of the site development standards.

d. Evidence that adequate access does or does not exist at the possible co-location site.

5. Result of Co-location Feasibility Analysis

If the applicant has provided information addressing each of the criteria in Section 7.08.09.04 above, the co-location protocol shall be deemed complete.

7.08.10 Abandoned Facilities

An antenna or satellite dish which has been discontinued for a period of six consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner within 90 days of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties as outlined in the DeKalb Municipal Code.

7.09 Air Navigation Space Regulations

All construction, grading, or planting of trees, within the air navigation space of DeKalb Municipal Airport shall conform to the regulations adopted by the City of DeKalb in Chapter 53 of the Municipal Code, as may be amended from time to time.

7.10 Sight Distance Triangle

1. On a corner lot in any district, development shall conform to the requirements of the sight distance triangle in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from their point of intersection or at equivalent points on private streets, except that the sight distance triangle may be increased when deemed necessary for traffic safety by the City Council.

2. On lots located at the intersection of a street and an alley, the two sides of the sight distance triangle may each be reduced to a distance of ten (10) feet.

3. On a lot in a nonresidential zoning district with driveway access to an adjacent public street, development shall conform to the requirements of the sight distance triangle, within the triangular area formed by the right-of-way line and the driveway curb or equivalent delineation, and a line connecting them at points twenty-five (25) feet from their point of intersection. This sight distance triangle requirement shall apply to both sides of the driveway to the public street. (2006-046)

4. No vehicle shall be parked, nor shall any parking space be provided or designed in the triangular areas described hereinafter.

7.11 Screening of Rubbish, Garbage and Dumpster Facilities

Outside storage of permanent rubbish, garbage and dumpster facilities and their surrounding areas shall be permanently screened from the view of adjacent streets or adjacent properties with a six (6) foot high
sight-proof fence, wall or landscaped area placed around said facility. The wall or fence shall substantially conform to the principal building in material, type and design of construction, finish and color.

**7.12 Traffic Access and Impact Studies**

**7.12.01 Purpose and Intent**

The regulations provided in this Section are necessary to assist developers, property owners and the City Council in making decisions regarding the traffic and transportation aspects of various land use, subdivision and site plan proposals. These regulations are also necessary to provide the City Council with a basis for estimating street and road improvement requirements attributable to a particular proposal.

**7.12.02 Warrants for Studies**

1. A traffic access and/or impact study may be required to be prepared or cause to be prepared by any person submitting a rezoning, special use permit, planned development, subdivision, annexation agreement, building permit or occupancy permit application where, in the opinion of the City Engineer, the likely resultant development will generate one hundred (100) or more new peak direction trips to or from the subject property during the adjacent street's peak hours or the development's peak hour. This opinion shall be based on a submittal from the applicant establishing the average trip generation rates published by the Institute of Traffic Engineers (ITE) in their most recent trip generation manual or in any locally published traffic and trip generation data report. (2017-044, 2019-025)

   In the event that the estimated trips will fall below the one hundred (100) level, the City Engineer may still require the preparation of a traffic access and/or impact study if, in their opinion: (2017-044, 2019-025)

   a. There exist any current traffic problems in the local area, such as a high accident location, confusing intersection or an intersection in need of a traffic signal;

   b. The adjacent street system's current or projected level of service will be significantly affected;

   c. The site's accesses are in such a location that their proximity to other accesses, drives, intersections, etc. will likely cause significant traffic congestion or hazard potential;

   d. There exists other specific problems, deficiencies, neighborhood sensitivities, etc. that may be affected by the proposed development or affect the ability of the development's traffic to be satisfactorily accommodated.

2. The City Engineer may waive the requirement for a traffic access and/or impact study if, in their opinion, there exists a previously conducted study that adequately addresses the traffic concerns of the area, or there exists adequate physical facilities to accommodate the projected level of traffic. (2017-044, 2019-025)

**7.12.03 Procedures**

1. The study shall be prepared by any person with demonstrated experience in conducting traffic studies. The study shall be prepared in accordance with the guidelines and recommendations found in the most recent version of the ITE's report entitled, “Traffic Access and Impact Studies for Site Development,” or other mutually acceptable report or guideline. (2017-044, 2019-025)

2. The study preparer shall discuss the parameters under which the traffic access or impact study will be conducted with the City Engineer. These parameters include, but are not limited to, the size of the study area, the extent of the study (a full study, partial study, etc.), the level of detailed analysis, various techniques that are to be used, etc. (2017-044, 2019-025)
3. The study shall be submitted along with the documentation required for the rezoning, special use permit, planned development, subdivision, annexation agreement, building permit, or occupancy permit applications. The City Engineer shall review and report on the study and its recommendations within the time period prescribed for reviewing the above-mentioned applications. (2017-044, 2019-025)

4. Where said applications require Planning and Zoning Commission or City Council approval, then the traffic study and recommendations from the City Engineer shall be forwarded to the Planning and Zoning Commission or City Council for their review and concurrences. Where the report's or Staff's recommendation identifies the need for street widening, traffic light improvements, right-of-way increases, etc., then the Planning and Zoning Commission shall recommend and the City Council shall decide whether such widening, improvements, increases, etc. are necessary; and if so, whether the costs associated with them shall be borne solely by the applicant, by the City or by a combination of the applicant and the City. (2019-025)

7.13 Adult Oriented Uses (1997-010)

7.13.01 Purpose and Intent

In the development and execution of this section regulating and limiting the location of adult oriented uses, it is recognized that such uses, by virtue of their nature, have documented objectionable operational characteristics which can have serious deleterious effect upon areas adjacent to such uses. It is the intent of this Section to permit adult oriented uses in areas where they can be constructed and operated without placing undue burden upon the rights of the use(s), while minimizing the potential adverse economic, aesthetic, moral or safety impacts upon the citizens of the City of DeKalb.

It is not the intent of this Article to impose a limitation or restriction on the content of any communicative materials, including those which are adult oriented, nor is it the intent to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors to their intended market. Further, it is not the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials or acts, nor to authorize any acts of obscenity as defined and otherwise prohibited in Article 52.22 of the Municipal Code.

7.13.02 Restrictions and Limitations

1. Adult Oriented Uses, as defined below, shall only be allowed within the “LC” Light Commercial, “GC” General Commercial, and “PD-C” Planned Development Commercial zoning districts. No adult oriented use shall be allowed in any other zoning district.

2. Adult Oriented Uses which were lawfully established within other zoning districts on or before the effective date of this Ordinance, shall be considered legal, nonconforming uses, and shall be regulated pursuant to the terms of Article 19 of this Ordinance.

3. No Adult Oriented Use, regardless of the zoning classification of subject property, shall be established if the subject property lies within 1,000 feet of a church or other place of worship, public or private elementary or secondary school, or any other Adult Oriented Use. The distances provided for in this section shall be measured by following a straight line, without regard to intervening structures or geographical features, from the nearest portion of the property line of the parcel on which an adult oriented use is established, to the nearest property line of the parcel containing a church, school, or other adult oriented use.
7.13.03 Definitions

For the purposes of this Section, the terms herein shall be defined as follows:

Adult Oriented Use: Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media, or the provision of live entertainment, or any combination thereof, which depicts, describes, or characterizes “specified sexual activities” or “specified anatomical areas,” as defined below.

Specified Sexual Activities: Any sexual activity, real or simulated, including but not limited to the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Specified Anatomical Areas: Anatomical areas, real or simulated, including but not limited to the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola;
2. Human male genitalia in a discernible turgid state, even if opaquely covered.


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.

7.14.01 Applicability

1. These regulations shall apply to all new residential construction in the City of DeKalb, as further outlined below;
2. 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 ninety (90) percent or more of the residential lots within that subdivision have been improved; (2017-004)
3. In the case where these provisions conflict with the provisions of existing covenants or terms of approval, the more restrictive shall apply;
4. In the case where these provisions conflict with the provisions of Landmark Commission regulations or other Municipal Code provisions, the more restrictive shall apply. (2017-004)


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 Landmark Commission or Community Development Director or designee. (2017-004)
7.14.03 Process

1. All building permit applications for new residential dwellings shall be referred to the Landmark Commission if located in a Historic District, or if the property is a Local Landmark. (2017-004)

2. 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. (2017-004)

3. An applicant shall provide supporting materials as outlined in the Design Review Application Form. (2017-004)

4. The 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 seventy-five (75) percent is required in each of the applicable guideline categories for project approval. (2017-004)

7.14.04 Powers of the Landmark Commission and Community Development Director or Designee (2017-004)

After review of a proposal, the 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. (2017-004)

7.14.05 Effect of Denial, Appeal

1. If the permit is denied the applicant may submit a revised plan. In the case of submittal of a revised plan, the procedure shall be the same as a new design review application.

2. In the case that the applicant has been denied, and the applicant disagrees with the ruling of the Landmark Commission and 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. (2017-004)

3. In the case that a building permit was denied for reasons other than the ruling of the Landmark Commission and Community Development Director or designee, any appeal shall follow the due course set forth in the appropriate code for which the permit was denied. (2017-004)

7.15 Wind Energy Conversion Systems (WECS)

7.15.01 Purpose and Intent

1. This ordinance is intended to promote wind energy use within the City of DeKalb while preserving and protecting the health, safety, and welfare of all property owners and residents.

2. The ordinance shall apply to wind energy conversion systems (WECS) attached to monopoles or directly to roofs or the sides of buildings. The scope of this ordinance includes WECS designed for individual or joint property use, by commercial, industrial, or public entities within the City of DeKalb.

3. Power generated by WECS shall be primarily for use by the property owner and where the systems are located. It is not the intent of this ordinance to promote the operation of WECS in the City of DeKalb for profit by outside utility companies or other third parties. WECS, however, may be connected to the power grid in accordance with applicable rules and regulations.
7.15.02 Definitions

For the purpose of this Article, the following definitions apply:

1. Wind Energy Conversion System (WECS): A mechanical device designed to convert wind energy into usable energy. WECS, as used in this ordinance, consist of wind turbines, support structures, and any associated hardware or other essential components.

2. Attached Wind Energy Conversion System (AWECS): A WECS that is attached to the side of a building or a rooftop.

3. Wind Energy Conversion System Monopole (WECSM) or Monopole Unit: A WECS that is freestanding, cylindrical with tapered poles that support a wind turbine.

4. Wind Turbine: A wind turbine is a bladed or other type of rotating mechanism that converts wind energy into usable energy (i.e., electrical energy).

7.15.03 Permits

1. Zoning Permit: WECS may be allowed as provided in the following zoning districts:

<table>
<thead>
<tr>
<th>Permit Requirements</th>
<th>ZONING CLASSIFICATION</th>
<th>All Industrial Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved by Right</td>
<td>General Commercial (GC) Planned Development Commercial (PD-C) &amp; Public Entities</td>
<td>One ten (10) foot maximum height AWECS when combined with building height shall not exceed forty-five (45) feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>One ten (10) foot maximum height AWECS when combined with building height shall not exceed seventy-five (75) feet</td>
</tr>
<tr>
<td>Special Use Permit Required</td>
<td>• Monopole Unit o Maximum height: forty-five (45) feet o Maximum output: twenty (20) kW</td>
<td>• Monopole Unit: o Maximum height: seventy-five (75) feet o Maximum output: twenty (20) kW</td>
</tr>
<tr>
<td></td>
<td>• Multiple AWECS</td>
<td>• Multiple AWECS</td>
</tr>
<tr>
<td></td>
<td>• AWECS taller than ten (10) feet</td>
<td>• AWECS taller than ten (10) feet</td>
</tr>
<tr>
<td></td>
<td>Total maximum height of building and AWECS shall not exceed forty-five (45) feet.</td>
<td>Total maximum height of building and AWECS shall not exceed seventy-five (75) feet.</td>
</tr>
</tbody>
</table>

2. Special Use Permit for Wind Energy Conversion Systems

In addition to the requirements of Article 14 “Permits,” the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed special use will satisfy the following conditions:

a. Points of Visual Interest Shall be Protected

Views from residential structures located within two hundred fifty (250) feet of the proposed WECS to the following points of visual interest shall be protected to the greatest practical extent:

1) Public Open Spaces;
2) Natural Areas as defined on the Development Plan;

3) Landmark Structures

b. Methods for Protecting Points of Visual Interest

The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within two hundred fifty (250) feet from a proposed WECS to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:

1) Examine locations within the same area where such visual impacts can be minimized;

2) Investigate alternative designs that can be used to minimize the interruptions of views from the residence to the point of visual interest;

3) Minimize visual impacts by varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good as or better than that which would otherwise be required without said variations.

3. Building Permits

Building and electrical permits shall be required prior to the erection of any type of WECS. The plans and specifications shall meet or exceed the applicable requirements of Chapters 24 and 25, “Building Code” and “Electrical Regulations,” of the DeKalb Municipal Code.

a. It shall be unlawful to build, modify, or locate any Wind Energy Conversion System (WECS) within the City of DeKalb without a valid building and electrical permits. The plans and specifications shall meet or exceed the applicable requirements of Chapters 24 and 25, “Building Code” and “Electrical Regulations,” of the DeKalb Municipal Code.

b. Upon application for a permit, the applicant shall provide a proposed site plan, scaled to accurate dimensions, showing the location and height of the proposed system and all structures, including overhead utility lines, within a two hundred (200) foot radius of the site. The applicant shall also provide as applicable:

1) A current copy of the system manufacturer’s specifications and warranties;

2) Engineering calculations and drawings;

3) Any other technical documents necessary to substantiate compliance with the requirements of this ordinance;

4) A valid building permit application;

5) A plan for controlling soil erosion and sedimentation during construction, installation, and operation of Monopole Units;

6) A reclamation plan which stipulates how the site of a Monopole Unit will be restored to its natural state after it ceases to be operational.

c. The safety of the design of WECS shall be certified by a licensed professional engineer experienced in WECS. The standard for certification shall be good engineering practices and shall be in conformance with current Illinois State and City of DeKalb’s building and electrical codes.
d. All WECSs shall be equipped with manual and automatic over-speed controls to limit the rotation of blades to a speed below the designed limits of the conversion system. A licensed professional engineer shall certify that the rotor and over-speed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.

e. All electrical compartments, storage facilities, wire conduits, and interconnections with utility companies shall conform to national, state, county, and local electrical codes. To minimize fire hazards, all electrical wiring on Monopole Units, except as necessary to connect the conversion system to monopole wiring or junction boxes, shall be placed underground.

f. A visible warning sign stating "High Voltage" shall be placed at the base of Monopole Units. The letters on the sign shall be a minimum of six (6) inches in height.

g. All Monopole Units shall be designed to prevent climbing by unauthorized individuals. Protection methods may include, but are not limited to, the following:

1) Using open fences with locking portals at least six (6) feet high;

2) Terminating any fixed climbing apparatus at least twelve (12) feet above the ground.

h. The compatibility of Monopole Units with the rotors and other components of a wind energy conversion system shall be certified by a licensed professional engineer.

i. The lowest possible point of the blade positioned on Monopole Units shall be at least thirty (30) feet above the ground.

j. All Monopole Units shall be embedded in an acceptable concrete foundation.

k. All WECS shall be designed to withstand wind velocities of at least one hundred (100) miles per hour with an impact pressure of forty (40) pounds per square foot.

l. The maximum permissible height of a wind energy conversion system shall not exceed the maximum height of the zoning district. The height of the unit will be measured from the base to the tip of the highest blade when the blade is perpendicular to the ground. The applicant shall justify his/her height request with documentation on the relationship of the proposed height to the efficiency of the particular system to be used.

m. The sites of Monopole Units shall be adequately graded to the satisfaction of the City Engineer or his/her designee.

7.15.04 Location

1. All permitted WECS shall be located on a minimum lot size of one (1) acre, set back from property lot lines, non-residential establishments, public right-of-way, or railroad right-of-way a distance of at least two (2) times the height of the system. The WECS shall be setback from overhead utility lines one (1) times the height of the system. Furthermore, all WECS shall be set back 200 ft. from any residential structure.

2. No more than one Monopole Unit shall be allowed on parcels of one (1) acre; no more than two (2) Monopole Units will be allowed on parcels of two to four (2-4) acres; no more than three (3) Monopole Units will be allowed on parcels of five to seven (5-7) acres; no more than four (4) Monopole Units will be allowed on parcels of eight to ten (8-10) acres; and parcels of more than eleven (11) acres may locate up to five (5) Monopole Units. The total number of AWECS units shall
occupy no more than twenty-five (25) percent of the horizontal plane of the face of the building to which they are attached.

3. Monopole Units shall be located a minimum of twenty (20) feet from any principal structures on the parcel.

4. Monopole Units shall be separated a minimum distance equal to five (5) rotor diameters, where a rotor diameter is equal to the cross sectional distance of the circle swept by the rotating blades, based upon the size of the largest rotor, from any adjacent wind energy conversion system.

5. No wind-generating device shall be located in front of a building setback line or in front of the principal building on the property.

6. If the wind energy conversion system is located in a parking lot, it must be placed in a landscaped area which is at least 1,000 sq. ft. in size. If there is more than one proposed in a parking lot, a special use permit is required.

7. If the wind energy conversion system is located in a PUD, it must meet the requirements of the approved plan.

7.15.05 Design Standards

1. Colors and surface treatment of WECS and their supporting structures shall be white or earth tone, flat finished (no unfinished, galvanized, plain aluminum, or stainless steel), non-reflective and shall minimize normal visual disruption.

2. WECS shall not use any lights unless required by the Federal Aviation Administration (FAA).

3. Wind turbines shall have a uniform design, layout pattern, color, and blade rotation direction.

4. Removal of trees, other vegetation, or structures on the proposed site that may increase soil erosion or negatively impact the appearance of the site are prohibited without express written permission from the City of DeKalb.

7.15.06 Electromagnetic Interference

1. WECS shall be designed not to cause electromagnetic degradation in performance of other electromagnetic radiators or receptors.

2. All WECS shall utilize nonmetallic rotor blades unless the applicant can supply documentation from an appropriate testing laboratory certifying that any metallic blade rotor proposed to be used will not cause electromagnetic interference.

3. The City of DeKalb reserves the right to revoke a special use permit granting a wind energy conversion system or any permittable wind energy system, and such system will be deemed in violation whenever electromagnetic interference from that system is proven to be evident.

7.15.07 Noise

The noise emanating from any installed WECS or AWECS as measured at any adjacent commercial, industrial, or residential property line shall not exceed a maximum of fifty (50) decibels (dB) at any time. Noise measurements shall be made in accordance with the City of DeKalb Municipal Code, Chapter 52, “Offenses Against Public Peace - Safety and Morals,” subsection 52.35 “Noise Control Regulation.”
7.15.08 Maintenance and Access for Inspection

1. All WECS shall be maintained and kept in good working order or shall be removed from the site by the property owner.

2. WECS shall be readily accessible for inspection and maintenance at all times.

7.15.09 Abandoned Systems

1. Any wind energy conversion system that is out of service for a continuous twelve (12) month period shall be deemed abandoned. The City shall issue a Notice of Abandonment to the owner, and the owner shall be responsible for completely removing the system from the property.

2. Within thirty (30) days of a Notice of Abandonment the holder of the permit may request that the City delay its designation of abandonment by submitting satisfactory documentation that the system has not been abandoned along with a date when the system will be fully operational.

7.15.10 Insurance

Applicants for WECS shall demonstrate that they hold adequate liability insurance for their wind energy systems.

7.15.11 Violations

It shall be unlawful for any person to construct, install, or operate WECS that are not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Systems installed prior to the adoption of this ordinance are exempt.

7.15.12 Penalties

1. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in the zoning code.

2. Nothing in this section shall be construed to prevent the City of DeKalb from using any other lawful means to enforce the provisions of this ordinance.

7.15.13 Severability

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, or paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

7.16 Solar Energy Systems (SES) Ordinance

7.16.01 Purpose and Intent

1. This ordinance is intended to promote the safe and efficient construction, installation, and operation of solar energy systems as alternative means of renewable energy production in the City of DeKalb. The ordinance also seeks to protect the health and well-being of those residing or working in close proximity to solar energy systems.

2. This ordinance applies to all newly constructed, installed, substantially modified, or relocated solar energy systems after the effective date of the ordinance. It shall apply to all solar energy systems as defined herein and located in all zoning districts within the City.
7.16.02 Definitions

1. Solar Energy System (SES): A Solar Energy System is a structure or device designed to collect the sun's radiant energy (solar radiation) for conversion into electrical or thermal energy for practical purposes. Excluded from this definition are passive structures, such as windows or greenhouses; solar farms, which are massive collections of solar systems covering extensive land areas; and public utilities, which are regulated by the State. For the purpose of this ordinance, there are two major types of SESs as defined below.
   a. Photovoltaic System (PVS): A Photovoltaic System is one that converts solar radiation into electrical energy using photovoltaic cells.
   b. Solar Thermal System (STS): A Solar Thermal System is one that heats water or other liquids directly or indirectly using solar radiation. This type of system is often used for space heating as well as to heat water or generate electricity.

2. Building-Mounted Solar Energy System (B-M SES): A Building-Mounted Solar Energy System is one that is attached to an existing building or other free-standing structure. This definition includes, but is not limited to, roof-mounted and side-mounted SESs on buildings or other structures as well as those mounted on light poles, towers, etc.

3. Ground-Mounted Solar Energy System (G-M SES): A Ground-Mounted Solar Energy System is one that is attached to the ground and not affixed to an existing building or other free-standing structure.

4. Substantially-Modified Solar Energy System: A Substantially-Modified Solar Energy System is one that has been physically modified so that its size, type, or components is different from that of the original system. Replacement of existing equipment with comparable components is not considered substantial modification.

7.16.03 Permits

1. It shall be unlawful to install, substantially modify, relocate, or operate a SES within the City of DeKalb without a valid permit. Permits may be granted in all zoning districts within the City.

2. Upon application for a permit, the applicant shall provide the City with detailed plans for the construction, installation, or operation, or substantial modification or relocation, of the proposed or existing SES. The plans shall clearly show the major components of the system and their intended or existing locations. A sketch detailing all other structures and property lines within a two hundred (200) foot radius of the proposed SES shall also be provided. If the owner/leaseholder of the SES intends to connect the system to a utility's grid, written confirmation and approval from the utility is required.

7.16.04 Design Requirements

1. All solar energy systems used in the City of DeKalb shall be manufactured and designed to comply with applicable industry standards, including the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and other appropriate certifying organizations. In addition, all SESs shall comply with applicable City codes, including City height and location requirements for buildings or other structures. Where City height or location requirements for buildings or other structures in a given zoning district are more restrictive than those covered in this ordinance, the former requirements shall apply.

2. Solar energy systems shall be constructed, installed, operated, and located to minimize potentially adverse impacts on nearby properties or individuals. A SES shall not present a significant nuisance due to solar glare, bright colors, or protrusion onto another property. Building-mounted systems that blend into the structural design of buildings or other structures and ground-mounted systems...
that can be partially or completely obscured from outside view (e.g., by use of fencing, trees, or other vegetation) are highly encouraged. Advertising is strictly prohibited on SESs except for unobtrusive manufacturer labeling.

7.16.05 System Height

All SESs shall comply with the applicable height limits shown in Table 1 (hereafter) except as noted in item 1a of this section. Height limits for G-M SESs apply at minimum design tilt.

Table 1: Maximum Height Limits

<table>
<thead>
<tr>
<th>Type of System / Zoning District</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building-mounted</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Roof-mounted</td>
<td>a. 1 foot above the roof surface of the building</td>
<td>a. 2 feet above the roof surface of the building</td>
<td>a. 3 feet above the roof surface of the building</td>
<td>a. 3 feet above the roof surface of the building</td>
</tr>
<tr>
<td>b. Side-mounted</td>
<td>b. 1 foot above the highest level of the given structure</td>
<td>b. 2 feet above the highest level of the given structure</td>
<td>b. 3 feet above the highest level of the given structure</td>
<td>b. 3 feet above the highest level of the given structure*</td>
</tr>
<tr>
<td>Ground-Mounted</td>
<td>10 feet</td>
<td>12 feet</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

*SESs mounted on City-owned monopoles or towers may extend to a maximum of 5 feet above the height of the monopole or tower. SESs mounted on non-City-owned monopoles or towers are subject to the height requirements stated in Table 1 except as noted in Section 7.16.04.01

7.16.06 System Location

1. General
   a. Building- and ground-mounted SESs shall be located so as to conform to the design requirements and recommendations outlined in Section 7.16.04.02 of this ordinance.
   b. Ground-mounted SESs shall not be located in wetlands or habitats of protected species of animals or plants. In addition, G-M SESs shall minimize local water retention by restricting impervious surfaces to the foundations anchoring the systems to the ground and by maintaining grass or other suitable penetrable media below all elevated components so as to permit adequate infiltration and percolation of precipitation into the ground.

2. Setbacks
   a. Building-Mounted Solar Energy Systems. In addition to required building or other structure setbacks, roof-mounted systems shall not extend beyond the exterior perimeter of the building or other structure. External piping for solar hot water systems may be allowed to extend beyond the perimeter of the building or other structure on a side yard exposure. Side-mounted systems shall be allowed to extend beyond the perimeter of the building or other structure as long as the system components are within applicable building or other structure setbacks for the given zoning district.
   b. Ground-Mounted Solar Energy Systems. Ground-mounted SESs shall be set back a distance equal to one (1) times the maximum height of the system when oriented at minimum design tilt or a minimum of six (6) feet, whichever is greater. Setbacks shall be measured as the distance from the outer edge of the system to the adjacent property line. Ground-mounted systems in residential and commercial zoning districts shall not extend into front or side yards. All exterior
electrical and plumbing lines shall be buried below ground and placed in suitable conduits or otherwise protected from the elements.

7.16.07 Safety

1. The installation of a SES shall be conducted by a qualified installer.

2. All electrical and plumbing connections in a SES shall comply with applicable City and State codes.

3. Building-mounted SESs shall meet all applicable fire prevention and building code requirements. In addition, all solar-related conduits, electrical panels, and disconnects on B-M SESs shall be easily identifiable by fire protection personnel.

4. Where storage batteries or electrical transformers are employed as part of a SES, they shall be clearly labeled with warnings and securely enclosed or otherwise contained so as to minimize potential electrical shock, fire, or explosion.

7.16.08 Abandonment and Removal

1. If the City receives a complaint regarding an apparent non-functioning SES, it shall inspect that system. If the inspection reveals that the SES is not in good working order and has been so for a continuous period of 12 months, the system shall be considered abandoned. The City may issue a Notice of Abandonment to the permit holder where the system is located, and the permit holder shall be responsible for having the system completely removed from the property within six (6) months.

2. Within 30 days of a Notice of Abandonment the permit holder may request that the City delay its designation of abandonment by submitting satisfactory documentation that the system has not been abandoned, as defined in this ordinance, along with a specific date by which the system will be fully operational and in good working order. If the request is satisfactory upon examination of the supporting documents and an onsite inspection, the Notice of Abandonment shall be rescinded by the City.

3. At least 30 days prior to commencing removal of a SES, a plan indicating how the system will be removed shall be submitted to the appropriate City office by the permit holder. Removal of a SES shall be complete, including all system components together with integral electrical and plumbing parts, and shall be conducted so as to comply with all applicable safety and building codes or regulations. The site shall be restored to its original condition.

7.16.09 Restrictions

The installation, operation, or substantial modification of SESs shall not be unduly limited by homeowners’ agreements, covenants, or other contracts among dual or multiple party owners in any subdivision of the City to a greater extent than the requirements contained in this ordinance.

7.16.10 Solar Easements

The right of a property owner in the City of DeKalb to create a legal agreement with one or more neighboring property owners so as to protect access to direct sunlight essential to the effective operation of a solar energy system shall not be restricted. Solar easements shall be entered into and filed in accordance with applicable State and local laws.

7.16.11 Violations

It shall be unlawful for any person or entity to construct, install, operate, or substantially modify a SES that is not in compliance with the provisions of this ordinance or with any condition contained in a permit issued
pursuant to this ordinance. Solar energy systems installed prior to the effective date of this ordinance are exempt except when substantially modified.

7.16.12 Penalties

Anyone who fails to comply with any applicable provision of this ordinance or a permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in the City’s zoning code.

7.16.13 Waivers

Upon written request, the City of DeKalb may issue a waiver for a specific requirement of this ordinance provided the waiver does not present an undue burden on adjacent property owners. Waivers shall not be granted without an open hearing that takes into account the support or opposition of those affected by the ruling. A special permit shall be required for a waiver.

7.16.14 Severability

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

7.17 Retail Sale of Tobacco and Related Products

7.17.01 Purpose and Intent

1. This Ordinance is intended to protect the public health, safety, welfare and morals by establishing regulations to restrict the location of and/or create a setback between establishments which primarily engage in the retail sale of tobacco or similar products, and incompatible uses.

2. This Ordinance shall apply to any Retail Tobacco Store as defined in Chapter 64 of the City Code of Ordinances. The Definition of a Retail Tobacco Store, for purposes of this Ordinance, shall be as follows:

"Retail Tobacco Store" means a retail store (or a divisible portion of a facility which is capable of being separated by virtue of walls, doors, partitions or other full or partial enclosures, which store or portion thereof satisfies the other requirements herein) which derives more than thirty (30) percent of its gross revenue from the sale of tobacco or nicotine products and accessories, inclusive of any device contemplated within the definition of "Smoking" below, or which dedicates more than twenty-five (25) percent of its total floor area or public display area to the storage or sale of such items.

"Smoking" means a) inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form; b) inhaling or exhaling from, turning on, powering, ingesting or utilizing in any form any device intended for the atomization, charring, burning, piezoelectronic ignition of or ingestion of tobacco products or nicotine in any gaseous, smoke, aerosol, vaporous or other similar form, including but not limited to the use of any e-cigarette, personal vaporizer used with nicotine or tobacco derivatives, electronic nicotine delivery system, e-puffer, cartomizer or other similar device; c) use of any other device intended for the gaseous, smoke, aerosol, vaporous or other similar airborne ingestion of tobacco, tobacco derivatives, nicotine, or nicotine derivatives; or d) completing any of the foregoing actions utilizing any form of smoked, aerosolized, ionized, vaporous or similar airborne ingestion of marijuana, cannabis or any derivative thereof. Smoking shall not include non-airborne forms of tobacco, nicotine or medical cannabis ingestion such as use of chewing tobacco or use of nicotine patches.
7.17.02 Permitted Zoning Districts and Setback Requirements

1. Retail Tobacco Stores shall be a prohibited use in all zoning districts unless expressly permitted herein.

2. Retail Tobacco Stores shall be a special use in the following zoning districts: CBD, LC, GC, ORI, LI, HI.

3. No Retail Tobacco Store shall be located within two hundred (200) feet of the boundary of any residentially zoned property or a parcel occupied by a: i) public or private kindergarten, elementary, middle, junior high or high school;

4. No Retail Tobacco Store shall be located within two hundred (200) feet of the boundary of any other Retail Tobacco Store, whether operating as a permitted, special, or legally non-conforming use.

5. Any violation of applicable building codes or fire life-safety codes or City-imposed inspection requirements shall constitute a violation of any zoning permission or special use permit granted hereunder. 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. Any violation of applicable building codes or fire life-safety codes or City-imposed inspection requirements shall constitute a violation of any zoning permission or special use permit granted hereunder. 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 through due process or a public hearing with a due process hearing afforded.

7.17.03 Development Review Standards

1. Any party seeking to open a Retail Tobacco Store shall be required to file all documents which would be required to demonstrate compliance with the terms of this Code, and any documents required to apply for and obtain a review of a proposed special use permit.

2. After a pre-application meeting with the Community Development Director or their designee, an applicant for a Special use shall be required to submit plans and documents as deemed necessary, including, but not limited to, a Plat of Survey, a Site Plan, Engineering Plan, Architectural Plans and Elevations, Building Material Samples, Lighting Plan, Signage Plan, Business and Operational Plan, and Security Plan. Given the unique challenges and public safety threats posed by this use, the applicant shall also be required to file such additional documentation and provide such additional information as may be required by the City Manager, Community Development Director, Chief of Police, or Fire Chief or their designees.

7.18 Cannabis Business Establishment

7.18.01 Purpose and Intent

1. This Ordinance is intended to protect the public health, safety and welfare by establishing regulations to restrict the location of and/or create a setback between establishments which primarily engage in the businesses relating to medical cannabis, and incompatible uses.

2. The zoning contemplated herein shall only apply to businesses a cannabis business establishment duly licensed and operating under State law.

3. The following definitions shall apply:
“Adult-use Cannabis Craft Grower” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, 410ILCS 705/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-use Cannabis Cultivation Center” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-use Cannabis Dispensing Organization” means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-use Cannabis Infuser Organization” or “Infuser” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-use Cannabis Processing Organization” or “Processor” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-use Cannabis Transporting Organization” or “Transporter” means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

“Cannabis Business Establishment” means an adult-use cannabis dispensing organization and a medical cannabis dispensing organization.

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.
“Medical Cannabis Dispensing Organization” means a facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients, individuals with a provisional registration for qualifying patient cardholder status, or an Opioid Alternative Pilot Program participant, per the Compassionate Use of Medical Cannabis Act, 410 ILCS 130/1, et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

"Medical Cannabis Cultivation Center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

“Enclosed, locked facility” room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by agents of a licensed cannabis business establishment and acting pursuant to State law.

“State law governing statute” means the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., and the Compassionate Use of Medical Cannabis Act, 410 ILCS 130/1, et seq., as they may be amended from time-to-time, and regulations promulgated thereunder.

7.18.02 Compliance with Applicable Laws

A cannabis business establishment shall be required to comply with all applicable laws, ordinances, regulations, statutes or other regulatory authority applicable thereto, including but not limited to, State law and the City of DeKalb Municipal Code. Violation of any applicable law, regulation, or ordinance shall constitute a public nuisance and violation of any zoning authority or special use permit granted hereunder.

7.18.03 Submittal Requirements

After a pre-application meeting with the City, an applicant for any special use or other zoning approval required herein for a cannabis business establishment shall be required to submit plans and documents as deemed necessary by the City, including, but not limited to, a Plat of Survey, a Site Plan, Engineering Plan, Architectural Plans and Elevations, Building Material Samples, Lighting Plan, Signage Plan, Business and Operational Plan, Compliance with State law, Anticipated Parking and Traffic Plan, Impact on Surrounding Areas, and Security Plan.

7.18.04 Permitted Zoning Districts and Setback Requirements

1. A cannabis business establishment shall be permitted only as a special use in the following zoning districts: LC, GC, and LI.

2. A cannabis business establishment may not be located within 250 feet of the property line of a preexisting property zoned or used for residential purposes that contains a residential dwelling unit, nursery school, preschool, primary or secondary school, daycare center, daycare home, residential home, and an academic building or residence hall of a State university.

3. An adult-use cannabis dispensary organization may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis dispensary organization.

4. A cannabis business establishment shall comply with the setback requirements and standards of the underlying zoning district, except as may be otherwise provided by this Section and the UDO.
7.18.05 Parking Requirements

1. A cannabis business establishment shall be required to comply with the parking requirements applicable to the facility under the provisions of this UDO (e.g. a dispensary shall comply with the parking requirements applicable to a Commercial Service Facility and Retail.

2. Parking shall be located in an area which is visible from a public road.

3. Parking areas shall be well lit and monitored by video surveillance equipment with live images that can be viewed by agents of the cannabis business establishment.

7.18.06 Exterior Display, Signage and Advertising

1. No cannabis business establishment shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis paraphernalia or similar products from any sidewalk, right-of-way or any property other than the lot on which the cannabis business establishment is located. No portion of the exterior of the cannabis business establishment shall use or contain any flashing lights, search lights, spotlights or any similar lighting system.

2. Signage shall comply with the standards of the underlying zoning district.

3. No cannabis business establishment shall have signage or engage in advertising that is not in compliance with State law, including but not limited to 410 ILCS 705/5520, which is adopted and incorporated herein by reference as if fully set forth herein.

4. A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: “Persons under the age of 21 are prohibited from entering.” The required text shall be no smaller than 1 inch in height nor greater than 12 inches in height.

7.18.07 Other Development Restrictions

1. No more than five (5) special use permits for an adult-use cannabis dispensing organization shall be permitted within the City’s corporate limits.

2. The terms and conditions for the location of a cannabis dispensary pursuant to a special use shall not be applicable to other types of cannabis businesses, including but not limited to, Adult-Use Cannabis Craft Growers, Adult-Use/medical Cannabis Cultivation Centers, Adult-Use Cannabis Infuser Uses, Adult-Use Cannabis Processing Uses, or Adult-Use Cannabis Transportation Uses unless otherwise approved by a subsequent amendment. Any type of cannabis business other than a cannabis dispensary that wishes to locate in DeKalb may propose a text amendment to the City’s Unified Development Ordinance as part of a zoning application that is in compliance with all State of Illinois statutes and regulations for legislative consideration and evaluation by the Planning and Zoning Commission and the City Council.

3. No cannabis business establishment shall allow any person who is not at least twenty-one (21) years of age on the premises. No cannabis business establishment shall employ anyone under the age of twenty-one (21).

4. A cannabis business establishment may operate between the hours of 6:00 a.m. to 10:00 p.m.

5. No cannabis business establishment shall have a drive-through service, drive-thru window, or any form of outdoor sales.
6. A cannabis business establishment shall maintain compliance with State law and local building, fire, and zoning requirements or regulations.

7. No adult-use cannabis dispensing organization shall operate in violation of the operational requirements and prohibitions set forth in 410 ILCS 705/15-70, which are adopted and incorporated herein by reference as if fully set forth herein.

8. No medical cannabis dispensing organization shall operate in violation of the requirements and prohibitions set forth in 410 ILCS 130/130, which are adopted and incorporated herein by reference as if fully set forth herein.

9. A cannabis business establishment shall provide to the City a security plan that includes, but is not limited to, the following:

   a. The cannabis business establishment shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft;

   b. The parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment with live images that can be viewed by agents of the cannabis business establishment, continually recorded in a tamper proof format;

   c. A sign shall be posted in a prominent location which includes the following language “This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons”;

   d. Reporting of criminal activity on the licensed premises to local law enforcement officials; and

   e. The Chief of Police or designee shall review and approve the adequacy of lighting, security and video surveillance prior to the issuance of a Conditional/Special Use Permit.

10. Loitering is prohibited on a medical cannabis facility property.

11. No cannabis business establishment shall allow any person to smoke, inhale or consume cannabis on the property and the licenses premises occupied by the cannabis business establishment. A sign, at least 8.5 by 11 inches, shall be posted inside the cannabis business establishment building in a conspicuous place and visible to employees and clients and shall include the following language: “Smoking, eating, drinking or other forms of consumption of cannabis products on the property is prohibited.

7.19 Retail Sale of Firearms

7.19.01 Purpose and Intent

1. This Ordinance is intended to protect the public health, safety and welfare by establishing regulations to restrict the location of and/or create a setback between establishments which engage in the retail sale of firearms or related products, and incompatible uses.

2. The following definitions shall apply:

   “Firearm” means any device which is either: a) defined as a firearm under applicable state or federal law; or, b) a device from which a projectile is discharged through the use of an explosive charge or propellant including but not limited to gunpowder.
“Firearm Ammunition” means any device which: a) consists of a complete cartridge, shell or round, ready for discharge in a firearm; b) is a component part of a cartridge, shell or round that can be assembled with other component parts to form a complete cartridge or round (e.g. bullet, primer, casing, propellant). For purposes of this Ordinance, propellant shall only be considered to be Firearm Ammunition where it is in a format ready to be directly utilized in a firearm cartridge, shell or round (e.g. smokeless powder in a format ready to be utilized).

“Firearm Dealer” means any person engaged in the business of selling, transferring, leasing, repairing, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer, or lease any firearm with the exception of a Bureau of Alcohol, Tobacco, and Firearms Federal Firearms License of Type -3 (collectors of curious and relics).

“Firing Range” means any area intended for and/or designed for the discharge of firearms, typically for target practice. For purposes of this Ordinance, a Firing Range shall not include any facility owned or operated by a unit of local government, the State of Illinois, or the Federal Government (or a component thereof).

“In indoor Firing Range” shall mean a Firing Range within a fully enclosed structure.

“Outdoor Firing Range” shall mean any Firing Range other than an Indoor Firing Range.

“Firearm Retailer” shall mean an establishment having at least 25 percent of its gross floor area used for the sale of Firearms or Firearm Ammunition, regardless of the type or number of Firearms or Firearm Ammunition sold. Firearm Retailer shall not include a business which engages in the manufacture or wholesale distribution of Firearms or Firearm Ammunition.

7.19.02 Compliance with Applicable Laws

Any facility authorized hereunder shall be required to comply with all applicable laws, ordinances, regulations, statutes or other regulatory authority applicable thereto, including but not limited to the State governing statute. Violation of any applicable law or regulation shall constitute a violation of any zoning authority or special use permit granted hereunder.

7.19.03 Submittal Requirements

After a pre-application meeting with the Community Development Director or their designee, an applicant for a Special use shall be required to submit plans and documents as deemed necessary, including, but not limited to, a Plat of Survey, a Site Plan, Engineering Plan, Architectural Plans and Elevations, Building Material Samples, Lighting Plan, Signage Plan, Business and Operational Plan, and Security Plan. Given the unique challenges and public safety threats posed by this use, the applicant shall also be required to file such additional documentation and provide such additional information as may be required by the City Manager, Community Development Director, Chief of Police, or Fire Chief.

7.19.04 Permitted Zoning Districts and Setback Requirements: Firearm Retailer

1. Firearm Retailers / Firearm Dealers shall be prohibited as a home occupation.

2. Firearm Retailers with a size of 50,000 square feet or more shall constitute a Special Use within the CBD, GC, PD-C, ORI, LI, HI, and PD-I zoning districts, and a prohibited use in all other zoning districts.

3. Firearm Retailers with a size of 50,000 square feet or less shall constitute a Special Use within the GC, LI, HI and PD-I zoning districts, and a prohibited use in all other zoning districts.
4. Firearm Retailers shall have no specific additional setback requirements applicable to their operations.

7.19.05 Permitted Zoning Districts and Setback Requirements: Firing Range

1. Outdoor Firing Ranges shall be a special use in an HI zoning district, and a prohibited use in all other zoning districts.
   a. Outdoor Firing Ranges shall have a minimum setback of 5,000 feet from any residential use or any hospital, medical facility or doctor’s office, church, park or playground available for public use, golf course, public or private preschool or elementary or secondary school or college/university or day care center, day care home, group day care home, or part day child care facility, place of religious worship, cemetery, public or private park, or forest preserve.
   b. To process a special use application for an Outdoor Firing Range, the applicant at their own cost shall be required to provide notice to all property owners of record within one mile of the lot line (in any direction) of the parcel proposed for such use via US Mail, certified, return receipt requested. Any applicable provisions of this UDO which contemplate a shorter distance for notification shall be expressly superseded by this requirement.

2. Indoor Firing Ranges shall be a special use in an HI, LI or PD-I zoning district and a prohibited use in all other zoning districts.
   a. Indoor Firing Ranges shall have a minimum setback of 250 feet from any residential use or any hospital, medical facility or doctor’s office, church, park or playground available for public use, golf course, public or private preschool or elementary or secondary school or college/university or day care center, day care home, group day care home, or part day child care facility, place of religious worship, cemetery, public or private park, or forest preserve.
   b. To process a special use application for an Indoor Firing Range, the applicant at their expense shall be required to provide notice to all property owners of record within one thousand feet of the lot line (in any direction) of the parcel proposed for such use via US Mail, certified, return receipt requested. Any applicable provisions of this UDO which contemplate a shorter distance for notification shall be expressly superseded by this requirement.

7.19.06 Exterior Display, Signage and Advertising

1. No Firearm Retailer or Firing Range shall be maintained or operated in a manner that causes, creates or allows the public viewing of Firearms, Firearm Ammunition or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.

2. Message boards (electronic or manual changeable copy), moving signs and temporary signs (whether or not electric) are prohibited. Handheld signs are also prohibited.

3. Signage shall not contain firearm imagery such as pictures of firearms or firearm ammunition, accessories relating to firearms or firearm ammunition, or cartoonish imagery oriented towards youth.

7.19.07 Other Development Restrictions

1. Hours of Operation for a Firing Range
   a. Indoor Range shall operate from 6 am to 10 pm.
b. Outdoor range shall operate only between 8 am and 6 pm.

2. A Firing Range shall comply with all applicable noise, environmental pollution, or other applicable standards imposed under the terms of any City Code or Ordinance, or any applicable federal, state or local regulation.

3. A Firearm Retailer shall not have a drive-through service, drive-thru window, or any form of outdoor sales. A Firearm Retailer shall require any sales to be conducted indoors, with customers exiting their parked vehicles and entering the store.

4. A Firearm Retailer shall provide to the City a security plan that at a minimum provides that:
   a. The Firearm Retailer shall be an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft;
   b. The parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by staff, continually recorded in a tamper proof format;
   c. A sign shall be posted in a prominent location which includes the following language “This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons.”;
   d. The Chief of Police shall review and approve prior to the issuance of a Conditional/Special Use Permit the adequacy of lighting, security and video surveillance installations, and to review the adequacy of security measures designed to ensure compliance with applicable laws relating to the sale or distribution of Firearms or Firearms Ammunition; any Special Use Permit issued shall require the update of this plan not less than every three years;
   e. A Firearm Retailer shall report all criminal activities to local law enforcement officials immediately upon discovery; and,
   f. Deliveries shall occur during normal business hours within a secure delivery bay.

5. A Firearm Retailer that co-locates with a Firing Range shall be required to comply with the more restrictive standards applicable to either use.

6. A Firing Range shall at all times comply with or exceed the then current design standards applicable thereto, including any environmental protection regulations regarding air quality, noise pollution or other forms of pollution, and including the then-current Department of Energy standards for the design and construction of firing ranges.

7. No person under the minimum age to purchase a Firearm in the State of Illinois shall be allowed on premises at a Firearm Retailer or Firing Range unless accompanied by a parent, legal guardian or licensed supervisor and/or instructor.

7.20 Video Gaming Establishments (2017-009)

7.20.01 Distance Separation Requirements

A Video Gaming Establishment as defined in Article 3 of this Ordinance, shall not be located within 500 feet of another Video Gaming Establishment. This distance separation requirement shall be measured in a straight line from the nearest corner of a space containing a Video Gaming Establishment to the nearest space containing a Video Gaming Establishment.
Existing Video Gaming Establishments, as defined in Article 3 of this Ordinance, which do not meet the distance separation requirements listed in Article 7.20.01 (1) on the effective date of this Ordinance may continue to operate and have their annual Video Gaming License renewed, provided they meet the requirements of Chapter 38 “Intoxicating Liquors” of the Municipal Code, and Article 19 “Non-Conforming Situations” of this Ordinance. A change in ownership or tenancy of a non-conforming Video Gaming Establishment, as determined by Article 19 of this Ordinance, does not require the discontinuance of the use.

7.20.02 Planned Development Districts

Video Gaming Establishments proposed to be located in Planned Development Districts established prior to the adoption of this Ordinance shall be categorized as a “bar” or “tavern” for purposes of determining if they are a permitted use, special use or prohibited use. The distance separation requirement described in Article 7.20.01 of this Ordinance still applies.

7.21 Self-Service Storage Facilities (2018-008)

7.21.01 Building Requirements

“Self-Service Storage Facility, Interior Unit Access” facilities in the “LC” Light Commercial and “GC” General Commercial Districts shall only be allowed with a special use permit and located in an existing building or buildings and not in a newly constructed building or buildings.

7.21.02 Additional Special Use Requirements for the “LC” Light Commercial, “GC” General commercial, “LI” Light Industrial, and “HI” Heavy Industrial Districts

The applicant must also submit information that includes, when applicable, how the proposed special use will address the following physical characteristics as they relate to the standards for a special use in Article 14.03:

- Access/Traffic circulation,
- Hours of operation,
- Accessory uses such as retail sales of packing or mailing supplies,
- Fencing,
- Lighting,
- Architectural elevations,
- Screening,
- Security cameras,
- Dumpsters and enclosures,
- Parking, and
- Outdoor storage.

7.21.03 Additional Special Use Requirements for the “LC” Light Commercial and “GC” General Commercial Districts

In addition to the requirements of Article 14.03, the applicant for a special use request for a “Self-Service Storage Facility, Interior Unit Access” in the “LC” Light Commercial or “GC” General Commercial District shall provide a floor plan indicating how the storage units are divided including square footages. The applicant shall also be required to show how the property or tenant space has become obsolete for retail uses to warrant the special use permit. To determine obsolescence, the following three factors shall be used:

- Physical obsolescence – Physical structure itself has deteriorated;
- Functional obsolescence – Property or tenant space is no longer able to function in the way it was originally intended; and
• Economic obsolescence – Outside forces have negatively affected the commercial real estate property value.
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.

<table>
<thead>
<tr>
<th>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:</th>
<th>Maximum Points</th>
<th>Applicant</th>
<th>CD Director or Designee</th>
<th>Landmark Commission</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1. Massing and Scale:</strong> 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.</td>
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<td>Appropriate Infill: New house maintains overall massing rhythm, side yard spacing and aligns with predominant street setback.</td>
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<tr>
<td><strong>1.2. Setbacks:</strong> The new building should follow the predominant street setback and side yard setbacks of existing properties on the street and adjacent properties.</td>
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<tr>
<td><strong>1.3. Building Height:</strong> 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 eaves of the roof and at the ridge of the roof.</td>
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<td></td>
<td>Inappropriate Infill: New house is more massive, disrupts rhythm along street and does not follow existing alignment.</td>
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<tr>
<td><strong>1.4. Floor Elevations:</strong> The new building should emulate the predominant levels of floor elevations on the street.</td>
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<tr>
<td><strong>1.5. Public – Private Transitions:</strong> 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.</td>
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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.

<table>
<thead>
<tr>
<th>EXAMPLES</th>
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</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Guideline Image" /></td>
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<tr>
<td><img src="image2.png" alt="Guideline Image" /></td>
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</tbody>
</table>

| 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 |
| 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 |
**GUIDELINE #3 - ARCHITECTURAL DETAIL**: Use architectural detail to create visual interest and support the best architectural patterns of the neighborhood.

<table>
<thead>
<tr>
<th>Entry Features or Front Porches:</th>
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<tbody>
<tr>
<td>Porch and entry feature details shall be consistent with street elevation character rather than mimic backyard deck construction.</td>
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<thead>
<tr>
<th>Façade Scale and Character:</th>
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<tbody>
<tr>
<td>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.</td>
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<table>
<thead>
<tr>
<th>Architectural Detail/ Appropriate Materials:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
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<thead>
<tr>
<th>Utilize Four-sided Architecture:</th>
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<tbody>
<tr>
<td>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.</td>
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</table>

<table>
<thead>
<tr>
<th>Garage Design:</th>
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<tbody>
<tr>
<td>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.</td>
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</table>

**Guideline #3 Total**: 50

**Guideline #3 Minimum Points Required**: 38
**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.

<table>
<thead>
<tr>
<th>Maximum Points</th>
<th>Applicant</th>
<th>CD Director or Designee</th>
<th>Landmark Commission</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1. <strong>Obstruction:</strong> Locate taller portions of buildings to minimize obstruction of sunlight to adjacent yards and rooms.</td>
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<tr>
<td>4.2. <strong>View:</strong> Consider neighbor's views in placement and size of new building elements.</td>
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<tr>
<td>4.3. <strong>Privacy:</strong> 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.</td>
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<tr>
<td>4.4. <strong>Exterior Lighting:</strong> 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)</td>
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<tr>
<td>4.5. <strong>Fencing:</strong> Fencing design, material and height should be consistent with the principle building(s) on the subject and adjacent properties.</td>
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</table>

**Guideline #4 Total:** 25

**Guideline #4 Minimum Points Required:** 19
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.

<table>
<thead>
<tr>
<th>Maximum Points</th>
<th>Applicant</th>
<th>CD Director or Designee</th>
<th>Landmark Commission</th>
<th>EXAMPLES</th>
</tr>
</thead>
</table>

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.

5.2. **Obstruction**: Landmarks should not be dwarfed or obstructed from view by nearby buildings.

5.3. **Recommendation**: The recommendation(s) of the Landmarks Commission have been met.

**Guideline #5 Total**: 30

**Guideline #5 Minimum Points Required**: 23

Total Maximum Points 185

Required Minimum Scores:

- Guideline #1: 30
- Guideline #2: 30
- Guideline #3: 38
- Guideline #4: 19
- Guideline #5: 23
ARTICLE 8

DEVELOPMENT IMPACT FEES

8.01 Dedication of School Sites and Cash Contributions in Lieu of School Sites

As a condition of approval of the recording of a final plat of a minor residential subdivision, final plat of a major residential subdivision, or final plat of a planned unit residential or mixed use development (See Article 15 for definitions), each developer, builder, owner, or subdivider (hereinafter collectively referred to as “Developer”) shall dedicate land for school sites to serve the immediate and future needs of the residents of the development, or make cash contribution in lieu of actual land dedication, or a combination of both, in accordance with the criteria set forth in this Article 8.

8.01.01 Criteria for Requiring School Site Dedication

1. Contribution Requirement and Population Ratio: The ultimate number of students to be generated by a subdivision or planned unit development shall be directly related to the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of:

   a. estimated number of students to be served from the subdivision or planned unit development in each school classification as calculated from the population density schedule set forth in subsection 8.01.04, over the

   b. maximum number of students to be served in each school classification as stated in subsection 8.01.02(2), and then multiplying the ratio by the

   c. minimum recommended number of acres for a school site of each such school classification as stated in subsection 8.01.02(2). The product thereof shall be the acres of land deemed necessary to have sufficient land for school sites to serve the estimated increased children in each such school classification.

2. School Classification and Size of School Site: School classifications and size of school sites within the City shall be determined with the following criteria:

<table>
<thead>
<tr>
<th>School Classification by Grade</th>
<th>Maximum Number of Students per Classification</th>
<th>Minimum Acreage of Land per Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>K-4 Elementary</td>
<td>600</td>
<td>11</td>
</tr>
<tr>
<td>5-8 Junior High</td>
<td>900</td>
<td>24</td>
</tr>
<tr>
<td>9-12 Senior High</td>
<td>2000</td>
<td>40</td>
</tr>
</tbody>
</table>

The location of the school sites shall be subject to an intergovernmental agreement between the City and the School District, or, in the absence of an agreement, the City’s Comprehensive Plan. The intergovernmental agreement or Comprehensive Plan, whichever applicable, shall serve as a guideline for locating school sites. The school site must be acceptable to the School District.

8.01.02 Criteria for Requiring a Contribution in Lieu of a School Site

1. When the land dedication calculated in accordance with the formula set forth in subsection 8.01.02(1) is too small to be practical for use as a school site, or when the development requires improvements or additions to existing school sites, or when the land to be dedicated is unsuitable for a school site or otherwise unacceptable to the School District, the City, in concurrence with the...
School District, shall require the Developer to pay a cash contribution in lieu of the required land dedication.

2. The cash contribution in lieu of land dedication for a school site shall be based upon the fair market value of an acre of land in the area improved. It has been determined that the present fair market value of such improved land in and surrounding the City is seventy-five thousand dollars ($75,000.00) per acre. A Developer may object to this figure. In the event of such an objection, the objecting party shall, at its own cost, submit an appraisal done by a Member of Appraisal Institute (M.A.I.), showing the “fair market value” of the land in the development. The final determination of said “fair market value” per acre of such improved land shall be made by the City Council based upon such information provided by the Developer or the School District.

3. The cash contribution to be made in lieu of or in combination with the dedication of land shall be in accordance with the following schedule, which is based upon the fair market value of seventy-five thousand dollars ($75,000.00) per acre:

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Cash Contribution per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$261.37</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$1,187.36</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$1,928.75</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>$2,206.80</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td></td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$0.00</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$189.44</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$433.29</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$1,068.51</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>$0.00</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$0.00</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$200.79</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$479.27</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$479.27</td>
</tr>
</tbody>
</table>
8.01.03 School Population Density

1. The cash contribution schedules set forth in subsection 8.01.03(3) are based on the following school-age population density schedule: (2017-044)

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>K-4</th>
<th>5-8</th>
<th>9-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>.1000</td>
<td>.0470</td>
<td>.0180</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>.3175</td>
<td>.2375</td>
<td>.1460</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>.4275</td>
<td>.4005</td>
<td>.3130</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>.5165</td>
<td>.5233</td>
<td>.3270</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>.0625</td>
<td>.0233</td>
<td>.0210</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>.1765</td>
<td>.0572</td>
<td>.0510</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>.2630</td>
<td>.2185</td>
<td>.1800</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>.0540</td>
<td>.0318</td>
<td>.0420</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>.1305</td>
<td>.0630</td>
<td>.1160</td>
</tr>
</tbody>
</table>

2. In the event a Developer files a written objection to the use of the school-age population density schedule, the Developer shall obtain and submit, at his own cost, a demographic study showing the estimated population to be generated from the development. The final determination of the density formula to be used in such calculations shall be made by the City Council based upon such demographic information submitted by the Developer or the School District.

8.01.04 Criteria for Requiring Land Dedication and a Cash Contribution

A combination of a land dedication and a cash contribution in lieu of land shall be required when:

1. Only a portion of the land to be developed is proposed as the location for a school site. That portion of the land within the subdivision or planned unit development falling within the school location shall be dedicated as a site, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated; or

2. A major part of the school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall also be required.

8.01.05 Permitted Use of Cash Contribution

Cash contributions payable under subsection 8.01.03 may be used by the School District to serve the immediate or future needs of students from the development or for improvements to existing sites that will service the development. Cash contributions may also be used for the acquisition of school sites, the construction of new schools, the capital improvement of existing schools, or for the payment of any bonds issued for school construction or improvements.

The School District and the City shall agree, as part of an intergovernmental agreement, to the management and distribution of these funds for future use. Under the terms of such an agreement, the School District shall provide the City with annual audit reports and any other information the City may request from time to
time to ensure compliance with this Article 8. If any portion of a cash contribution in-lieu-of school land dedication is not expended for the purpose set forth herein within twelve (12) years from the date of receipt, the School District shall refund such contribution to the owners of record of all lots, except lots dedicated pursuant to the provisions of this Article 8, in the development, subdivision, or planned unit development for which the contribution was made. The refund shall be paid to the persons who are the owners of record on the day which is the twelfth anniversary of the receipt of such contribution. The amount of refund due to each lot owner shall be equal to the amount of the original contribution, together with interest at the rate of five (5) percent, divided by the total number of lots in the development, subdivision or planned development or phase thereof (excluding those lots which were dedicated pursuant to this Article 8) for which such contribution was made.

8.01.06 Combining with Adjoining Developments

In those cases where the subdivision or planned unit development is less than 40 acres, a school site shall be situated in relation with adjoining developments and dedication so as to produce usable school sites.

8.01.07 Topography and Grading

The slope, topography, and geology of the dedicated site, as well as its surroundings, shall be suitable for its intended purpose.

8.01.08 Improved Sites and Time of Conveyance

The Developer shall reserve all required lands to the School District as a condition of approval of the final plat or planned unit development final plan. The plat shall not be recorded for 30 days after being submitted by the Developer to the City for signature or until the School District executes a written acceptance of the conveyance, whichever is sooner.

All sites shall be conveyed to the School District fully improved with streets, water, sewer, enclosed drainage, curbs and gutter and in a condition ready for full electrical and gas service, as applicable to the location of the site, or acceptable provision made therefore, as agreed to by the School District.

The School District shall provide written notice to the Developer at least eighteen (18) months in advance of their desired date of conveyance. The Developer shall deliver the site to the School District fully improved, as specified in this Article 8.01.09, within the eighteen (18) month period, unless otherwise agreed upon between the City, School District and Developer. To ensure delivery of the site fully improved, the Developer shall post an irrevocable letter of credit to the City, prior to the recording of a final plat of a minor residential subdivision, final plat of a major residential subdivision, or final plat of a planned unit residential or mixed use development, in an amount equal to one hundred and twenty (120) percent of the estimated amount of the improvements to the school site.

8.01.09 Payment of Cash Contributions

In the case of a cash contribution, payment in full in the form of cash or other instrument suitable to the School District shall be received by the School District prior to application for a building permit in an subdivision under the provisions of this Article 8.01.03(3), unless otherwise agreed upon between the City, the School District, and the Developer. The applicant shall provide the City with a written receipt of payment to the School District of the required fees specified in this Article 8. The receipt shall be signed by the School District’s Business Manager or designee.

8.01.10 Indemnification

Except as otherwise provided below, the DeKalb School District, through an intergovernmental agreement with the City, shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the City of DeKalb, its officers, agents and employees from any loss, claims and causes of actions of every kind incurred by the City as a result, either directly or indirectly, of the passage of this Article 8, or
the administration or enforcement thereof. If the City is sued by any sub-divider or Developer as a result, directly or indirectly, of the passage of this Ordinance, the City may, at its option, undertake the defense thereof but all costs and expenses of such defense, including attorneys’ fees, shall be immediately reimbursed by the School District. The City may withhold delivery of any contribution to the School District pending compliance with these indemnity provisions:

1. Where the City receives cash in lieu of a land dedication and fails to remit such monies to the School District in accordance with the terms of this Article 8 or an intergovernmental agreement with the School District and the School District files suit against the City, the School District shall be entitled to recover as a part of the judgment therein, or any settlement thereof, all costs and expenses, including reasonable attorney’s fees, incurred by the District. The City shall not be liable for the reimbursement of the School District’s attorney’s fees when the School District expressly waives such liability in a settlement agreement between the City and the School District or when the City prevails by judgment or verdict in such suit. The City shall defend against such suit and bear its own costs and expenses incurred from such suit, including attorney’s fees.

2. Where the School District improperly uses funds or fails to use funds and does not return such funds as specified in this Article 8, the City may sue the School District and shall be entitled to recover as a part of the judgment therein, or any settlement thereof, all costs and expenses, including attorneys’ fees, incurred by the City, except that the School District shall not be liable for the reimbursement of the City’s attorney’s fees when the City expressly waives such liability in a settlement agreement between the City and School District or when the School District prevails by judgment or verdict in such suit.

3. The School District shall have the right to have a School District officer, director, agent or attorney monitor any litigation of any kind arising from this Ordinance, and to have such person consult with the attorney representing the City in any such litigation. The City shall consult with the School District prior to approving or disapproving any proposed settlement of such litigation. However, the City shall retain the sole right to approve or disapprove any proposed settlement of a dispute arising directly or indirectly under this Article 8 and/or the administration and enforcement thereof, except if a plaintiff in a lawsuit makes a good faith and reasonable settlement demand which the School District desires to accept, and the City rejects such demand and a subsequent judgment in such suit results in a damage award higher than the amount of the demand that was approved by the School District and rejected by the City, then the City shall be liable for the difference in damages between the damage award and the settlement demand.

4. The School District shall contract for and purchase and continuously maintain for as long as this Ordinance is in effect, insurance, which includes Comprehensive General Liability Insurance and Umbrella Liability Insurance on a contractual basis, to fund the indemnity provided in this Article 8 and an intergovernmental agreement between the City and the School District. Such insurance shall be in such amounts as agreed to by the City and School District, but shall not be less than one million dollars ($1,000,000.00). The School District shall furnish the City with a certificate of insurance by the carrier of said insurance showing the insurance required hereunder is at all times kept in force. Each certificate shall expressly provide that the insurance evidenced thereby shall not be cancelable without at least thirty (30) days prior written notice to the City.

5. Unless otherwise specifically provided, the above indemnification provision shall be implied condition of every intergovernmental contract entered into pursuant to this Article 8.

The School District, in the terms of the Intergovernmental Agreement shall covenant and agree, in addition to the indemnification provisions provided above, not to sue the City for any claim arising, directly or indirectly, out of the passage of this Article 8, or the administration or enforcement thereof, except for a violation covered by subsection 8.01.11(1) above.
8.01.11 Effective Date for Dedications and Cash Contributions

The land dedication and cash contributions shall apply to all final plats or planned unit development final plans or portions or phases of developments whose plats are approved on or after July 1, 1998. However, for those developments that have received preliminary plat or plan approval prior to July 1, 1998, their subsequent final plat or plans, shall be exempt from the terms and provisions of this ordinance provided they are approved prior to January 1, 1999.

A final plat or plan for all or a portion of a subdivision or planned unit development shall be subject only to the fees calculated with the specified land value in Article 8.01.03(2) that is in effect at the time of approval. As a condition of approval, a plat note shall be required indicating the amount of the land value specified in Article 8.01.03(2) at the time of said approval.

8.01.12 Additional Contribution Agreements

Nothing in this Article 8 shall be construed as prohibiting the School District from entering into an agreement with the Developer for the payment of additional fees or the payment for other goods or items in addition to the payment of cash contributions, the dedication of land, or both under this Article 8.

8.01.13 Severability

If any provisions of this Article 8, or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or applications of this Article 8 which can be given effect without the invalid provision or application thereof, and to this extent the provisions of this Article 8 are declared to be severable.

8.01.14 Payment of General Real Estate Taxes

General real estate taxes levied or which become due because of any conveyance, against the school site which is conveyed, shall be the responsibility and obligation of the Developer (the “grantor”). Grantor shall furnish evidence of payment of these taxes or deposit the amount of those taxes in escrow with the title company furnishing the preliminary reports of title, requiring payment of the taxes when they become due. After payment of the taxes, evidence of such payment shall be furnished to the City and School District. The amount of any general real estate taxes for the year of conveyance shall be pro-rated to the date of delivery of deed. The amount of the general real estate taxes shall be based on the assessor’s latest known rate, value and equalizer, if any for the land being conveyed.

8.01.15 Real Estate Conveyance Requirements

All real estate conveyed to the School District pursuant to the provisions of this Article 8 is hereby designated as “public land.” The Developer (the “grantor”) shall furnish the City and the School District with a survey of the public land to be conveyed and a commitment for title insurance from a title company licensed to do business in the State of Illinois, in the amount of the fair market value of such public land. If within thirty (30) days of receipt of the commitment, the City or School District objects in writing to defects in the title, the grantor shall have thirty (30) additional days from the date of delivery of such written objections to cure such defects.

All deeds of conveyance pursuant to this Article 8 shall be recorded, at the grantor’s sole expense, in the office of the recorder of deeds of DeKalb County. All conveyances pursuant to this Article 8 shall be by warranty or trustee’s deed subject only to the following:

1. Acts done or suffered by, or s against, the School District, its successors and assigns;
2. General taxes for the year of conveyance, and subsequent years;
3. Zoning and building laws and/or ordinances;
4. Public and utility easements of record which are reasonably acceptable to the City and School District;

5. Conditions and covenants of record as contained only in plats of subdivision approved by the City;

6. Rights-of-way for drainage ditches, feeders, laterals, and underground tile, pipe or other conduit;

7. Such other exceptions to title that the City and School District find acceptable.

Each conveyance shall be accompanied by an appropriate affidavit of title.

8.01.16 Reservation of Additional Land

Where the City's Comprehensive Plan calls for a larger number of school site acres in a particular subdivision or planned unit residential or mixed use development than the Developer is required to dedicate, the land needed in excess of the required dedication shall be reserved for subsequent purchase by the School District. Such reservations shall be made for at least one (1) year from the date of approval of the final plat.
8.02 Dedication of Public Park Sites and Cash Contributions in Lieu of Park Sites

As a condition of approval of the recording of a final plat of a minor residential subdivision, final plat of any phase of a major residential subdivision, or final plat of a planned residential development ("PD-R") or mixed use development (See Article 15 for definitions), each developer, builder, owner, or subdivider (hereinafter collectively referred to as Developer) shall dedicate land for public park sites to serve the immediate and future needs of the residents of the development, or make cash contribution in lieu of actual land dedication, or a combination of both, in accordance with the criteria set forth in this Article 8. (2000-002, 2002-068)

8.02.01 Criteria for Requiring Park Site Dedication

1. *Contribution Requirement and Population Ratio*: The ultimate number of residents to be generated by a subdivision or planned unit development shall be directly related to the amount of land required to be dedicated for park sites. The land dedication requirement shall be determined by using a ratio of 11.5 acres of park space for each 1000 persons of expected population.

For the purposes of that determination, the expected population shall be determined by multiplying the number of dwelling units of each type by the proportional expected population as outlined in the chart below. The resulting expected population shall then be multiplied by 0.0115 to determine the total number of acres of required park space.

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Expected Population per Unit (persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>1.0000</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>1.1900</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>1.6590</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>2.8140</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>4.0040</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td></td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>1.0500</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>1.8990</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>2.2770</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>3.3280</td>
</tr>
<tr>
<td>Detached Single Family</td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>1.9890</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>2.9870</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>3.8070</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>4.4190</td>
</tr>
</tbody>
</table>

For the purposes of this Ordinance, unless otherwise provided by the developer, the following estimations shall be used for the anticipated construction in the proposed development:

*Apartments*: Fifty percent 2-Bedroom units, forty percent 3-Bedroom units, and ten percent 4-Bedroom units;

*Attached Single Family*: An equal mix of 2-Bedroom and 3-Bedroom units;

*Detached Single Family*: An equal mix of 3-Bedroom and 4-Bedroom units.
If a developer provides a development plan that has a specific mix of units other than that outlined above, the City Council may take appropriate action to assure that the development is restricted to the mix and number of Bedrooms planned.

2. **Park Classification and Size of Park Sites**: Park site classifications, size, population served and service areas within the City shall be determined with the following criteria:

<table>
<thead>
<tr>
<th>Park Classification</th>
<th>Park Size</th>
<th>Min Acres/1000 pop</th>
<th>Service Area (radius)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Park</td>
<td>2.0 – 12.0 acres</td>
<td>5.0</td>
<td>Up to 1/2 mile (2,600 feet)</td>
</tr>
<tr>
<td>Community Park</td>
<td>12.0 – 75.0 acres</td>
<td>6.5</td>
<td>Up to 3/4 mile (4,000 feet)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>11.5</strong></td>
<td></td>
</tr>
</tbody>
</table>

3. **General Requirements for Land Contributions**

Unless otherwise waived, lands to be dedicated to the DeKalb Park District shall conform to the following criteria:

a. **Location**: The DeKalb Park District Comprehensive Plan, as then in effect, shall be used as a guideline in determining the general location of park sites. Generally, neighborhood park sites should be accessible to the public and serve a population up to a one-half (1/2) mile radius from the site, depending on the classification of the park. Community Parks are intended to serve a broader area.

b. **Size**: Parks shall be a minimum of 2 acres in size. Any proposed park space dedication of less than 2 acres in size may be accepted at the discretion of the DeKalb Park District, but may not count as part of the park space dedication for the proposed subdivision. Parks shall be distributed throughout the proposed development in a manner that allows adequate park service to all residents of the proposed development.

c. **Topography and Soils**: Park sites must possess suitable topography and soil types for the use to which they are dedicated. The developer shall supply the DeKalb Park District with the results of a minimum of one soil boring per acre to a minimum depth of fifteen feet (15’). The developer shall also provide the Park District with a Phase I Environmental Study and any hazardous materials identified in such Study shall be removed by the developer prior to conveyance.

d. **Storm Water and Surface Water Detention or Retention Areas**: Storm water and surface water detention and retention areas may be accepted at the discretion of the Park District Board of Commissioners but not count toward the total land dedication. As an exception, the Park District Board of Commissioners may choose to recommend full or partial credit when ponds or lakes are of an appropriate size, with significant recreational value, or include a large area of adjacent land.

e. **Wetlands and Other Natural Areas**: Wetland and other natural areas will be considered acceptable only when they are considered significant in size, quality, uniqueness, contain endangered plants or animal species, or are adjacent to existing natural areas currently owned by the Park District. Wetland areas may be accepted at the discretion of the Park District Board of Commissioners. Any such wetland area accepted by the Park District shall not count towards the total land dedication required herein. As an exception, the Park District Board of Commissioners may choose to recommend full or partial credit when the wetland is of an appropriate size, with significant recreational value, or includes a large area of adjacent land.
f. **Private Recreation Areas:** Credit shall not be given towards the total land/cash contributions for private recreation or open space provided by the developer.

g. **Dimensions:** Sites should generally be rectangular in shape with dimensions generally proportionate to the ratio of a depth of three (3) to a width of two (2). These criteria shall not apply to sites considered for extraordinary types of facilities such as, but not limited to, trails.

h. **Frontage:** Sites shall consist of thirty (30) feet of street frontage per acre of land dedicated, with a minimum of one hundred fifty (150) feet of frontage.

i. **Access:** Access to park sites and connections to other park sites are to be provided by way of open access ways between homes and/or from public right of way. The access ways should be, at a minimum, equal to the average lot width within the proposed subdivision.

j. **Drainage:** Except for storm water and surface water drainage facilities servicing the park facilities constructed on the site, detention or retention basins for storm water drainage from the surrounding development shall not be located on park sites unless approved by the Park District Board of Commissioners.

4. **Improvements Required For Land Dedication:** Park sites to be developed by developer shall include the following land improvements:

   a. **Utilities:** Each dedicated park site shall be provided with the following utilities to the property line:

      1) Sanitary sewer adjacent to the site shall be a minimum of eight (8) inches in diameter. If the sanitary sewer is across the right of way from the park site, the developer shall provide a capped six (6) inch minimum diameter service line to the property line, accessible by a manhole where necessary, and as approved by the City and/or Kishwaukee Water Reclamation District in consultation with the Park District.

      2) Water line adjacent to the site shall be a minimum of eight (8) inches in diameter. If the water line is across the right of way from the park site, the developer shall provide a capped one (1) inch minimum diameter water line to the property line, as approved by the City in consultation with the Park District, and unless otherwise requested for the needs of a special facility.

      3) Storm sewers shall be provided at appropriate locations to properly drain the park site, as approved by the City and Park District.

      4) Other utilities, such as electric, gas and telephone shall be responsible solely for utility extensions necessary to construct a park facility. These utilities shall be located adjacent to and readily accessible to the park site. The Park District shall not be responsible for utility extensions for any other purpose.

   b. **Grading:** Each dedicated park site shall be graded to drain at a minimum of two (2) percent for open areas and slopes on berms, when berms are required, shall not exceed four to one (4:1). (3:1 or steeper shall be deemed unacceptable). Grading shall include, but not be limited to: berms for separation, screening or aesthetics, placement of six (6) inches of topsoil and fine grading. Grading and berming shall be in accordance with plans approved by the City and Park District.

   c. **Other Site Developments:** The developer shall be required to provide other site developments for the land to be dedicated for park purposes, which shall include, but not limited to, the following:
1) **Seeding:** The developer shall seed the entire park site with a blend approved by the Park District. Seeding shall include placement, watering as necessary and mowing until such time as a full stand of turf is established and accepted by the Park District, but not less than one full growing season.

2) **Landscaping:** Developer shall purchase and install park landscape as approved by the Park District, per Park District specifications. Landscape shall include (per 2 acres); at a minimum:

<table>
<thead>
<tr>
<th>Type of Tree</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shade Trees</td>
<td>2-1/2 inch cal. B&amp;B</td>
</tr>
<tr>
<td>Evergreen Trees</td>
<td>7 foot ht. B&amp;B</td>
</tr>
<tr>
<td>Ornamental Trees</td>
<td>6 foot ht. B&amp;B</td>
</tr>
<tr>
<td>Deciduous Shrubs</td>
<td>30 inch ht. or 7 gal.</td>
</tr>
<tr>
<td>Evergreen Shrubs</td>
<td>18 inch spr. or 5 gal.</td>
</tr>
</tbody>
</table>

All trees shall be from the City's approved tree list, unless written permission to select a tree not on the approved list is received from the City.

As an alternative to the landscaping requirements set forth in this subsection c2, the developer may, upon concurrence of the Park District, make the following cash contribution in lieu of the required improvement: the sum of three thousand dollars ($3,000.00) per acre; and for each fraction of an acre, an equal fraction of three thousand dollars ($3,000.00). Said contributions shall be adjusted annually as set forth in Section 8.02.02.

3) **Walks, Utilities and Sewers:** Developer shall install all public walks, curb, pavement, sewers and utilities along all park site frontages as per City subdivision regulations.

4) **Curb Cuts:** Developer shall install curb cuts as per City and Park District specifications.

d. **Completion:** Unless otherwise agreed, the above listed park improvements shall be completed on or before such time as fifty (50) percent of the residential building permits for the total units in the development have been issued.

e. **Storage of Overburden:** The storage of overburden on a park site and the use of the park site as a borrow pit is prohibited, though temporary storage may be granted in some cases. Terms of such temporary storage shall be determined by the City and Park District. No foreign material shall be added to the park site, except as approved by the City and Park District.

f. **Other:** The developer shall supply the Park District with a complete survey of the site and as-built drawings, showing engineering and utilities. The developer shall mark the corners of the property with permanent monuments.

**8.02.02 Criteria for Requiring a Contribution in Lieu of a Park Site**

1. When the land dedication calculated in accordance with the formula set forth in subsection 8.02.01 (1) is too small to be practical for use as a park site, or when the development requires improvements or additions to existing park sites, or when the land to be dedicated is unsuitable for a park site or otherwise unacceptable to the DeKalb Park District, the City shall require the Developer to pay a cash contribution in lieu of the required land dedication.

2. The cash contribution in lieu of land dedication for a park site shall be based upon the fair market value of an acre of land in the area improved. It has been determined that the present fair market value of such improved land in and surrounding the City is one hundred thousand dollars ($100,000.00) per acre. A Developer may object to this figure. In the event of such an objection, the objecting party shall, at its own cost, submit an appraisal done by a Member of Appraisal...
Institute (M.A.I.), showing the fair market value of the land in the development. The final determination of said fair market value per acre of such improved land shall be made by the City Council based upon such information provided by the Developer or the Park District. This figure shall be subject to a “CPI adjustment” and shall be adjusted each September by the City, multiplied by a fraction, the numerator of which is the “all items” “Consumer Price Index For Urban Consumers” (1982-1984 = 100) for Chicago, Gary and Kenosha, published by the United States Department of Labor’s Bureau of Labor Statistics (“CPI”) for the month of September preceding the year of adjustment and the denominator of which is the CPI for the month of September. If any index is calculated from a base different from the base period 1982-1984 = 100, such index shall be converted to a base period of 1982-1984 = 100 by use of a conversion factor supplied by said bureau of labor statistics. If the CPI is discontinued or replaced, such other governmental cost of living index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced. The “fair market value” as defined above shall be used in calculating any cash in lieu of land contribution herein unless timely objected to as stated above.

3. In the event a Developer files a written objection to the use of the population density average outlined above, the Developer shall obtain and submit, at his own cost, a demographic study showing the estimated population to be generated from the development. The final determination of the density formula to be used in such calculations shall be made by the City Council based upon such demographic information submitted by the Developer.

8.02.03 Criteria for Requiring Land Dedication and a Cash Contribution

A combination of a land dedication and a cash contribution in lieu of land shall be required when:

1. Only a portion of the land to be developed is proposed as the location for a major park site. That portion of the land within the subdivision or planned development falling within the major park location shall be dedicated as a site, and a cash contribution in lieu thereof shall be required for any additional land that would have otherwise been required to be dedicated; or

2. A substantial portion of the major park site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall also be required; or

3. The developer will be contributing certain park sites, and the balance of the required park site acreage would be too small or otherwise unsuitable for park sites, in the opinion of the Park District Board of Commissioners then the developer shall contribute cash in lieu of the balance of the required park site acreage before final Plat approval; or

4. The Park District Board of Commissioners deems it necessary to take a portion of the dedication in cash in order to have the funds to develop the site, before Final plat approval.

8.02.04 Permitted Use of Cash Contribution

Cash contributions payable under subsection 8.02.02 may be used by the DeKalb Park District, to serve the immediate or future needs of residents from the development or for improvements to existing sites that will service the development. Cash contributions may also be used for the acquisition of park sites, the construction of new parks, the capital improvement of existing parks, the establishment of or addition to a land bank, or for the payment of any bonds issued for park construction or improvements.

In any intergovernmental agreement entered into by the City of DeKalb and the DeKalb Park District, to further the purposes of this Article, the City and the Park District shall agree to the management and distribution of these funds for future use. Under the terms of such an agreement, the DeKalb Park District shall provide the City with annual audit reports and any other information the City may request from time to time to ensure compliance with this Article 8. With the exception of funds deposited for the establishment
of or addition to a land bank, if any portion of a cash contribution in lieu of park land dedication is not expended for the purpose set forth herein within twelve (12) years from the date of receipt, the DeKalb Park District shall refund any remaining contribution to the owners of record of all lots, except lots dedicated pursuant to the provisions of this Article 8, in the development, subdivision, or planned unit development for which the contribution was made. The refund shall be paid to the persons who are the owners of record on the day which is the twelfth anniversary of the receipt of such contribution. The amount of refund due to each lot owner shall be the remaining contribution divided by the total number of lots in the development, subdivision or planned development or phase thereof (excluding those lots which were dedicated pursuant to this Article 8) for which such contribution was made.

8.02.05 Combining with Adjoining Developments

In those cases where the subdivision or planned unit development is less than 40 acres, a major park site shall be situated in relation with adjoining developments and dedication so as to produce usable park sites that service both developments.

8.02.06 Improved Sites and Time of Conveyance

The Developer shall reserve all required park lands as a condition of approval of the final plat or planned development final plan. The plat shall not be recorded for 30 days after being submitted by the Developer to the City for approval, or until the City and the DeKalb Park District execute a written acceptance of the conveyance, whichever is sooner. Any final plat including a park site shall be required to have the Park District execute the final plat.

All sites shall be conveyed to the DeKalb Park District fully improved, in accordance with section 8.02.01(3) “General Requirements for Land Contributions,” as applicable to the location of the site, or acceptable provision made therefore, as agreed to by the City and the DeKalb Park District. To ensure delivery of the site fully improved, the Developer shall post a subdivider’s bond, or an irrevocable letter of credit, in a form acceptable to the Park District. Said bond or letter of credit shall be delivered to the Park District and shall name both the City and the Park District as beneficiaries, prior to the recording of a final plat of a minor residential subdivision, final plat of a major residential subdivision, or final plat of a planned unit residential or mixed use development. The bond or letter of credit shall be in an amount equal to one hundred twenty (120) percent of the estimated amount of the improvements to the park site. This bond or letter of credit may not be combined with, or included as part of, other sureties that may be required as part of the subdivision or development. The bond or letter of credit shall not be released until both the City and the DeKalb Park District agree that all of the provisions of the bond have been met.

8.02.07 Payment of Cash Contributions

In the case of a cash contribution, payment in full in the form of cash or other instrument suitable to the DeKalb Park District shall be received by the DeKalb Park District prior to recording of a final plat in any subdivision under the provisions of this Article 8.02, unless otherwise agreed upon between the City and the DeKalb Park District and the Developer. When payment is made to the DeKalb Park District, the applicant shall provide the City with an original written receipt of payment to the DeKalb Park District of the required fees as specified in this Article. The receipt shall be signed by the DeKalb Park District’s Business Manager or designee, and shall bear the stamp or seal of the DeKalb Park District, as applicable.

8.02.08 Indemnification

Except as otherwise provided below, or otherwise within another Agreement, when the DeKalb Park District receives land or cash pursuant to the terms of this Article, the District shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the City of DeKalb, its officers, agents and employees from any loss, claims and causes of actions of every kind incurred by the City as a result, either directly or indirectly, of the passage of this Article 8, or the administration or enforcement thereof. If the City is sued by any subdivider or Developer as a result, directly or indirectly, of the passage of this Ordinance, the City may, at its option, undertake the defense thereof but all costs and expenses of such
defense, including attorney fees, shall be immediately reimbursed by the DeKalb Park District. The City may withhold delivery of any contribution to the DeKalb Park District pending compliance with the indemnity provisions.

The DeKalb Park District, in the terms of the Intergovernmental Agreement with the City, shall covenant and agree, in addition to the indemnification provisions provided above, not to sue the City for any claim arising, directly or indirectly, out of the passage of this Article 8.02, or the administration or enforcement thereof.

8.02.09 Effective Date for Dedications and Cash Contributions

The land dedication and cash contributions shall apply to all final plats or planned unit development final plans or portions or phases of developments whose plats are approved on or after July 1, 2006. However, for those developments that have received preliminary plat or plan approval prior to June 30, 2006, their subsequent final plat or plans, shall be exempt from the terms and provisions of this ordinance.

A final plat or plan for all or a portion of a subdivision or planned unit development shall be subject only to the fees calculated with the specified land value in Article 8.02.02(2) that is in effect at the time of approval. As a condition of approval, a plat note shall be required indicating the amount of the land value specified in Article 8.02.02(2) at the time of said approval.

8.02.10 Additional Contribution Agreements

Nothing in this Article 8 shall be construed as prohibiting the DeKalb Park District from entering into an agreement with the Developer for the payment of additional fees, the payment for other goods or items in lieu of the payment of cash contributions, or in addition to the payment of cash contributions, the dedication of land, or all of the above, under this Article 8. The Park District shall provide the City with a copy of any such agreements prior to the issuance of the final plat.

8.02.11 Severability

If any provisions of this Article 8, or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or applications of this Article 8 which can be given effect without the invalid provision or application thereof, and to this extent the provisions of this Article 8 are declared to be severable.

8.02.12 Payment of General Real Estate Taxes

General real estate taxes levied or which become due because of any conveyance, against the park site which is conveyed, shall be the responsibility and obligation of the Developer (the grantor). Grantor shall furnish evidence of payment of these taxes or deposit the amount of those taxes in escrow with the title company furnishing the preliminary reports of title, requiring payment of the taxes when they become due. After payment of the taxes, evidence of such payment shall be furnished to the City and the DeKalb Park District benefiting from the conveyance of land pursuant to this Article. The amount of any general real estate taxes for the year of conveyance shall be pro-rated to the date of delivery of deed. The amount of the general real estate taxes shall be based on the assessor's latest known rate, value and equalizer, if any, for the land being conveyed.

8.02.13 Real Estate Conveyance Requirements

All real estate conveyed pursuant to the provisions of this Article 8 is hereby designated as public land. Unless the conveyance is made via dedication through a recorded plat, the Developer (the grantor) shall furnish the City and the DeKalb Park District with a survey of the public land to be conveyed and a commitment for title insurance from a title company licensed to do business in the State of Illinois, in the amount of the fair market value of such public land. If within thirty (30) days of receipt of the commitment, the City or the DeKalb Park District, objects in writing to defects in the title, the grantor shall have thirty (30)
additional days from the date of delivery of such written objections to cure such defects. All deeds of conveyance pursuant to this Article 8 shall be tendered to the Park District and recorded, at the grantor’s sole expense, in the office of the Recorder of Deeds of DeKalb County. All conveyances pursuant to this Article 8 shall be by warranty or trustee’s deed subject only to the following:

1. Acts done or suffered by, or judgments against, the DeKalb Park District benefiting from the conveyance, its successors and assigns;

2. General taxes for the year of conveyance, and subsequent years;

3. Zoning and building laws and/or ordinances;

4. Public and utility easements of record which are reasonably acceptable to the City and/or the DeKalb Park District;

5. Conditions and covenants of record as contained only in plats of subdivision approved by the City;

6. Rights-of-way for drainage ditches, feeders, laterals, and underground tile, pipe or other conduit;

7. Such other exceptions to title that the City and the DeKalb Park District find acceptable.

Each conveyance shall be accompanied by an appropriate affidavit of title and any and all other documents required for recordation by the Recorder of Deeds of DeKalb County. The deed shall be tendered to the Park District, accepted by the Park District Board of Commissioners and recorded by the Park District at the grantor’s expense.

8.02.14 Reservation of Additional Land

Where the City’s or Park District’s Comprehensive Plan calls for a larger number of park site acres in a particular subdivision or planned residential or mixed use development than the Developer is required to dedicate, the land needed in excess of the required dedication shall, upon request by the City, or the DeKalb Park District, be reserved for subsequent purchase by the City or the DeKalb Park District. Such reservations shall be made for at least one (1) year from the date of approval of the final plat wherein such land is located.
## TABLE 8-1
**TABLE OF DEVELOPMENT IMPACT FEES**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>School Land/Cash Fee</th>
<th>Park Land/Cash Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detached Single Family</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$261.37</td>
<td>$2,287.35</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$1,187.36</td>
<td>$3,435.05</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$1,928.75</td>
<td>$4,378.05</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>$2,206.80</td>
<td>$5,081.85</td>
</tr>
<tr>
<td><strong>Attached Single Family</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$0.00</td>
<td>$1,207.50</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$189.44</td>
<td>$2,183.85</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$433.29</td>
<td>$2,618.55</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$1,068.51</td>
<td>$3,827.20</td>
</tr>
<tr>
<td><strong>Apartments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>$0.00</td>
<td>$1,150.00</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$0.00</td>
<td>$1,368.50</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$200.79</td>
<td>$1,907.85</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$479.27</td>
<td>$3,236.10</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$479.27</td>
<td>$4,604.60</td>
</tr>
</tbody>
</table>

Note: The above summarizes the full fee per unit based upon the requirements of this article, for developments with no land dedications. Fees would be adjusted depending upon the quantity and purpose of any land dedications pursuant to this Article 8.
ARTICLE 9

STREETS, SIDEWALKS AND SUBDIVISION DESIGN

9.01 Street Classification

Streets that are dedicated for public use shall be classified as follows:

*Residential Sub-Local:* A street adjoining lots averaging 20,000 square feet or greater in area, or serving fewer than fifteen (15) dwelling units.

*Residential Local:* A street whose sole function is to provide access to abutting residential properties.

*Residential Collector:* A street whose principal function is to carry traffic between residential sub-local or local streets and arterial streets, but which may also provide direct access to abutting properties.

*Industrial Local:* A street whose sole function is to provide access to abutting industrial properties.

*Industrial Collector:* A street whose principal function is to carry traffic between industrial local streets and arterial streets, but which may also provide direct access to abutting industrial properties.

*Commercial Local:* A street whose sole function is to provide access to abutting commercial properties.

*Commercial Collector:* A street whose principal function is to carry traffic between commercial local streets and arterial streets, but which may also provide for access to abutting commercial properties.

*Major Collector:* A street as identified in the City's Comprehensive Plan whose principal function is to carry traffic from local and other collector streets to arterial streets, but which may also provide for access to abutting properties.

*Arterial:* A street as identified in the City's Comprehensive Plan that serves as an avenue for the circulation of traffic into, out of, or around the City and carries a high volume of traffic, and which direct access is minimized (i.e., limited to intersecting collector streets and consolidated access drives to multiple properties/developments).

*Regional Highway:* A highway as identified in the City's Comprehensive Plan which connects the City to other parts of DeKalb County and northern Illinois.

*Frontage Road:* A street which is parallel to and adjacent to an arterial street and is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

9.02 General Design Standards

9.02.01 Access to Lots

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
9.02.02 Access to Arterial Streets

Whenever a development or subdivision involves the creation of one or more streets, borders on, or contains an existing or proposed arterial street, no direct access may be provided from the lots within the development or subdivision onto this arterial street.

9.02.03 Entrances to Streets

All driveway entrances and other openings onto streets within the City's planning jurisdiction shall be constructed so that:

1. Vehicles can enter and exit from any lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling in abutting streets;

2. Interference with the free, safe and convenient flow of traffic in abutting or surrounding streets is minimized or mitigated by the developer;

3. They are designed in accordance with the standards adopted by the City and other Jurisdictions; and

4. Their number, placement, and/or alternative location are in accordance with any officially adopted policy, or with the recommendations provided in any traffic access and impact studies.

9.02.04 Coordination with Surrounding Streets

The street system of a subdivision or other development shall be coordinated with existing, proposed and anticipated streets outside the subdivision or development, or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided below:

1. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

2. Collector, local and sub-local residential streets shall connect and assume the same street name with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

3. Whenever connections to anticipated or proposed surrounding streets are required by this Section, the street right-of-way shall be dedicated to the City and shall be extended and the street developed to the furthest property line of the subdivided or developed property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this Article, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.

4. Whenever a development (single tract or subdivided) embraces all, or a portion of, an existing or proposed arterial or major collector street, as designated in the adopted Comprehensive Plan, the minimum standards of improvement for such streets shall be in accordance with Section 9.03 of this Article.
9.02.05 General Layout of Streets

1. All permanent dead-end streets, as opposed to temporary dead-end streets (see Subsection 9.02.04, paragraph 3), shall be developed as cul-de-sacs. Cul-de-sacs shall terminate with a circular pavement and curb dimension with a minimum diameter of one hundred (100) feet unless the City Council approves an equally safe and accessible turn-around space. The diameter of circular right-of-ways for cul-de-sacs in commercial or industrial subdivisions shall be large enough to accommodate turn-around pavement for semitrailer trucks and shall be approved by the City Engineer. Except where no other practicable alternative is available, such streets may not extend more than seven hundred (700) feet (measured to the center of the turn-around).

2. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this Article.

3. Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available. A crosswalk near the center of the block, not less than ten (10) feet in width may be required on blocks that are over seven hundred fifty (750) feet in length.

9.02.06 Street Intersections

1. Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point.

2. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one hundred fifty (150) feet when the intersected street is a local or collector street and not less than two hundred fifty (250) feet when the intersected street is a major collector or arterial.

3. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than three hundred (300) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least one thousand (1,000) feet.

9.02.07 Lots

1. Minimum Lot Dimensions: The minimum dimensions for any lot shall be fifty (50) feet in width and one hundred twenty (120) feet in depth.

2. Side Lot Lines: All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless an alternative to the rule will give a better street and lot plan. Lots with double frontage shall be avoided.

3. Corner Lots:
   a. Corner lots shall have adequate width to permit the required setback lines from both streets.
   b. Corner lots located at the intersection of major and minor streets shall normally have driveway access from the minor streets, if possible. Driveways shall be located as far from the street intersection as practicable and shall not be permitted within the sight distance triangle serving the intersection as described in Article 7, “Supplementary District Regulations,” Section 7.10.
c. The corner of corner lots shall be designed and platted as a curve having a radius that is parallel
to the radius of the adjacent street pavement and/or curb and gutter.

4. **Flag Lots:**

a. Flag lots will be allowed for lots that contain a minimum of ten-thousand (10,000) square feet.

b. That portion of such lots having frontage along the adjacent street shall have a minimum width
of fifty (50) feet.

c. Flag lots shall not be further subdivided into additional lots unless a public road is constructed
to City standards.

d. No more than two (2) flag lots may have adjoining driveway entrances to a public right-of-way.
Under this circumstance, the two flag lots shall be arranged as flag right and flag left.

5. **Through Lots:**

a. Through lots (i.e., double frontage) should be avoided, except where necessary to provide
separation of the subdivision from traffic arteries, or as otherwise required by topography or
similar conditions.

b. A solid fence or other improvement (including walls, plantings or berms) may be required by
the Community Development Director as necessary for screening along the line of lots abutting
such an arterial street.

c. Through lots with double frontage shall normally be required to have their driveway access to
the internal subdivision street or minor street.

9.02.08 Exceptional Development Considerations

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as
soil conditions, flood conditions or other adverse natural physical conditions, the City Engineer may, after
adequate investigation, withhold approval of such lots until engineering studies are conducted by the
developer and are presented to the Public Works Director which establish that the method proposed to
meet any such condition is adequate to avoid any danger to health, life or lot improvement. (2017-044)

9.03 Minimum Standards of Improvement

9.03.01 Streets

Streets shall be designed and constructed in accordance with the following standards:

1. **Design Criteria:**

a. **State and City Standards:** All street pavements shall be constructed in accordance with the
design criteria for the various classes as established in the most recent edition of the Illinois
Department of Transportation “Bureau of Local Roads and Streets Manual” and the “Bureau of
Design and Environment Manual.” Construction practices and materials used shall meet the
requirements of the most recent edition of the “Standard Specifications for Road and Bridge
Construction,” adopted by the Illinois Department of Transportation, and the City of DeKalb
“Standard Details.” All curb, gutter, sidewalks and entrance approaches shall be constructed
with appropriate openings and slopes in accordance with the Illinois Accessibility Code. All
traffic signal construction shall be in accordance with the most recent edition of the “City of
DeKalb Traffic Signals and Street Lighting Specifications.”
b. **Pavement Thickness.** The thickness of the pavements shall be determined in accordance with the procedures as specified by the Illinois Department of Transportation, indicating the soil support values (Illinois Bearing Ratios) and the projected traffic factors. The thickness of the pavement shall be determined in accordance with the current Illinois Department of Transportation “Manual for Structural Design of Portland Cement Concrete Pavement” and the “Flexible Pavement Design for Local Agencies.”

c. **Sub-grade Requirements:** Streets shall not be constructed on a sub-grade material having an Illinois Bearing Ratio (IBR) of less than 3.0. If such sub-grade material exists, it shall be removed and replaced with suitable material, treated in a manner as specified by a competent Soils Engineer, or the pavement redesigned to obtain an equivalent pavement thickness. The soil support IBR value selected for use by the designer shall represent a minimum value for the soil to be used. An adequate number of soil borings shall be obtained to determine the subdivisions’ soils characteristics for street and utility construction purposes. The number of soil borings shall be approved by the City Engineer.

d. **Minimum Design Criteria.** Table 9-1, located at the end of this Article, establishes minimum traffic factors, definitions of street classifications, minimum pavement thicknesses, etc., for the City of DeKalb to be permitted in the design of pavements.

The design of all street improvements shall be based upon no less than the minimum structural number for the type of street.

Table 9-1 values shall be considered only as minimum values and shall in no way relieve the owner or developer of supplying the City with anticipated traffic data, if such is required.

e. **Strength Coefficients.** The following are the strength coefficients of the approved materials which, when multiplied by the thickness, in inches, of the proposed pavement, will yield the structural number noted in Table 9-1 (Minimum Design Criteria).

<table>
<thead>
<tr>
<th>Material</th>
<th>Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bituminous Concrete Surface Course, Class I</td>
<td>0.40</td>
</tr>
<tr>
<td>Bituminous Aggregate Mixture</td>
<td>0.24 - 0.33*</td>
</tr>
<tr>
<td>Bituminous Mixture, Class I (Binder)</td>
<td>0.33</td>
</tr>
<tr>
<td>Bituminous Mixture, Class B (Surface)</td>
<td>0.33</td>
</tr>
<tr>
<td>Bituminous Mixture, Class C (Binder)</td>
<td>0.24</td>
</tr>
<tr>
<td>Aggregate, Type A</td>
<td>0.13</td>
</tr>
<tr>
<td>Aggregate, Type B, Uncrushed</td>
<td>0.10</td>
</tr>
<tr>
<td>Aggregate, Type B, Crushed</td>
<td>0.13</td>
</tr>
<tr>
<td>Cement Aggregate (650 PSI)</td>
<td>0.23</td>
</tr>
<tr>
<td>Portland Cement Concrete (New)</td>
<td>0.50</td>
</tr>
</tbody>
</table>

*Varies in accordance with the Marshall Stability. Engineer to submit specific design for approval.

2. **Construction Timing Limitations:**

a. Any work done after November 1 must receive the written approval of the City Engineer. This approval, however, in no way negates the owner’s guarantee required by this Ordinance.

b. In the construction of all streets, the installation of the final one and one-half (1-1/2) inch bituminous concrete surface of the proposed pavement shall be delayed for one winter. In the spring or summer of the year following the installation of the pavement, the contractor and the City Engineer shall jointly inspect the existing pavement. All damaged pavement shall be
replaced to the satisfaction of the City Engineer after which the pavement shall be cleaned, primed (at a rate of 0.05 gallons per square yard), sanded (at the rate of two (2) pounds per square yard) and then surfaced with one and one-half (1-1/2) inch compacted thickness of bituminous concrete surface course, Class I to a total thickness of three (3) inches.

c. Final bituminous concrete street surfaces shall not be placed after September 30 of each year, or before April 1 of the following year, without the written approval of the City Engineer and contingent upon favorable weather conditions.

d. Bituminous concrete base or binder courses shall not be placed after October 31 of each year, or before April 1 of the following year, without the written approval of the City Engineer and contingent upon favorable weather conditions.

e. Maintenance of streets under construction without final surface courses, including snow plowing and re-grading, shall be the sole responsibility of the developer, until the final surface is placed and the street is inspected and accepted by the City. Streets without a final surface shall have gutter flag and manhole protection by asphalt ramps installed by and at the expense of the developer, if required by the City Engineer or due to weather-related delays prior to placing the final surface. The requirements of gutter flag ramp protection may be waived by the City Engineer if the developer’s subdivision bond and/or letter of credit is of sufficient amount remaining to include replacement and/or repair of curb and gutter that is not yet accepted by the City.

3. **Miscellaneous Geometric Requirements:**

a. All pavement surfaces shall be centered within the right-of-way without exception.

b. The minimum height of the street crown shall be six (6) inches, or as required by the pavement design geometrics.

c. Clear visibility, measured along the center line of the street, both horizontally and vertically, shall be provided for at least two hundred fifty (250) feet on all residential streets, and as required for all other streets in compliance with the designated standards specified therein.

4. **Underground Utility Repairs:**

a. Prior to the issuance of a permit for a street cut required for plumbing and/or utility underground repairs for all City streets, the Applicant or contractor shall provide either 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, for an amount not less than ten thousand dollars ($10,000.00) and valid for a period not less than three (3) years from the date of issuance, to ensure the timely completion of the street repair to the City Engineer's approval.

b. Exploration for underground utilities within street pavement undertaken as a non-emergency activity to determine conflicts with proposed utilities shall be by minimized street cutting only large enough to vacuum excavate to determine location and depth of existing utility, as approved by the City Engineer in advance of such exploration.

**9.03.02 Curbs and Gutters**

1. All streets shall have curbs and gutters equivalent to the State of Illinois Department of Transportation Standards P.C.C., B-6.12 minimum. The edge of all pavements shall be bordered by a combination concrete curb and gutter. “Carriage” walks and combination monolithic curb and sidewalks shall be prohibited.
2. All curbs and gutters shall be constructed in accordance with the latest applicable standards of the State of Illinois Department of Transportation and with the latest version of the City of DeKalb’s Standard Drawings and Standards of Design.

3. The curb and gutter shall have a stone base of minimum thickness depth at least to same elevation of earthen subgrade matching with the adjacent pavement. Stone base courses shall be drained with perforated underdrains at low points of the street profile, connecting to a nearby storm structure or ditch as approved by the City Engineer.

4. All curbs and gutters constructed shall be depressed at all crosswalks in compliance with the Illinois Accessibility Code.

5. “Mountable” or “Roll-type” curb and gutter shall not be permitted.

6. All underground utilities under pavement and within two (2) feet of curbs or sidewalks shall have trench backfill to minimize settlements.

9.03.03 Sidewalks

1. Sidewalks shall be provided on both sides of the street unless the City Council finds that pedestrian safety can be equally served by having a sidewalk on one side of the street. Sidewalks shall be constructed on a subgrade material having an IBR greater than 3.0 and shall be constructed in accordance with the Illinois Accessibility Code. Sidewalks shall be at least four (4) feet wide and constructed of portland cement concrete, five (5) inches thick (increasing to seven (7) inches thick at driveway entrances), except that the City Council may require sidewalks to be at least five (5) feet in width when located along arterial streets or in areas with higher pedestrian traffic. The City Council may permit the installation of walkways constructed with other suitable materials when it concludes that:
   a. Such walkways should serve the residents/tenants of the development as adequately as concrete sidewalks; and
   b. Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

9.03.04 Street Signs (2005-001)

1. Temporary Signs: The developer shall, prior to commencement of any footing or foundations within the project, provide temporary signs indicating the street names at every street intersection within the development, and at every intersection with existing streets. The signs shall consist of clearly written or painted black, block lettering a minimum of three (3) inches in height, and shall be placed upon a white background. The maintenance of these signs shall be the responsibility of the developer throughout construction of the project.

2. Permanent Signs: Upon completion of the curbs and/or first lift of pavement, the developer shall install all street and traffic control signs, except those related to parking control (no parking, 2-hour parking, etc.). The signs shall be manufactured and installed in accordance with the standards set forth by the City of DeKalb Engineering Department. The developer shall maintain these signs until the right of way, and street improvements, have been accepted by the City. After the streets and improvements have been accepted by the City, the City shall be responsible for the maintenance and replacement costs of such signs.

9.03.05 Street Lights

Street lighting shall be designed and installed in accordance with the standards set forth in Article 10.05.
9.04 Public Streets and Private Roads

1. Except as otherwise provided in this Section, all lots created after the effective date of this Section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 9.02.01. For purposes of this subsection, the term “public street” includes a pre-existing public street as well as a street created by the developer that meets the public street standards of this Ordinance and is dedicated to the City of DeKalb for public use. Unless the recorded plat of a subdivision or the development plan for a Planned Development clearly shows a street to be a public street and dedicated to the City of DeKalb for public use, the recording of such a plat shall not constitute an offer of dedication of such street.

2. Developments or subdivisions may be developed with internal private roads that do not meet this Article’s public street and sidewalk standards for width, curb, gutter and other drainage features, so long as:
   a. The proposed subdivision's or development's private roads will have direct access onto existing adjacent public streets;
   b. No road intended to be private is planned to be extended to serve property outside that subdivision or development;
   c. The private road is not in a location designated by the Comprehensive Plan as an alignment for a major collector or Arterial Street;
   d. All public street and sidewalk standards are followed, except for width, curbs, gutter and other drainage features;
   e. The standards applicable to un-subdivided developments set forth in Section 9.05 are complied with; and
   f. The sub-divider/developer demonstrates to the satisfaction of the City Council that the private roads will be properly maintained.

3. No final plat or final development plan that shows lots served by private roads shall be recorded unless it contains the following notations:
   a. Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Unified Development Ordinance of the City of DeKalb, Illinois.
   b. By purchase of any lot or parcel shown on this plat, the owner agrees that if the City improves streets that were never constructed to the standards required in the Unified Development Ordinance for publicly dedicated streets, then 100 percent of the costs of such improvements shall be assessed to abutting landowners.

4. The recorded plat of any subdivision or recorded Final Development Plan of any Planned Development that includes a private road shall clearly state that such road is a private road. Further, the purchaser of a lot or parcel served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road.

9.05 Road and Sidewalk Requirements in Un-subdivided Developments

1. Within un-subdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Through-aisles or driving lanes shall have a minimum of ten (10) inches aggregate base and two and one-half (2-1/2) inches bituminous concrete surface. Parking stall areas off of driving aisles shall have a minimum of eight (8) inches aggregate base and two (2) inches bituminous concrete.
Width of roads, use of curb and gutter and paving specifications shall be determined by the provisions of this Ordinance dealing with Article 12, “Off-Street Parking and Loading Requirements” and Article 11, “Floodways, Floodplains, Stormdrainage and Erosion” and the provisions of this Article. To the extent not otherwise covered in this Ordinance, and to the extent that the requirements set forth in this Article for public streets and private roads may be relevant to the streets in un-subdivided developments, the requirements of this Article shall be applied to satisfy the standard set forth in the first sentence of this subsection.

2. Whenever a road in an un-subdivided development connects, or will eventually connect, two or more collector, or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to public streets and shall be dedicated to the City of DeKalb. Likewise, site designs for un-subdivided developments shall incorporate the logical extension of existing local public streets when such extensions would better serve neighborhood traffic circulations. In cases when roads in un-subdivided developments within the City are constructed in accordance with the specifications for public streets, the City may accept an offer of dedication of such streets.

3. In all un-subdivided residential developments, sidewalks shall be provided linking dwelling units with other dwelling units, the public street and on-site activity centers such as parking areas, laundry facilities and recreational areas and facilities.

4. Whenever the City Council finds that a means of pedestrian access is necessary from an un-subdivided development to schools, parks, playgrounds or other roads or facilities, and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to construct additional sidewalks within an unobstructed easement of at least ten feet.

5. The sidewalks required by this Section shall meet the standards and specifications provided in Subsection 9.03.03 of this Article.

9.06 Variances

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardships, the Planning and Zoning Commission may recommend and the City Council may vary or modify such requirements so that the sub-divider is allowed to develop his/her property in a reasonable manner. However, when granting a variance, the public welfare and interests of the City and surrounding area shall be protected and the general intent and spirit of this Article 9 preserved. Requests for a variance from the subdivision standards of this Article shall be submitted by the sub-divider along with his/her application for preliminary plat approval (See Article 15).
<table>
<thead>
<tr>
<th>Type of Street</th>
<th>(A) Min. ROW (feet)</th>
<th>(B) Min. Street Width (feet)</th>
<th>(C) Min Struc No.</th>
<th>(D) Min PC Conc PV't Thickness (Inches)</th>
<th>(E) Min Rad Horz Curve (feet)</th>
<th>(F) Min Length Vert Curve (feet)</th>
<th>(G) Min Tang Between Rev Curve &amp; Dim (feet)</th>
<th>(H) Max Gradient (percent)</th>
<th>(I) Min Gradient (percent)</th>
<th>(J) Min Clear Sight Distance (feet)</th>
<th>(K) Min Curb Radius at Street Intersection (feet)</th>
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</thead>
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<tr>
<td><strong>RESIDENTIAL</strong></td>
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<td><strong>REGIONAL HIGHWAY</strong> (4)</td>
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<td>40</td>
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<tr>
<td><strong>FRONTAGE ROADS</strong>  (4)</td>
<td>70</td>
<td>36</td>
<td>3.00</td>
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<td>3.0</td>
<td>0.4</td>
<td>400</td>
<td>35</td>
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</tbody>
</table>

In a Planned Development “PD” District or through the granting of a variance, the Council may reduce the minimum standards for R.O.W. and street width, but in no case shall the R.O.W. width be less than sixty (60) feet or street width be less than twenty-nine (29) feet (3). Also, the Council may reduce the minimum horizontal curve dimension, but in no case shall it be less than 150 feet.

1. Where mixed uses abut the same street, the stricter standards shall be the standards at which said street shall be constructed.
2. Parking may be prohibited on some curvilinear streets and other streets.
3. No parking one side.
4. No parking either side permitted.
5. Includes pavement, Type A or B.
6. Includes four (4) inch thick Subbase Granular, Type A.
7. All street widths are minimum and are measured face-to-face of curb.

(A) Minimum Right-of-Way Width. Width at intersections shall be appropriately increased.
(B) Minimum Street Pavement Width. Width at intersections shall be appropriately increased.
(C) Minimum Structural Number
(D) Minimum Equivalent Portland Cement
(E) Minimum Radius of Horizontal Curve (Road Centerline Dimension)
(F) Minimum Length of Vertical Curves
(G) Minimum Tangents Between Reverse Curves (Road Centerline Dimensions)
(H) Maximum Gradient
(I) Minimum Gradient
(J) Minimum Clear Sight Distance
(K) Minimum Curb Radius at Street Intersections. The minimal platted right-of-way radius shall be parallel to the curb radius and shall be dependent on current trucking standards.
ARTICLE 10

UTILITIES

10.01 Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities upon their completion and acceptance by the utility or entity. Such easements shall be clearly indicated on the preliminary and final subdivision plat or development plan.

10.02 Sanitary Sewers

10.02.01 Sanitary Sewer Service Required

Every principal use and every lot within a subdivision or development hereinafter established shall be served by the Kishwaukee Water Reclamation District’s sanitary sewer system that is adequate to accommodate the reasonable needs of such use, subdivision lot, or development and that complies with all applicable health regulations, Chapter 19, “Water Pollution Control,” of the DeKalb Municipal Code, the requirements of the Kishwaukee Water Reclamation District, and the most recent edition of “Standard Specifications for Water and Sewer Main Construction in Illinois” prepared by the Illinois Society of Professional Engineers.

10.02.02 Private Sewage Disposal Systems Limited

At such time as the sanitary sewer system becomes available within one hundred (100) feet of a property served by an existing private sewage disposal facilities, a direct connection shall be made to the public sanitary sewer system within ninety (90) days after date of official notice to do so, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt.

10.02.03 Sanitary Sewer Recovery Cost

1. As provided for in this subsection, whenever the City of DeKalb, at its expense or another’s expense pursuant to contract, extends or makes available to lots, tracts, or parcels of land a public sanitary sewer line, the City of DeKalb shall collect from the owners of or parties interested in said lots, tracts, or parcels of land a predetermined Sanitary Sewer Recovery Cost prior to any connection to said sewer line. This cost shall be recovered whether the connection is voluntary or a connection required by law. This cost shall not apply, however, to lots, tracts, or parcels of land which are included within a sanitary sewer special taxing or assessment district. The cost for the connection is determined as follows:

   a. Dividing the total number of parcels, lots, or blocks in subdivided areas to be served on each side of the line into the actual construction cost of installing said sewer line and its appurtenances, or

   b. By determining the capacity of the sewer line by the population equivalent that can be served by the sewer line and apportioning that to the lots, tracts, or parcels of land for their use as designated on the Comprehensive Plan unless another use is known at the time of recovering the cost and that said use requires greater population density in which case the cost shall be based on the higher density use as opposed to the use designated by the Comprehensive Plan, or
c. A combination of (a) and (b) above or another appropriate formula as is determined to be most equitable.

2. Pursuant to paragraph 1 above, the sanitary sewer recovery cost per connection to the following sanitary sewer lines are hereby established:

      1) Said line running along the centerline of the public right-of-way known as Clark Street from North Fourteenth Street to North Fifteenth Street and then northerly along the centerline of North Fifteenth Street to station 609+43 -- $410.00 per connection for each side of the line.
      2) Connections to sanitary sewer line is herein described located above station 609+43 -- $130.00 per dwelling unit per lot to be served.
      3) There shall be added a six (6) percent per annum charge to those recovery costs herein provided from the year of actual construction until the date of connection.

   b. Park Place Subdivision and part of the Peterson's Addition sanitary sewer line of 1973.
      1) For Lot 6 of the Park Place Subdivision and Lot 11 of the Sixth Addition to Park Place Subdivision - $1,226.92 per lot.
      2) For Lots 10, 17, and 18 of the Sixth Addition to Park Place Subdivision - $1,386.33 per lot.
      3) For Lot 1 and part of Lot 2; and Lot 3 and part of Lot 2 of the Sixth Addition to Park Place Subdivision - $2,079.92 per lot.
      4) For areas not mentioned in (1), (2), and (3) above--a cost to be determined by the City Council pursuant to paragraph 1 of this subsection.
      5) There shall be added a six (6) percent per annum charge to those recovery costs herein provided from the year of actual construction until the date of connection.

   c. For the Westerly 70 feet of Lot 1 in Block 3 in Meadowlands, a subdivision of Sections 12 & 14, Township 40 North, Range 4, East of the Third Principal Meridian, according to a plat recorded on June 15, 1909, in Book "D" of plats, page 36, situated in DeKalb County, Illinois, (Tax Parcel 08-14-427-014) in the amount of $1,425.41 (Ordinance 94-56).

10.03 Water Supply

10.03.01 Water Supply Required

Every principal use and every lot within a subdivision or development shall be served by the City of DeKalb’s public water supply system that is adequate to accommodate the reasonable needs of such use, subdivision lots, or development and that complies with all applicable health regulations, Chapter 7, “Water Service,” of the DeKalb Municipal Code, all fire hydrant spacing and location requirements of the City of DeKalb, and the most recent edition of “Standard Specifications for Water and Sewer Main Construction in Illinois” prepared by the Illinois Society of Professional Engineers.

10.03.02 Private Water Wells Limited

1. Water Well Defined. For purposes of this Section, water well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of groundwater.
2. *New Water Wells Prohibited.* No water well shall be constructed, reconstructed, reconditioned, or repaired within the corporate limits of the City of DeKalb, or within one thousand (1000) feet outside the corporate limits except in accordance with the provisions hereinafter set forth:

   a. Those water wells which are constructed, reconstructed, reconditioned, or repaired by the City of DeKalb.

   b. Those private wells in existence as of the date of the adoption of this Ordinance, or authorized or permitted by annexation agreement or court order; such water wells may be repaired, but shall not be altered, expanded, enlarged, or deepened.

   c. Those private wells authorized by annexation agreement or by virtue of a variance granted in accordance with the procedures set forth in this Section.

3. *Variance Procedures.* Variance procedures for private water well construction shall be in accordance with the following process:

   a. An application for a variance may be made by any person, firm, corporation, or by any office, department, or board of the city or other unit of government.

   b. An application for a variance shall be filed with the Public Works Director and shall contain the following information:

      1) Legal description of the property for which a variance is requested;

      2) The requested variance identified;

      3) The reasons the applicant requests the variance of the property with an eight and one-half by eleven inch (8-1/2” x 11”) sketch showing all lot lines, existing and proposed structures, adjoining streets or uses and the distances between the structures and the lot lines and the location of the proposed well.

   c. No variance shall be made by the City Council except after a public hearing before the City Council. A notice of the time and place of the hearing shall be published at least once, no more than thirty days, nor less than fifteen days prior to such hearing, in a newspaper of general circulation published in the City.

   d. The City Council shall hold a public hearing at which evidence in support of the variance must be presented by or on behalf of the applicant. The City Council shall record their findings of fact, their decision, and the vote of the members and the reasons for granting or denying the variation.

   e. No variance shall be granted unless the applicant for the variance can demonstrate that each of the following criteria has been met:

      1) An exceptional economic hardship would result without the variance.

      2) The relief granted is the minimum necessary.

      3) There will be no additional threat to public safety or creation of a nuisance.

      4) No additional public expense will result.

      5) The property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulations.
6) The plight of the owner is due to unique circumstances and not created by the owner.

7) The variance, if granted, will not alter the essential character of the locality.

f. No variance shall be granted unless it shall include findings of fact and include a finding that the private well will not interfere with the operation of existing municipal wells and will not cause a cross connection to the City public water supply.

g. Upon the granting of a variance by the City Council, the Public Works Director shall issue a written permit to the owner of a private well. The permit shall remain effective for five years and list all critical information pertaining to said well, including any requirement in connections therewith. The permit shall automatically terminate five years from the date of its issuance; however, the permit holder may apply for another variance following the same procedures and having to meet the same criteria as was required in the original application for a variance.

4. Limitations on Existing Water Wells.

a. Owners of existing wells within the City limits shall connect to the City public water supply within ninety (90) days after a water supply main, located within one hundred (100) feet of the premises being served, becomes available for a service connection. Upon connection, the private well shall be disconnected from the building so as to not constitute a cross connection to the City’s public water supply system. The Public Works Director shall inspect and ensure that no cross connection exists between private wells and the City public water supply system prior to the beginning of water service from the City public water system.

b. The City Council may hear and may grant a request to allow a private well to remain in service for purposes of a private use provided said private well is not in any manner cross connected to the City public water supply system and does not interfere with existing City wells. If the private well is abandoned, it shall be capped in accordance with this Section. For purposes of maintaining a private well in service, an application shall be filed in writing with the Public Works Director and a public hearing shall be scheduled and heard in accordance with the procedures of this Section prior to the granting of such variance.

c. Water service from the City water supply shall not begin to any premises which have tapped onto the City water mains, unless and until any and all existing water wells located on the premises being served shall have been abandoned or plugged in accordance with the requirements of section 920.120 of the Illinois Water Well Construction Code (1988) and such rules as are promulgated there under and including rules of the Illinois Department of Public Health.

10.03.03 Minimum Setbacks from City Water Wells for Certain Uses

1. Definitions. For purposes of this Section, the following definitions shall be used:

a. “Hazardous Substance” means:

1) Any substance designated pursuant to Section 311 (b) (2) (A) of the Federal Pollution Control Act (P.L. 92-500), as amended;

2) Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510), as amended;

3) Any hazardous waste;
4) Any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (P.L.-500), as amended;

5) Any hazardous air pollutant listed under Section 112 of the Clean Air Act (P.L. 95-95), as amended;

6) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substance Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (1) through (6) of this paragraph, and the term does not include natural gas, natural gas liquids or synthetic gas usable for fuel or mixture of natural gas and such synthetic gas.

b. “Hazardous Waste” means a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed and which has been identified, by characteristics or listing, as hazardous.

c. “Municipal Waste” means garbage, general household and commercial waste, landscape waste, and construction or demolition debris.

d. “Potential Primary Source” means any unit at a facility or site not currently subject to removal or remedial action which:

1) Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or,

2) Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or,

3) Is utilized for the landfill, land treating, surface impounding or piling of any hazardous or other special waste that is generated on the sites owned, controlled or operated by the same person; or,

4) Stores or accumulates at any time more than 75,000 pounds above ground or more than 7,500 pounds below ground, of any hazardous substances.

e. “Potential Route” means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells and any excavation for the discovery, development or production of stone, sand, or gravel.

f. “Potential Secondary Source” means any unit at a facility or a site not currently subject to removal or remedial action, other than potential primary source, which:

1) Is utilized for the landfill land treating, or surface impounding of waste that is generated on the site or on other sites owned, controlled, or operated by the same person, other than livestock and landscape waste and construction and demolition debris; or,

2) Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or,
3) Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 pounds below ground of petroleum, including crude oil or any fraction thereof which is otherwise specifically listed or designated as a hazardous substance; or,

4) stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or,

5) Stores or accumulates at any time more than 50,000 pounds of any deicing agent; or,

6) Is utilized for handling livestock waste or for treating domestic waste waters other than private sewage disposal systems.

g. “Setback zone” means a geographic area, designated pursuant to this Section, containing a potable water supply well or a potential source or potential route, having a continuous boundary, or within which certain prohibitions or regulations are applicable in order to protect ground waters.

h. “Special Waste” means any industrial process waste, pollution control waste or hazardous waste.

i. “Unit” means any device, mechanism, equipment, or area (exclusive of land only for agricultural production).

2. Minimum Setback Zones. Minimum setback zones shall be uniform circles having radii as herein described and are hereby established for the location of each new potential source or new potential route as follows:

a. No new potential route, potential primary source, or any potential secondary source may be placed within two hundred (200) feet of any existing or permitted community water supply well or other potable water supply well. This includes but is not limited to the following:

   1) DeKalb Well 7, Latitude: N 41 54 44.0. Longitude: W088 44 54.0;

   2) DeKalb Well 10, Latitude: N 41 55 52.0. Longitude: W088 46 32.0;

   3) DeKalb Well 11, Latitude: N 41 57 02.0. Longitude: W088 43 12.0;

   4) DeKalb Well 12, Latitude: N 41 54 23.0. Longitude: W088 47 28.0;

   5) DeKalb Well 13, Latitude: N 41 53 51.0. Longitude: W088 45 44.0;

   6) DeKalb Well 14, Latitude: N 41 57 15.0. Longitude: W088 47 21.0;

   7) DeKalb Well 15, 21156 Nelson Rd;

   8) DeKalb Well 16, 2650 North Annie Glidden Rd;

   9) DeKalb Well 17, 2650 North Annie Glidden Rd.

b. No new potential route, potential primary source or potential secondary source may be placed within four hundred (400) feet of any existing or permitted community water supply well deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation.

3. Increases in Minimum Setback Zones. The City of DeKalb may establish an increase in the minimum setback zones in accordance with the Illinois Groundwater Protection Act, P.A. 85-863, Section 14.3 and with the approval of the Illinois Environmental Protection Agency. The setback
zones may be irregular in shape and may be increased to a maximum of not more than one thousand (1000) feet from any existing or permitted community water supply well or other potable water supply well.

**10.03.04 Water Main Recovery Cost**

1. As provided for in this subsection, whenever the City of DeKalb, at its expense or another's expense pursuant to contract, extends or makes available to lots, tracts, or parcels of land a public water main, the City of DeKalb shall collect from the owners of or parties interested in said lots, tracts, or parcels of land a predetermined water main recovery cost prior to any connection to said water main. This cost shall be recovered whether the connection is voluntary or required by law. This cost shall not apply, however, to lots, tracts, or parcels of land which are included within a water main special taxing or assessment district. The cost for the connection is determined as follows:

   a. The actual cost of installing said main and appurtenances divided by the total lineal front feet of the property served on each side of the water main, or

   b. The actual cost of installing said main and appurtenances divided by the total number of parcels, lots, or blocks served on each side of the water main, or

   c. A combination of (a) and (b) above or another appropriate formula as is determined to be most equitable.

2. Pursuant to paragraph 1 above, the water main recovery cost for the following water mains are hereby established:


      1) Said line on the west portion of the public right-of-way known as Annie Glidden Road from West Lincoln Highway south to Taylor Street and then westerly and easterly 5 minutes 81 seconds along Taylor Street right-of-way front foot way, the total distance of said main being three thousand eight hundred five feet (3,805'), and more accurately described in the “Plans for South Glidden Road Water Main Extension 1970,” on file with the City Clerk.

   b. Fairview Watermain Extension of 1993 (Od. 93-104)

      1) For Lots 1, 3, 4, 5, 10, 11, and 12 of Schnorr’s Subdivision, the reimbursement payable to the City of DeKalb for installation of water service upon connection to the water supply system, shall be $1,125.00 per lot.

      2) For the property commonly known as the DeKalb Masonic Temple for the reimbursement payable to the City of DeKalb for installation of water service upon connection to the water supply system, shall be $1,064.00.


      1) The water main recovery cost due the City of DeKalb from the owners or parties interested in these parcels shall be $19.20 per lineal foot of the property served on each side of the watermain. The amount shall be due and payable prior to connection to the watermain. Properties served by this watermain lie:

         a) Along Annie Glidden Road from the north line of Sections 9 and 10 in DeKalb Township, along Bethany Road and extending southerly 3,430 feet.

         b) Along Bethany Road from Annie Glidden Road easterly to the approximate east right-of-way line of Sangamon Road, in DeKalb Township Sections 2, 3, 10 and 11.
d. Airport North Watermain Extension of 2004, Enterprise Avenue to Challenger Drive (RES 04-84, 05-52)

1) The water main recovery cost due the City of DeKalb from the owners or parties interested in these parcels shall be $2,911.24 per acre. The prorated per acre amount shall be paid at the time of issuance of a building permit for any structure on the property. If the property is subdivided, the prorated per acre amount shall be collected at the time of the issuance of a building permit for any structure on each lot. If the property is subdivided and/or land is dedicated for public right of way, the prorated per acre amount for the property to be dedicated shall be due prior to the recording of the final plat of subdivision or plat of dedication. The properties served by this watermain include:

a) acres of property located east of Peace Road and north of Airport North Industrial Park Unit 3, DeKalb County Assessor’s parcel number 08-24-201-020 in DeKalb Township Section 24.

b) acres of property located east of Peace Road and north of Airport North Industrial Park Unit 3, DeKalb County Assessor’s parcel number 08-13-400-012 in DeKalb Township Section 13.

2) The amount due and payable shall be calculated to include an additional simple interest of three (3) percent per annum from the date of adoption of this Ordinance.

e. Bethany Road to Twombly Road Watermain Extension of 2006

1) The water main recovery cost due the City of DeKalb from the owners or parties interested in these parcels shall be $28.60 per lineal foot of the property served on each side of the watermain. The amount shall be due and payable prior to connection to the watermain. Properties served by this watermain include:

a) Along Twombly Road between Bethany Road to the west right-of-way line of Eden’s Gate Drive, in DeKalb Township Sections 8,9,16, and 17.

b) Along Bethany Road west of Annie Glidden Road to Twombly Road, in DeKalb Township Sections 4,5,8 and 9.

c) The amount due and payable shall be calculated to include an additional simple interest of three (3) percent per annum from the date of adoption of this Ordinance.

f. BGR, Project Oak at Wirsing Parkway Watermain Loop (2006-099)

1) The water main recovery cost due the City of DeKalb from the owners or parties interested in these parcels shall be $1971.77 per acres. The prorated per acre amount shall be paid at the time of issuance of a building permit for any structure on the property. If the property is subdivided, the prorated per acre amount shall be collected at the time of the issuance of a building permit for any structure on each lot. If the property is subdivided and/or land is dedicated for public right of way, the prorated per acre amount of the property to be dedicated shall be due prior to the recording of the final plat of subdivision or plat of dedication. The properties served by this water main include:

a) 59.38 acres of Emma H. Klages Farm Plat parcels B and C of property located north of Barber Green Road, east of Route 23 and north and east of the Northland Plaza Resubdivision, DeKalb County Assessor’s parcel numbers 08-12-426-002 and 09-07-300-005 in DeKalb Township Sections 8 and 9.
b) acres of Emma H. Klages Farm Plat parcel E of property located east of Peace Road and north of Barber Greene Road in DeKalb, Illinois of DeKalb County Assessor’s parcel number 09-07-300-006 in DeKalb Township Section 9.

2) The amount due and payable shall be calculated to include an additional simple interest of three (3) percent per annum from the date of adoption of this ordinance.

10.04 Storm Sewer and Stormdrainage Control

10.04.01 Stormdrainage Control Required

For regulations and standards governing stormdrainage, see Article 11, “Floodways, Floodplains, Stormdrainage, and Erosion” and the City of DeKalb’s Stormwater Management Guideline.

10.04.02 Storm Sewer Facilities Recovery Cost

1. As provided for in this subsection, whenever the City of DeKalb, at its expense or another's expense pursuant to contract, extends or makes available to lots, tracts, or parcels of land within the City of DeKalb a storm line or stormwater detention/retention facilities, the City of DeKalb shall collect from the owners of or parties interested in said lots, tracts or parcels of land a predetermined Storm Sewer Facilities Recovery Cost prior to any connection or use of such sewer or facility. This cost shall be recovered whether the connection is voluntary or a connection required by law. This cost shall not apply, however, to lots, tracts, or parcels of land which are included within a storm sewer or stormwater facility special taxing or assessment district. The cost for the connection is determined as follows:

   a. By a contract between the City of DeKalb and owner or owners of lots, tracts, or parcels of land prior to the construction of the storm sewer; and/or

   b. In accordance with what is commonly referred to by civil engineers as the “rational formula” or “rational method” of allocating the use of the storm sewer by the lots, tracts, or parcels of land within the drainage area to be served by the storm sewer pursuant to the following formula:

   **Formula for cost:**

   \[ C_c = \left( \frac{Q_c}{Q_T} \right) \times C_T \]

   **Wherein:**

   \( C_c \) = Cost per connection (\( Q_c \))

   \( C_T \) = Total cost of \( Q_T \) storm sewer

   \( Q_T \) = Total capacity of storm sewer

   \( Q_c \) = Q (C.F.S.) per connection

   \( Q \) = Aci **RATIONAL FORMULA** (Logical Approach)

   \( Q \) = Runoff = peak discharge of watershed in cubic feet per second (c.f.s.) due to maximum storm assumed

   \( A \) = Area of watershed in acres

   \( c \) = Coefficient of runoff - value of \( C \) = runoff ÷ rainfall
i = Intensity of rainfall in inches per hour based on concentration time.

Concentration time = time required for rain falling at most remote point to reach discharge point.

c. A combination of (a) and (b) above or another appropriate formula as is determined to be most equitable.

2. Pursuant to paragraph 1 above, the storm sewer facility recovery cost for the following facilities are hereby established:

a. Bradt Park Area Storm Sewer

   1) Said storm sewer running from South Fourth Street westerly to the Kishwaukee River located in a part of the Southeast Quarter of Section 27, Township 40 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, -- $11,464.00.

10.05 Lighting Requirements

10.05.01 Lighting Standards

1. Subdivisions: All public streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, or other common areas or facilities. The subdivider, at his/her option and subject to approval by the City Council, shall either install ornamental lighting facilities conforming to the City of DeKalb's Lighting Policy Standards or shall pay the initial cost installation of Commonwealth Edison lighting poles, bracket arms, light fixtures, and other associated wiring. Street Lighting shall only be installed by either Commonwealth Edison or a City of DeKalb licensed and bonded electrical contractor. If a contractor other than Commonwealth Edison installs the street lighting, electrical permits and inspections are required. If the developer fails to cause his contractor to obtain permits and inspections, the City may not accept the street lighting as a public improvement. The City shall be responsible for the maintenance, replacement, and energy costs incurred after the approved installation and acceptance of the lighting facility. Without limiting the generality of the foregoing standard, the following minimum standards shall apply:

   a. All newly-created public streets within subdivisions shall have street lights installed at a maximum spacing of three hundred (300) feet and a minimum average ground level foot candle illumination of 0.4. Street lights in residential subdivisions shall not exceed thirty (30) feet in height.

   b. Street lighting for major collector and arterial streets, in which a newly-created subdivision is adjacent to, shall be installed in accordance with the requirements and standards of the applicable jurisdiction (i.e., County or Township Highway Department, or the Illinois Department of Transportation). In other situations, street lighting requirements shall be reviewed and approved by the Public Works Director or his/her designee.

2. Unsubdivided and Other Developments: At the expense of the developer, all roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided and other developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities. Without limiting the generality of the foregoing standard, the following minimum standards shall apply:

   a. For residential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn. For nonresidential uses,
lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn whenever said premises are open for operation. "Open for operation" shall be any time that a retail business is open for the sale of goods or services or a retail, office, or industrial facility actually has employees working within or upon said premises, other than guards or watchmen. Lights shall be not more than fifteen (15) feet in height in residential zoning districts, and not more than thirty (30) feet in height in other zoning districts

b. Where lighted areas are required, lighting shall be provided as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minimum*</th>
<th>Maximum*</th>
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<tbody>
<tr>
<td>Residential Zoning Districts</td>
<td>1.5</td>
<td>2</td>
</tr>
<tr>
<td>Commercial Zoning Districts</td>
<td>2.0</td>
<td>5</td>
</tr>
<tr>
<td>Industrial Zoning Districts</td>
<td>2.5</td>
<td>5</td>
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*Average Ground Level Foot-Candles

3. **Basic Design Standards:** For all exterior and/or site lighting, a detailed light wiring diagram shall be provided by the project architect/engineer clearly illustrating the size of footing/foundation, trench/backfill, conductors, maximum voltage drop limits, size and dimensions of service disconnect, fuse amperage, load center, size, make and manufacturer of rain tight secondary service connection pedestal, load and line conductor conduit and points of connection, bushings, solid neutral connections, trace wire, and any other information required by the Public Works Director, City Engineer or Chief Building Official.

a. The use of wooden post supports for secondary service connection pedestals is strictly prohibited.

b. As-built drawings detailing underground street light wiring and service feeder pedestal locations shall be submitted in accordance with Section 10.09.

c. Inspections shall be in accordance with the City of DeKalb Municipal Code, Chapter 25, Electrical Regulations, Section 25.07, “Inspections.”

d. Ornamental Lighting: Ornamental street light fixtures owned and operated by the City of DeKalb shall be one of the following makes, styles and manufacturers:

   1) Wadsworth pole, W14F4/17-CA/DG with Holopane fixture, GC1A73X, 175w Metal Halide.

   2) Sternberg pole, 4212-FP, 14 foot height with Sternberg fixture, A840 Globe with 150w H.P.S. ballast.

   3) National pole, MN39-F126BL-RT-39 with GE lighting, EDV15S1H1NAMN2BLRT with 150w S55 ballast.

e. Industrial and Commercial Lighting: Industrial and commercial subdivision street lighting not provided by Commonwealth Edison but owned and operated by the City of DeKalb shall be one of the following makes, styles and manufacturers:

   1) AEL, Roadway Series 325 luminaire, Cutoff Style Cobrahead with Power Door, 400W, HPS, 240V, Nominal mounting Height 40’, octagonal Concrete Pole.

   2) GE, Decashield III Luminaire, Enclosed And Gasketed Optical, 150W, HPS, 240V, Cast Aluminum Pole, 30’-38’ Tall.
3) AEL Roadway Series 325 luminaire, Cutoff Style Cobrahead with Power Door, 400W, HPS, 240V, Millerbernd Breakaway Self-weathering Steel Pole with fixture at 35’ mounting height

4) GE, M-250A2 Power Door Luminaire, Mogul Base Socket (street side), 250W, HPS, 240V, Flat Glass Lens 40’ mounting height with Millerbernd, Breakaway, Self-weathering Steel Pole.

10.05.02 Excessive Illumination

Lighting within any property that unnecessarily illuminates any other property and substantially interferes with the use or enjoyment of such other property is prohibited. In furtherance of this requirement, all lighting on private property shall be so arranged or designed using cut-off lenses as to direct light away from adjoining premises and streets. Flood and spot lights shall be shielded when necessary to prevent glare on adjoining properties or public rights of way and to avoid visual interference with traffic control devices. Detailed lighting design plans and calculations shall be provided when deemed necessary by the Public Works Director.

10.06 Electric Power and Telephone Service

Every principal use, every lot, and every identified public need (i.e. street lights, traffic signals, etc.) within a subdivision or development shall have available to it a source of electric power and telephone service adequate to accommodate the reasonable needs of such use, lot, and public need within such subdivision or development. Compliance with this requirement shall be determined by the electric utility service provider and the telephone utility company.

10.07 Certain Utilities To Be Placed Underground

1. All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in residential subdivisions, constructed after the effective date of this Ordinance, shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

2. Whenever an un-subdivided or other development for residential purposes is hereafter constructed on a lot that is undeveloped on the effective date of this Ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that is located on the development site, outside of a previously existing public street right of way, shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

10.08 Utilities To Be Planned and Installed to Accommodate External Development

Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g. water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service. In the event that sizing of water or sewer facilities (sanitary sewer or stormdrainage facilities), over and above the requirements of the development under consideration, is deemed appropriate by the Public Works Director, then such upsizing shall be incorporated in the subdivision or development engineering plans. Arrangements may be made for the City and/or Kishwaukee Water Reclamation District to share in the cost and/or reimburse the developer for such upsizing, commensurate with the cost of the increased facility requirements.

10.09 As-Built Drawings Required

Whenever a developer installs, or causes to be installed, any utility line in any public right of way or easement, the developer shall, as soon as practicable after installation is complete, and before acceptance
of any utility line, furnish the City with a copy of drawing that shows the exact location of all utility lines within the right of way or easement. Such drawings must be verified as accurate by the utility service provider.
ARTICLE 11
FLOODWAYS, FLOODPLAINS, STORMDRAINAGE AND EROSION CONTROL

11.01 Floodway and Floodplain Regulations

11.01.01 Purpose and Intent

The purpose of this Section is to avoid the hazards to person and damage to property resulting from flooding and to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the Federal Emergency Management Agency and the Federal Insurance Administration as provided in the Code of Federal Regulations 44 C.F.R. 60.3 as amended, and which are hereby adopted by reference and filed in the office of the City Clerk, pursuant to Illinois Law and the Illinois Compiled Statutes.

11.01.02 Definitions

For the purpose of this Article, the following definitions are adopted:

1. **Base Flood**: The flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

2. **Base Flood Elevation**: The elevation in relation to Mean Sea Level of the crest of the base flood.

3. **Base Floodplain**: The land flooded by the base flood. This base floodplain is also known as the one hundred (100) year floodplain and is designated as "A Zones" on the Flood Insurance Rate Map.

4. **Development**: Any man-made change to improved or unimproved real estate including, but not limited to, construction of or substantial improvements to buildings levees, walls, fences, installing utilities or other structures, the placement of manufactured homes, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

5. **Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

6. **Floodway**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a tenth of a foot (0.1’) and is part of the base floodplain and subject to the floodplain regulations except as may otherwise be specifically provided herein.

7. **Floodway Fringe Area**: The land remaining outside of the floodway but within the base floodplain. These areas include AE, AO and AH zones designated on the Flood Insurance Rate Maps prepared by FEMA.

8. **Manufactured Home**: A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Article, manufactured home also includes park trailers, travel trailers and similar vehicles placed on a site for more than one hundred eighty (180) days.

9. **Structure**: A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home and a prefabricated building.
10. **Substantial Damage:** Damage of any origin sustained by a structure where by the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

11. **Substantial Improvements:** Any reconstruction, rehabilitation, addition or other improvement of a structure or of real estate, the cost of which equals or exceeds fifty (50) percent of the market value of the structure or real estate either before the improvement or repair is started, or if the structure or real estate has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which have been identified by the local Code enforcement official and which are solely necessary to assure safe living conditions, or (2) any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places or individually listed on a DeKalb inventory of historical places if the DeKalb Historical Preservation Program is approved by the Secretary of the Interior.

11.01.03 Flood Insurance Rate Map and Flood Boundary and Floodway Map

The Flood Insurance Study and Flood Insurance Rate Map for DeKalb County, Illinois, and Incorporated Areas, Map Number 17037C0000 (City of DeKalb Map Panels 0234,0242,0244,0250,0251,0253,0275), with effective date January 2, 2009, and amendments thereto, delineating “A Zones” as areas that are susceptible to the base flood as determined by the Federal Emergency Management Administration, is hereby adopted for the purpose of this Article and filed as a record in the office of the City Clerk.

11.01.04 Permit Required

No person shall commence any construction, substantial improvement, subdivision of land, placement of manufactured homes or other development in areas located in an “A Zone” without first obtaining both a building permit and a floodplain permit from the Community Development Department. The Community Development Department shall not issue such permits for any construction, substantial improvement or other development that does not comply with the provisions of this Article or that has been denied a permit required by the Federal or State Law including *Section 404 of the Federal Water Pollution Act, 1972, 33 U.S.C. 1334.*

11.01.05 Application

1. Within areas designated as “A Zones,” each application for development shall be accompanied by elevations, in relation to Mean Sea Level, of the lowest floor, including basement, and in the case of flood proofed structures, the elevations to which it will be flood proofed.

2. The Community Development Department shall require certification from a registered professional engineer or architect that flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

3. The application shall also contain information or certification as reasonably may be required by the Community Development Department in order to determine eligibility for permits or to enforce the terms of this Article.

4. The Community Development Department shall review applications for permit and determine before issuing a permit that the development activity would be reasonably safe from flood damage.
11.01.06 Base Flood Elevation

Base flood elevations for the South Branch Kishwaukee River hereby adopted are: 833 feet (NGVD) approximately 0.8 mile downstream of Bethany Road; 854 feet (NGVD) approximately 0.38 mile upstream of East-West Toll Road (Interstate 88).

The City shall obtain, review and reasonably utilize Base Flood Elevation data available from Federal, State or other sources as criteria for requiring that new construction, substantial improvement or other development is in accordance with Sections 11.01.07, 11.01.08, 11.01.09 and 11.01.10 of this Article. Base flood data received from the Federal Emergency Management Administration of detailed stream studies showing 100-year flood profiles shall take precedence over data from other sources. Should no other data exist, an engineering study must be financed by the Applicant to determine base flood elevation.

11.01.07 New Construction and Substantial Improvement Standards

All new construction and substantial improvements to structures and real estate located in an “A Zone” shall:

1. For residential structures, have the lowest floor, including basement, elevated to two (2) feet above the Base Flood Elevation. The residential structure may be constructed on permanent land fill or elevated on stilts, piles, walls or other foundation that is permanently open to floodwaters. Structures elevated on fill shall have fill placed on layers no greater than one (1) foot before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.

2. For non-residential structures, have the lowest floor, including basement, elevated or flood proofed to one (1) foot above the Base Flood Elevation.

3. Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.

4. Be constructed with materials and utility equipment resistant to flood damage.

5. Be constructed by methods and practices that prevent flood damage to other properties.

6. For non-residential flood proofed structures, have all structural components below the Base Flood Elevation designed to be watertight with walls substantially impervious to the passage of water and such structural components shall be designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

7. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and utility meters that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

8. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the entry and exit of floodwater. These areas are to be used solely for parking of vehicles, building access or storage.
11.01.08 Manufactured Home Standards

1. All manufactured home parks located in an “A Zone” shall file evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes with appropriate disaster preparedness authorities.

2. All manufactured homes to be placed on a site located in an “A Zone” shall:
   a. Have the lowest floor elevated two (2) feet above the Base Flood Elevation.
   b. In the instance of elevation on pilings, have all piling foundations placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for piers more than six (6) feet above ground.
   c. Have lots large enough to permit steps to the manufactured home, and have adequate surface drainage on all sides of the structure.
   d. Be placed to prevent flotation, collapse or lateral movement of the structure due to flooding.
   e. Be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-down Act issued pursuant to Illinois Compiled Statutes.

11.01.09 Utility Standards

All new construction and substantial improvements to utilities located in an “A Zone” shall provide that:

1. All new and replacement water supply systems shall be designed to prevent infiltration of flood waters into the systems.

2. All new and replacement sanitary sewage systems shall be designed to prevent infiltration of flood waters into the systems and discharge from the systems into the flood waters.

3. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

11.01.10 Subdivision and Other Development Standards

All subdivisions, developments, redevelopments or expansion of, or improvements to, existing developments or subdivisions located in an “A Zone” shall provide that:

1. They are designed to prevent flood damage to the proposed subdivision, development or redevelopment site, as well as to other properties.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to prevent flood damage.

3. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

4. The application for their approval shall show the Base Flood Elevation data and the boundary of the floodplain and floodway for each lot, platted parcel or other development or redevelopment site. If the base flood elevation data is not available, the applicant shall compute and provide this information for each lot, platted parcel or other development or redevelopment site.
11.01.11 Floodway Restrictions

All new construction, substantial improvements, subdivision of land, placement of manufactured homes, construction of utilities or other developments that would result in any increase in the level of the base flood shall be prohibited in the floodway. Additionally, no development will be allowed in the floodway unless a permit, or written documentation that a permit is not required, from the Illinois Department of Natural Resources, Office of Water Resources, issued pursuant to Illinois Compiled Statutes is obtained. Manufactured homes may be placed in an existing manufactured home park or manufactured home subdivision, but must be anchored and elevated on permanent foundations in accordance with the provisions of Subsection 11.01.08 of this Article 11.

11.01.12 Floodway Fringe Area Restrictions

All development after January 1, 1984, that would result in any increase in the level of the base flood shall be prohibited in the floodway fringe area. All structures existing prior to January 1, 1984 in single-family and two-family dwelling districts are exempt from having to maintain flood storage or conveyance capacity in the floodway fringe area. All districts and uses therein, regardless of date of construction, must conform to the provisions of Subsection 11.01.11, “Floodway Restrictions.”

11.01.13 Watercourse Standards

The Community Development Department shall notify adjacent communities and the Illinois Department of Natural Resources, Office of Water Resources and the Federal Emergency Management Administration prior to any alterations or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

11.01.14 Reports and Records

1. The Public Works Department shall provide the City Council, the Illinois Department of Natural Resources Office of Water Resources and the Federal Emergency Management Administration with a biennial report on forms as provided the City by the Federal Emergency Management Administration.

2. The Public Works Department shall maintain the records of lowest floor elevations, flood proofing certifications, all variance documents required by Section 60 (a), (5) and (6) of the Rules and Regulations of the National Flood Insurance Program, permit applications and all other records required by the Federal Emergency Management Administration.

11.01.15 Variances

After holding a public hearing, the City Council may grant a variance to the provisions of this Article, except for those provisions in Subsection 11.01.11, “Floodway Restrictions,” subject to compliance with the provisions of Section 60.6, (a), of the Rules and Regulations of the National Flood Insurance Program and such other conditions as the City Council, in conformance with Federal Emergency Management Administration regulations, deems necessary to comply with the intent of this Article.

11.01.16 Disclaimer of Liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. This Article does not imply that development either inside or outside of areas designated as A Zone will be free from flooding or damage. This Article does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Article or any administrative decisions made lawfully there under.
11.02 Storm Drainage Management

11.02.01 Purpose and Intent

It is the intent of this Section to ensure that the drainage of surface waters will not be changed by new construction, or that if surface water drainage is to be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas or drains which the developer has a right to use, and that such surface waters will be planned for so as to reduce the likelihood of damage to adjacent properties.

11.02.02 Definitions

For the purposes of this Chapter, the following terms have the meanings ascribed to them herein:

1. **Ditch or Drain**: Any water course or conduit, whether open, covered or enclosed, natural or artificial, by which waters coming or falling upon lands are carried away.

2. **Drainage Structures**: Those structures other than ditch, drain or pumping plants which are intended to promote or aid drainage. Such structures may be independent from other drainage work or may be part of or incidental to such work. The term includes, but is not restricted to, dams, catch basins, bulkheads, walls, spillways, flumes, drop-boxes, pipe outlets, junction boxes and structures the primary purpose of which is to prevent the erosion of soil into a drain.

11.02.03 Alteration of Ditches, Drains and Drainage Structure

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 complying with this Section.

11.02.04 Alteration of the Contour of Land

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 permit and complying with this Section.

11.02.05 Permit Required

No person shall commence any construction, substantial improvement or other development that affects the drainage of surface or subsurface water without first obtaining a building permit and a grading permit (if applicable) from the Community Development Department. No permit shall be issued for any proposed alteration which:

1. Will increase the amount and/or rate, or adversely affect the quality, of surface water draining onto other properties;

2. Will damage other properties; or

3. Does not conform to the general drainage laws of the State of Illinois and the Ordinances of this City and, in particular, the rules and regulations for drainage as set forth in this Section.

4. Alters or removes wetlands from their present location without City, State or Federal permits.

Application for a building permit and/or grading permit shall be accompanied by engineering plans, calculations and specifications showing the proposed alterations and the effect such alterations will have upon existing ditches, drains, drainage structures and other properties. Additionally, the application shall
11.02.06 Principles of Design

The plan shall incorporate the following principles:

1. Improvements to the land (site) and adjacent public rights-of-way shall be in accordance with Chapter 6 of the DeKalb Municipal Code and with the City of DeKalb’s Stormwater Management Guidelines.

2. **Drainage Design:** Runoff water shall be directed into municipal storm water facilities. However, where such municipal facilities are not within two hundred fifty (250) feet of the boundary of the land measured along a public street, alley or proper easement for said purpose, a drainage system owned or controlled by the owner, which shall properly control drainage, shall be provided by said owner, and constructed to standards adopted by the City of DeKalb and approved by the City Engineer. The following regulations shall be adhered to in preparing the plan:

   a. The site shall be designed in such a manner as to preserve and utilize natural streams, channels and water detention areas;

   b. Storm drainage shall be designed using criteria of the DeKalb Stormwater Management Guidelines and the rainfall frequencies as published by the Illinois State Water Survey (Bulletin 70). Volume flow rates shall be derived using computer hydraulic analysis models or the “Rational Method” for drainage areas up to twenty (20) acres with a runoff coefficient properly weighted for an area with variable runoff potential per the table of Runoff Coefficients (“c”) provided in this section. For areas larger than twenty (20) acres, a computer model as deemed appropriate by the City Engineer shall be used. All storm drainage facilities shall be designed to accept and convey all waters which may enter the site in accordance with the laws of the State of Illinois, the Ordinances of this City and the DeKalb Stormwater Management Guidelines on file at the office of the City Engineer;

   c. Drainage systems shall have adequate capacity to bypass through the site. The flow from all upstream areas for a design frequency storm, assuming the land is in a fully developed state under present zoning or proposed land uses under the Comprehensive Plan, shall not be restricted so as to cause upstream flooding. The bypass flow rate shall be computed utilizing a runoff coefficient of not less than 0.35. An allowance may be made for upstream detention when such detention and release rate have previously been approved and evidence of construction and proper operation can be shown. Runoff coefficients (“c”) suitable for anticipated developments are provided elsewhere in this section. All sewers shall be designed to insure a minimum flow velocity of two (2) feet per second and a maximum flow velocity of eight (8) feet per second;

   d. A combination of storage and controlled release of storm water runoff is required for all subdivisions and developments exceeding one (1) acre in area, and for all subdivisions and developments less than one (1) acre which have an imperviousness of sixty (60) percent or greater. However, a subdivision or development must have an adequate outlet as determined by the City Engineer. In order for an outlet to be considered adequate, it shall be provided for by prescription, platting or drainage easement to the nearest receiving stream, storm sewer or drainage way and must be investigated, acquired, provided or otherwise constructed by the developer for runoff conveyance to an off-site location. If the outlet is not adequate, then detention, as determined by the City Engineer, shall be required to store that portion of the runoff exceeding the outlet capacity;

   e. The release of runoff water from all subdivisions and developments requiring detention shall not exceed the runoff rate from the area in its natural undeveloped state. A release rate not greater than that calculated using an appropriate runoff coefficient (“c”) provided in this section unless the developer can show detailed calculations acceptable to the City that the discharge rate of the existing outlet serving the area is greater. In no case shall the peak discharge from events less
than or equal to the 2-year event exceed 0.04 cfs per acre of land drained. In no case shall the peak 100-year discharge exceed 0.15 cfs per acre of land drained. Redevelopment or expansion of existing development parcels may instead use the alternate method in subparagraph l, below;

f. Live detention storage to be provided shall be calculated on the basis of the 100-year frequency rainfall as published by the Illinois State Water Survey (Bulletin 70) for this area. The detention volume required shall be that necessary to store the runoff of a 100-year frequency (24-hour duration) rainfall from the fully developed drainage area tributary to the reservoir, less that volume discharged during the same duration at the approved release rate (routing equation). Allowance for upstream detention may be made under the same terms as paragraph c. above. Additions to live storage shall be in excess of any existing site depressional storage;

g. In no instance shall detention be allowed in any floodway or flood fringe area. Any development fill in the floodplain area shall be accompanied by appropriate compensatory storage of at least a 1.1:1 ration. Where practicable, wetland areas that tend to flood may be used for stormwater detention as approved by the City Engineer and shall be designed in accordance with Federal, State and local regulations and guidelines for both water storage and environmental quality;

h. Catch basins and inlets shall be provided at all low points and at all points where the design intensity of flow reaches one (1) cubic foot per second. A minimum of one (1) catch basin shall be provided for each 20,000 square feet, or fraction thereof, of contributing drainage area;

i. Manholes shall be provided at all changes in direction or in pipe size, and at all entrances of laterals. Manholes and catch basins shall not be located more than 400 feet apart unless approved by the City Engineer. All manholes shall meet IDOT and City of DeKalb standards and sizes;

j. Open drainage swales and waterways shall be approved by the City Engineer. All drainage waterways shall be provided with a grass cover and shall have positive soil erosion prevention methods, i.e., riprap, check dams, paved liners, incorporated in their design. Waterways of more than four (4) percent grade shall have paved bottoms and side slopes. In no case shall drainage ways be obstructed with fences, above-ground utilities or structures, or any other impediments;

k. Storm sewers shall be provided to accept the proposed subdivision's or development's surface and subsurface water drainage. In all new subdivisions and developments greater than one (1) acre in size, footing drains placed for collection of unpolluted ground water shall be connected to sump pumps and discharge shall be made into municipal storm water facilities by tile, below the frost line, with tile materials acceptable to the City Engineer. Where no other reasonable alternative exists or where existing municipal stormwater facilities are not located within a reasonable distance, the City Engineer may allow stormwater to be discharged into positive draining ditches and open swales overland not crossing public street, sidewalks, alleys, public way or public property. All downspouts, outside stairwells and roof drains shall discharge onto the ground or be connected to municipal storm water facilities so as not to damage other properties;

l. A common or shared sump pump discharge lateral, serving more than one footing drain or serving two or more independent sump pump discharge laterals, shall be installed within the boundaries of the private property to be served by the lateral. A single pipe sump pump discharge lateral shall have a minimum diameter of four (4) inches for a single connection or six (6) inches or larger for multiple connections. The lateral shall be installed below grade, within the public right of way, directly connected to the municipal storm water facilities so as to not damage other properties. The maintenance and repair of sump pump laterals shall be the responsibility of the property owner;

m. Redevelopment or expansion of building and/or impervious site coverage on existing parcels of less than one acre in size shall be exempt from the requirements of this Ordinance except in circumstances where the existing storm sewer or drainage system is incapable of sufficiently handling the increased development. In such cases retention shall be required to store that portion of the runoff exceeding the outlet capacity. Redevelopment or expansion of buildings and/or site
coverage in developments that have common retention areas designed for the entire subdivision or development shall be exempt from the requirements of this Ordinance. In all other cases, the redevelopment or expansion of buildings and/or site coverage shall provide retention for either:

1) The entire expanded site and/or buildings at a peak discharge rate not to exceed 0.25 cfs per acre of land drained; or

2) Only the increase in impervious lot coverage and buildings, at a peak discharge rate not to exceed 0.15 cfs per acre drained;

whichever is less restrictive. In cases where the existing storm sewer or drainage system is incapable of sufficiently handling the increased development, additional retention shall be required to store that portion of the runoff exceeding the outlet capacity;

n. Subdivisions or other development projects for which a Preliminary Plat, Preliminary Development Plan, or Engineered Site Plan have been approved prior to adoption of this amendatory act of 2003 shall only be required to comply with the storm water drainage design requirements in effect at the time of approval, provided that said projects are compliant with all other City requirements, and the projects are diligently being constructed.
### 11.02.07 Table of Runoff Coefficients (“C”)

<table>
<thead>
<tr>
<th>Character of Surface</th>
<th>Return Period (Years)</th>
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</thead>
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<tr>
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<td>2</td>
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<tr>
<td>Developed</td>
<td></td>
</tr>
<tr>
<td>Asphalitic</td>
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</tr>
<tr>
<td>Concrete/roof</td>
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<tr>
<td>Grass areas (lawns, parks, etc.)</td>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>Average, 2-7%</td>
<td>0.37</td>
</tr>
<tr>
<td>Steep, over 7%</td>
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<tr>
<td>Fair condition (grass cover larger than 75% of the area)</td>
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<tr>
<td>Flat, 0-2%</td>
<td>0.25</td>
</tr>
<tr>
<td>Average, 2-7%</td>
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</tr>
<tr>
<td>Steep, over 7%</td>
<td>0.37</td>
</tr>
<tr>
<td>Good condition (grass cover larger than 75% of the area)</td>
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<td>Average, 2-7%</td>
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</tr>
<tr>
<td>Steep, over 7%</td>
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<tr>
<td>Undeveloped</td>
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<tr>
<td>Cultivated Land</td>
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<tr>
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<td>Pasture/Range</td>
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<tr>
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</table>


### 11.02.08 Maintenance of Ditches, Drains, Drainage Structures or Property-Causing Damage

It shall be unlawful for any person to maintain upon any real property in the City, whether subdivided or not, any ditch, drain, drainage structure or real property which has been altered, constructed or contoured in such a manner as to cause damage to other properties by the drainage of surface waters. Any person determined to be in violation of this Section by the City Engineer shall be notified of such violation in writing and shall be given fifteen (15) days to correct such violation before any prosecution is commenced by the City. Notice shall be made either by personal service or by certified mail, return receipt requested.

### 11.03 Erosion Control Procedures

1. A Stormwater Pollution Prevention Plan showing erosion control measures and specific design proposals shall be indicated on all plans submitted in the application for a grading permit or as part of a subdivision or development engineering plan submittal.

2. Erosion control measures shall conform to the design requirements contained in “Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois,” and the Illinois Urban Manual. These documents are available for review at the Public Works Department.
3. The Plan shall conform to requirements of Illinois EPA General Permit No. ILR10 and contain the following information with respect to conditions existing on the site during construction, dredging, grading, filling or soil storage activities.

a. Maximum surface runoff from the site shall be calculated using a method acceptable to the City Engineer;

b. A delineation and description of the methods to be used during construction and prior to the establishment of permanent ground cover to retain sediment on the site, including, but not limited to, the designs and specifications for sediment detention basins and traps and a schedule for the maintenance;

c. Requirements for construction site operators to control waste such as discarded building materials, concrete truck wash-out, litter and sanitary waste at construction sites.

d. A delineation and description of the types, methods and rates of applying seeding and mulching and designs and specifications for diverters, dikes, silt fences, drains and swales and a schedule for their maintenance.

4. Stormwater discharges from proposed grading and site development or redevelopment shall be compliant with National Pollution Discharge Elimination (NPDES) general permit (NPDES Permit No. ILR10) such as for electronic submission by owner of the Notice of Intent to Illinois EPA, providing complete and updated stormwater pollution prevention plans, providing construction contractor certification statement, providing access for inspections and compliance follow-up, and maintaining records on site and three years retention following work completion.

5. Post Construction run-off control measures must at least meet requirements of NPDES Permit No. LR10 Section IV (D) (2) (b).

6. Construction site activities inspections and violation processing shall be in accordance with NPDES Permit No. ILR10.
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 Chicago and Northwestern 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):
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 the former Chicago and Northwestern (now Union Pacific) Railroad right-of-way, thence easterly along the centerline of said railroad right-of-way to a point where said centerline intersects with the centerline of Second Street, thence southerly along said centerline of Second Street to a point where it intersects with the centerline of Grove Street, thence easterly along the centerline of said Grove Street right-of-way to the intersection with the centerline of the right-of-way of Fifth Street, thence southerly along said centerline of the right-of-way of Fifth Street to a point where said centerline intersects with the centerline of the right-of-way of Franklin Street, thence westerly along said Franklin Street right-of-way centerline to the point where said centerline intersects with the centerline of the First Street right-of-way, thence northerly along said First Street centerline to the point of beginning.

b. Within the above described area, the number of private off-street parking spaces existing on or before the effective date of this ordinance shall not be reduced.

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

4. Prior to the issuance of a building or grading permit for a parking area, driveway, storage area or loading area, a site plan shall be submitted in accordance with Article 17, “Site Plan Review Requirements.”

12.03 Design and Locational Requirements (2019-025)

1. Construction Requirements – Commercial/Industrial/Multi-Unit Residential (excluding townhome units with individual direct access to the street): Loading areas, parking lots, driveways, access ways and any other areas on which motor vehicles are parked or stored, or which are used for motor vehicle circulation, or used for the storage or parking of any other vehicle and/or trailer, shall be constructed of either Portland Cement Concrete or Bituminous Concrete or Concrete Pavers, which materials shall conform to the specifications (if applicable) contained in the most recent edition of the Standard Specifications for Road and Bridge Construction, adopted by the Illinois Department of Transportation. The above materials shall meet the following minimum requirements:

   Portland Cement Concrete: Six (6) inches of PCC pavement, over six (6) inches of gravel or crushed stone base (CA-6).

   Bituminous Concrete: Two and one-half (2-1/2) inches of bituminous concrete surface over eight (8) inches of gravel or crushed stone base (CA-6).

   Concrete Paver: three (3) inch unit depth, over a minimum of eight (8) inches of clean crushed stone base with an allowable additional two (2) inches of fine setting material. Concrete Pavers shall not be located in the public right-of-way.

a. Aesthetic Design of Concrete Pavers

   Paver color/tone shall be traditional ranges of red, gray, or brown and should coordinate with adjacent streetscaping; unless approved in writing by the Community Development Director.

b. Permeable Design of Concrete Paver
1) Permeability of design is not required in order to allow paver use in general. However, if storm water runoff reduction is desired, the design/construction shall meet the following requirements.

a. Permeable pavers can be used where the underlying in-situ subsoils have an infiltration rate of 0.5-3.0 inches per hour; underdrains and pipe discharges may be provided to achieve suitable hydrologic site conditions.

b. Permeable pavers will be used in applications where the pavement receives tributary runoff primarily from impermeable areas. The ratio of the contributing impermeable area to the permeable paver surface area should be no greater than 3:1.

c. A minimum of two (2) feet of clearance is required between the bottom of the base course and underlying bedrock or the seasonally high groundwater table.

d. Permeable pavers should be sited at least ten (10) feet down gradient from buildings and 100 feet away from drinking water wells.

e. The stone aggregate used should be washed, crushed stone, 0.75-1.0 inches in diameter with a void space of about 40 percent. A porosity value (void space/total volume) of 0.32 should be used in calculations.

f. The base course must have a minimum depth of eight (8) inches. The following equation can be used to determine if the depth of the base course layer needs to be greater than the minimum depth to accommodate hydrologic storage.

\[
\frac{V}{D} = \frac{V}{An}
\]

Where:
- \( D \) = Base Layer Depth (feet)
- \( V \) = Total Volume to be Infiltrated
- \( A \) = Surface Area (square feet)
- \( N \) = Porosity (use \( n = 0.32 \))

g. For permeable paver applications, the large size of the No. 57 aggregates creates an uneven surface when compacted. To provide a smooth and level surface for the placement of the pavers, a bedding course of ASTM No. 8 crushed aggregate is placed and compacted into the No. 57 open-graded base. The thickness of the No. 8 bedding layer should not exceed two (2) inches prior to compaction.

h. All of the materials need to be clean, washed material with less than 1-2% passing the No. 200 sieve.

2. Construction Requirements – Single Family and Two Family Structures in Single Family and Two Family Residential Districts: Driveways, access ways and any other areas on which motor vehicles are parked or stored, or the storage or parking of any other vehicle and/or trailer, shall be constructed of either Portland Cement Concrete, Bituminous Concrete, or Concrete Pavers, which materials shall conform to the specifications (if applicable) contained in the most recent edition of the Standard Specifications for Road and Bridge Construction, adopted by the Illinois Department of Transportation. The above materials shall meet the following minimum requirements:

   **Portland Cement Concrete**: Four (4) inches of PCC pavement, over six (6) inches of gravel or crushed stone base (CA-6).
**Bituminous Concrete**: Two (2) inches of bituminous concrete surface, over six (6) inches of gravel or crushed stone base (CA-6).

**Concrete Paver**: Three (3) inch unit depth, over a minimum of four (4) inches of clean crushed stone base with an allowable additional one (1) inch of fine setting material. Concrete Pavers shall not be located in the public right-of-way.

a. **Aesthetic Design of Concrete Pavers**

   Paver color/tone shall be traditional ranges of red, gray, or brown and should coordinate with adjacent streetscaping; unless approved in writing by the Community Development Director.

b. **Permeable design encouraged but is not considered for individual stormwater runoff parcel impacts.**

3. **Vehicular Access and Circulation:**

   a. An off-street parking, loading or storage facility shall be provided with an appropriate means of vehicular access (conforming to Chapter 6 of the Municipal Code of the City of DeKalb) to an improved street or alley which will least interfere with traffic and pedestrian movements. Such facilities shall be designed to avoid motor vehicles backing onto or into streets, alleys or sidewalks. Existing curb cuts, curb cut radii and driveways across public right-of-way shall only be used if they comply with the applicable standards for new curb cuts, curb cut radii and driveways.

   b. Such facilities shall be so designed, maintained and regulated so that no parking (including parking or stopping of vehicles in loading spaces) or maneuvering incidental to parking shall be on any public street, walk or alley.

   c. The location of any entrance or exit for any off-street parking area shall be as approved by the City Engineer or his/her designee.

   d. All parking lots shall be striped and marked to provide a visible indicator of the most effective way of parking and moving all vehicles. All striping and marking shall be approved by the City Engineer or his/her designee.

   e. Vehicular traffic to, from and within an off-street parking or loading area shall be controlled by appropriate traffic control signs, surface markings and curb islands. All parking areas which will, in the opinion of the City Engineer or his/her designee, generate a high volume of traffic movement shall have its entrances clearly marked and designated as to direction of traffic flow or other conditions of use of the access driveway by the use of low-profile signs. Such signs shall not exceed five (5) feet in height, nor six (6) square feet in area in commercially zoned areas or six (6) feet in height, nor twelve (12) square feet in area in industrially zoned areas (1993-070). Such signs shall be placed on private property outside the public right-of-way. There shall not be more than two (2) such signs for each entrance or exit. Such parking areas may also necessitate the preparation of a traffic access and impact study as provided for in Section 7.12, Article 7, “Supplementary District Regulations.”

4. **Drainage**: Proper drainage and grading shall be provided for all parking lots to dispose of all runoff water. In no case shall drainage be allowed to drain across any public sidewalk within a public right-of-way. For any parking area in excess of five (5) spaces or any loading area in excess of 2,500 square feet, all runoff water shall be discharged via an appropriate storm sewer or other approved drainage system. All storm drainage facilities shall be designed using the “Rational Method” for a storm of a minimum of a ten (10) year frequency. Storm sewer calculations shall accompany all
systems designs in excess of the above noted minimum parking or loading area and shall be in accordance with Article 11, "Floodways, Floodplains, Storm drainage and Erosion."

5. **Location of Parking Facilities:** Location of required off-street parking shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant, except as provided for in paragraph "b" below. In the event that there are practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the Council may authorize an alternate location by ordinance through approval of a plat, plan, special use permit, rezoning or other formal action. If parking is to be located elsewhere than on the lot which the principal use is located, then the "off-site" property occupied as parking shall be in the same possession (either by deed or by long-term lease which has a term equal to or exceeding the projected life or term of lease of the facility) as the owner of the principal use. Furthermore, the owner of property used for off-site parking shall be bound by covenants filed on record in the Office of the County Recorder, requiring the owners, heirs or assigns to maintain the required number of off-street parking spaces during the existence of such principal use utilizing the property for parking.

a. For residential dwelling units, community residences, fraternities and sororities, group homes, lodging houses and rooming houses, parking shall be provided on the same lot with the building they are required to serve. For the purpose of this requirement, a group of those uses constructed and maintained under single ownership or management shall be considered to be on a single lot or parcel of land;

b. For all other uses, parking shall be provided on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the principal building being served, provided the lot or parcel of land is located in a zoning district that allows the parking lot, either as a permitted or special use, and otherwise in compliance with this Ordinance.

6. **Setbacks of Parking Facilities:**

a. Notwithstanding other requirements of this Ordinance, and except for parking associated with single-family and two-family residential districts, all parking areas and driveways may be located in a required front yard, side yard or rear yard provided that a minimum five (5) foot setback be maintained between the parking area and the property lines, and a minimum ten (10) feet setback shall be maintained between the parking area and the street right-of-way line. The interior boundary of such parking area setback shall be defined with six (6) inch concrete curbing or other curbing material approved by the City Engineer. However, in no instance shall a parking lot be located in a required buffer area.

1) **Exception:** Where the proposed parking area will be located within the side yard or front yard adjacent to a similarly zoned property and where internal access will be provided between the two properties, the five (5) foot side-yard setback requirement shall not apply.

2) **Exception within the “CBD,” Central Business District:** Where the proposed parking area is on property zoned “CBD” Central Business District, the setback may be reduced in width in accordance with Article 12.04, paragraph 5, and if, in the opinion of the City Engineer, the parking lot is designed so that no portion of any vehicle, when parked, will project across adjacent property or into adjacent public rights-of-way.

b. No loading space or vehicle storage areas shall be closer than fifty (50) feet to any property in a residential district unless said space is completely enclosed by a building or separated from the adjacent property by a building, or an extension of the building wall. No loading space or vehicle storage area shall be located within any area where parking is prohibited by this Ordinance.
c. Within the residential zoning districts, no motor vehicle, recreational vehicle, camper, trailer or similar vehicle shall be permitted to be parked anywhere on the lot unless said vehicle is parked upon a driveway. Said driveway and its use shall conform to all of the following standards:

1) The driveway shall not be wider than forty (40) percent of the width of the lot on which the driveway is located or thirty-six (36) feet, whichever is less;

2) The driveway shall not cover more than forty (40) percent of the required front yard setback area;

3) The driveway shall be constructed with materials as provided for in Article 12.03, paragraph 1 of this Ordinance;

4) The driveway shall access an adjacent street with an appropriate curb cut as determined by the City Engineer or his/her designee;

5) In all instances, no vehicle shall park so as to have any portion of said vehicle located within five (5) feet of an adjacent street right-of-way; and

6) In all instances, no vehicle shall park so as to reduce the open width of any driveway giving access to a building containing more than two (2) dwelling units or in a structure that requires a rooming house license which restricts traffic flow to less than fourteen (14) feet.

d. Within the residential zoning districts, no motor vehicle, recreational vehicle, camper, trailer, or similar vehicle may be stored anywhere on the lot unless stored inside an enclosed building or on an approved surface constructed of materials in compliance with Article 12.03, paragraph 1, of this Ordinance. Further access shall be provided to this storage area via an approved driveway constructed of an approved surface constructed of materials in compliance with Article 12.03, paragraph 1, of this Ordinance.

    No such vehicle shall be stored in a front yard.

For the purposes of this Article, “stored” shall mean “parked” without being moved for a period of thirty days or more. This Article shall apply regardless of whether the vehicle is licensed, unlicensed, operable or inoperable.

7. **Compact Vehicle Parking Space Allowance:** For multiple family developments (including rooming houses, fraternities, sororities and dormitories), off-street parking spaces shall conform to the size required for full-sized vehicles (see Section 12.06 of this Article). However, not more than twenty-five (25) percent of the spaces for vehicles may be reduced in size for compact vehicles, provided that, in as much as possible, such smaller spaces are located in a single contiguous area that is clearly marked as being for small or compact vehicles only. These compact parking spaces shall be no less than seven (7) feet, six (6) inches wide (for all space angles) and an equivalent perpendicular depth of seventeen (17) feet. Aisle widths shall be in accordance with the specifications contained in Section 12.06 of this Article.

8. **Lighting Requirements:** See Article 10, “Utilities,” Section 10.05.

**12.04 Landscape Requirements**

It is the purpose and intent of these regulations to provide adequate protection for contiguous property against undesirable effects caused by the creation and operation of parking and loading areas, and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping, and to provide shade for parking and to visually and physically break up major expanses of asphalt into a more human scale. As such, all parking and loading areas for any uses other than single family homes (attached or detached) or duplexes,
constructed after the date of this Ordinance, shall be properly screened and landscaped as hereinafter described.

1. **Definitions:** For purposes of this Ordinance, landscaping shall mean living green plants in combination of trees and either shrubs or ground cover, all of which are defined as follows:

   a. Deciduous trees having, at the time of planting, not less than a two and one-half (2-1/2) inch caliper measured on the trunk six (6) inches above the ground;
   
   b. Ornamental trees having, at the time of planting, not less than one and one-half (1-1/2) inch caliper measured on the trunk six (6) inches above the ground;
   
   c. Evergreen trees having, at the time of planting, a height of not less than four (4) feet;
   
   d. Shrubs having, at the time of planting, a height of not less than two (2) feet;
   
   e. Ground cover which includes grass, ivy, juniper, wood mulch, decorative or aggregate rock, or other approved pervious surfaces.

2. All parking lots, loading, storage and maneuvering areas for any uses other than single family homes (attached or detached) or duplexes shall comply with these regulations. These landscaping regulations shall apply to single family or two-family homes located in other than a residential zoning district, if the property is also occupied by another principal use otherwise required to comply with these regulations.

   a. **Landscape Plan Required:** The engineered site plan (required per Article 17) and/or Planned Development plan for any parking lot required to include landscaping as provided herein, shall also include a landscape plan. The landscape plan is subject to the approval of the Community Development Director. The landscape plan shall be prepared by a State of Illinois Registered Landscape Architect, Landscaping Design/Build firm or similar Landscape Professional, and shall include the following:

      1) The plan shall be based upon engineered site plan and shall be prepared at the same scale as the site plan.
      
      2) The plan shall show the location and dimensions of all existing vegetation, existing and proposed structures, parking lots, drives, loading storage and maneuvering areas, roadways and right of way, sidewalks, bike paths, signs, refuse disposal areas, easements, locations of underground utilities (existing and proposed), locations of easements, and all other information otherwise required on the engineered site plan.
      
      3) The location and square footage of all landscaped areas, the type of ground cover, the location, quantity, size, root ball condition (B/B or potted) and type, both scientific and common name of all proposed plant materials, ground covers, trees, shrubs and other.
      
      4) Location of all existing landscaping materials proposed to be conserved and details of protection for those materials during the construction process.
      
      5) Cross sections, locations and details of all grade changes, such as berms, including proposed contours at one-foot intervals and percent of slope;
      
      6) Selection, planting and installation specifications complying with the American Association of Nurserymen’s standards, with plant species and materials of a good quality and capable of thriving in the north central Illinois climate and the individual microclimates of the site. Salt tolerance for parking lot landscaping materials is imperative.
7) Details and location of irrigation system controls, connections, lines, sprinkler or soaker heads, etc., designed in such a way so as to avoid conflicts with other utilities and to avoid future maintenance problems either with the landscaping, the irrigation system itself, or other site improvements.

b. Pedestrian Areas: Parking lot landscaped areas which are expected to receive high levels of pedestrian traffic shall be improved with stepping stones, sidewalks, or appropriate pedestrian improvements to minimize maintenance problems and to create safe havens for pedestrians, subject to the approval of the Community Development Director. Such areas would include the landscaped islands between the parking lot and the major entry or entries to the building. Such areas shall not be covered with mulch, decorative rock or gravel. Further, these areas shall not be allowed where the intent of creating such areas would otherwise circumvent the intent of this Ordinance. Therefore, any areas consisting strictly of an impervious cover shall not count toward the required parking lot landscaping. However, such areas will count if improved with appropriate ground covers and other landscaping, in addition to the pedestrian use areas.

c. Conflict with Utility Easements: All parking lot landscaping required herein shall be provided in areas where it shall not conflict with any utility easements. In cases where the proposed landscaping conflicts with an existing or proposed utility easement, the requirements of this Ordinance shall not be waived. Options in such instances would include relocation of the easement, and/or expansion of the proposed landscaping area, either of which is subject to the approval of the Community Development Director.

d. Waiver: The Community Development Director may waive the requirement for a Landscape Professional’s plan in instances where the engineered site plan is not required, or in instances where the parking lot contains thirty (30) or fewer parking stalls. This does not waive the requirement to prepare a plan, nor does it waive the requirement to install the landscaping.

3. Landscaping Requirements Adjacent to Streets. Where any parking lot lies adjacent to or is visible from any public or private street, the entire frontage along said parking or loading area, excluding curb cuts or other access ways shall be landscaped and screened as follows:

a. One (1) tree and four (4) shrubs shall be planted for every thirty (30) feet of frontage to be located within a strip of land paralleling the adjacent street and having a width of not less than ten (10) feet. Trees do not have to be placed thirty (30) feet on-center (except see Article 6, Section 6.02, “South Annie Glidden Road Corridor Overlay District”). Strategic grouping of trees and shrubs is encouraged.

b. The landscaped strip of land paralleling the adjacent street shall be located on private property. The City Engineer and/or the official of the public agency having jurisdiction may permit this landscaped area to occur within the public right-of-way if it can be satisfactorily demonstrated that no reasonable alternative exists for its location on private property.

c. This landscaped strip shall not be substantially impeded by utility easements or other encroachments which would negatively affect the intent of this Article. If existing easements would negatively affect the intent of this Article, said landscaped strip shall be located between the parking area and the right of way in such a manner as to fulfill the intent of this Article, which shall be subject to the approval of the Community Development Director.

d. A maximum of fifty (50) percent of the required number of trees may consist of a mix of ornamental and evergreen trees.

e. In addition to the required number of trees and shrubs earth sculpting, berms, or decorative screening fences or walls shall be installed on private property along the frontage of the adjacent street to a height of not less than three (3) feet above the grade of the parking area and, in the opinion of the Community Development Director, are designed to effectively screen the parking area yet avoid erosion, drainage, maintenance or visibility problems. In lieu of earth
sculpting, berms or decorative screening, fences or walls, the frontage may be 100 percent screened with shrubs that reach a height of three (3) feet at the time of maturity. (2019-025)

f. No landscaping, hedge, wall, fence or berm that exceeds twenty-four (24) inches in height shall be located within ten (10) feet of any driveway opening nor otherwise located so as to interfere with the visibility of vehicles or pedestrians (see Article 7, “Supplementary District Regulations”).

4. **Landscaping Requirements for Side and Rear Yards:** When any vehicle parking lot, storage or loading area is adjacent to a side or rear yard and landscaping is not otherwise required pursuant to Article 7, the side or rear yard setback area shall be landscaped as follows:

a. A minimum of one (1) tree and four (4) shrubs shall be planted for every thirty (30) lineal feet of yard located parallel to and adjacent to the property line. Trees do not have to be placed thirty (30) feet on-center. Trees shall include an equal mix of deciduous, decorative and evergreen varieties. Strategic grouping of trees and shrubs is encouraged.

b. A berm with a minimum height of three feet may be included as part of the landscaping requirement, in lieu of the shrubs, provided the berm is designed with side slopes not exceeding 3:1 and will not create any drainage or maintenance problems. Said berm shall be finished in an appropriate live ground cover.

c. **Alternative Option:** A continuous hedgerow with a minimum height of 3 feet at the time of planting, consisting of evergreen species with dense vegetation, so as to effectively provide a continuous screen of the area.

d. **Exception:** This requirement shall not apply when the side yard setback is waived per paragraph 5 a (1), above.

5. **Landscaping Requirements for Interior Areas.** Any parking lot having sixty (60) or more parking spaces shall be further landscaped as follows:

a. A minimum of twenty (20) square feet of interior landscaped areas shall be provided for each parking space. The landscaping shall be in one or more areas so as to break up the apparent expanse of the parking area, and so far as practicable, in such a way so as no aisle contains more than twenty (20) parking stalls without including a landscaped island. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area. The setback area landscaping, as provided in Sections 2 and 3, above, shall not qualify as an interior landscaped area, regardless of its width or depth.

b. Individual interior landscaped areas shall have a minimum area of fifty (50) square feet and a minimum width of nine (9) feet. One (1) tree shall be planted for every four hundred (400) square feet of the aggregate total of all interior landscaped areas. Trees shall be evenly spaced whenever possible.

c. A maximum of fifty (50) percent of the required number of trees may consist of a mix of ornamental and evergreen trees.

6. **Additional Requirements for Large Parking Lots:** When any parking lot contains three hundred (300) or more parking stalls, or exceeds the minimum parking required by the UDO by thirty (30) percent or more, the following additional landscaping requirements shall apply:

a. The minimum size standards for all trees shall be increased as follows:

1) Deciduous trees shall be not less than three and one-half (3-1/2) inches caliper;
2) Decorative trees shall be not less than two and one-half (2-1/2) inches caliper;

3) Evergreen trees shall be not less than six (6) feet in height.

b. In addition to the interior landscaping required in paragraph 3, above, there shall be one landscaped strip, located between parking rows and parallel to the primary driving aisles, and running the length of the parking row, for each four (4) rows of parking or fraction thereof. For the purposes of this paragraph, one parking row shall include one driving aisle with parking stalls on one or both sides. These landscaped strips shall meet the following criteria:

1) The landscaped strip shall have a minimum width of ten (10) feet

2) The strips shall be located along the longest rows of parking, and if possible in such a way so as to frame the primary entrance(s) to the building;

3) The strips shall be landscaped with a ground cover, and shall include one deciduous tree with a minimum caliper of three and one-half (3-1/2) inches for each thirty (30) feet in length, or portion thereof;

4) The landscaped strips may include sidewalks or walkways, subject to the approval of the Community Development Director, and provided that the intent of these areas to provide additional landscaping is not circumvented;

5) No part of the landscaped strips shall be included as part of the required interior or perimeter parking lot landscaping

6) For parking lots exceeding the minimum parking standards of the UDO by thirty (30) percent or more, the interior landscaping shall be increased to thirty (30) square feet per parking stall, not including the perimeter landscaping or the landscaped strips required above, for each stall that exceeds the UDO minimum requirements.

7. Landscaping Requirements for Parking Lots Adjacent to Residentially Zoned Property. See Section 7.05, Article 7, “Supplemental District Regulations.”

8. Exception in “CBD,” Central Business District: Where a proposed parking lot is located on property zoned “CBD,” Central Business District, the location and minimum dimensions of the required parking lot landscaping areas, whether perimeter or interior, may be adjusted and/or relocated to any combination of perimeter and/or interior landscaped areas, provided that the cumulative landscaped area and number of trees and plants is equivalent to what would otherwise be required, and the required landscaping is still located within or around the parking area(s). (1996-042).

9. Landscaping requirements for loading and storage areas, and all other vehicular use areas: In order to minimize the effect of large expanses of asphalt, all loading, storage, and vehicle maneuvering or other use areas not otherwise required to provide interior landscaping shall comply with the following:

a. One tree shall be provided for each two thousand five hundred (2,500) square feet of such area;

b. Fifty (50) square feet of landscaped area shall be provided for each two thousand five hundred (2,500) square feet of such area;

c. The landscaped area and trees are in addition to the other landscaping required on the site, and shall not be expected to be located within the vehicle maneuvering areas, but rather, shall be located along the periphery of such areas or elsewhere on the site.
10. **Maintenance of Landscaping and Screening:** All landscaping and screening shall be installed and permanently maintained as follows:

   a. All new landscaped areas shall be installed within six (6) months after the occupancy or use of the building or premises. Dead plant materials shall be replaced in a timely fashion with living plant material, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscaping as initially approved.

   b. All landscaping and screening shall be maintained in a healthy, neat, trimmed, clean and weed-free condition. Landscaped areas shall be covered with either grass and/or other types of pervious ground cover located beneath and surrounding the trees and shrubs.

   c. Landscaped areas within and immediately adjacent to an off-street parking or loading area shall be protected from the encroachment of motor vehicles by placing, along the entire perimeter of the landscaped area, a six (6) inch concrete curb or other curbing material approved by the City Engineer and/or designee.

11. **Exception for residential uses:** No landscaping shall be required for any single family or two-family residence located within a residential zoning district, regardless of the number of parking spaces, storage areas or loading areas. Said exception shall not apply if the dwelling is not the principal use of the property.

12. **Exception for industrial and commercial uses:** These landscaping requirements shall not apply to existing parking lots for industrial or commercial properties which were legal at the time the parking areas were constructed, nor shall the new requirements set forth in this amendatory ordinance of 2002 apply to any Planned Development - Commercial or - Industrial which has an approved Preliminary Plan prior to the effective date of this amendatory ordinance of 2003. However, the new requirements shall apply to any expansion or redevelopment of any parking lots for said uses, and/or any formal amendments to an approved Preliminary Plan to the degree that compliance is possible. In the case where compliance with specific terms is not possible, the equivalent quantity of landscaping may be required to be placed elsewhere on the property. The Community Development Director shall have the ultimate determination of the degree of compliance that is possible.

**12.05 Maintenance of Parking Facilities**

Any person operating or owning a parking lot shall keep it free, as may be practical, of snow, ice, dirt and debris. Such persons shall also keep all adjacent sidewalks free from dirt, ice and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any lighting; walls; landscaping; including trees and shrubbery; as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.
**12.06 Minimum Off-Street Parking Space Dimensions**

The regulations of this subsection shall govern the dimensions of off-street parking spaces, including those provided in developments approved in planned districts or by special procedure.

Except as otherwise provided for in this Article, all uses except for single-family residential, shall comply with the following parking requirements:

![Diagram of parking space dimensions]

1. **Parking Table**

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking angle</td>
<td>Stall width</td>
<td>19' min stall to curb</td>
<td>Aisle width**</td>
<td>Curb length per car</td>
<td>Curb to curb</td>
<td>Center to center width of double row with aisle between</td>
</tr>
<tr>
<td>45°</td>
<td>9.0'</td>
<td>19.7'</td>
<td>12.5'</td>
<td>12.7'</td>
<td>51.9'</td>
<td>45.6'</td>
</tr>
<tr>
<td>60°</td>
<td>9.0'</td>
<td>21.0'</td>
<td>17.5'</td>
<td>10.5'</td>
<td>59.5'</td>
<td>55.0'</td>
</tr>
<tr>
<td>90°</td>
<td>9.0'</td>
<td>19.0'</td>
<td>24.0'</td>
<td>9.0'</td>
<td>62.0'</td>
<td>62.0'</td>
</tr>
</tbody>
</table>

* Or as otherwise approved by the City Engineer.

** Aisle widths indicated are for one-way flow except for ninety degree (90°) angled parking. All two-way aisles shall have a minimum width of twenty-four (24) feet. As may be determined by the City Engineer, additional aisle width and turning radii may be required to accommodate City of DeKalb fire vehicles or, where the aisle serves as the principal means of access to on-site buildings or structures, drive-up facilities or loading and unloading areas.

2. In the event that the desired parking angle is not specified by the above table, the City Engineer or his/her designee may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.

3. On-site parallel parking spaces shall be 9.0' x 22.0' adjacent to a 22' two-way aisle or 15' one-way aisle.

4. Perpendicular parking depths may be reduced to eighteen feet (18'), subject to the approval of the City Engineer and the Community Development Director, 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.

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, etc.
   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.

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 churches.

5. Use of Parking Spaces; Non-Residential Uses: Off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles, in operating condition, used by patrons, occupants or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.

6. Use of Required Parking Spaces; Residential Uses: Required off-street parking spaces serving residential uses and in a residential district including the driveway thereof, shall be used only for the parking of passenger automobiles of two axles or less, designed to carry twelve or less passengers; trucks of less than six feet, six inches in height measured from the highest point to the ground with fully inflated tires; boats; and recreational vehicles, the same being any vehicle originally designed or permanently converted and used for living quarters or for human habitation and not used as a commercial vehicle, including a house trailer, camper, or private living coach.
However, said recreational vehicles shall not be used for living quarters or for human habitation and shall be parked on a surface constructed in accordance with the standards provided in Section 12.03. Because said parking is accessory to the permitted residential use, all required residential parking spaces shall be used solely for the benefit and convenience of the occupants of the occupants of the residence(s) served, and shall not be rented, leased or otherwise used for the parking or storage of motor vehicles by any other persons.

7. **Snow Removal**

   a. Snow removal shall be required when an accumulation of four (4) to six (6) inches of snow or sleet occurs in a period of twelve (12) or more hours on any more than thirty (30) percent of any required parking facility for any multiple family buildings containing three or more units, rooming houses, lodging houses, fraternities and sororities, hospitals, nursing homes or convalescent homes.

   b. Snow removal shall be required when an accumulation of six (6) to eight (8) inches of snow or sleet occurs in a period of twenty-four (24) or more hours on any more than thirty (30) percent of any required parking facility for any multiple family buildings containing three or more units, rooming houses, lodging houses, fraternities and sororities, hospitals, nursing homes or convalescent homes.

   c. Snow removal shall be required when an accumulation of eight (8) to ten (10) inches of snow or sleet occurs in a period of thirty-six (36) or more hours on any more than thirty (30) percent of any required parking facility for any multiple family buildings containing three or more units, rooming houses, lodging houses, fraternities and sororities, hospitals, nursing homes or convalescent homes.

   d. Snow removal shall be required when an accumulation of ten (10) or more inches of snow or sleet occurs in a period of forty-eight (48) or more hours on any more than thirty (30) percent of any required parking facility for any multiple family buildings containing three or more units, rooming houses, lodging houses, fraternities and sororities, hospitals, nursing homes or convalescent homes.

   e. All parking lots must have a designated location for stockpiling snow storage, which shall be located away from public street right-of-ways and alleys, and shall not interfere with the safe movement of traffic within the parking lot. Further, the designated location shall be in an area where drainage is appropriate and re-freezing of sheet drainage will not negatively affect the safe movement of traffic in the parking lot or surrounding right-of-ways.

8. **Truck Parking:** The unenclosed parking of trucks as a permitted accessory use associated with a permitted use in the commercial or industrial zoning districts shall be limited to vehicles not exceeding one and one-half (1-1/2) tons capacity when located within seventy-five (75) feet of a residential zoning district.

9. **Bicycle Parking:** Any parking lot serving a residential use of 3 or more units, rooming house or dormitory, and any other parking lot with 20 or more parking stalls shall provide at least one bicycle rack for safe and secure bicycle parking. The bicycle parking area shall be in a location which does not impede the safety of the cyclist or security of the parked bicycle.

10. **Shopping Cart Corrals:** Any parking lot with 100 or more parking stalls, designed to service a retail use, shall provide parking cart return corrals equally distributed throughout the parking lot, and placed in such a manner so that no parking stall is more than fifty feet (50’) from a cart corral.
### 12.08 Schedule of Off-Street Parking and Loading Requirements

Subsections 12.08.01 through 12.08.09 of this Article contain the schedule of required parking for a variety of land uses and developments. For uses not included in any of these subsections, the Community Development Director or designee shall determine the number of required parking spaces based on the similarity of such use(s) to other uses contained in the schedule and/or the actual demand for off-street parking and loading estimated to be generated by the particular use(s).

### 12.08.01 Off-Street Parking Requirements – Commercial

Retail sales, business, personal and professional services and office and research service facilities shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto parts and accessory stores, except auto parts departments of department or similar stores</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Auto Sales</td>
<td>1 space for every 300 square feet of floor area of sales shown and showroom area, 3 spaces for every service bay in repair garage areas and one space for every vehicle customarily used in the operation of use or stored on the premises. This shall not include space provided for vehicles for sale or lease</td>
</tr>
<tr>
<td>Banks or other Financial Institutions with Drive-through Facilities</td>
<td>1 space for every 250 square feet of floor area, plus 3 stacking spaces for each drive-through teller station, including automatic teller machines</td>
</tr>
<tr>
<td>Banks or other Financial Institutions without Drive-through Facilities</td>
<td>1 space for every 250 square feet of floor area</td>
</tr>
<tr>
<td>Bar, Tavern or other facility requiring a Class “A” liquor license in order to dispense alcoholic beverages as provided for in the DeKalb Municipal Code</td>
<td>1 space for every 50 square feet of floor area</td>
</tr>
<tr>
<td>Barber and Beauty Shops</td>
<td>3 spaces for every chair</td>
</tr>
<tr>
<td>Beverage Shops (Packaged Liquor Store)</td>
<td>1 space for every 150 square feet of floor area</td>
</tr>
<tr>
<td>Bookstores and Card Shops</td>
<td>1 space for every 250 square feet of floor area</td>
</tr>
<tr>
<td>Car Wash, except self-service</td>
<td>Reservoir (line-up) stacking equivalent to five (5) vehicles per wash bay</td>
</tr>
<tr>
<td>Car Wash, self-service</td>
<td>Line-up area for each wash stall of sufficient size to accommodate three 3 vehicles.</td>
</tr>
<tr>
<td>Day Care Centers, Day Care Homes, Group Day Care Homes</td>
<td>1 space for every 10 children, plus 1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Cigar and Newspaper Stands</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum Parking Requirements</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clubs and Lodges</td>
<td>1 space for every 3 seats, plus 1 space per employee on the maximum shift</td>
</tr>
<tr>
<td>Commercial Service Facilities and Retail Sales Uses (except as herein noted)</td>
<td>1 space for every 250 square feet of floor area</td>
</tr>
<tr>
<td>Commercial Plan Nurseries and Greenhouses</td>
<td>1 space for every employee on the maximum shift, 1 space for every vehicle customarily used in operation of the use or stored on the premises, plus 1 space for every 250 square feet of floor area of salesroom</td>
</tr>
<tr>
<td>Department, Discount and Variety Stores</td>
<td>1 space for every 250 square feet of floor area</td>
</tr>
<tr>
<td>Distillery</td>
<td>1 space for every 3 seats, plus 1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Equipment Sales, Service, Rental and Repair</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Farm Equipment Sales and Service</td>
<td>1 space for every 300 square feet of floor area of sales and showroom area and one space for every vehicle customarily used in the operation of this use or stored on the premises. This shall not include space provided for vehicles for sales or lease</td>
</tr>
<tr>
<td>Grocery Stores and Food Markets, 7,500 square feet floor area and over</td>
<td>1 space for every 200 square feet of floor area</td>
</tr>
<tr>
<td>Grocery Stores and Food Markets under 7,500 square feet floor area (convenience store)</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Furniture Store, Retail</td>
<td>1 space for every 600 square feet of floor area</td>
</tr>
<tr>
<td>Gas Station (with no service)</td>
<td>1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Gas Station (with service)</td>
<td>1 space per employee on the maximum shift, 3 spaces for every service bay and 1 space for every vehicle customarily used in operation of the use</td>
</tr>
<tr>
<td>Hardware Stores</td>
<td>1 space for every 250 square feet of floor area</td>
</tr>
<tr>
<td>Home Improvement Centers</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Hotels, Motels</td>
<td>1 space for every sleeping unit, 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises, plus the appropriate number of parking spaces for other ancillary uses</td>
</tr>
<tr>
<td>Kennels</td>
<td>1 space for every employee on the maximum shift, plus one space per 1000 square feet of floor area</td>
</tr>
<tr>
<td>Laundromats, Laundry and Dry-Cleaning Pick-up</td>
<td>1 space for every 200 square feet of floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum Parking Requirements</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Mail Order Sales</td>
<td>1 space for every employee on the maximum shift, or 1 space for every 600 square feet of floor area, whichever is greater, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Medical, Dental and Chiropractic Offices and Clinics</td>
<td>1 space for every 250 square feet of floor area, or 4 spaces for every doctor and 1 space for every additional employee, whichever is greater</td>
</tr>
<tr>
<td>Micro-Distillery</td>
<td>1 space for every 3 seats, plus 1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Mortuaries and Funeral Homes</td>
<td>1 space for every 5 seats, or 1 space per 75 square feet of chapel or parlor area, whichever is greater, but not less than 10 spaces</td>
</tr>
<tr>
<td>Office and Office Buildings (except as noted herein)</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Plumbing, Air Conditioning and Heating Equipment (Sales, Repairs and Warehousing)</td>
<td>1 space for every 300 square feet of sales and office area, 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Research Facilities and Laboratories</td>
<td>1 space for every employee on the maximum shift, or 1 space for every 600 square feet of floor area, whichever is greater, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 space for every 3 seats, plus 1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Restaurants, Fast Food</td>
<td>1 space for every 2 seats, plus 1 space for every employee on the maximum shift, plus 5 stacking spaces for each drive-through pick-up window</td>
</tr>
<tr>
<td>Vehicle Service Centers and Repair Facilities</td>
<td>1 space for every employee on the maximum shift, 3 spaces for every service bay and 1 space for every vehicle customarily used in operation of use or stored on the premises</td>
</tr>
<tr>
<td>Veterinary Clinics and Hospitals</td>
<td>4 spaces for every doctor, plus 1 space for every additional employee</td>
</tr>
<tr>
<td>Video Gaming Establishment</td>
<td>1 space for every 250 square feet of floor area</td>
</tr>
<tr>
<td>Wholesaling</td>
<td>1 space for every employee on the maximum shift, or 1 space for every 600 square feet of floor area, whichever is greater, plus 1 space for every vehicle customarily used in operation of use or stored on the premises</td>
</tr>
</tbody>
</table>
Cultural, entertainment and recreational uses shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Parks</td>
<td>1 square foot of parking for each square foot of public activity area</td>
</tr>
<tr>
<td>Athletic Fields</td>
<td>20 spaces for every diamond or athletic field, or 1 space for every 4 seats, whichever is greater (1 seat is equal to 2 feet of bench length)</td>
</tr>
<tr>
<td>Auditoriums, Theaters, Meeting Rooms and Place for Public Assembly (except as noted herein)</td>
<td>1 space for every 4 seats or 1 space for every 50 square feet floor area when there is no fixed seating</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>3 spaces for every alley</td>
</tr>
<tr>
<td>Clubs and Lodges</td>
<td>1 space for every 3 seats, plus 1 space per employee on the maximum shift</td>
</tr>
<tr>
<td>Community Centers, Recreation and Health Centers, including Gymnasiums and indoor Swimming Pools</td>
<td>1 space for every 300 square feet of floor area</td>
</tr>
<tr>
<td>Drive-In Theaters</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or store on the premises</td>
</tr>
<tr>
<td>Fairgrounds</td>
<td>Sufficient open land convertible to parking such that no vehicle need to be parked on any street</td>
</tr>
<tr>
<td>Golf Courses</td>
<td>4 spaces for each hole, plus 1 space per employee on the largest shift, plus 50 percent of the spaces otherwise required for any accessory uses (i.e., bars and restaurants)</td>
</tr>
<tr>
<td>Golf Driving Ranges</td>
<td>2 spaces for every tee</td>
</tr>
<tr>
<td>Gymnasium without bleachers or fixed seating</td>
<td>1 space for each 4 persons allowed within the maximum occupancy load</td>
</tr>
<tr>
<td>Parks, Playgrounds, Picnic Grounds</td>
<td>Space equivalent to 1 percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement</td>
</tr>
<tr>
<td>stadiums, Sports Arenas and Gymnasiums with spectator facilities</td>
<td>1 space for every 4 seats (1 seat is equal to 2 feet of bench length)</td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>2 spaces for every 100 square feet of water area</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>4 spaces for every court</td>
</tr>
</tbody>
</table>
Industrial uses shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Slaughtering, Meat-packing and Rendering</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Blacksmith, Sheet Metal and Welding Shops</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Extraction of Raw Materials</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Impound Yards, Junk Yards, Salvage Yards, Wrecking Yards and Land-fills</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Laundry or Dry-Cleaning Plants</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Mail Order Sales</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Manufacturing and Fabrication</td>
<td>1 space for every employee on the maximum shift plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Plumbing, Air Conditioning and Heating Equipment (sales, repairs and warehousing) and contractor offices and shops</td>
<td>1 space for every 300 square feet of floor area of sales and office area, 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Reclamation Plants, Steel Mills, Foundries or Smelters Warehousing</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily use in operation of the use or stored on the premises but, in no case, shall there be less than 3 spaces</td>
</tr>
</tbody>
</table>
**12.08.04 Off-Street Parking Requirements – Institutional**

Institutional uses shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches</td>
<td>1 space for every 4 seats (one seat equals 2 feet of bench length)</td>
</tr>
<tr>
<td>Fire Stations</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space for every 2 bed, plus 1 space for every staff doctor and employee on the maximum shift</td>
</tr>
<tr>
<td>Libraries, Reading Rooms</td>
<td>1 space for every 250 square feet of floor area, 1 space for every 6 seats in an auditorium and 1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>1 space for every 5 beds, 1 space for every self-care unit and 1 space for every employee on the maximum shift</td>
</tr>
<tr>
<td>Police Stations</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises, plus a minimum of 3 visitor spaces</td>
</tr>
<tr>
<td>Postal Stations</td>
<td>4 spaces for every customer service station, 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Schools, Public and Private; all grades</td>
<td>1 space for every classroom and office, 1 space for every 4 students over 16 years of age, 1 visitor space for each office, and 1 space for every non-teaching or non-office employer on the maximum shift</td>
</tr>
<tr>
<td>Schools, Vocational, Business and Trade</td>
<td>1 space for every classroom, plus 1 space for every 2 students</td>
</tr>
</tbody>
</table>

**12.08.05 Off-Street Parking Requirements – Open Space and Agriculture**

Open space and agriculture uses shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Forest and Wildlife Reservations</td>
<td>Sufficient open land available for parking so that no vehicle need be parked on any street</td>
</tr>
</tbody>
</table>
### 12.08.06 Off-Street Parking Requirements – Residential

Residential uses shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Residence; Small or Large</td>
<td>1 parking space for every 4 bedrooms, plus 1 space for each support staff on the maximum shift</td>
</tr>
<tr>
<td>Dwelling, Single Family Detached, Single Family Attached, Duplexes</td>
<td>2 parking spaces per dwelling unit</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum Parking Requirements</td>
</tr>
<tr>
<td>Dwelling, Multiple Family and Condominiums, or Townhomes used for</td>
<td>1 parking space per bedroom (including rooms which may be readily used as bedrooms including,</td>
</tr>
<tr>
<td>rental purposed (not owner occupied)</td>
<td>but not limited to, dens, studies, etc.) PLUS another 0.5 parking stalls per unit, e.g.</td>
</tr>
<tr>
<td>Efficiency or 1-bedroom = 1.5 spaces</td>
<td>2 bedroom = 2.5 spaces</td>
</tr>
<tr>
<td>3 bedroom = 3.5 spaces</td>
<td>4 bedroom = 4.5 spaces</td>
</tr>
<tr>
<td>Fraternities or Sororities</td>
<td>1 space for each occupant calculated on the licensed capacity of the building</td>
</tr>
<tr>
<td>Group Home</td>
<td>1 space for each occupant calculated on the licensed capacity of the building</td>
</tr>
<tr>
<td>Lodging House</td>
<td>1 space for every 4 occupants calculated on the licensed capacity of the building</td>
</tr>
<tr>
<td>Rooming House</td>
<td>1 space for each occupant calculated on the licensed capacity of the building</td>
</tr>
</tbody>
</table>

### 12.08.07 Off-Street Parking Requirements – Transportation, Communication and Utilities

Transportation and communication uses and utilities shall provide off-street parking and loading facilities as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports, Heliports and Landing Strips</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises, plus 1 space for every 200 square feet of lobby area</td>
</tr>
<tr>
<td>Highway Department Garages</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises</td>
</tr>
<tr>
<td>Terminal (air, bus, railroad and truck)</td>
<td>1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises, plus on space for every 200 square feet of lobby area</td>
</tr>
</tbody>
</table>
12.08.08 Loading Requirements

An off-street loading space shall be an area other than a street or public right-of-way, used principally for the standing, loading, or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys, any established fire lanes, or any parking lot aisles or parking spaces. All off-street loading spaces shall be constructed in accordance with the design standards specified in Section 12.03.

12.08.09 Storage Requirements

No parking lot or driveway shall be used as a storage area if located between the principal building and the street. No portion of the required parking may be used for storage. Exceptions to this requirement shall only include temporary special events or seasonal displays, such as garden centers and/or back-to-school sales, and are subject to obtaining a Temporary Use Permit in accordance with Article 14.07.01 of this Ordinance.
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 façade 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 are also 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.
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.


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 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 13.07.07 of this Article).


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” 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:

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 with construction activity not exceeding twelve (12) square feet in any zoning 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.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Allowable Signs</th>
<th>Maximum Size, Height and Setback</th>
<th>Number</th>
<th>Maximum Time for Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR1, SFR2, TFR, RC-1, PD-R</td>
<td>Permanent Wall</td>
<td>Max. Size – 1 sq. ft.</td>
<td>One</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</td>
<td>Max. Size – 50 sq. ft. Max. Height (Ground Sign) – 6 feet Min. Setback – 18 inches from any lot line</td>
<td>One per subdivision or development entrance</td>
<td>None</td>
</tr>
<tr>
<td>SFR1, SFR2, TFR, RC-1 (Non-Residential Use)</td>
<td>Permanent Wall</td>
<td>1.5 square feet of signage for each lineal foot of building or tenant frontage 300 sq. ft. max. for any sign</td>
<td>One per building or tenant frontage</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Ground</td>
<td>Max. Size - 50 sq. ft. Max. Height-10 feet Min. Setback -18 inches from any lot line</td>
<td>One per street frontage – Max. of 2</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</td>
<td>Max. Size – 50 sq. ft. Max. Height (Ground Sign) – 6 feet Min. Setback – 18 inches from any lot line</td>
<td>One per subdivision or development entrance</td>
<td>None</td>
</tr>
<tr>
<td>Zoning District</td>
<td>Allowable Signs</td>
<td>Maximum Size, Height and Setback</td>
<td>Number</td>
<td>Maximum Time for Display</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>-------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>MFR-1, MFR-2</td>
<td>Permanent Wall</td>
<td>Max. size – 10 sq. ft.</td>
<td>One per building frontage</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Ground</td>
<td>Max. Size - 20 sq. ft.</td>
<td>One per street frontage – Max. of 2</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</td>
<td>Max. Size – 50 sq. ft.</td>
<td>One per subdivision or development entrance</td>
<td>None</td>
</tr>
<tr>
<td>NC, LC, GC, PD-C, ORI, LI, HI, PD-I</td>
<td>Permanent Wall</td>
<td>1.5 square feet of signage for each lineal foot of building or tenant frontage</td>
<td>One per building or tenant frontage</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Ground – Buildings with one tenant</td>
<td>Max. Size - 50 sq. ft.</td>
<td>One per street frontage</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Ground – Buildings with two tenants or subdivisions with two lots</td>
<td>Max. Size - 75 sq. ft.</td>
<td>One per street frontage</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Permanent Ground – Buildings with three or more tenants or subdivisions with three or more lots</td>
<td>Max. Size - 150 sq. ft.</td>
<td>One per street frontage</td>
<td>None</td>
</tr>
<tr>
<td>Zoning District</td>
<td>Allowable Signs</td>
<td>Maximum Size, Height and Setback</td>
<td>Number</td>
<td>Maximum Time for Display</td>
</tr>
<tr>
<td>-----------------</td>
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<td>----------------------------------</td>
<td>--------</td>
<td>--------------------------</td>
</tr>
</tbody>
</table>
| 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 rooftop 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 over 50,000 square feet is one square foot per one lineal foot of building frontage with a maximum of 100 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 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 1320 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 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.

**13.06.02 Permanent Wall Signs**

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. Area allowed on one side of a building shall neither be transferred to another side of the building, or to any other building.

4. In buildings containing 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 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. (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).

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.

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 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 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. 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. 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. Two (2) cross section profiles through the site showing preliminary building form and other structural elevations.
   e. 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, the applicant shall 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 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 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.

2. The applicant shall 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 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 and shall not be removed until the 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.

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 shall review the application for the Special Use Permit. The Community Development Director shall solicit the opinions and comments of other City staff members and, along with the comments received from property owners, governmental agencies, etc., shall forward to the Planning and Zoning Commission his/her 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 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.”

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.

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 Community Development Director. The Director 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. 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 Community Development Director on a form provided by said Director. 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 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 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 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 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.
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 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 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 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 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 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. All illuminated signs, shall, in addition, be subject to all the applicable electrical provisions of Chapter 25, “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 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.
6. Name of person or company intending to erect the sign.
7. Such other information as the Community Development Director 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, 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 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, 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 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 15

SUBDIVISION OF LAND

15.01 No Subdivision Without Plat Approval

1. No person may subdivide their land except in accordance with this Article.

2. All subdivisions of land within the City of DeKalb and lands under its extraterritorial jurisdiction shall be governed by applicable Illinois State Statutes; the Comprehensive Plan; the DeKalb Municipal Code; and this Ordinance.

3. Preliminary and final development plans for a “planned development” or portion thereof, which indicate the subdivision of property, shall meet the subdivision requirements provided in applicable Illinois State Statutes; the Comprehensive Plan; the DeKalb Municipal Code; and this Ordinance. (Also see Article 5, Subsection 5.13.10 of this Ordinance for Planned Development Procedures).

4. All subdivisions proposed outside of the corporate limits of the City of DeKalb, and under its extraterritorial jurisdiction, shall be reviewed and approved by the City Council for conformance with Article 9, “Streets, Sidewalks and Subdivision Design,” Article 10, “Utilities,” Article 11, “Floodways, Floodplains, Stormdrainage and Erosion,” applicable density and dimensional regulations contained in Article 5 of this Ordinance and with the City of DeKalb Comprehensive Plan.

5. Those subdivisions exempt from the Plats Act are also exempt from this Ordinance except where a new lot is created entirely or partially from the division of one (1) or more existing lots. In this instance, a plat of survey shall be prepared and signed by a registered Illinois Land Surveyor and shall be submitted to the Community Development Director. The Community Development Director shall solicit comments from all applicable City departments as to the plat of survey's conformance with the City's zoning and subdivision regulations. The Community Development Director shall forward to the City Manager a report and recommendation as to whether to approve the plat of survey. The actions of the City Manager shall be considered final, and without his/her approval, no such plat of survey shall be entitled to be recorded.

15.02 Pre-Application Meeting

1. Prior to formal application for a major or minor subdivision, the subdivider shall schedule a pre-application meeting with the Community Development Director. The subdivider and/or his or her representative shall attend the pre-application meeting and shall submit a sketch plan for review and comment by City Staff.

City Staff shall review and evaluate the sketch plan and shall report to the subdivider, at the meeting or as soon as practicable thereafter, staff's opinion as to the merits and feasibility of the subdivision and its improvements contemplated by the sketch plan. Staff shall also inform the subdivider of the required standards, documentation submittals, and procedures to follow should the subdivider decide to submit a formal application.

2. The sketch plan and/or its accompanying documents shall include information, all of which may be based on sources of information other than field survey data:

   a. Name of the subdivision and a key map showing its location;

   b. Name, address, and telephone number of the owner, subdivider, engineer, and any other contact person;
c. Acreage and zoning classification of the subdivision and the proposed number of lots;

d. The location of the tract in relation to the surrounding area, including names of adjacent property owners;

e. The approximate location of all existing land uses, structures, facilities and wooded areas within the tract proposed to be retained or demolished and within one hundred (100) feet of the tract;

f. Arrangement and dimensioning of all proposed lots, parks, and common areas;

g. Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system;

h. Proposed location of private access drives;

i. Proposed location and size of sanitary sewers, storm sewers, water mains, detention areas and their relationship to existing public utilities;

j. Contours with intervals of five (5) feet or less and a generalized drainage scheme;

k. A north arrow and scale (recommended scale is 1" = 100').

3. Whenever the sketch plan covers only a part of the sub-divider's contiguous land holdings, the sub-divider shall submit a drawing showing the probable future street and drainage system of the remaining portions of the sub-divider's land.

4. It is advisable that the sub-divider contact other agencies, as appropriate, to obtain their requirements that may affect the proposed subdivision. Such agencies include:

   a. Kishwaukee Water Reclamation District;

   b. Illinois Department of Transportation (IDOT), c/o District Engineer;

   c. County or Township Highway Department;

   d. Water Resource Division, IDOT;

   e. State of Illinois Environmental Protection Agency;

   f. State of Illinois Historic Preservation Agency;

   g. State of Illinois Department of Conservation;

   h. Local public utility companies.

**15.03 Planning and Zoning Commission Work Session**

Prior to formal application for a subdivision, the sub-divider may submit the sketch plan for review at a work session held with the Planning and Zoning Commission. This work session is not mandatory but is highly encouraged. Work sessions are held at the Planning and Zoning Commission's regularly scheduled meetings.
15.04 Major and Minor Subdivisions

15.04.01 Major Subdivisions

Major subdivisions require the approval of a preliminary and a final plat. Documentation and procedural requirements for preliminary and final plat approval are contained in Sections 15.06 and 15.07 of this Article. A major subdivision is a subdivision having one or more of the following characteristics:

1. The subdivision has four (4) or more lots.
2. The total area of the subdivision is greater than five (5) acres in size.
3. There are proposed publicly dedicated streets, alleys, easements, parks, common areas, etc.
4. There are required improvements to be made within a public right-of-way other than concrete sidewalks, landscaping, monuments, lateral extensions of sanitary and storm sewers, and water mains.
5. There are variances or exceptions to this Ordinance being requested.

15.04.02 Minor Subdivisions

Minor subdivisions require only the approval of a final plat, in accordance with the regulations contained in Section 15.07 “Final Plats” of this Article. A minor subdivision has all of the following characteristics:

1. The subdivision has not more than three (3) lots.
2. There are no buildings or significant structures on the land to be subdivided.
3. The total area of the subdivision is not greater than five (5) acres in size.
4. There are no proposed publicly dedicated streets, alleys, easements, parks, common areas, etc.
5. Except for concrete sidewalks, landscaping, monuments, lateral extensions of sanitary and storm sewers, and water mains, there are no other required improvements to be made within a public right-of-way.
6. There are no variances or exceptions to this Ordinance being requested.

15.05 Dedication and Reservation of Land

1. Whenever a tract of land to be subdivided embraces all or any part of an existing or proposed arterial street, collector street, or other public way which have been designated as such in the adopted Comprehensive Plan, Official Map, or other officially adopted plans of the City, the subdivider shall dedicate sufficient land to accommodate said arterial street, collector street, or other public area. The amount of land to be dedicated shall be indicated on the subdivider's subdivision plat and shall be in accordance with the standards identified in Article 9, “Streets, Sidewalks and Subdivision Design,” other appropriate articles in this Ordinance, or other duly adopted and accepted standards of the City of DeKalb or other public agencies.

2. Whenever any river, stream, or important surface watercourse is located in or adjacent to the land to be subdivided, the subdivider shall dedicate an easement not less than twenty-five (25) feet in width along each side of said river, stream, or important surface watercourse. The purpose of the easement shall be for the potential widening, improving, or protecting of the river, stream, or important surface watercourse and for recreational use.
3. Where a park, school, or other public area is proposed by the Comprehensive Plan or other duly adopted official plans and is within the area being subdivided, said public area shall either be dedicated to the proper public agency or it shall be reserved for acquisition thereby within a specified time period. The amount of land to be dedicated shall be indicated on the sub-divider's subdivision plat and shall be in accordance with the accepted standards of the appropriate public agency. Where land is to be reserved for future acquisition, an agreement shall be entered into between the sub-divider and the proper public agency regarding the time and method of acquisition and the cost thereof and shall allow for the sub-divider to re-subdivide the reserved land if it is not acquired by the public agency within the prescribed time period.

15.06 Preliminary Plats

1. All major subdivisions, as defined in Subsection 15.04.01 above, require the approval of a preliminary plat. However, a plat that is otherwise classified as a major subdivision and has not more than three (3) lots may be exempted, upon written request by the sub-divider, from the preliminary plat requirements by the City Manager or his/her designee. Each sub-divider of land shall confer with the Community Development Director and other City Staff prior to the preparation of a preliminary plat in order to become thoroughly familiar with the City's Comprehensive Plan, this Ordinance, and any other regulations affecting the territory in which the proposed subdivision lies (see Section 15.02 “Pre-Application Meeting”).

2. A sub-divider submitting a preliminary plat shall submit all information required by this Section. Failure to provide required information in the form specified shall be sufficient grounds for refusal to accept filing of the preliminary plat application or to reject a preliminary plat in any stage of the review and approval process.

3. In addition to meeting all of the preliminary plat submittal requirements in the following subsection, the developer of each preliminary plat 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 plat submittal and to prevent the circumvention of the purpose and intent of this paragraph.

15.06.01 Preliminary Plat Submittal Requirements

The sub-divider shall prepare and submit to the Community Development Director twelve (12) copies of a preliminary plat. The preliminary plat shall be at a scale of one inch equals fifty feet (1” = 50”) or one inch equals one hundred feet (1” = 100”), shall be on a sheet not less than 8-1/2 inches by 14 inches (8-1/2” x 14”) or greater than 30 inches by 36 inches (30” x 36”) in size. The plat and any accompanying documents shall contain the following information:

1. Completed application form signed by the owner of the land to be subdivided and the required processing fees.

2. A key map showing the tract and its relation to the surrounding area.

3. A north arrow and graphic scale.

4. The name proposed for the tract or such part thereof as is proposed to be subdivided, which shall be original and not a duplication of the name of any previously recorded subdivision or development in the City of DeKalb.
5. The name proposed for the streets within the subdivision, which shall be original and not a duplication nor similar in spelling or sound to the names of other existing streets in the City of DeKalb.

6. The following names and addresses:
   a. The record owner or owners of the tract;
   b. The party who prepared the plat;
   c. The party for whom the plat was prepared;
   d. The engineer and land surveyor who will design improvements for and survey the tract or such part thereof as is proposed to be subdivided;
   e. The owners of land immediately adjacent to the area proposed to be subdivided.

7. The acreage of the tract stated in tenths (0.1) of an acre and the measurement of the tract's boundaries to the nearest foot.

8. Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend one hundred fifty (150) feet beyond the limits of the subdivision boundaries. U.S.G.S. datum is required. Contours shall be at two (2) foot intervals.

9. The location within the tract or immediately adjacent thereto of existing and proposed property lines, uses and ownership of adjacent properties, water courses, sink holes, areas within the tract subject to inundation by, railroads, bridges, culverts, storm sewers, storm sewer laterals, detention/retention facilities, water mains, sanitary sewers, easements of record, existing buildings including their use and foundation elevations or other identified improvements that are to remain, proposed buildings (if known) and their use and foundation elevations, buried structures, and significant natural features such as wooded areas, wetlands, and areas of likely archaeological significance or areas of likely habitat for endangered species as they may be identified by the applicable State of Illinois agency.

10. The location within the tract or immediately adjacent thereto of existing field tiles along with their size, material make up, approximate depth, and active status. To determine this, an investigation shall be conducted making rational assumptions as to where the tiles are typically located based on the contour elevations of the site. A slit trench by backhoe or tractor shall be a minimum of three (3) feet wide, five (5) feet deep, and six (6) feet in length. To fully map field tile locations, slit trench excavation and field staking should occur at a minimum of one hundred (100) feet intervals with confirmation of the route between each interval through the use of additional slit trench, hand probes, or electronic location devices.

11. The alignment and width of existing and proposed street right-of-ways and pavements including additional right-of-ways along existing streets as may be required.

12. The results of any tests made to ascertain subsurface rock and soil conditions and the water table.

13. The Zoning District, including delineation of the Floodplain Overlay Zoning district, if any, and the Township, Range, Section (or U.S. Survey), School District, Fire District, and other special districts in which the tract is located.

14. The proposed depth and width of lots and other parcels measured to the nearest foot.
15. The location of and any proposed alteration, adjustment, or change in the elevation or topography of any area in a floodplain as shown on the Federal Emergency Management Administration's (FEMA) flood boundary and floodway maps.

16. The proposed area of lots in square feet, if the lots are less than one (1) acre in area, and in acres and tenths of acres if the lots are one (1) acre or more in area.

17. Approximate location of existing and proposed sidewalks, pedestrian walkways, bike paths, and nature trails within the tract to be subdivided and immediately adjacent thereto.

18. Proposed building setback lines (per property's zoning district classification).

19. Location, size, and dimension of all existing and proposed utilities and their easements along with written and signed statements by the sub-divider's engineer declaring that all utilities are or will be made adequate in size to accommodate the subdivision and its future land uses.

20. Grades and profiles of streets and sidewalks or written and signed statements by the sub-divider's engineer declaring that the grades and profiles will meet all applicable City of DeKalb standards.

21. Location and size of proposed detention/retention areas and how they will function along with the calculations and other data used to determine their ability to effectively accommodate the runoff to be generated by the subdivision (see Article 11, “Floodways, Floodplains, Stormdrainage and Erosion”).

22. Platting/construction phases of the subdivision or planned development.

23. Traffic impact study if required by the City Council after receiving a recommendation from to be the Public Works Director.

24. A certification by an Illinois registered land surveyor who prepared the plat that the plat is a correct representation of all existing and proposed land divisions.

15.06.02 Preliminary Plat Review Procedure

1. The Community Development Director shall receive and then review the preliminary plat application and any associated documents to determine acceptability for submission. If the Community Development Director determines the application is complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing that the application has been accepted for review. This notification shall constitute the beginning of the preliminary plat review process timeline. If the Community Development Director determines the application is not complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing the reasons why the application is not complete and how the sub-divider can make his/her application acceptable for submission.

2. The Community Development Director or staff from other City Departments shall distribute copies of the preliminary plat and associated documents to the:
   a. City of DeKalb Public Works Director and City Engineer;
   b. City of DeKalb Chief Building Official;
   c. City of DeKalb Fire Prevention Bureau, DeKalb Fire Department;
   d. Kishwaukee Water Reclamation District;
   e. DeKalb Community Unit School District;
f. DeKalb Park District;

g. The applicable drainage district;

h. DeKalb County Soil and Water Conservation District;

i. DeKalb County Health Department, if any part of the platted land will not be served by a public sanitary sewer system;

j. State of Illinois Department of Transportation, the DeKalb County Highway Department, or Township Highway Department, if any part of the platted land will be adjacent to and/or accessed by one or more of the roadways under their respective jurisdictions.

k. Water Resource Division, IDOT, if any part of the platted land will be located in the floodplain.

3. The Community Development Director shall send a notice of the subdivision proposal to:

a. Owners of property immediately adjacent to the proposed subdivision;

b. Public utility companies (i.e. electric, gas, telephone, cable television, etc.);

c. State of Illinois Historic Preservation Agency;


The above listed City Departments, other public agencies, and property owners shall have up to thirty (30) days to review and comment on the proposed preliminary plat. Any comments shall be directed to the Community Development Director. If no comment is received within said thirty (30) days, the preliminary plat shall be considered as being acceptable to the non-responding City Department, other public agency or property owner.

4. The Community Development Director shall submit his/her report and recommendation on the proposed preliminary plat to the Planning and Zoning Commission within forty-five (45) days after formal acceptance of the application. The report shall be representative of all City Departments' and other public agencies' opinions and recommendations as to the preliminary plat's conformance with the Comprehensive Plan, other officially adopted plans and policies, this Ordinance, other City ordinances and standards, and the other public agencies' rules, standards, and procedures.

5. The Planning and Zoning Commission shall approve or disapprove the application for preliminary plat approval within ninety (90) days after formal acceptance of the application by the Community Development Director. If the Planning and Zoning Commission does not take action on the plat within ninety (90) days, the plat shall be referred to the City Council and be considered as recommended for approval by the Planning and Zoning Commission. The sub-divider and the Planning and Zoning Commission may mutually agree to extend the ninety (90) day period.

6. The City Council shall accept or reject said plat within thirty (30) days after its next regularly scheduled public meeting following the action of the Planning and Zoning Commission. If the City Council does not take action on the plat within the said thirty (30) days, the plat shall be considered approved by the City Council. The sub-divider and the City Council may mutually agree to extend the thirty (30) day period. Approval of the preliminary plat by the City Council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat, in accordance with Section 15.07 "Final Plats" of this Article.

7. Approval of the preliminary plat shall be valid for a period of two (2) years from the date of City Council approval. If an application for final plat approval for all or a geographic portion of the
preliminary plat has not been filed within the two (2) year period, a resubmission of the preliminary plat shall be required if the applicant intends to pursue final plat approval.

15.07 Final Plats

1. A subdivider submitting a final plat application shall submit all information required by this Section. Failure to provide required information in the form specified shall be sufficient grounds for refusal to accept the filing of a final plat application or to reject a final plat in any stage of the review and approval process.

2. Upon approval of a preliminary plat or if a subdivision is classified as a minor subdivision, the subdivider shall submit an application for final plat approval. The application shall include all plans and documents prepared in conformance with Subsection 15.07.01 “Final Plat Document Requirements”; Subsection 15.07.02 “Engineering Plans”; and, if applicable, Subsection 15.07.03 “Maintenance of Common Land and Structures.”

15.07.01 Final Plat Document Requirements

The subdivider shall prepare and submit six (6) copies of the final plat to the Community Development Director. The final plat may include all or only part of the preliminary plat which has received approval. The final plat shall be drawn at a scale of one (1) inch equals fifty (50) feet (1" = 50’), on a sheet not less than eight and one-half (8-1/2) inches by fourteen (14) inches (8-1/2” x 14”) but not greater than 30 inches by 36 inches (30” x 36”) in size. The final plat document and any other accompanying documents shall contain the following information:

1. Completed application form signed by the owner of the land to be subdivided and the required processing fees.

2. Name and subdivision and description of property subdivided, a small sketch showing its location and extent, points of compass, scale of plat, and name and address of owner or owners or the subdivider.

3. Accurate boundary lines with dimensions and bearings or angles, which provide a survey of the tract as required by Chapter 109 of the Illinois Revised Statutes.

4. Accurate distances and directions to the nearest known and permanent monuments from which this and future surveys are made. Reference corners shall be accurately described on the final plat.

5. Proper, valid legal boundary description of the subdivision, and including the area of the subdivision to the nearest one hundredth of an acre.

6. The lines of all proposed rights-of-way for streets and alleys with their width and names.

7. The accurate outline of any property which is offered for dedication for public use.

8. The property lines of all adjoining lands and the right-of-way lines of adjacent streets and alleys with their width and names.

9. All lot lines and an identification system for all lots and blocks.

10. Building lines, easements, and dimensions for any right-of-way provided for public uses, services or utilities along with a utility easement grant and reservation statement.

11. All dimensions; both, linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot.
12. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

13. All survey monuments and bench marks together with their descriptions. The positions of all lot corners, beginnings and ends of curves and all angle points will be required to be marked in the field. Therefore, the location and material of all markers shall be noted on the plat. The applicant shall conform to the following requirements concerning monuments:

   a. All federal, state, county, or official bench marks, monuments, or triangulation station in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of bench marks, monuments, or triangulation stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action;

   b. Permanent monuments shall be set flush with the adjacent ground, shall have a suitable mark in the center of the top, shall be set in such manner that they will not be moved by frost; and shall be either:

      1) Iron pipe not less than three-fourth (3/4) inch in diameter and not less than twenty-two (22) inches in length;

      2) Solid square or round iron bars, five-eighth (5/8) inch thick and not less than twenty-two (22) inches in length;

      3) Stone or reinforced concrete, not less than thirty (30) inches long by four (4) inches square or five (5) inches in diameter.

   c. Permanent monuments shall be erected at all corners or changes in direction of the exterior boundary; at points of curvature or points of tangency; at road intersections and block corners; at all lot corners and angles in lot lines; in all places and manner as otherwise prescribed by law (Ill Rev. Stat. c. 109.1).

14. Topographical and drainage studies inclusive of a drainage overlay pursuant to Chapter 109 of the Ill. State Statutes which have on their face a signed statement of an Illinois registered professional engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the sub-divider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision (see Article 11, “Floodways, Floodplains, Stormdrainage and Erosion,” for specific surface water drainage control design criteria). The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by the City as permanent public documents.

15. Written and signed statements (or evidence that they have been contacted) from the following agencies stating that the final plat document and engineering plans conform to their respective rules and standards.

   a. The Illinois Department of Transportation, the DeKalb County Highway Department, or the Township Highway Department if any part of the subdivision will be accessed by one or more of the roadways under their respective jurisdictions;

   b. Kishwaukee Water Reclamation District;
c. Each of the public utility companies, where applicable (electric, gas, telephone, cable television, etc.);

d. The applicable drainage district;

e. DeKalb Community Unit School District, if any part of the subdivision includes land, or fees in lieu thereof, reserved or dedicated for school purposes;

f. DeKalb Park District, if any part of the subdivision includes land, or fees in lieu thereof, reserved or dedicated for park purposes;

g. DeKalb County Health Department, if any part of the subdivision will not be served by a public sewer system.

16. Certification by an Illinois registered land surveyor to the effect that the plan represents a survey made by him/her and that all the necessary survey monuments are correctly shown thereon.

17. Private restrictions, covenants, and trusteeships and their periods of existence, if any. Should such restrictions and trusteeships be of such length as to make the lettering of same on plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. Plats shall contain proper acknowledgment of owners and the consent by the mortgagee, if any, to said plat and restrictions.

18. Signature blocks for the owners of the land to be subdivided, the Planning and Zoning Commission Chairman, the Mayor, the City Clerk, the City Engineer, the DeKalb County Clerk, and the DeKalb County Recorder. (2017-044)

15.07.02 Engineering Plans

1. As a part of the final plat application submittal, the sub-divider shall submit two (2) copies of engineering plans for the subdivision, or any portion of the subdivision included on the final plat, to the Public Works Department for review and approval.

2. The engineering plans which detail the construction and types of materials to be used in conjunction with the development of the subdivision's improvements shall be prepared by an Illinois registered professional engineer. Specific requirements for improvements are contained in Article 9, "Streets, Sidewalks and Subdivision Design," Article 10, "Utilities," Article 11, "Floodways, Floodplains and Stormdrainage Erosion," and the City's construction standards referenced therein. Any alterations of the common land or improvement within the common land will require the submission of detailed engineering plans and will be considered a required improvement.

3. Engineering plans shall be drawn at a scale of one (1) inch equals twenty (20) feet (1" = 20’) on a sheet(s) twenty-four (24) inches by thirty-six (36) inches (24” x 36”) and shall contain the following information:

a. Title page, which shall include a key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets. In addition, the name, address, and telephone number of the developer and engineering firm, as well as an Illinois registered professional engineer's seal, shall be indicated;

b. North arrow and graphic scale shall be indicated on each plan sheet;

c. Two or more U.S.G.S. benchmarks, in or near the subdivision, to which the subdivision is referenced. The elevations shall be based on U.S.G.S. datum;
d. List of the standards and specifications followed, citing volume, section, page, or other references;

e. Cross sections of proposed streets, drainage swales, detention/retention ponds, etc.;

f. Detail of all street improvements with pertinent design information including location and width of all proposed public or private right-of-way and private roadway easements, existing and proposed sanitary sewers and services, water mains, drainage channels, swales, storm sewers, including adequate natural discharge points, detention or retention facilities, and silt control measures;

g. Plans and profiles of streets, water mains, drainage swales, storm sewers, and sanitary sewers, scale not less than one inch equals twenty feet (1" = 20’) horizontal and one inch equals 5 feet (1" = 5’) vertical.

4. Approval of the engineering plans shall be valid for a period of two (2) years subject to state and/or federal mandated criteria from the date of approval, or for such longer period as the Public Works Director may determine to be advisable if such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If construction of the improvements have not been completed within the two (2) year period or if a one (1) year extension has not been requested by the sub-divider and granted by the City Council, a resubmission of the engineering plans may be required.

15.07.03 Maintenance of Common Land and Structures

The sub-divider shall cause language to be 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 and in accordance with the following:

1. The Section shall apply to all associations created after the effective date of this ordinance to operate and maintain common areas, common buildings, and any common facilities in any subdivision. For purposes of this Section, the following words and phrases will have the following meanings, unless the context clearly indicates a different meaning:

   a. **Association:** The owners’ association to be formed for the owners of the property in the subdivision to maintain any open space, common grounds, or common buildings not dedicated to a public agency and accepted by the public agency.

   b. **City:** The City of DeKalb

   c. **Phased development:** Any development of real estate in which the owner, sub-divider, or developer substantially completes all the required improvements on one unit or phase of the total territory proposed to be subdivided before selling any lot in any other phase or unit of the entire territory.

   d. **Planning and Zoning Commission:** The Planning and Zoning Commission of the city.

   e. **Sub-divider:** Any person, firm, or corporation subdividing any land or proposing to subdivide any land, and any successor in interest to any such person purchasing subdivided land before final acceptance of all of the completed subdivision improvements.

   f. **Subdivision association:** An association as defined above in this Section.

2. This Section shall be prospective in effect only and shall not apply to any homeowners’ association in existence on the effective date of this ordinance.
3. This ordinance presents a model which may be followed in creating and operating a homeowners' association. Any alternative organization or arrangement relating to a homeowners' association giving the same degree of protection to the home owners, to the sub-divider, and to the City may be submitted to the Planning and Zoning Commission and City Council for approval. The Planning and Zoning Commission and City Council shall obtain an opinion from the City Attorney on the alternative proposal. If the alternative proposal provides, in all respects, protection equivalent to the protection given by model set out in this Section to the homeowners, to the sub-divider, and to the municipality, the alternative shall be approved.

4. There shall be one membership in the association for each lot in the subdivision. If any lot is owned by more than one person, only one membership will accrue and only one vote may be cast on behalf of such membership. Each owner of each lot shall, upon receiving title to such lot, notify the association by a form or letter in writing stating who will cast the vote on behalf of the membership. The notice may state that either of two persons can cast the vote and the association may rely on such notice. No person shall purchase any lot in the subdivision without joining the association and agreeing to pay all assessments for operation and maintenance of open space, commonly owned ground, or other facilities of the association. The sub-divider shall record documents containing covenants running with the land covering these requirements.

5. The association shall be incorporated as a corporation not for profit or nonprofit corporation under the laws of this state.

6. There shall be a board of directors consisting of an odd number of persons each of whom shall be a member of the association. Members of the board of directors shall serve for terms not longer than one year each. Each member of the association shall be eligible to serve on the board of directors and any person may be elected for repeated terms on the board of directors. Elections of members of the board of directors shall be held at meetings of the association and shall be by written secret ballot. Each member may vote for as many persons as there are vacancies to be filled on the board and votes cannot be cumulative, that is no person can cast no more than one vote for any one candidate. Vacancies shall be filled for the remainder of the term by election of the membership in the same manner. If any member of the board of directors misses three consecutive regular meetings of the board of directors without an excuse, the member will be deemed to have vacated his position and the remaining members of the board shall call an election of the membership to elect a replacement.

7. The board of directors shall have the following powers and duties:

   a. The board shall arrange for enforcement of all of the covenants running with the land relating to the subdivision.

   b. The board shall arrange for payment of all taxes, special assessments, and other charges that may become liens against any property owned by the association or managed by the association.

   c. The board of directors shall arrange for insurance, including casualty and liability insurance, and any other insurance that may be appropriate to protect the interest of the association.

   d. The board of directors shall contract for goods and services required for operation and maintenance of the common areas, common facilities, and common buildings owned or operated by the association.

   e. The board shall prepare proposed budgets and financial statements, provided that no budget shall be in effect until it is approved by the association membership at a meeting held in accordance with the requirements of this ordinance for membership meetings. Any member
may propose a budget and any member may propose any amendments to any budget prepared by the board of directors.

d. The board of directors shall propose rules to be in effect in the common areas, common buildings, and common facilities owned or operated by the association, provided that such rules shall not be in effect until the rules are approved by the members of this association. Any member of the association may propose rules and propose any changes in rules submitted by the board of directors.

g. The board of directors may authorize any necessary repairs or replacements of components to any building or facility owned by the association. No expenditure of funds beyond the amounts in the budget approved by the membership may be authorized without approval of the membership.

8. The board of directors shall not take any of the following actions without approval of the membership:

a. Authorizing any contract or entering into any contract for a term longer than one year. Any proposed contract, whereby more favorable terms can be obtained by contracting for more than one year and any situation where a contract for more than one year is necessary in order to arrange financing, shall be reported to the membership and such contract may be authorized with approval of the membership.

b. Any contract for an expenditure not covered by an item in the current budget.

c. Any capital improvement costing more than five percent of the total budget for the current fiscal year.

d. Any sale of any property of the association, provided that machinery may be used as a trade-in or may be sold when replacements are purchased out of funds available in the budget.

e. No member of the board of directors and no officer of the association shall receive any compensation for any services, provided that actual out-of-pocket expenses may be paid to a member or officer out of funds authorized in the budget.

9. The board of directors shall have regular meetings at least six times each year. The time and place of the meeting shall be posted in conspicuous places in the subdivision at least three days before the meeting. The complete agenda for the meeting shall be posted at least three days before the meeting, and no business shall be transacted which is not listed in the agenda. Any additional business may be taken up at a special meeting. Notice of the special meeting is given in the same manner as notice of the regular meeting. At the meetings, the president of the association shall preside, and the vice president shall preside in the absence of the president.

The secretary of the association shall take the minutes of the meeting, and in the absence of the secretary, the board of directors shall appoint any person who is a member of the association to take the minutes of the meeting. A majority of the members of the board of directors constitutes a quorum. If the number of members less than a quorum appears at any meeting, a majority of the members actually present may set a date for a special meeting. For any other action by the board of directors, a vote of a majority in number of the members of the board of directors is required, regardless of the number of members present at the meeting. Any motion, resolution, or any other action not receiving the favorable vote of a majority in the number of the members of the board of directors, regardless of the numbers actually present at the meeting, shall be deemed to have failed to pass.

10. The association shall have the following officers:
a. A president, who shall also be a member of the board of directors.

b. A vice president, who shall also be a member of the board of directors.

c. A secretary, who need not be a member of the board of directors.

d. A treasurer, who need not be a member of the board of directors.

The president shall have the authority to sign all contracts authorized by the board of directors, and the secretary shall have authority to attest to the president's signature. The vice president shall perform the duties of the president in the absence of the president. The treasurer shall be responsible for overseeing the financial affairs of the association, provided that the association may, if authorized by the board of directors and if funds are available in the approved budget, retain a full-time or part-time bookkeeper or financial advisor.

11. There shall be an election of officers and directors once each year for a one-year term. The elections shall be by written secret ballot, but no formal requirements need be made for the form of the ballot. The members shall designate one vote for an individual as president and member of the board, one vote for an individual as secretary and member of the board, and the rest of the votes shall be for members of the board who are not yet officers. Votes of members may not be cumulative, and each member may vote for no more than one person for each position to be filled. Elections shall be at a meeting of the members.

12. There shall be meetings of the members of the association at least twice each year. Special meetings of the members of the association may be called at any time by the president, by any three members of the board of directors, or by any five members of the association. Meetings of the members shall be called by giving a notice of the meeting stating the time and place of the meeting and listing the agenda for the meeting. No item may be acted on by the membership if it is not listed on the agenda for the meeting. A special meeting may be called by vote of the members present at any meeting, if such special meeting is necessary to give additional notice for additional items to be covered at the meeting. At least one-third (1/3) of the members of the association must be present to constitute a quorum for a meeting. A number of members less than one-third (1/3) may vote to call a special meeting after additional notice if less than one-third (1/3) of the members appear at any meeting. For all other business of the members, a majority of the members present at the meeting is required to pass any motion, resolution, or other matter.

13. The members of the association shall approve an annual budget after receiving a recommended budget from the board of directors. The members need not follow the recommendations of the board of directors.

The members may amend the budget at any time during the year at any regular meeting by adding amounts, adding additional items, reducing amounts, or removing items from the budget. Each property owner shall be required to pay an assessment in an amount determined each year by the board of directors based on an annual amount adopted by the association. The sub-divider shall cause to be recorded documents creating a covenant running with the land covering this obligation.

14. The association shall have a charter and by-laws which will be consistent with the regulations set out in this ordinance and which will assure that this ordinance is followed.

15. The association may be organized and start to do business at any time after the sub-divider has sold at least fifty (50) percent of the lots to consumers. The association must be organized forthwith after eighty (80) percent of the lots in the subdivision have been sold to consumers. The sub-divider shall not be entitled to membership in the association by virtue of owning some of the remaining lots in the subdivision. Provided that if the sub-divider intends in good faith to live in the subdivision, the sub-divider may reserve a lot for his home and obtain one membership thereon.
16. As soon as possible after the association has been chartered by the state, the sub-divider shall deliver to the association all personal property, together with bills of sale, warranties, and other documents of title involved in the common facilities. The sub-divider shall also transfer title to all real estate involved in common areas, common buildings, and common facilities to be owned by the association. The areas shown on the final plat as open space or common ground not dedicated and accepted by a public agency shall remain as open space or common ground and no structure shall be built upon such open space or common ground unless the structure is otherwise shown on the final plat, and no structure shown on the final plat may be enlarged without the prior written approval of the City Council and without the structure or addition being built according to the codes and ordinances of the City of DeKalb. The sub-divider shall record documents containing covenants running with the land covering these requirements.

17. The City of DeKalb shall have the standing and authority to enforce the provisions of this Section against the association of others in lawful control of the areas subject to this Section, to ensure compliance with the laws of the City of DeKalb.

18. The sub-divider shall record all necessary documents to indicate that the provisions of this Section shall constitute a covenant running with the land.

19. The provisions of this Section are separable and the invalidating of any part of this ordinance shall not affect the validity of the rest of this ordinance.

20. Any person, firm, or corporation violating any provision of this Section shall be fined not less than five dollars ($5.00) and not more than five hundred dollars ($500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

15.07.04 Unit Owner's Association (Condominiums)

In the case of a condominium development, a unit owner's association shall be established in accordance with Ill Rev. Stat. c. 30 ¶ 301. A formal declaration (condominium bylaws), establishing covenants, conditions, restrictions, easements, etc. shall be filed simultaneously with the final plat in addition to the trust indentures.

15.07.05 Special Service Area

In the event of the failure of the owners-in-common to maintain common grounds (including, but not limited to, storm drainage control facilities) or as an alternative to trustee/association maintenance of such grounds, the City may establish a special service area. After holding a public hearing and receiving City Council approval by Ordinance, the City may provide specific maintenance to common grounds that are in addition to the municipal services provided to the City of DeKalb as a whole. The cost of said services shall be paid by the property owners within the established special service area boundaries based upon an annual tax on the equalized assessed value of real property in an amount sufficient to cover the City's expense. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939. The Special Service Area may be enacted after approval and recording of the final plat.

15.07.06 Final Plat Review and Approval

1. The Community Development Director shall receive and then review the final plat application inclusive of the final plat document and the engineering plans to determine acceptability for submission (the sub-divider may as an alternative submit the required engineering plans to the Public Works Director in which case the Community Development Director shall confirm with him/her that the plans have been submitted and are complete and in order). If the Community Development Director determines the application is complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing that the application
has been accepted for review. This notification shall constitute the beginning of the final plat review process timeline. If the Community Development Director determines the application is not complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing the reasons why the application is not complete and how the sub-divider can make his/her application acceptable for submission.

2. The Community Development Director shall distribute copies of the final plat application and all accompanying plans and documents to the following City Staff:
   a. Public Works Director and City Engineer;
   b. Chief Building Official;
   c. Fire Prevention Bureau, DeKalb Fire Department;
   d. City Attorney.

City Staff shall have up to fourteen (14) days to review and comment on the final plat application. Any comments shall be directed to the Community Development Director.

3. The Community Development Director shall submit his/her recommendation on the final plat to the Planning and Zoning Commission within twenty-one (21) days after formal acceptance of the application. The report shall be representative of all City Departments’ and other public agencies’ opinions and recommendations as to the final plat application’s conformance with the previously approved preliminary plat, the Comprehensive Plan, other officially adopted plans and policies, this Ordinance, other City ordinances and standards, and the other public agencies’ rules, standards, and procedures.

4. The Planning and Zoning Commission shall approve or disapprove the application for final plat within thirty (30) days after formal acceptance of the application by the Community Development Director. If the Planning and Zoning Commission does not take action on the plat within said thirty (30) days, the plat shall be referred to the City Council and be considered approved by the Planning and Zoning Commission. The sub-divider and the Planning and Zoning Commission may mutually agree to extend the thirty (30) day period.

5. After approval or disapproval by the Planning and Zoning Commission, the final plat shall be submitted to the City Council for final action. The City Council shall approve or deny the final plat within sixty (60) days after formal acceptance of the application by the Community Development Director. The sub-divider and the City Council may mutually agree to extend the sixty (60) day period. Approval of the final plat by the City Council does not constitute authorization to record the plat with DeKalb County Recorder’s Office. Recording can take place after the appropriate procedures, as outlined in Section 15.09 “Requirements and Procedures Prior to Recording,” are followed and completed.

**15.08 Requirements and Procedures Prior to Recording of Plat**

After the subdivision plat, engineering plans, and other associated documents have been approved by the City Council, the sub-divider shall meet the terms and conditions of this section.

**15.08.01 Guarantee of Improvements**

1. The sub-divider shall complete either one of the following options to guarantee the complete and proper construction of the public improvements proposed as part of the final plat of the subdivision:
a. Complete the improvements in accordance with the approved engineering plans under the observation and inspection of the Public Works Department and the appropriate inspection agencies; or

b. Enter into an escrow agreement or post a land subdivision bond in accordance with the provisions hereafter set forth. The escrow agreement or land subdivision bond shall be prepared and executed on forms approved by the City Attorney. The bond or escrow agreement shall be approved by the City Attorney and, if appropriate, the City Council.

1) An escrow agreement shall provide that there be deposited with the escrow agent to be held in an escrow account and subject to audits by the City of DeKalb, one of the following:

a) An irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to such escrow agent the availability, from time to time upon demand, of a sum which shall be not less than one hundred twenty (120) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the sub-divider's engineer and approved by the Public Works Director;

b) Certificates of deposit, treasury bills, or other readily negotiable instruments, the type of which has been approved by the City Attorney, endorsed to the escrow agent and the cash value of which shall be in an amount of not less than one hundred twenty (120) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the sub-divider's engineer and approved by the Public Works Director;

c) A cash amount of not less than one hundred twenty (120) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the sub-divider's engineer and approved by the Public Works Director.

2) A land subdivision bond shall be issued by a surety company or a title insurance company and shall insure or guarantee one hundred twenty (120) percent of the cost estimate for the construction and completion of the improvements shown by the approved engineering plans. Said cost estimate shall be prepared by the sub-divider's engineer and approved by the Public Works Director.

2. The bond shall remain in effect or the escrowed sum shall be held in the escrow by the escrow agent, as the case may be, until such time as the Public Works Director shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

a. The Public Works Director shall release the surety or escrow agent from all or any part of its obligation within five (5) business days after receiving notice to do so only upon his/her determination of compliance with the approved engineering plans and specifications and receipt of written notification of compliance from the appropriate inspecting agencies (i.e. IDOT, Kishwaukee Water Reclamation District, etc.) and receipt of waiver of lien for the completed improvements; and

b. In no case shall the Public Works Director authorize the release of more than ninety-five (95) percent of the amount held as the bond or escrow sum until all of the improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority;
c. Prior to the release of the final five (5) percent of the amount held as the bond or escrow sum, the sub-divider shall provide the City with a one (1) year maintenance bond for all of the subdivision's public improvements.

3. The term of the escrow agreement or the land subdivision bond shall not exceed two (2) years in duration subject to the following:

   a. If, at the end of the two (2) year period, all the improvements reflected by the approved improvement plan have not been completed, the Public Works Director, after receiving City Council approval, may extend the term of the land subdivision bond or the escrow agreement for a period not to exceed one (1) additional year at each extension, if, after review, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. In making the determination for extension, the Public Works Director and the City Council may also require the sub-divider to update the cost estimates of constructing the required improvements. If the improvements have not been completed at the end of the two (2) year period or as extended, the Public Works Director, after receiving City Council approval, may:

      1) require the surety to perform on the bond and pay such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not theretofore released; or

      2) require the escrow agent to remit to the City of DeKalb, in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the developer; or

      3) require the developer to submit a new land subdivision bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.

   b. If the surety fails to perform on the bond or the escrow agent fails to remit the amount required within thirty (30) days after written request, the City Attorney may take immediate action to require performance by the surety under the bond or to secure the payment by the escrow agent of the amount required.

4. To be eligible, all escrow agents and sureties shall be approved by the City Council and the City Attorney. All escrow agents and sureties shall be subject to spot audits by the City of DeKalb under the supervision of the City Attorney. If the escrow agent or surety fails to comply with any of the provisions of the escrow agreement or the land subdivision bond, the escrow agent or surety shall not thereafter be allowed to act as escrow agent or surety for any subdivision improvement in the incorporated area of DeKalb for a period of two (2) years.

15.08.02 Proof of Taxes Paid

The sub-divider shall submit proof, or obtain a certificate either separately or affixed to the final plat document and signed by the DeKalb County Clerk, that there are no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the land proposed to be subdivided.

15.08.03 Copy of Computer Files

If the subdivision plat and/or engineering plans have been prepared using a computer aided drafting system, then the sub-divider shall submit to the Public Works Director or his/her designee one (1) copy of the disk used in said system. The format of the file(s) shall be as specified by the Public Works Director.
15.08.04 Recording of Plat

1. The sub-divider shall submit to the Community Development Director for recording purposes:

   a. Eight (8) copies and two (2) original mylars of the approved final plat document all of which are signed by the owners of the tract being subdivided and the land surveyor who prepared the plat;

   b. If applicable, eight (8) copies and two (2) originals of the fully executed trust indentures as outlined in Subsection 15.08.03;

   c. Two (2) fully executed copies of either the escrow agreement or land subdivision bond (or evidence that such has been submitted to the Public Works Director) as outlined in Subsection 15.09.01 “Guarantee of Improvements”;

   d. Proof of taxes paid as outlined in Subsection 15.08.02;

   e. Copy of computer files, if applicable, as outlined in Subsection 15.08.03;

   f. A signed statement by the land surveyor who prepared the plat that authorizes the City Clerk to record the plat on behalf of the land surveyor.

2. The Community Development Director shall contact the Planning and Zoning Commission Chairman who shall affix his/her signature to the copies of the final plat document. The Community Development Director shall forward all copies of the final plat document and other associated documents to the City Clerk.

3. The City Clerk shall see that the Mayor signs all copies of the final plat document as well as affix his/her own signature. The City Clerk shall, upon authorization of the land surveyor who prepared the plat, have the final plat document and other associated documents recorded in the DeKalb County Recorder’s Office. The City Clerk shall return the appropriate number of recorded copies and originals to the Community Development Director who in turn shall distribute said copies and originals to the appropriate City Departments and the owner of the tract being subdivided.

15.09 Plat Approval Not Acceptance of Dedication Offers

Approval of a plat 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 plat. 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.

15.10 Vacation of Plats (Including Streets, Alleys, & Easements)

Upon City Council approval, a plat may be vacated by the owner of the land at any time before the sale of any lot therein, by a written petition to which a copy of the plat is attached, indicating the area to be vacated.

When lots have been sold, but no improvements made thereon, the plat may be vacated in the manner provided in Paragraph 1 above by all the owners of lots in the plat joining in the execution of the written petition.

The City Council may vacate any street, alley or part thereof within the corporate boundaries, upon determining that the public interest will be served by such action.
15.10.01 Plat Vacation Submittal Requirements

1. In order to vacate a plat, street, alley easement or portions thereof, the following documentation shall be submitted to the Community Development Director:
   a. One (1) original plus twelve (12) copies of a signed and notarized “Petition for Vacation and Waiver of Damages,” either individual or corporate, along with required processing fees. Said petition form is available at the Community Development Department;
   b. Twelve (12) copies of a plat indicating the exact area proposed for vacation shown cross-hatched or otherwise made prominent;
   c. Legal description of the area to be vacated prepared and sealed by an Illinois Registered land surveyor;
   d. Names and addresses of all property owners of land within and immediately adjacent to land proposed to be vacated;
   e. Other narrative and graphic information regarding ownership of adjoining property, present use and proposed use of the area proposed to be vacated.

15.10.02 Plat Vacation Review and Approval

1. The Community Development Director shall receive and then review the plat vacation application and other associated documents to determine its acceptability for submission. If the Community Development Director determines the application is complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing that the application has been accepted for review. This notification shall constitute the beginning of the plat vacation review process timeline. If the Community Development Director determines the application is not complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing the reasons why the application is not complete and how the sub-divider can make his/her application acceptable for submission.

2. The Community Development Director or staff from other City Departments shall distribute copies of the petition for vacation and associated documents to the:
   a. City of DeKalb Public Works Director;
   b. City of DeKalb Chief Building Official;
   c. City of DeKalb Fire Prevention Bureau, DeKalb Fire Department;
   d. City of DeKalb City Attorney;
   e. Kishwaukee Water Reclamation District;
   f. Public utility companies (i.e. electric, gas, telephone, cable television, etc.);
   g. State of Illinois Department of Transportation, the DeKalb County Highway Department, or Township Highway Department, if, in the opinion of the Public Works Director, any part of the plat vacation will adversely impact one or more of the roadways under their respective jurisdictions; and
   h. In addition, the Community Development Director shall send a notice of the proposal to the owner of land located immediately adjacent to the proposed plat vacation.
These City Departments, other public service authorities, and property owners shall have up to thirty (30) days to review and comment on the proposed plat vacation.

Any affected public service authority shall have thirty (30) days to notify the Community Development Director that they accept or reject the petition for vacation. The public service authority owning such facilities may condition acceptance of vacation with a requirement to reserve to themselves the property, rights-of-way and easements necessary for continuing public service by means of those facilities and for the maintenance and reconstruction of the same. If the affected public facility owner fails to notify the Community Development Director of their acceptance or rejection of the petition for vacation, then the instrument recording said vacation shall reserve to the public body or public utility, the property, rights-of-way and easements to continue such public services.

3. The Community Development Director shall submit his/her report and recommendation on the proposed plat vacation to the Planning and Zoning Commission within forty-five (45) days after formal acceptance of the application.

The report shall be representative of all City Departments' and other public agencies' opinions and recommendations as to the plat vacation's conformance with the Comprehensive Plan, other officially adopted plans and policies, this Ordinance, other City ordinances and standards and the other public agencies' rules, standards, and procedures.

4. The Planning and Zoning Commission shall recommend approval or disapproval of the proposed plat vacation within ninety (90) days after formal acceptance of the application by the Community Development Director and shall have their recommendation forwarded to the City Council for final action.

5. If the petition for vacation involves any public rights-of-way then the City Council may vacate that street or alley, or part thereof, by an ordinance. The ordinance shall not be acted upon without notice thereof and a hearing thereon. At least fifteen (15) days prior to such a hearing, notice of its time, place and subject matter shall be published in a newspaper of general circulation within the City. At the hearing all interested persons shall be heard concerning the petition for vacation.

The ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof, so vacated, pay compensation in an amount which, in the judgment of the City Council, is equal to the benefits which will accrue to them by reason of that vacation. Also, if there are any public service facilities in such street or alley, or part thereof, the ordinance may reserve to the City or public utility owning such facilities, such property, rights-of-way and easements as, in the judgment of the City Council, are necessary or desirable for continuing public service by means of those facilities and for the maintenance and reconstruction thereof.

6. The ordinance authorizing the vacation of any street or alley, or part thereof, shall be passed by the affirmative vote of at least three-fourths (3/4) of the City Council members then holding office. This vote shall be taken by "Aye's" and "Nay's" and entered into the records of the City.

15.10.03 Recording of Plat Vacation

The petitioner(s) for plat vacation shall submit the applicable documentation as outlined in Subsection 15.08.04, "Recording of Plat," to the Community Development Director. The City Clerk shall be responsible for recording the plat vacation with the DeKalb County Recorder's Office.

15.10.04 Title Upon Street or Alley Vacation

Except in cases where the deed, or other instrument, dedicating a street or alley, or part thereof, has expressly provided for a specific devolution of the title thereto upon the vacation thereof, whenever any
street or alley, or any part thereof, is vacated under any ordinance of the City, the title to the land included within the street or alley, or part thereof, so vacated, vests in the then owners of the land abutting thereon, in the same proportions and to the same extent, as though the street or alley has been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the street or alley had been acquired by the owners as part of the land abutting on the street or alley.
ARTICLE 16
ADMINISTRATION AND ENFORCEMENT

16.01 Administrative and Enforcement Responsibilities

Administration and enforcement of this Ordinance shall be the responsibility of the City Manager. The City Manager may delegate this responsibility to the Chief Building Official, the Community Development Director, the Public Works Director and the Fire Chief. The division of duties between the department directors, with respect to this Ordinance, shall be:

16.01.01 Chief Building Official

The Chief Building Official shall have the following responsibilities with regard to this Ordinance:

1. Issue permits, as specified in Article 14, “Permits,” when all requirements of an application for a permit are met including compliance with this Ordinance and other Codes as may be adopted by the City Council. If the application does not comply with this Ordinance or other applicable codes, then the Chief Building Official shall inform the applicant in writing of the reason for the refusal.

2. Issue certificates of occupancy in accordance with Article 14.02 “Certificate of Use and Occupancy” after on-site inspection to ensure conformity to the provisions of this Ordinance and other Codes as may be adopted by the City Council. (2017-044)

3. Notify in writing any person responsible for violating any of the provisions of this Ordinance, indicating the nature of the violation and ordering the necessary corrective action.

4. Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

5. Conduct inspections of buildings, structures, and use of land to determine compliance with this Ordinance and other Codes adopted by the City Council.

6. Provide staff support to the Building Code Board of Appeals, including maintaining records thereof.

7. Refer any violation of this Ordinance to the City Attorney for prosecution or other appropriate action when deemed necessary.

8. The Chief Building Official may delegate responsibilities to other personnel within the Community Development Department, as necessary, to properly administer and enforce the provisions of this Ordinance.

16.01.02 Community Development Director (2017-044)

The Community Development Director shall serve as the administrative officer of the Planning and Zoning Commission and shall perform the following duties with regard to this Ordinance:

1. Provide clerical and technical services to the Planning and Zoning Commission, including maintaining records thereof. Such technical and administrative support includes:

   a. Review, analysis, reports and recommendations on petitions for:

      1) Map Amendments (Rezoning)
2) Text Amendments
3) Special Use Permits
4) Variances
5) Planned Developments
6) Subdivision of Property
7) Site Plans
8) Annexations/Annexation Agreements
9) Street, Alley and Plat Vacations


2. By March 31 of each year, supervise the publication of an Official Zoning Map, clearly showing existing zoning district boundaries and associated regulatory classification, for the preceding calendar year as referenced by the Illinois Compiled Statutes.

3. The Community Development Director may designate other personnel within the department to act in the Director's place.

16.01.03 Public Works Director (2017-044)

The Public Works Director shall have the following responsibilities with regard to this Ordinance:

1. Review preliminary and final plat applications for compliance with engineering design standards for streets, sidewalks, water distribution and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under “Planned Development” procedures.

2. Review of final plats for land survey documentation requirements of this Ordinance and of applicable Illinois State Statutes.

3. Review all permit applications for compliance with the requirements of Article 11, “Floodways, Floodplains, Stormdrainage and Erosion,” of this Ordinance.

4. Monitor construction of improvements to be ultimately dedicated to the City and determine compliance with the instrument to guarantee improvements (escrow agreement or land subdivision bond).

5. Conduct traffic impact analyses or review the same prepared by others as may be determined necessary to evaluate development proposals. Also, conduct or review other studies prepared by the applicant as may be required.

6. The Public Works Director may delegate these responsibilities to other personnel within the department, as necessary.

16.01.04 Fire Chief

The Fire Chief shall perform the following duties with regard to this Ordinance:
1. Review proposed subdivision plats, planned developments and other individual development projects for compliance with applicable life safety codes and city standards on:
   a. Accessibility of fire fighting vehicles and equipment.
   b. Fire hydrant locations and spacing.

2. The Fire Chief may delegate these responsibilities to other personnel within The Fire Department, as necessary.

16.02 Planning and Zoning Commission

The Planning and Zoning Commission of the City of DeKalb, Illinois, which has been duly created by the City Council, is the Planning and Zoning Commission referred to in this Ordinance. Membership, terms of office, certain powers and duties, etc., are set forth in Chapter 21 of the City of DeKalb Municipal Code. Specific to this Ordinance, the Planning and Zoning Commission responsibilities shall include:

16.02.01 General Powers and Duties (2017-044)

1. To conduct legislative public hearings and submit reports and recommendations to the City Council on petitions to amend the boundaries of the zoning districts created by this Ordinance.

2. To conduct public hearings and submit reports and recommendations to the City Council on proposed text amendments to the regulations imposed by this Ordinance.

3. To conduct public hearings and submit reports and recommendations to the City Council on petitions for Special Use Permits.

4. To submit reports and recommend approval or disapproval of preliminary plats for subdivisions and, if directed by the City Council, to report on final plats for subdivisions.

5. To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned developments and, if directed by the City Council, to report on final development plans.

6. When required by this Ordinance or the City Council, to conduct public hearings and recommend approval or disapproval of site plans (i.e., special-use permit or rezoning).

7. To conduct public hearings and recommend land suitable for annexation and to recommend zoning classifications of such land upon annexation.

8. To recommend approval or disapproval of requests for street, alley or plat vacations.

9. To conduct public hearings and approve or disapprove petitions for variances per Article 18.03 of this Ordinance.

16.02.02 Bylaws

The Planning and Zoning Commission shall adopt bylaws setting forth the election of officers; duties; scheduling and conduct of meetings; and establishing other procedures and policies as necessary to carrying out its responsibilities with regard to this Ordinance and other applicable Illinois State Statutes.

16.03 City Council (2017-044)

The City Council is the final approving authority for the following items relating to this Ordinance.
1. Petitions for Rezoning.
2. Ordinance Text Amendments.
3. Special Use Permits.
4. Preliminary and Final Plats.
5. Preliminary and Final Development Plans.
6. Annexations and Annexation Agreements.
7. Development Agreements.
8. Street, Alley or Plat Vacations.

16.03.01 Legislative Procedures

1. Amendments: In considering proposed changes in the text of this Ordinance or in the official Zoning District Map, the City Council acts in its legislative capacity and must proceed in accordance with the requirements of Article 20, "Amendments."

2. Ordinance Interpretations and Variances:
   a. In accordance with Illinois Compiled Statutes, the Planning and Zoning Commission has been delegated the authority to hear and decide appeals from decisions made by the Community Development Director or his/her designees. The City Council does not have jurisdiction on interpretation of this Ordinance, except as provided for in paragraph "c" below.
   b. The City Council delegates its authority to grant variances, except as provided for in paragraph "c" below, from the provisions of this Ordinance to the Planning and Zoning Commission in accordance with the requirements of Article 18, "Appeals and Variances."
   c. The City Council reserves to itself the authority to grant variances from the provisions of Article 9, “Streets, Sidewalks and Subdivision Design,” and Article 10, “Utilities,” and Article 11, “Floodways, Floodplains, Stormdrainage, and Erosion,” in accordance with the provisions contained in said Articles.

16.04 Enforcement (2017-044)

The procedures for violations to this Ordinance, including penalties and remedies, are covered in Chapter 1 "General Provisions" of the Municipal Code.
ARTICLE 17
SITE PLAN REVIEW REQUIREMENTS

17.01 Developments Subject to Site Plan Review

1. A site plan shall be submitted in the form and manner as hereinafter provided whenever:
   
a. There is a proposed alteration or modification in the use of land, where no buildings are present, which would cause an increase in the extent and intensity of said use or which would be a different use than the use of the land immediately prior to the proposed alteration or modification;
   
b. There is a proposed building or addition thereto, or there are proposed structures covering in excess of 125 square feet of land area; or
   
c. There is a proposed alteration or modification of a building which causes an increase in the extent and intensity of the use of said building or which would be a different use of said building than the use of the building immediately prior to the proposed alteration or modification; or
   
d. There is any other proposed development, redevelopment or expansion of, or improvements to, an existing development.

2. No modification or alteration in the use of land, use of buildings or building size and structural components shall be permitted nor shall any building permit be issued per Chapter 24, “Building Code,” of the Municipal Code until a site plan as provided above is submitted and approved. The submission and approval requirements of this Article do not apply to one or two-family dwellings in the “SFR-1,” “SFR-2” and “TFR” zoning districts, however, building permits and other alternative plan submittal requirement shall apply.

3. A new site plan and approval thereof shall be required before any modification, alteration or expansion of a proposed use of land, use of building, or building size and structural components is made to a previously approved site plan.

17.02 Application Requirements

1. Six (6) complete plans shall be submitted to the Chief Building Official when a plan is required as provided in Section 17.01.

2. The plan shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of all relevant laws, ordinances, rules and regulations. The plan shall be signed and sealed by a professional engineer or a licensed architect unless:
   
a. The change in use of land shall require an expenditure of less than five thousand dollars ($5,000.00);
   
b. The size of the land to be affected by the change is less than four thousand (4,000) square feet; or
   
c. The building or addition does not require a licensed architect or structural engineer under the laws of the State of Illinois;

In which case, the owner may sign or the Chief Building Official may waive the requirement to file the plan. The plan shall be signed by the person responsible for preparation of building plans.
3. The plan shall contain the information and meet minimum specifications as follows, unless not applicable in the opinion of the Chief Building Official or other applicable City officials:

a. Name and address of the developer;

b. Name and address of the property owner;

c. Survey information including distances with angles or bearings and north points;

d. Map showing location of site in relation to surrounding properties and streets;

e. The plan scale shall be one (1) inch equals twenty (20) feet unless prior approval of a different plan scale is given by the Public Works Director;

f. Zoning classification of the land and the zoning classifications of adjacent lands;

g. Existing and proposed street curb cut radii and curb cut width;

h. Location, dimensions, and area of existing buildings complete with the type and location of utility connections;

i. Proposed buildings with footprint dimensions, building area in square feet and number of stories;

j. Distance between buildings and all property lines and between buildings;

k. Existing and proposed contours or spot grades;

l. Building use including, if applicable, apartments, rooming units and estimated number of employees;

m. Area of land in square feet;

n. Drainage design for roof areas, parking lot and driveways, and sump pumps, showing area for or method of disposal of surface runoff waters (surface pitch shall be shown);

o. Location of proposed or existing streets and curbs, sidewalks, easements and rights-of-way;

p. Location, size and elevation of proposed or existing sanitary sewers, storm sewers, water mains, hydrants, gas lines, underground power and communication lines, catch basins, drywells, manholes and any other appurtenances.

q. Location and approximate diameter of existing trees, together with their common names, the total number of trees to be planted, Diameter Breast Height, common names, planting depths, backfill materials, trees to be removed and trees to remain after development in accordance with the City of DeKalb Municipal Code, Chapter 6, Section 6.20;

r. Location, height, and type of materials used for common fences, or fences designed to screen motor vehicle lights so as to prevent illumination of residential areas;

s. Location and size of retaining walls and the type of materials to be used in construction;

t. Delineation of parking lots, driveways, parking bays, outside storage, rubbish and garbage areas, loading areas and surfacing and screening thereof;
u. Directions of vehicular traffic flow to, from and within the area, together with traffic control signs and markings;

v. Locations, height and type of all outside lighting including street lighting and sign lighting;

w. Locations, size, height and overall dimensions of existing or proposed outside signs;

x. Additional information to be placed on the site plan beyond the requirements listed above may be required by the Chief Building Official.

### 17.03 Site Plan Review Procedure

After the plan is filed in conformance with this Article, the Chief Building Official shall transmit for review and written comment a copy of the plan, or relevant portions thereof, to the Public Works Director, Community Development Director, Economic Development Planner and Fire Chief. These transmittals shall be made as soon as practical, but not later than the end of the second working day following the filing as provided above. The above-mentioned officials shall provide the Chief Building Official with written comments thereon within ten working days of their receipt of their copy or portions of the plan. The Chief Building Official shall either approve or deny the plan within 21 days after said plan is filed. Failure to act within 21 days shall constitute approval. If said plan is denied, the Chief Building Official shall specify in writing the reasons for said denial, which may be cured upon the filing of amended plans, or portions thereof, and the following of the timetable provided herein for review and approval of the plan.

Site plans shall be reviewed and approved by the Chief Building Official after receiving approval from the Community Development Director, the Public Works Director and the Fire Chief and in accordance with the following:

1. Compliance of the site plan with the requirements of this Ordinance.

2. The Chief Building Official shall review and, if correct, approve the plans for compliance with the Building Codes and other applicable Codes and Ordinances relating to building construction.

3. The Community Development Director shall review and, if correct, approve the site plan for conformance with:
   a. Building setback and height requirements;
   b. Lot area and lot coverage standards;
   c. Required off-street parking spaces and dimensional standards;
   d. Sign size and location requirements;
   e. Landscaping, screening, and tree preservation requirements;
   f. Additional characteristics of site design as deemed appropriate.

4. The Public Works Director shall review and, if correct, approve the site plan for conformance with:
   a. Public and private street right-of-way and width requirements;
   b. Curb cut location and design standards;
   c. Location of pavement and structural standards for parking areas and sidewalks;
   d. Traffic and pedestrian circulation systems;
e. Any required traffic impact studies;

f. In conjunction with the Fire Chief, any required fire flow studies;

g. Grading, drainage, erosion control and floodplain requirements;

h. Storm sewer, water main and other utility requirements;

i. In conjunction with the Kishwaukee Water Reclamation District, sanitary sewer main lines and lateral connections.

5. The Fire Chief shall review and, if correct, approve the site plan for:

   a. Accessibility of fire fighting vehicles and equipment;

   b. The provision of adequate fire hydrant locations;

   c. Conformance with building structural standards and improvements with respect to fire codes and requirements.

**17.04 Administrative Procedures**

The following procedures shall apply to assure compliance with the site plan:

1. No departure from the approved plan shall be permitted without the express written consent of the Community Development Director, who shall first receive the concurrence of the appropriate City officials prior to rendering a decision.

   The land area of a site developed pursuant to an approved plan shall not thereafter be enlarged or reduced in size, and no substantial change shall thereafter be made to any of the structures or facilities approved on the original site plan without submission of a new plan. The procedures for review and approval or disapproval of a new or revised plan shall be the same as for the initial application.

The Chief Building Official shall not issue a Certificate of Use and Occupancy in accordance with Article 14, “Permits”; Section 14.02, “Certificate of Use and Occupancy,” for a building until satisfied that the construction and development has substantially complied with the plan, these regulations and other applicable Ordinances of the City.
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 him, that by reason of facts stated in the certificate, a stay would, in 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 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 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, the applicant shall 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 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 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 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.

3. The applicant shall 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 and common description of the property on which the variance is to be considered.

b. The variance requested, and the reasons for the request.

c. The property's present zoning classification.
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.

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 property owners, governmental agencies, 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 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. 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 safety, 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 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 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 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 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 erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such 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, unless such use is established within such period; provided, however, that where such use is permitted is dependent upon the erection or alteration of a building, such order shall continue to force and effect if a building permit for said erection or alteration is obtained within such 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 19

NON-CONFORMING SITUATIONS

Latest Revision: September 11, 2017 (Ordinance 2017-039)

19.01 Scope of Provisions

The provisions of the section shall apply to all non-conforming uses, lands and structures. A non-conforming land use or structure is one which existed lawfully, whether by variance or otherwise, on the date this Ordinance or any amendment thereto became effective, and which fails to conform to one or more of the applicable regulations of this Ordinance or such amendment thereto.

19.02 Statement of Intent

Non-conforming situations may be incompatible with, and detrimental to, permitted land uses and structures in the zoning districts in which they are situated; may inhibit present and future development of nearby properties; and/or may confer upon their owners and users a position of unfair advantage. Non-conforming situations should be abolished or brought to conformity as quickly as the fair interest to the parties will permit.

19.03 Non-Conforming Uses of Lots

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot, on which no buildings exist, no longer conforms to the provisions of this Ordinance or amendment thereto, such principal use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance and no additional accessory use, building or structure shall be established thereon.

2. No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this Ordinance or amendment thereto or to a parcel or lot not in conformance with this Ordinance.

3. When a non-conforming use of a parcel or lot is discontinued or abandoned for more than six (6) months (except where government action prevents access to the premises), the parcel or lot shall not thereafter be used except in conformance with the regulations of the district in which it is located.

19.04 Non-Conforming Buildings and Structures

Where, on the date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance, or amendment thereto, by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, off-street parking, loading spaces and setbacks, or other characteristics (other than use), such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such building or structure may be enlarged, expanded, extended, or altered only if such building or structure modification conforms to the requirements of this Ordinance and does not expand any dimensional nonconformity.

2. Should any such building or structure be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

**19.05 Non-Conforming Uses of Buildings and Structures**

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is no longer permissible under the regulations of this Ordinance or amendment thereto, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing building or structure shall not be enlarged, constructed, reconstructed, moved or structurally extended or altered except to change the use of such building or structure to a use permitted in the district in which such building or structure is located.

2. Although an existing non-conforming use may continue, except as hereinafter limited, it may not be changed to another use, except to a use permitted in the district in which it is situated. (2017-039)

3. When a non-conforming use of a building or structure is discontinued or abandoned for more than six (6) months (except where government action prevents access to the premises), the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

4. When a non-conforming use of a building or structure changes use, the legal non-conforming use must be discontinued. (2017-039)

**19.06 Repairs and Maintenance**

1. Nothing in this Ordinance shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged by any means out of the control of the owner to an extent of less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of damage, provided the restoration of such structure and its use in no way increases any former non-conformity.

2. Whenever such structure has been damaged to an extent of more than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use), at the time of damage, as determined by the Community Development Director or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated. (2017-039)

3. When a structure is determined to be in violation of any applicable health or safety code by the Community Development Director under any applicable Code or Ordinance of the City and the cost of placing the structure in condition to satisfy the standards under such ordinance shall exceed fifty (50) percent of the replacement cost of the structure, such non-conforming structure shall not be restored for the purpose of continuing a non-conforming use. (2017-039)

4. Repair or replacement of a damaged structure as permitted in Paragraph 1, above, shall be commenced in full compliance with the City's Building Codes and other codes, within twelve (12) months of the occurrence of the damage and diligently managed to completion. Failure to begin repair within that twelve (12) month period, or the commencement of repairs in violation of other Codes, will result in the forfeiture of the rights provided by this Article and after that period, the building or structure may only be repaired and/or used in full compliance with the provisions of this Ordinance.
19.07 Reversion Prohibited
Whenever any part of a nonconforming lot, structure or use has been amortized, changed, converted to or replaced by a conforming structure or use, or if the previous nonconformity is brought into conformity with this Ordinance, such building, structure or lot shall not thereafter be altered, used or occupied by the same, nor any other, nonconformity, or nonconforming use or structure.

19.08 Enlargement / Replacement of Non-conforming Residential Dwellings Within Commercial Districts
Within the NC, LC, GC and CBD zoning districts, a non-conforming residential dwelling, where such was created by adoption of this ordinance, or amendment thereto, and not by actions of the property owner, may be enlarged, altered or replaced, provided such activity does not increase a dimensional non-conformity.

19.09 Change of Tenancy or Ownership
Provided there is no change in the nature or character, extent or intensity of such non-conforming use, building or structure (other than signage), there may be a change of tenancy, ownership or management of an existing use, building or structure.

19.10 Completion of Pending Construction and Building Permits
To avoid undue hardships, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the site plan or designated use of a building for which a building permit had been heretofore issued, or plans or preliminary or final subdivision plats which have been approved by the City at the time of the passage of this Ordinance or amendment provided that actual construction is begun within one hundred eighty (180) days of such permit issuance or approval thereto.

19.11 Special Uses
Any use existing at the time of adoption or amendment to this Ordinance and which is permitted as a special use in the district in which said use is located under the terms of this Ordinance or amendment, shall be deemed a legal non-conforming use in such district until such time as a Special Use Permit may be issued to bring the property into conformity.

19.12 Existence of a Non-Conforming Use
A non-conformity shall not be deemed to have existed on the date this Ordinance or any amendment thereto became effective; unless:

1. It was being used on a continuous basis and to its fullest extent on such date.
2. If such non-conformity is a use, such use had not been abandoned or discontinued.

In cases of doubt, and on specific questions raised, whether a non-conforming use exists shall be a question of fact and shall be decided by the Council after notice, a public hearing, and receipt of a report and recommendation of the Planning and Zoning Commission.
19.13 Non-conforming Lots of Record

Lots of record, established prior to the effective date of this Ordinance or amendments thereto, that have size and/or dimensional non-conformities may be used for purposes allowable by this Ordinance, provided that all buildings placed on such lots meet the required setbacks in that Zoning District.

19.14 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 that property or any other property.
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 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 shall review the proposed text amendment. The Community Development Director 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 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.

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;
   h. Estimated impact of rezoning on surrounding neighborhood;
i. Vicinity map showing the area to be rezoned.

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, the applicant shall 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 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.

2. The applicant shall 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 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 and shall not be removed until the 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. 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 shall review the rezoning petition. The Community Development Director shall solicit the opinions and comments of other City staff members and, along with the comments received from property owners, governmental agencies, etc., shall forward to the Planning and Zoning Commission his/her 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 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 proposed rezoning conforms to the intent and purpose of this Ordinance;

c. The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses;

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 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.
APPENDIX 20-A

TABLE OF AMENDMENTS

The following schedule provides for the text amendments made to this Ordinance since its original effective date of February 4, 1993 (Ordinance No. 1993-014).

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<th>Effective Date</th>
<th>Ordinance Number</th>
<th>Description of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/01/1993</td>
<td>1993-042</td>
<td>Amending Subsections 13.06.01 (1)(f) and 13.08.08 to provide for “Temporary signs on sidewalks in the Central Business District”</td>
</tr>
<tr>
<td>06/03/1993</td>
<td>1993-063</td>
<td>Amending Subsection 18.03.02 and adding Subsection 18.03.03 to provide for “Zoning Board of Appeals hearing procedures”</td>
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<tr>
<td>06/24/1993</td>
<td>1993-070</td>
<td>Amending Section 12.03 (2)(d) to provide for “Larger parking lot entrance signs”</td>
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<tr>
<td>11/04/1993</td>
<td>1993-109</td>
<td>Amending Subsection 10.03.04 (2)(b) to provide for “Fairview Drive watermain recovery costs”</td>
</tr>
<tr>
<td>01/13/1994</td>
<td>1994-008</td>
<td>Deleting Section 7.13 in its entirety thereby eliminating “Tree preservation requirements”</td>
</tr>
<tr>
<td>04/21/1994</td>
<td>1994-056</td>
<td>Amending Subsection 10.02.03 to provide for “Oakwood Avenue sanitary sewer recovery costs”</td>
</tr>
<tr>
<td>07/21/1994</td>
<td>1994-093</td>
<td>Amending Sections 5.03 and 504 to “Allow single family attached dwellings as special uses in the “TFR” and “MFR” zoning districts”</td>
</tr>
<tr>
<td>09/01/1994</td>
<td>1994-119</td>
<td>Amending Sections 5.01, 5.02 and 5.03 to “Allow day care centers in existing non-residential buildings as special uses in the “SFR-1”, “SFR-2” and “TFR” zoning districts”</td>
</tr>
<tr>
<td>07/24/1995</td>
<td>1995-074</td>
<td>Amending Article 12.02 to “Increase the area of the downtown in which off-street parking requirements are not applicable”</td>
</tr>
<tr>
<td>01/08/1996</td>
<td>1996-002</td>
<td>Amending Article 5.04 to “Increase the minimum lot size per dwelling unit in the “MFR” zoning district to 3,500 square feet, including the 15% minimum permanent landscaped open space provision”</td>
</tr>
<tr>
<td>03/25/1996</td>
<td>1996-042</td>
<td>Amending Articles 12.03 and 12.04 regarding “Parking lot setbacks and landscaping in the “CBD,” Central Business District”</td>
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<tr>
<td>02/24/1997</td>
<td>1997-010</td>
<td>Amending Articles 3 and 7.13 regarding “Adult oriented uses”</td>
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<td>08/25/1997</td>
<td>1997-067</td>
<td>Amending Article 7.08 regarding “Antenna and Satellite Dish Regulations” (Wireless Communications Ordinance)</td>
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<tr>
<td>07/13/1998</td>
<td>1998-086</td>
<td>Deleting the 2/3 vote requirement for most UDO amendments</td>
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<tr>
<td>07/13/1998</td>
<td>1998-061</td>
<td>Deleting Article 10.03.05, “Territorial Expansion Fee” ($1,000 per acre annexation fee)</td>
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<tr>
<td>12/14/1998</td>
<td>1998-137</td>
<td>Amending Article 9.03, “Minimum Standards of Improvement,” Article 10.05.01, “Lighting Standards”</td>
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<td>06/14/1999</td>
<td>1999-046</td>
<td>Amending Article 13, “Signs,” to prohibit Billboards</td>
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<tr>
<td>02/14/1999</td>
<td>2000-002</td>
<td>Amending Article 8 to add Article 8.02, “Dedication of Public Park Sites and Cash Contributions in lieu of park sites”</td>
</tr>
<tr>
<td>09/18/2000</td>
<td>2000-075</td>
<td>Amending Article 11, “Floodways, Floodplains, Storm Drainage and Erosion,” by adopting the flood insurance study and flood insurance rate map for DeKalb County, IL with an effective date of September 21, 2000.</td>
</tr>
<tr>
<td>08/12/2002</td>
<td>2002-068</td>
<td>Amending Article 8, “Development Impact Fees.”</td>
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<tr>
<td>08/11/2003</td>
<td>2003-069</td>
<td>Amending Article 1, “Title, Purpose, and Effective Date.”</td>
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<td>01/10/2005</td>
<td>2004-103</td>
<td>Amending Article 7, “Supplemental Regulations.”</td>
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<tr>
<td>01/10/2005</td>
<td>2005-001</td>
<td>Amending Article 9, “Streets, Sidewalks and Subdivision Design,” Section 9.03.04, Paragraphs B and C, changing the provisions related to traffic control signs.</td>
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<tr>
<td>06/27/2005</td>
<td>2005-052</td>
<td>Amending Article 10, “Utilities,” to add Section 10.03.04 to add provisions related to a water main recapture agreement for the Airport North Subdivision.</td>
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<tr>
<td>03/27/2006</td>
<td>2006-018</td>
<td>Amending Article 9, “Streets, Sidewalks, and Subdivision Design,” Section 9.03.01.2. to add paragraphs c.d. and e.</td>
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<tr>
<td>03/27/2006</td>
<td>2006-019</td>
<td>Amending Article 14, “Permits,” by adding Section 14.02.01.2.</td>
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<tr>
<td>06/12/2006</td>
<td>2006-046</td>
<td>Amending Article 7, “Supplementary District Regulations,” Section 7.10 to add restrictions for sight distance triangles in commercial and industrial zoning districts.</td>
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<tr>
<td>06/12/2006</td>
<td>2006-047</td>
<td>Amending Article 11, “Floodways, Floodplains, Storm Drainage and Erosion Control,” Section 11.02.06.2. by adding paragraph “L” to clarify required size of and responsibility for sump pump discharge laterals.</td>
</tr>
<tr>
<td>Effective Date</td>
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<td>Description of Amendment</td>
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<tr>
<td>06/12/2006</td>
<td>2006-049</td>
<td>Amending Article 17, “Site Plans,” Section 17.02, paragraph 3, to update requirements for detailing existing and proposed landscaping on site plans.</td>
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<tr>
<td>08/14/2006</td>
<td>2006-070</td>
<td>Amending Article 10, “Utilities,” to add Section 10.03.04.2.e “Bethany Road to Twombly Road Watermain Extension of 2006,” and 10.05.01.03 “Basic [Lighting] Design Standards,”</td>
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<td>10/23/2006</td>
<td>2006-090</td>
<td>Amending Article 5, “Zoning District Regulations,” by amending Section 5.04 to “MFR-1 Low Density Small Scale Multiple Family Residential District” and adding Section 5.05, “MFR-2 High Density, High Bulk Multiple Family Residential District”</td>
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<td>01/08/2007</td>
<td>2007-002</td>
<td>Amending Article 11, “Floodways, Floodplains, Storm Drainage and Erosion Control,” Section 11.02.06.2.g.</td>
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<tr>
<td>08/08/2008</td>
<td>2008-051</td>
<td>Amending Article 5, Zoning, Section 5.14; Sub-section 5.14.04 District Regulations by adding “Community Centers as a SUP.”</td>
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<tr>
<td>08/08/2008</td>
<td>2008-052</td>
<td>Amending Article 13, Signs, Section 13.03, 13.04, 13.05 &amp; 13.07, “Other provisions relating to Temporary Signs.”</td>
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<tr>
<td>12/08/2008</td>
<td>2008-092</td>
<td>Amending Article 11, Section 11.01.03, Stormwater Management</td>
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<tr>
<td>05/26/2009</td>
<td>2009-031</td>
<td>Amending Article 7, Section 7.14, Design Requirements for New Residential Construction</td>
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<tr>
<td>06/22/2009</td>
<td>2009-047</td>
<td>Amending Article 4, Section 4.03, Official Zoning Map</td>
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<td>06/22/2009</td>
<td>2009-048</td>
<td>Article 6, Section 6.01, Floodplain Overlay District</td>
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<tr>
<td>06/22/2009</td>
<td>2009-049</td>
<td>Article 11, Section 11.01, Floodway and Floodplain Regulations</td>
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<td>06/22/2009</td>
<td>2009-050</td>
<td>Article 7, Section 7.06, Fences</td>
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<td>02/22/2010</td>
<td>2010-006</td>
<td>Article 7, Section 7.15, WECS Wind Energy Conversion Systems</td>
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<tr>
<td>08/09/2010</td>
<td>2010-049</td>
<td>Article 13, Signs regarding Temporary Signs and Gas Station Pricing Signage.</td>
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<tr>
<td>2/28/2011</td>
<td>2011-009</td>
<td>Political Sign Update Article 13</td>
</tr>
<tr>
<td>04/13/2015</td>
<td>2015-004</td>
<td>Article 5 Incorporates Medical Cannabis, Retail Sale of Tobacco, Retail Firearm Sales, Gun Ranges</td>
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</table>
| 04/13/2015    | 2015-005         | Article 7  
7.07 Home Occupation prohibitions  
7.08 Antenna and Satellite Dish Regulations.  
7.16 Solar Energy Systems  
7.17 Retail Sale of Tobacco and related products  
7.18 Medical Cannabis  
7.19 Retail Sale of Firearms, Firing Ranges |
| 04/13/2015    | 2015-006         | Article 13  
13.03 Prohibited Signs  
19. "To the extent that any specific zoning district or standard shall have more restrictive provisions, said restrictive provisions shall also apply relative to the signage regulated therein."
(7.18.09 Medical Cannabis signage is more restrictive) |
| 04/13/2015    | 2015-007         | Article 19 – reduces period after which a legal non-conforming situation must discontinue from one (1) year to six (6) months  
19.03 Non-Conforming Uses of Lots  
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| 10/10/2016    | 2016-032         | Article 5 – regarding vehicle sales  
5.08.02 “GC” General Commercial, Permitted Uses  
5.08.03 “GC” General Commercial, Special Uses |
| 02/13/2017    | 2017-004         | Amendments removing “Design Review Committee” and replace with “Landmark Commission or Community Development Department  
Article 7.14 Design Requirements for New Residential Construction  
Chapter 44 Landmark Commission – Amended  
44.06 Duties and Powers  
44.10 Advisory Review Procedure  
Chapter 48 Design Review Committee – Deleted |
| 03/13/2017    | 2017-009         | Amendments regarding Video Gaming  
Article 3 Definitions, 3.01 Principal Use, Video Gaming Establishment  
Article 5 Zoning District Regulations  
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<p>| 07/10/2017    | 2017-033         | Amending Chapter 23 “Unified Development Ordinance” for Miscellaneous Text Amendments, including Banquet Halls, Social Clubs; Public Notice Requirements for PZC Petitions: Special Use Permits, Variances, Text Amendments, Map Amendments (Rezoning) |
| 09/11/2017    | 2017-039         | Amending Chapter 23 “Unified Development Ordinance”, Article 19 “Non-Conforming Situations&quot;. |</p>
<table>
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<tr>
<td>1/8/2018</td>
<td>2018-001</td>
<td>Amending Chapter 23 “Unified Development Ordinance” for a Text Amendment Regarding Projecting Signs, to Allow Projecting Signs in the “CBD” Central Business District to Include Products Directly Associated with the Business.</td>
</tr>
<tr>
<td>4/27/2020</td>
<td>2020-026</td>
<td>Approving the Zoning Petition of Venust Tech Services, LLC to Rezone Certain Property to “PD-I” Planned Development Industrial, and to Approve Plans and Plat of Subdivision for the Development of an Approximately 970,000 Square Foot Data Center and Accessory Uses with an Option to Develop Additional Data Center Buildings and Associated Developments, and Approving the Zoning Petition of the City Of Dekalb to Authorize Text Amendments to Chapter 23 “Unified Development Ordinance” (Article 3 “Definitions” and Article 5 “Zoning District Regulations”) to Add “Data Center” into the List of Permitted Uses Allowed within the City's Industrial Zoning Districts (Project Venust).</td>
</tr>
<tr>
<td>11/23/2020</td>
<td>2020-072</td>
<td>Amending Chapter 23 “Unified Development Ordinance”, Article 5.07 “LC” Light Commercial District, Article 5.08 “GC” General Commercial District”, and Article 5.11 “LI” Light Industrial District”, by Adding Automobile, Truck, Trailer and Recreational Sales to the “LC” Light Commercial District as a Special Use and Adding Trailer Rental and Sales as a Permitted Use to the “GC” General Commercial District and “LI” Light Industrial District.</td>
</tr>
<tr>
<td>3/8/2021</td>
<td>2021-011</td>
<td>Amending Chapter 23 “Unified Development Ordinance”, Article 5.03 and Article 5.04 by Allowing Two-Family Attached Dwellings and Multiple Family Attached Dwellings Not Meeting the Minimum Lot Area Requirements as a Special Use in the “TFR” Two-Family Residential District and the “MFR1” Multi-Family Residential District.</td>
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</table>