

## 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:

<b>Use</b>	<b>Minimum Lot Size</b>
Community Residence (Small)	10,000 sq. ft.
Community Residence (Large)	15,000 sq. ft.
Day Care Homes	10,000 sq. ft.
Dwellings, Single Family	10,000 sq. ft.
Group Day Care Homes	15,000 sq. ft.

b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, "Off-Street Parking and Loading Requirements," but in no instance shall a lot be created that is less than 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 terms of 5.04.06, subparagraph 2, below;

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:

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

b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, “Off-Street Parking and Loading Requirements,” but in no instance shall a lot be created that is less than 6,000 square feet (except for public utility facilities and for single family attached dwellings).



- c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than 6,000 square feet of land area, may be used as a site for one (1) single-family detached dwelling together with accessory structures and uses, provided the location of such dwellings satisfies the minimum setback requirements identified in paragraph 2 below.
  - d. Lots created for public utility facilities may be less than 6,000 square feet, provided that such lots or tracts shall not be used for any other use, except that in the event the public utility facility use terminates and where the lot or tract is combined with an adjacent parcel or parcels to equal or exceed 6,000 square feet, the said lot may be used by any allowable use in the TFR district.
2. **Building and Structure Setback Requirements:** Except as provided for in Article 7, "Supplementary District Regulations and in Subsection 5.03.06," the following setback requirements apply to principal buildings in the TFR district.
    - a. **Front Yard:** No principal building shall be allowed within twenty-five (25) feet of any front lot line or a street right-of-way line.
    - b. **Side Yard:** No principal building shall be allowed within five (5) feet of any side lot line or within a distance of any side lot line equal to ten (10) percent of the average width of the lot, whichever is less; except that no side yard shall have a width of less than three (3) feet.
    - c. **Rear Yard:** No principal building shall be allowed within thirty (30) feet of the rear lot line or within a distance measured from the rear lot line that is equivalent to twenty (20) percent of the total lot depth, whichever is less.
  3. **Building Height Limitations:** No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as provided in Article 7, "Supplementary District Regulations."
  4. **Design Requirements:** Principal structures constructed after the date of this Ordinance shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction. (2006-090)

5.03.05 Other Development Regulations for the "TFR" Two Family Residential District

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

1. "Overlay District Regulations": Article 6
2. "Supplementary District Regulations": Article 7
3. "Streets, Sidewalks and Subdivision Design": Article 9
4. "Utilities": Article 10
5. "Floodways, Floodplains, Stormdrainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.03.06 Conditions of Use in the "TFR" Two Family Residential District.

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

- b. Single family attached dwellings having a common wall along a lot line may be permitted in the "TFR," Two Family Residential district provided 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 terms of 5.04.06, subparagraph 2, below;

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:

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

- 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, paragraphs 1 or 4.

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:

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

- 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, Stormdrainage 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 (2017-009)

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;

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 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 5.08.03.4);

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

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 (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;

Warehousing 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 lotline.
  - c. *Rear Yard*: No principal building shall be allowed within twenty (20) feet of the rear lotline.
  - 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 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 sitesize 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.

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

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

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

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

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

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

4. *Planned Development - Commercial or Industrial*

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



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

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

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

#### 5. *Common Open Space Requirements*

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

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

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

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

6. *Perimeter Buffer Requirements*

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

5.13.08 Other Development Regulations for "PD" Districts

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

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

#### 5.13.09 Dedication and Reservation of Land

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

#### 5.13.10 Procedures for Planned Development Approval

1. *Pre-Application Meeting*: Prior to petitioning for a rezoning to one of the Planned Development Districts, the applicant shall schedule a pre-application meeting with the Community Development Director. At the pre-application meeting, the applicant shall submit a sketch 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:

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

b. For uses other than those listed above, the lot area shall be adequate to provide the building setbacks required by this Section and the parking, as required by Article 12, "Off-Street Parking and Loading Requirements," but in no instance shall a lot be created that is less than six thousand (6,000) square feet (except for public utility facilities).

c. Any lot of record in existence, on the effective date of this Ordinance, which contains less than six thousand (6,000) square feet of land area, may be used as a site for one (1) single-family detached dwelling together with accessory structures and uses, provided the location of such dwelling satisfies the minimum setback requirements identified in paragraph 2 below.

d. Lots created for public utility facilities may be less than six thousand (6,000) square feet, provided that such lots or tracts shall not be used for any other use, except that in the event the public utility facility use terminates and where the lot or tract is combined with an adjacent parcel or parcels to equal or exceed six thousand (6,000) square feet, then said lot may be used by any allowable use in the RC-1 district.

e. In this RC-1 Zoning District, the minimum required zoning lot area shall be six thousand (6,000) square feet per single-family detached dwelling. For "original residential uses" (SEE BELOW), encompassing existing two-family dwellings and existing multiple-family dwellings the minimum required lot area shall be the original lot area at the time the land use was lawfully established or the minimum required lot area at the time the land use was lawfully established, whichever is greater and constitutes the zoning lot area on the effective date of this Article. In the case where the existing dwelling unit is rebuilt, a replacement deadline of one year will be enforced, otherwise replacement with a single family dwelling is the only permissible option.

2. *Building Setback Requirements:* Except as provided for in Article 7, "Supplementary District Regulations," the following setback requirements apply to principal buildings in the RC-1 district.

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

- b. *Side Yard*: No principal building shall be allowed within five (5) feet of any side lot line or within a distance of any side lot line equal to ten (10) percent of the average width of the lot, whichever is less, except that no side yard shall have a width of less than three (3) feet.
  - c. *Rear Yard*: No principal building shall be allowed within thirty (30) feet of the rear lot line or within a distance measured from the rear lot line that is equivalent to twenty (20) percent of the total lot depth, whichever is less.
- 3. *Building Height Limitations*: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except for non-residential structures; this may be waived as part of the approval of the Special Use Permit.
  - 4. *Design Requirements*: Principal structures constructed after the date of this Ordinance shall comply with the provisions of Article 7.14, Design Requirements for New Residential Construction.

5.14.06 Other Development Regulations for the “RC-1” Residential Conservation District

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

- 1. “Overlay District Regulations”: Article 6
- 2. “Supplementary District Regulations”: Article 7
- 3. “Streets, Sidewalks and Subdivision Design”: Article 9
- 4. “Utilities”: Article 10
- 5. “Floodways, Floodplains, Stormdrainage and Erosion”: Article 11
- 6. “Off-Street Parking and Loading Requirements”: Article 12
- 7. “Signs”: Article 13

5.14.07 Conditions of Use of a “RC-1” Residential Conservation District

- 1. *Use*: Not more than one (1) principal building shall be located on a zoning lot.
- 2. *Conversions*: In no event shall existing dwellings be converted to more units, partially or otherwise, except as specifically provided for in this district by Planning and Zoning Commission approval subject to the Special Use Requirements, however converting to fewer units is permissible by right, provided the total number of bedrooms is also reduced. Restrictions on number of bedrooms shall not apply to single family residences.
- 3. *Reconstruction*: The reconstruction of dwellings will be permitted for “original residential uses” pending no additional residential dwelling units are created. All other permitted uses will be subject to Special Use Approval.
- 4. *Parking Requirements*: Any change in use or conversion (I.E. new development, building additions or conversions of use required by this Ordinance) shall provide required Off-Street Parking Areas in accordance with the following regulations.
  - a. *Existing Parking Areas*: Off-Street Parking Areas shall not be reduced below the minimum requirement for such use as required by this Ordinance. Any Off-Street Parking Areas existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.

- b. *Location of Parking Areas:* Off-Street Parking Areas shall be located on the same Lot or within three hundred (300) feet of the Building, Structure or use served by the Off-Street Parking Area. Off-Street Parking for any use shall be located within a zoning District which permits the use for which the Off-Street Parking is required per Article 12.
  
- 5. *Lot combinations / Subdivision:* Any combination or subdivision of an existing lot of record would require that the new zoning lot(s) created conform to all applicable zoning regulations, except as allowed with a Special Use Permit outlined in Article 5.14.07(7). A Final Plat shall be prepared and submitted in accordance with Article 15.07, FinalPlats.
  
- 6. The following rules shall govern the transition from the provisions of the former Zoning Ordinance to the provisions of this Article or to the provisions of any subsequent amendment hereto:
  - a. *Permitted Uses Rendered Special:* Where a property is used for a purpose which was classified as a “permitted use” in the zoning district in which it was located prior to mapping of this District, or prior to any subsequent amendment hereto, and such use is classified by this Article as a “Special Use” in this zoning district, such use is hereby deemed a lawful existing Special Use, subject to the provisions of subsection D below..
  
  - b. *Existing Special Use:* Where a property has become a lawful Special Use pursuant to subsection A, above, or where a property has been granted a Special Use prior to the effective date of this Article, or prior to any subsequent amendment hereto, such use shall be considered a lawful Special Use if the use is classified by this Article as a Special Use.
    - 1) If the passage of the ordinance granting such Special Use was subject to one or more conditions, those conditions shall remain in full force and effect, as may be amended from time to time, subject to the provisions of this Article.
  
    - 2) All Special Uses shall be subject to the provision that they shall expire if not established within one year from the date of passage of the ordinance granting the Special Use. No Special Use shall be reestablished subsequent to abandonment through a discontinuation of use for three hundred sixty-five (365) consecutive days, regardless of any reservation of intent to reestablish such Special Use.
  
  - c. *Changes To Existing Special Use:* Where a property has been granted a Special Use prior to the effective date of this Article, or where a property has been granted a Special Use pursuant to the provisions of this Article, a change to such Special Use shall be allowed provided that the desired change was explicitly approved in the ordinance passed granting the Special Use. Any other change to such an existing Special Use shall be subject to the provisions this Chapter or others, as applicable. However, changes involving accessory structures may be made to existing Special Uses, subject to the site design regulations of the zoning district in which it is located, and provided that there is no change to the function, operation, or traffic characteristics of the existing Special Use.
  
- 7. Single family attached dwellings having a common wall along a lot line may be permitted in the “RC-1” Residential Conservation District provided the City Council approves a Special Use Permit (see Article 14, “Permits”) meeting the following criteria:
  - 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.