ORDINANCE 2017-044    PASSED: NOVEMBER 13, 2017

AMENDING CHAPTER 23 “UNIFIED DEVELOPMENT ORDINANCE” OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, FOR MISCELLANEOUS TEXT AMENDMENTS.

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and authority conferred upon it by virtue of the Illinois Constitution of 1970 and the Illinois Municipal Code; and

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

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

WHEREAS, the City wishes to amend portions of the UDO, including Article 3 “Definitions” to add definitions for certain accessory structures, to modify the definition of “accessory building,” and to add definitions for “structure,” “accessory structure,” “Public Works Director,” and “Community Development Director”; Article 5 “Zoning District Regulations” to change “Self-Service Storage Facilities” from a permitted use to a special use in the “Li” Light Industrial and “Hi” Heavy Industrial Districts, and to remove the numbering for each permitted and special use in all the zoning districts; Article 7 “Supplemental District Regulations” section 7.03 “Setback Exceptions” to add language for both “buildings” and “structures,” to clarify which accessory structures are allowed in the front yard, side yard, and rear yard, and to remove accessory structures that could be classified as another accessory structure, and section 7.04 “Accessory Uses, Buildings and Structures” to establish swimming pools as an accessory structure and add setback regulations; Article 8 “Developmental Impact Fees” to coordinate some of the school and park impact fee charts in relation to the order of the unit type and bedroom count (no fee changes); Article 13 “Signs” to remove section “13.08 Violation – Penalty” and any references thereto, including Article 13.05.10, and to change the approval and administration of temporary signs from the Public Works Department to the Community Development Department or Community Development Director; Article 16 “Administration and Enforcement,” section 16.01 “Administrative and Enforcement Responsibilities” to clarify the responsibilities of the Chief Building Official, Community Development Director, Public Works Director, Planning and Zoning Commission, and City Council so as to indicate current practices and to delete section 16.04 “Enforcement”; and amend Articles 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, and 17 to correct the names of City departments and personnel and remove extraneous instances of “or designee,” “or his designee,” “or his/her designee,” and “or their designee”;
WHEREAS, the Planning and Zoning Commission discussed these miscellaneous text amendments at its meeting on September 20, 2017, and held a public hearing on the proposed text amendments at its meeting on October 18, 2017, at which the Commission recommended unanimous approval of the amendments herein.

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


Section 2. Articles 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, and 17 shall be amended to correct references to City departments and personnel and to remove references to “designee” as indicated in Exhibit A.

Section 3. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 4. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 5. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: November 14, 2017. Effective date: November 23, 2017.


ATTEST:

[Signature]

SUSANNA HERRMANN, City Clerk

JERRY SMITH, Mayor
**EXHIBIT A**

**ARTICLE 3**

**DEFINITIONS**

3.01 Definitions

Add the following:

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

*Chief Building Official:* The individual named the Chief Building Official or his/her designee.

*Community Development Director:* The individual holding the position of Community Development Director or his/her designee.

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

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

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

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

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

*Public Works Director:* The individual holding the position of Public Works Director or his/her designee.

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

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

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

*Video Gaming Establishment:* An establishment whose primary purpose is to operate video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. Seq.), where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is secondary and accessory to the operation of the video gaming terminals. In determining whether an establishment constitutes a video gaming establishment, any one or a combination of the following criteria may be considered in the City's decision, as determined by the Community Development Director or designee.
ARTICLE 4
ZONING DISTRICTS AND OFFICIAL ZONING MAP

Modify the following:

4.03 Official Zoning Map

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

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

4.04 Zoning District Boundaries

4.04.01 Interpretation of Zoning District Boundaries

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

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

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

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

The principal type of land use and development intended for this district is single family detached dwellings.


Additional permitted land uses and developments include:

4. Accessory uses;

2. 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;

3. Day care homes;

4. Home occupations;

5. 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":

4. 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;

2. Community Residence (large);

3. Cemeteries and mausoleum;

4. Churches;

6. 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);

7. Golf courses, except miniature courses and driving tees operated for commercial purposes;

8. Group day care home;
8. Active Parks

9. 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;

40. 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.

44. 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.

42. Public utility facilities, excluding communication towers. Any installation other than poles and equipment attached to the poles, shall be:

a. adequately screened with landscaping, fencing, or walls, or any combination thereof, or

b. placed underground, or

c. 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;

43. Sewage treatment facilities.
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

The principal type of land use and development intended for this district is single family detached dwellings.


Additional permitted land uses and developments include:

2. Accessory uses;
3. 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;
4. Day care home;
5. Home occupations;
6. 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”:

1. 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;
2. Community Residences (large);
3. Cemeteries and mausoleums;
4. Churches;
5. 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);
6. Golf courses, except miniature courses and driving tees operated for commercial purposes;
7. Group day care home;
8. Parking lots, as a principal use when located within three hundred (300) feet of the use being served;
9. Active Parks;
40. 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;

41. 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.

42. 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.

43. Public utility facilities, excluding communication towers. Any installation, other than poles and equipment attached to the poles, shall be:

   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or

   b. placed underground, or

   c. 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;

44. Sewage treatment facilities.
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:

1. Single family detached dwellings;
2. Two family dwellings legally existing on or before the date of this Ordinance (2006-090);
3. Single family attached dwellings per 5.03.06, below.

Additional permitted land uses and developments include:

1. Accessory uses;
2. 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;
3. Day care home;
4. Home occupations;
5. 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”:

1. Active Parks;
2. 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;
3. Community Residence (large);
4. Cemeteries and mausoleums;
5. Churches;
6. 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);
7. Golf courses, except miniature courses and driving tees operated for commercial purposes;
8. Group day care home;

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

10. 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;

11. 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;

12. 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;

13. Public utility facilities, provided that any installation, other than poles and equipment attached to the poles shall be:
   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or
   b. placed underground, or
   c. 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;

14. Sewage treatment facilities;

15. Two-family attached dwellings not meeting the terms of 5.04.06, subparagraph 2, below;

16. Converted Dwellings;

17. New two-family dwellings, but subject to compliance with all the other terms of this Article.
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

The principal type of land use and development intended for this district is multiple family dwellings legally existing on the date of this amending ordinance 06-90 (see Subsection 5.04.04):

1. Multiple family dwellings legally existing on the date of this amending ordinance 06-90 (see Subsection 5.04.04).

Additional permitted land uses and developments include:

1. Accessory uses;
2. 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;
3. Day care home;
4. Single family detached dwellings;
5. Single family attached dwellings, subject to Subsection 5.04.06 paragraph 2, below;
6. Home occupations;
7. Rooming House conversions, subject to Subsection 5.04.07, below;

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”:

1. Bed and Breakfast;
2. 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;
3. Cemeteries and mausoleums;
4. Churches;
5. Day care centers;
6. Golf courses, except miniature courses and driving tees operated for commercial purposes;
7. Group day care home;
8. Group home;
9. Hospitals and clinics, but not including animal hospitals or clinics;
10. Libraries;
11. Museums;
12. Nursing and convalescent homes and retirement centers;
13. Parking lots, as a principal use when located within three hundred (300) feet of the use being served;
14. Active Parks;
15. 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;
16. 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;
17. 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;
18. Public utility facilities, excluding communication towers. Any installation, other than poles and equipment attached to the poles, shall be:
   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or
   b. placed underground, or
   c. 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;
19. Rooming House conversions, not meeting the requirements of Subsection 5.04.07, subparagraphs 1 through 9, below;
20. Sewage treatment facilities;
21. Two family or multiple family attached dwellings not meeting the terms of 5.04.06, subparagraph 2, below;
22. Converted Dwellings;
23. New two-family or multiple-family dwellings, but subject to compliance with the all other terms of this Article.
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

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

1. Multiple family dwellings (see Subsection 5.05.04)

Additional permitted land uses and developments include:

1. Accessory uses;
2. 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;
3. Rooming House conversions, subject to Subsection 5.05.07, below;
4. 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.”

1. 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;
2. Bed and Breakfast;
3. Cemeteries and mausoleums;
4. Churches;
5. Day care centers;
6. Dormitories;
7. Fraternities and sororities;
8. Golf courses, except miniature courses and driving tees operated for commercial purposes;
9. Group day care home;
10. Group home;
44. Hospitals and clinics, but not including animal hospitals or clinics;

42. Libraries;

43. Museums;

44. Nursing and convalescent homes and retirement centers;

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

46. 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.

47. 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.

48. Public utility facilities, excluding communication towers. Any installation, other than poles and equipment attached to the poles, shall be:
   
   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or

   b. placed underground, or

   e. 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;

49. Rooming houses;

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

24. Sewage treatment facilities.

22. Converted Dwellings;

23. Multiple family dwellings, not meeting the requirements of Article 5.05.04, paragraphs 1 or 4.
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:

1. Accessory uses;
2. Churches;
3. Day care centers;
4. Drop-off cleaning establishments and laundries;
5. Laundromats, self-serve;
6. 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;
7. Financial institutions, not including drive-through facilities;
8. 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;
9. Parks and playgrounds, public or private not-for-profit;
10. 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;
11. 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.
12. 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;
13. 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":

- 1. 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;
- 2. Drug stores;
- 3. Financial institutions, with drive-through facilities;
- 4. Food stores and grocery stores; convenience stores (excluding sale of motor fuel on the premises); meat markets and bakeries;
- 5. Medical and dental offices;
- 6. Parking lots, as a principal use;
- 7. Public utility facilities, excluding communication towers. Any installation, other than poles and equipment attached to the poles, shall be:
  - a. adequately screened with landscaping, fencing or walls, or any combination thereof, or
  - b. placed underground, or
  - c. 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.

- 8. Restaurants, but not including restaurants which serve alcoholic beverages and/or have drive-through facilities;
- 9. Restaurants (fast-food), but not including drive-through facilities.
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:

1. Any use permitted in the "NC" Neighborhood Commercial District, except those uses that may be modified in this list of permitted uses;

2. Accessory Uses;

3. Automobile parts and accessory stores;

4. Banks and other financial institutions, not including drive-through facilities;

5. Bicycle stores; sales, rental, and repair;

6. Catering establishments, including pizza delivery;

7. Clothing and shoe stores; sales and repair;

8. Clubs, lodges, meeting halls;

9. Department, discount and variety stores;

10. Drug stores;

11. Greenhouses, nurseries, garden supply and seed stores;

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

13. Funeral homes, mortuaries;

14. Furniture stores with repair and re-upholstery only as an accessory use;

15. Hardware stores;

16. Household appliance stores, sales, service, and rental;

17. Interior decorating stores, including carpet, paint, and wallpaper stores;

18. Medical and dental offices;

19. Musical instrument stores, sales and repair;

20. Museums and art galleries;
24. Nursing and convalescent homes and retirement centers;
22. Office supply stores;
23. Optical sales, examinations;
24. Pet stores and animal grooming shops;
25. 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;
26. Radio, television and recording studios;
27. Radio and television stores, sales and service;
28. Recreation centers, health clubs, athletic clubs, and fitness centers;
29. Restaurants, with or without alcohol (2008-064);
30. Restaurants (fast-food), but not including drive-through facilities;
31. Schools for business, professional or technical training;
32. 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.
33. 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.
34. Sporting goods stores;
35. Theaters, indoor and auditoriums;
36. 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."

4. All permitted or special uses and developments which include drive-through facilities;
2. 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);
3. Animal boarding facilities;
4. Animal hospitals and veterinary clinics;
5. Banquet halls;
6. Bars, taverns, and package liquor stores;
7. Car washes;
8. Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor;
9. Gasoline stations and any other establishments selling motor fuel on the premises, but not including vehicle repair;
10. Group homes;
11. Hospitals and clinics;
12. Hotels and motels;
13. Laboratories, medical, dental, research, and technical;
14. Lodging house;
15. Outdoor seating, service, dining and/or recreation areas accessory to any restaurant, bar, tavern, club, lodge or meeting hall (2008-064);
16. Parking lots, as a principal use;
17. Public or private schools, within buildings existing prior to the effective date of this Ordinance (1995-116);
18. Public utility facilities. Any installation, other than poles and equipment attached to the poles, shall be:
   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or
   b. placed underground, or
   c. 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;
19. Retail Tobacco Stores (see Article 7.17);
20. Video Gaming Establishments.
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:

1. Any use permitted in the "LC" Light Commercial District, except those uses that may be modified in this list of permitted uses;

2. Accessory uses;

3. Animal boarding facilities;

4. Animal hospitals and veterinary clinics;

5. 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);

6. Banquet halls;

7. Bars, taverns, and package liquor stores;

8. Boat and marine sales and service;

9. Body Art Establishments

10. Community residences (small or large), when located above the ground floor;

11. Farm equipment sales and service;

12. Group homes, when located above the ground floor;

13. Hospitals and clinics;

14. Hotels and motels;

15. Laboratories, medical, dental, research, and technical;

16. Micro-Distillery;

17. Newspaper offices;

18. Parking lots and parking structures, as a principal use;

19. Building supply, electrical, plumbing and heating service and equipment stores (2008-064);

20. Printing and publishing establishments;
24. Tire stores, sales and service;

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

23. 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”:

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

2. 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);

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

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

5. Building contractor’s office and material storage;

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

7. Bus and train stations/terminals;

8. Cartage and express facilities;

9. Car washes;

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

11. Distillery;

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

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

14. Gasoline stations;

15. Lodging house;

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

17. Pawn shops;

18. Public or private schools, within buildings existing prior to the effective date of this Ordinance (1995-116);
40. Public utility facilities. Any installation, other than poles and equipment attached to the poles, shall be:

a. adequately screened with landscaping, fencing or walls, or any combination thereof, or

b. placed underground, or

c. 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.

20. Restaurants (fast food) which include drive-through facilities;

24. Retail Tobacco Stores (see Article 7.17 regulations);

22. Social Club;

23. Theaters, outdoor and drive-in;

24. Vehicle service facilities;

25. Vehicle repair facilities;

26. Video Gaming Establishments;

27. Wholesale establishments.
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:

1. Any use permitted in the "LC" Light Commercial District, except those uses that may be modified herein;

2. Accessory uses;

3. Amusement establishments, but limited to bowling alleys, indoor skating rinks, swimming pools and other non-gambling machines or table games;

4. Bed and Breakfasts;

5. Banquet halls;

6. Bars, taverns, and package liquor stores;

7. Body Art Establishments

8. 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;

9. Hotels and motels;

10. Laboratories, medical, dental, research, and technical;

11. Micro-Distillery;

12. Newspaper offices;

13. Public parking lots and parking structures, as a principal use, if owned or operated by the City of DeKalb;

14. Printing and publishing establishments;

15. Restaurants;

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

17. 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”:

1. All permitted on special land uses and developments which include drive-through facilities;

2. New Automobile, truck and recreational vehicle sales, with vehicle repair and service facilities, rentals, or used car sales as an accessory use only;

3. Bus and train stations/terminals;

4. 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;

5. Outdoor Patios

6. Public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or
   b. placed underground, or
   c. 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.

7. Retail Tobacco Stores (see Article 7.17 regulations).

5.09.04 Prohibited Uses in the “CBD” Central Business District

1. 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;

2. Rooming Houses and/or Lodging Houses;

3. Cemeteries and Mausoleums;

4. Community Residences;

5. Outdoor storage of any type as a principal use;

6. Car washes;

7. Gasoline Stations or any other establishments selling motor fuel on the premises;

8. Vehicle Repair and/or Service Facilities;

9. Sewage Treatment Facilities;
Firearm Retailers / Firearm Dealers; and
Medical cannabis dispensary.
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:

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

   *Conduct of animal, plant or other biological and genetic research activities outdoors is prohibited;*
5. 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;
6. Offices, excluding medical and dental offices or clinics providing patient diagnostics and/or treatment;
7. 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;
8. Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability;
9. 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:

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

40. Training and educational facilities;

44. Warehousing and distribution facilities, but excluding motor freight terminals;

42. Union halls and trade association offices/meeting rooms.

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

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

   1. Banks and financial institutions including drive-through facilities;
   2. Clubs, lodges and fraternal organizations;
   3. Day care centers;
   4. Firearm Retailers with a size of 50,000 square feet area or more in area;
   5. Parking areas, including parking structures, as a principal use of a property;
6. Public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

   a. adequately screened with landscaping, fencing or walls, or any combination thereof, or

   b. placed underground, or

   c. 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.

7. Police and fire stations;

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

9. Restaurants;

10. Retail Tobacco Stores (see Article 7.17); and

11. 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.
5.11 “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

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

1. Accessory uses;
2. Any use whose primary purpose includes the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:
   a. appliances, small motors;
   b. books, printed materials;
   c. clothing and textiles;
   d. drugs;
   e. electrical components;
   f. glass and ceramics;
   g. paper and paper products;
   h. plastic and fiberglass;
   i. sheet metal;
   j. tools;
   k. wood assembly and finishing;
3. Airports, landing strips and heliports;
4. Animal boarding facilities and animal shelters, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-139);
5. Automobile, truck and recreational vehicle sales and rental;
6. Boat and marine sales and service;
7. Body Art Establishment
8. Building-contractors office and materials storage;
9. Building material sales and storage;
40. Bus and train stations and terminals;
41. Business, professional, and technical trainingschools;
42. Cartage and express facilities;
43. 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;
44. Farm equipment sales and service;
45. Fruit, Vegetable and grain processing, packaging, and storage;
46. Gasoline Stations;
47. Golf courses and other open space recreational uses;
48. Ice processing, sales and storage;
49. Lumberyards;
50. Machinery sales, service and storage;
51. Machine shops;
52. Motor and rail freight terminals;
53. Newspaper offices;
54. Offices;
55. Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;
56. Parking lots, as a principal use;
57. Plating establishments;
58. Plumbing and heating service and equipment stores;
59. Printing and publishing establishments, duplicating services;
60. Public buildings used by any department of the City, School District (except school buildings), Township, Park District, County, State, and Federal governments;
61. Public utility facilities;
62. Research laboratories and facilities;
63. Self-service storage facilities;
64. Sewage treatment plants;
65. 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;
Veterinary clinics, including overnight boarding facilities, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-019);
Warehouse and wholesale establishments, distribution centers;
Welding.

5.11.03 Special Land Uses and Developments of the "LI" Light Industrial District

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

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;
Medical cannabis cultivation centers (See Article 7.18 regulations);
Medical cannabis dispensary (See Article 7.18 regulations);
Penal, correctional, and other institutions necessitating restraint of inhabitants;
Railroad switching yards;
Recycling centers;
Retail Tobacco Stores (See Article 7.17 regulations); and
12. 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 facilities.
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 Development of the "HI" Heavy Industrial District

The following land uses are permitted in this district:

1. Any use permitted in the "LI" Light Industrial District;
2. Accessory uses;
3. 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:
   a. boats,
   b. construction equipment,
   c. containers and storage units,
   d. motor vehicles and engines,
   e. paints, inks,
   f. stoneware, earthware;
4. Railroad switching yards;

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."

1. Animal slaughtering, meat packing, or rendering facilities;
2. Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly, disassembly, processing or treatment of goods and services, including but not limited to:
   a. concrete, asphalt, cement,
   b. motor vehicles and engines,
3. Bulk fuel distribution or storage;
4. Distillery;
5. Extraction of raw materials from the earth and processing thereof;
6. Firearm Retailers / Firearm Dealers - regardless of size (See Article 7.19 regulations);

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

8. Junkyards, salvage yards, vehicle wreckage 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.

9. Medical cannabis cultivation centers (See Article 7.18 regulations);

10. Medical cannabis dispensary (See Article 7.18 regulations);

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

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

13. Petroleum refining or storage;

14. Recycling centers;

15. Retail Tobacco Stores (see Article 7.17);

16. 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 facilities;*

17. Steel mills, foundries, forges, and smelters;

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

19. Sulfur and rubber reclamation plants.
5.13 "PD" Planned Development Districts

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 Planning] Director or the Planning and Zoning Commission.

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.
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 Director of Public Works, Director determines that the public improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority.
5.14 "RC-1" Residential Conservation District

5.14.03 Permitted Land Uses and Developments of a "RC-1" Residential Conservation District

The principal types of land uses and developments intended for this district are:

1. Single family detached dwellings.

2. 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:

1. Accessory uses;

2. Passive Park facilities owned by the Park District or private entity;

3. Day care homes;

4. 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."

1. Two-Family Units;

2. Multi-Family Units;

3. Bed and breakfasts;

4. Churches;

5. Converted Dwellings;

6. 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;

7. Active Parks

8. 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.

9. Public utility facilities, excluding communication towers. Any installation other than poles and equipment attached to the poles, shall be:

a. adequately screened with landscaping, fencing, or walls, or any combination thereof, or

b. placed underground, or
6. 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;

40.- Parking facilities within 300 feet of principal ancillary use;

41.- Community Centers (2008-051).
ARTICLE 6
OVERLAY DISTRICT REGULATIONS

6.01 "FP" Floodplain Overlay District

The Flood Insurance Study and Flood Insurance Rate Map for DeKalb County, Illinois, and Incorporated Areas, Map Number 17037C0000 (City of DeKalb Map Panels 0234, 0242, 0244, 0250, 0251, 0253, 0275), with effective date January 2, 2009, and amendments thereto, delineating areas that are susceptible to the base flood, as prepared by the Federal Emergency Management Administration, is hereby adopted as the boundaries of the "FP" District for the purpose of this Article and filed as a record in the office of the City Clerk. Copies of said maps are on file for review in the Public Works Department of Public Works Department, Engineering Division.
ARTICLE 7
SUPPLEMENTAL DISTRICT REGULATIONS

7.03 Setback Exceptions

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

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

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

4. Terraces, patios, stoops, decks, unenclosed porches, platforms, retaining walls and similar ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side or rear yard building setback, provided these projections be distant at least two (2) feet from the adjacent side or rear lot line.

5. Required front yard building setback heretofore established: Where forty (40) percent or more of the lots on one side of a street between two intersecting streets are developed with buildings that do not conform to the required front yard setback; the required building setback may be adjusted as follows:
   a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum required front yard building setback shall be a straight line drawn between the two closest front corners of the adjacent buildings on the two sides, or
   b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected at the same or greater setback as the existing adjacent building.

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

7. Side and Rear Yard Setbacks: In any zoning district, the minimum required side and/or rear yard building setback(s) shall be a distance that is equivalent to twenty (20) percent of the lot width and/or depth, or the district's required side and/or rear yard building setback, whichever is less.
8. Where residential dwelling units are permitted above non-residential use (i.e., commercial), setback requirements for the non-residential use shall govern building placement on the lot.

9. **ADDITIONAL SETBACK REQUIRED.** Where residential property fronts upon a Minor Collector, Major Collector, Arterial, or Regional, County or State Highway, as designated on the Development Plan Map or in the Comprehensive Plan, the minimum front yard setback shall be increased by the following amounts:
   
   a. Minor Collector: Ten (10) feet;
   
   b. Major Collector: Fifteen (15) feet;
   
   c. Arterial: Twenty (20) feet;
   
   d. Regional, County or State Highway: Twenty-five (25) feet.

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

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

**7.04 Accessory Uses, Buildings and Structures**

1. Accessory buildings or structures may be built in a required rear yard, but such buildings, structures or combination thereof shall not cover more than thirty (30) percent of the required rear yard. On lots platted prior to this Amenity Act of 2004, which are less than fifty feet in width, the maximum thirty (30) percent rear yard coverage (above) shall not apply; however the total of all buildings and structures on the lot shall not exceed a coverage of fifty (50) percent of the lot area, and all other setbacks shall apply.

2. Any accessory building attached in any structural manner to the principal building must conform to the minimum setback requirements for the principal building.

3. Accessory buildings or structures less than ten (10) feet from the principal building shall conform with the minimum setbacks required for the principal building or those setbacks required under paragraph 4 below, whichever is greater.

4. Accessory buildings or structures ten (10) feet or more from the principal building shall meet the following minimum setbacks:
   
   a. Garages which enter directly onto an alley shall be set back from the alley right-of-way at least ten (10) feet.
   
   b. Any accessory structure (except for fences) shall be set back from any side or rear lot line at least two (2) feet, plus one (1) additional foot for each one (1) foot by which the height of such structure exceeds fourteen (14) feet.

   b-c. Swimming pools (above-ground and in-ground) shall be subject to Chapter 24 “Building Code” of the Municipal Code. The edge of the water of swimming pools shall be set back from a side or rear lot line at least ten (10) feet, and accessory equipment shall be set back at least five (5) feet.
The setbacks for paragraph b, above, shall not apply for historically based detached accessory buildings within an Historic District or on properties designated a local landmark, provided the proposed building is approved by the Landmark Commission. In such case the building placement may be as approved by the Landmark Commission.

5. No detached accessory building shall exceed the height of the principal building, and no detached accessory building shall exceed the number of stories of the principal building.

6. The total area at ground level (footprint) of all detached accessory buildings upon a lot shall not exceed the total area at ground level (footprint) of the principal building. The gross floor area of all detached accessory buildings upon a lot shall not exceed the gross floor area of the principal building.

7. No detached accessory building in a residential zoning district shall be constructed or used for the purposes of human habitation.

8. Detached accessory buildings in residential zoning districts may be provided with water and sanitary sewer service meeting the following standards:
   a. No more than one (1) each of the following fixtures shall be allowed:
      1) Lavatory, slop sink, or other sink;
      2) Urinal, toilet, or other water closet fixture;
      3) Water heater, but only if provided with an expansion tank;
      4) Hose bib conforming to ASSE 1019;
      5) Floor drain, and in areas larger than one thousand (1,000) square feet, the floor drain shall also have a gas and oil separator.
   b. No other plumbing fixtures are allowed in the accessory structure;
   c. The water service to the detached accessory structure shall be equipped with a backflow prevention assembly conforming to ASSE 1013;
   d. The building shall be heated and shall have a full perimeter frost footing with a minimum depth of forty-two (42) inches below grade;
   e. All other pertinent building and plumbing codes shall apply.

9. No accessory use shall be established upon a lot, and no accessory building shall be constructed upon a lot until, the construction of the main building has been actually commenced.

10. An accessory building shall not be located closer to the front lot line than the distance the principal building is located from the front lot line and in no instance shall an accessory building be located within a required front yard setback.

11. Accessory uses customarily incidental to residential uses, such as the use of a lot or portion thereof for a vegetable or flower garden and the keeping of domesticated animals are permitted, but not on a commercial basis or at a scale reasonably objectionable to adjacent or nearby property owners.

12. All accessory buildings or structures shall match the character of the intended use, the character of the property and zoning district of which they are a part, and shall conform to all building codes.
No vehicle or portion of a vehicle may be converted to an accessory structure, and no temporary or portable structures, tension membrane structure, pods, inter-modal carriers or containers, or similar "drop off and pick up" units shall be used and as accessory structure, except for temporary purposes not exceeding thirty (30) days.

13. In residential districts, all detached accessory buildings exceeding one hundred twenty (120) square feet in size, shall substantially conform to the principal building in material, type and design of construction, finish and color.

14. Gasoline dispensing facilities and other unenclosed, roofed structures:

   a. Pump islands are permitted within the required front yard setbacks provided that they and the entrances and exits to the gasoline station are installed according to the most recent standards of the Illinois Department of Transportation and the DeKalb Department of Public Works Department.

7.12 Traffic Access and Impact Studies

7.12.02 Warrants for Studies

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

   In the event that the estimated trips will fall below the one hundred (100) level, the City Council, after receiving a recommendation from the Director of Public Works Director, may still require the preparation of a traffic access and/or impact study if, in their opinion:

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

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

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

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

2. The City Council, after receiving a recommendation from Director of Public Works Director or his/her designee, may waive the requirement for a traffic access and/or impact study if, in their opinion, there exists a previously conducted study that adequately addresses the traffic concerns of the area, or there exists adequate physical facilities to accommodate the projected level of traffic.

7.12.03 Procedures

1. The study shall be prepared by any person with demonstrated experience in conducting traffic studies. The study shall be prepared in accordance with the guidelines and recommendations found in the most recent version of the ITE's report entitled, "Traffic Access and Impact Studies for Site..."
Development," or other mutually acceptable report or guideline. Said ITE report is available in the Department of Public Works Department.

2. The study preparer shall discuss the parameters under which the traffic access or impact study will be conducted with the Director of Public Works Director or his/her designee. These parameters include, but are not limited to, the size of the study area, the extent of the study (a full study, partial study, etc.), the level of detailed analysis, various techniques that are to be used, etc.

3. The study shall be submitted along with the documentation required for the rezoning, special use permit, planned development, subdivision, annexation agreement, building permit, or occupancy permit applications. The Director of Public Works Director shall review and report on the study and its recommendations within the time period prescribed for reviewing the above-mentioned applications.

4. Where said applications require Planning and Zoning Commission or City Council approval, then the traffic study, its recommendations and a report and recommendation from the Director of Public Works shall be forwarded to the Planning and Zoning Commission or City Council for their review and recommendations. Where the report's or Staff's recommendation identifies the need for street widening, traffic light improvements, right-of-way increases, etc., then the Planning and Zoning Commission shall recommend and the City Council shall decide whether such widening, improvements, increases, etc. are necessary; and if so, whether the costs associated with them shall be borne solely by the applicant, by the City or by a combination of the applicant and the City.
ARTICLE 8
DEVELOPMENT IMPACT FEES

8.01 Dedication of School Sites and Cash Contributions in Lieu of School Sites

8.01.03 School Population Density

1. The cash contribution schedules set forth in subsection 8.01.03(3) are based on the following school-age population density schedule:

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>K-4</th>
<th>5-8</th>
<th>9-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>.1000</td>
<td>.0470</td>
<td>.0180</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>.3175</td>
<td>.2375</td>
<td>.1460</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>.4275</td>
<td>.4005</td>
<td>.3130</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>.5165</td>
<td>.5233</td>
<td>.3270</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>12-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>23-Bedroom</td>
<td>.0625</td>
<td>.0233</td>
<td>.0210</td>
</tr>
<tr>
<td>34-Bedroom</td>
<td>.1765</td>
<td>.0572</td>
<td>.0510</td>
</tr>
<tr>
<td>45-Bedroom</td>
<td>.2630</td>
<td>.2185</td>
<td>.1800</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>.0540</td>
<td>.0318</td>
<td>.0420</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>.1305</td>
<td>.0630</td>
<td>.1160</td>
</tr>
</tbody>
</table>
8.02 Dedication of Public Park Sites and Cash Contributions in Lieu of Park Sites

8.02.01 Criteria for Requiring Park Site Dedication

1. Contribution Requirement and Population Ratio: The ultimate number of residents to be generated by a subdivision or planned unit development shall be directly related to the amount of land required to be dedicated for park sites. The land dedication requirement shall be determined by using a ratio of 11.5 acres of park space for each 1000 persons of expected population.

For the purposes of that determination, the expected population shall be determined by multiplying the number of dwelling units of each type by the proportional expected population as outlined in the chart below. The resulting expected population shall then be multiplied by 0.0115 to determine the total number of acres of required park space.

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Expected Population per Unit (persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>1.9890</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>2.9870</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>3.8070</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>4.4190</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td></td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>1.0500</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>1.8990</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>2.2770</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>3.3280</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>1.0000</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>1.1900</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>1.6590</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>2.8140</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>4.0040</td>
</tr>
</tbody>
</table>

For the purposes of this Ordinance, unless otherwise provided by the developer, the following estimations shall be used for the anticipated construction in the proposed development:

*Apartments:* Fifty percent 2-bedroom units, forty percent 3-bedroom units, and ten percent 4-bedroom units;

*Attached Single Family:* An equal mix of 2-bedroom and 3-bedroom units;

*Detached Single Family:* An equal mix of 3-bedroom and 4-bedroom units.

If a developer provides a development plan that has a specific mix of units other than that outlined above, the City Council may take appropriate action to assure that the development is restricted to the mix and number of bedrooms planned.
### TABLE 8-1
#### TABLE OF DEVELOPMENT IMPACT FEES

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>School Land/Cash Fee</th>
<th>Park Land/Cash Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detached Single Family</strong></td>
<td><strong>Detached</strong></td>
<td></td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$261.37</td>
<td>$2,287.35</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$1,187.36</td>
<td>$3,435.05</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$1,928.75</td>
<td>$4,378.05</td>
</tr>
<tr>
<td>5-Bedroom</td>
<td>$2,206.80</td>
<td>$5,081.85</td>
</tr>
<tr>
<td><strong>Attached Single Family</strong></td>
<td><strong>Attached</strong></td>
<td></td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$0.00</td>
<td>$1,207.50</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$189.44</td>
<td>$2,183.85</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$433.29</td>
<td>$2,618.55</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$1,068.51</td>
<td>$3,827.20</td>
</tr>
<tr>
<td><strong>Apartments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>$0.00</td>
<td>$1,150.00</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$0.00</td>
<td>$1,368.50</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$200.79</td>
<td>$1,907.85</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>$479.27</td>
<td>$3,236.10</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>$479.27</td>
<td>$4,604.60</td>
</tr>
</tbody>
</table>

**Note:** The above summarizes the full fee per unit based upon the requirements of this article, for developments with no land dedications. Fees would be adjusted depending upon the quantity and purpose of any land dedications pursuant to this Article.
ARTICLE 9
STREETS, SIDEWALKS AND SUBDIVISION DESIGN

9.02.08 Exceptional Development Considerations

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil conditions, flood conditions or other adverse natural physical conditions, the City Engineer may, after adequate investigation, withhold approval of such lots until engineering studies are conducted by the developer and are presented to the Public Works Director which establish that the method proposed to meet any such condition is adequate to avoid any danger to health, life or lot improvement.
ARTICLE 10
UTILITIES

10.03 Water Supply

10.03.02 Private Water Wells Limited

3. **Variance Procedures.** Variance procedures for private water well construction shall be in accordance with the following process:

   a. An application for a variance may be made by any person, firm, corporation, or by any office, department, or board of the city or other unit of government.

   b. An application for a variance shall be filed with the Director of Public Works and shall contain the following information:

      1) Legal description of the property for which a variance is requested;

      2) The requested variance identified;

      3) The reasons the applicant requests the variance of the property with an eight and one-half by eleven inch (8-1/2" x 11") sketch showing all lot lines, existing and proposed structures, adjoining streets or uses and the distances between the structures and the lot lines and the location of the proposed well.

   c. No variance shall be made by the City Council except after a public hearing before the City Council. A notice of the time and place of the hearing shall be published at least once, no more than thirty days, nor less than fifteen days prior to such hearing, in a newspaper of general circulation published in the City.

   d. The City Council shall hold a public hearing at which evidence in support of the variance must be presented by or on behalf of the applicant. The City Council shall record their findings of fact, their decision, and the vote of the members and the reasons for granting or denying the variation.

   e. No variance shall be granted unless the applicant for the variance can demonstrate that each of the following criteria has been met:

      1) An exceptional economic hardship would result without the variance.

      2) The relief granted is the minimum necessary.

      3) There will be no additional threat to public safety or creation of a nuisance.

      4) No additional public expense will result.

      5) The property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulations.

      6) The plight of the owner is due to unique circumstances and not created by the owner.

      7) The variance, if granted, will not alter the essential character of the locality.

   f. No variance shall be granted unless it shall include findings of fact and include a finding that the private well will not interfere with the operation of existing municipal wells and will not cause a cross connection to the City public water supply.
g. Upon the granting of a variance by the City Council, the Director of Public Works shall issue a written permit to the owner of a private well. The permit shall remain effective for five years and list all critical information pertaining to said well, including any requirement in connections therewith. The permit shall automatically terminate five years from the date of its issuance; however, the permit holder may apply for another variance following the same procedures and having to meet the same criteria as was required in the original application for a variance.

4. **Limitations on Existing Water Wells.**

a. Owners of existing wells within the City limits shall connect to the City public water supply within ninety (90) days after a water supply main, located within one hundred (100) feet of the premises being served, becomes available for a service connection. Upon connection, the private well shall be disconnected from the building so as to not constitute a cross connection to the City’s public water supply system. The Director of Public Works shall inspect and ensure that no cross connection exists between private wells and the City public water supply system prior to the beginning of water service from the City public water system.

b. The City Council may hear and may grant a request to allow a private well to remain in service for purposes of a private use provided said private well is not in any manner cross connected to the City public water supply system and does not interfere with existing City wells. If the private well is abandoned, it shall be capped in accordance with this Section. For purposes of maintaining a private well in service, an application shall be filed in writing with the Director of Public Works and a public hearing shall be scheduled and heard in accordance with the procedures of this Section prior to the granting of such variance.

c. Water service from the City water supply shall not begin to any premises which have tapped onto the City water mains, unless and until any and all existing water wells located on the premises being served shall have been abandoned or plugged in accordance with the requirements of section 920.120 of the Illinois Water Well Construction Code (1988) and such rules as are promulgated there under and including rules of the Illinois Department of Public Health.

**10.05 Lighting Requirements**

**10.05.01 Lighting Standards**

1. **Subdivisions:** All public streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, or other common areas or facilities. The subdivider, at his/her option and subject to approval by the City Council, shall either install ornamental lighting facilities conforming to the City of DeKalb’s Lighting Policy Standards or shall pay the initial cost installation of Commonwealth Edison lighting poles, bracket arms, light fixtures, and other associated wiring. Street Lighting shall only be installed by either Commonwealth Edison or a City of DeKalb licensed and bonded electrical contractor. If a contractor other than Commonwealth Edison installs the street lighting, electrical permits and inspections are required. If the developer fails to cause his contractor to obtain permits and inspections, the City may not accept the street lighting as a public improvement. The City shall be responsible for the maintenance, replacement, and energy costs incurred after the approved installation and acceptance of the lighting facility. Without limiting the generality of the foregoing standard, the following minimum standards shall apply:

a. All newly-created public streets within subdivisions shall have street lights installed at a maximum spacing of three hundred (300) feet and a minimum average ground level foot
candle illumination of 0.4. Street lights in residential subdivisions shall not exceed thirty (30) feet in height.

b. Street lighting for major collector and arterial streets, in which a newly-created subdivision is adjacent to, shall be installed in accordance with the requirements and standards of the applicable jurisdiction (i.e., County or Township Highway Department, or the Illinois Department of Transportation). In other situations, street lighting requirements shall be reviewed and approved by the Director of Public Works or his/her designee.

3. Basic Design Standards: For all exterior and/or site lighting, a detailed light wiring diagram shall be provided by the project architect/engineer clearly illustrating the size of footing/foundation, trench/backfill, conductors, maximum voltage drop limits, size and dimensions of service disconnect, fuse amperage, load center, size, make and manufacturer of rain tight secondary service connection pedestal, load and line conductor conduit and points of connection, bushings, solid neutral connections, trace wire, and any other information required by the Director of Public Works or City Engineer or Chief Building Official Inspector.

10.08 Utilities To Be Planned and Installed to Accommodate External Development

Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g. water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service. In the event that sizing of water or sewer facilities (sanitary sewer or stormdrainage facilities), over and above the requirements of the development under consideration, is deemed appropriate by the Director of Public Works, then such upsizing shall be incorporated in the subdivision or development engineering plans. Arrangements may be made for the City and/or Kishwaukee Water Reclamation District to share in the cost and/or reimburse the developer for such upsizing, commensurate with the cost of the increased facility requirements.
ARTICLE 11
FLOODWAYS, FLOODPLAINS, STORMDRAINAGE AND EROSION CONTROL

11.01 Floodway and Floodplain Regulations

11.01.04 Permit Required

No person shall commence any construction, substantial improvement, subdivision of land, placement of manufactured homes or other development in areas located in an "A Zone" without first obtaining both a building permit and a floodplain permit from the Department of Community Development Department. The Community Development Department shall not issue such permits for any construction, substantial improvement or other development that does not comply with the provisions of this Article or that has been denied a permit required by the Federal or State Law including Section 404 of the Federal Water Pollution Act, 1972, 33 U.S.C. 1334.

11.01.05 Application

1. Within areas designated as "A Zones," each application for development shall be accompanied by elevations, in relation to Mean Sea Level, of the lowest floor, including basement, and in the case of flood proofed structures, the elevations to which it will be flood proofed.

2. The Department of Community Development Department shall require certification from a registered professional engineer or architect that flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

3. The application shall also contain information or certification as reasonably may be required by the Department of Community Development Department in order to determine eligibility for permits or to enforce the terms of this Article.

4. The Department of Community Development Department shall review applications for permit and determine before issuing a permit that the development activity would be reasonably safe from flood damage.

11.01.13 Watercourse Standards

The Department of Community Development Department shall notify adjacent communities and the Illinois Department of Natural Resources, Office of Water Resources and the Federal Emergency Management Administration prior to any alterations or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

11.01.14 Reports and Records

1. The Engineering-Services-Public Works Department shall provide the City Council, the Illinois Department of Natural Resources Office of Water Resources and the Federal Emergency Management Administration with a biennial report on forms as provided the City by the Federal Emergency Management Administration.

2. The Engineering-Services-Public Works Department shall maintain the records of lowest floor elevations, flood proofing certifications, all variance documents required by Section 60 (a), (5) and (6) of the Rules and Regulations of the National Flood Insurance Program, permit applications and all other records required by the Federal Emergency Management Administration.
11.02 Storm Drainage Management

11.02.05 Permit Required

No person shall commence any construction, substantial improvement or other development that affects the drainage of surface or subsurface water without first obtaining a building permit and a grading permit (if applicable) from the Department of Community Development. No permit shall be issued for any proposed alteration which:

1. Will increase the amount and/or rate, or adversely affect the quality, of surface water draining onto other properties;

2. Will damage other properties; or

3. Does not conform to the general drainage laws of the State of Illinois and the Ordinances of this City and, in particular, the rules and regulations for drainage as set forth in this Section.

4. Alters or removes wetlands from their present location without City, State or Federal permits.

Application for a building permit and/or grading permit shall be accompanied by engineering plans, calculations and specifications showing the proposed alterations and the effect such alterations will have upon existing ditches, drains, drainage structures and other properties. Additionally, the application shall contain the applicable information and will be subject to the plan review procedures specified in Article 17, "Site Plan Review Requirements."
ARTICLE 13
SIGNS

13.05 Permitted Signs – All Zoning Districts

13.05.06 Temporary Signs

Temporary signs and attention-getting devices that are otherwise prohibited by this Article may be permitted for purposes of promoting special commercial activities, grand openings, sales, special events, etc., subject to the following provisions (exception see Subsection 13.07.07, Central Business District).

1. A fully completed temporary sign permit application and site plan shall be submitted to and approved by the Community Development Department Director of Public Works or his designee a minimum of seven (7) days prior to the date of displaying a temporary sign.

2. A temporary sign permit must be obtained from the Community Development Department Director of Public Works or his/her designee.

3. Temporary sign permits shall be limited to a fourteen (14) consecutive day maximum exposure period in accordance with the following specifications:

<table>
<thead>
<tr>
<th>Class</th>
<th>Maximum Sign Size</th>
<th>Number of Annual Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>40 square feet</td>
<td>6</td>
</tr>
<tr>
<td>II</td>
<td>40 square feet</td>
<td>6</td>
</tr>
<tr>
<td>III</td>
<td>40 square feet</td>
<td>6</td>
</tr>
<tr>
<td>Big Box Stores</td>
<td>1 square foot per 1 lineal foot of frontage; maximum of 100 square feet</td>
<td>6</td>
</tr>
</tbody>
</table>

The Community Development Director of Public Works or his designee may extend the temporary sign permit time period provided the applicant does not have a history of violating the requirements of this temporary sign ordinance.

4. Class I governmental use groups whose property does not fall under the City of DeKalb’s jurisdiction are exempt from the on-premises provisions of this temporary sign ordinance provided the temporary signage is solely within or upon the jurisdictions property.

13.05.07 Temporary Community Event Signs

1. A written request must be submitted to the Community Development Department of Public Works or his/her designee seven (7) days prior to the date of the event.

2. A temporary sign permit must be obtained from the Community Development Department of Public Works.

3. A temporary community event sign permit may be issued by the Community Development Department of Public Works provided that the permit shall not exceed an exposure period of more than fourteen (14) consecutive days. The issuance of a temporary community event permit shall not exceed six times per calendar year per sponsor. The Public Works Community Development Director or his designee may extend the temporary community event permit time period provided the applicant does not have a history of violating the requirements of this temporary sign ordinance.

13.05.08 Off-Premises Regulations for Temporary Signs

1. Displaying Class II temporary signs advertising or promoting commercial marketing initiatives upon residential zoned properties is strictly prohibited.
2. Displaying temporary signs off-premises is prohibited for Class II use groups.

3. Displaying temporary signage off-premises for Class I and Class III use groups is permitted in accordance with the following regulations:

   a. Class I use groups electing to display temporary signs upon government property or off-premises upon private commercially-owned property within the jurisdiction of the City of DeKalb shall comply with the temporary sign ordinance regulations as prescribed herein. Class I Use groups whose properties are within the City of DeKalb's jurisdiction may display temporary signs upon the site where the governmental unit's business offices are located or where the activity being promoted takes place.

   b. Class II use groups may display approved temporary signs only on the property where the business is located. A Class II use group sponsoring a Class II commercial event within or upon a property owned and/or operated by a Class I or Class III use group shall comply with Class II Use group requirements for temporary signs.

   c. Class III use groups may display temporary signs off premises in accordance with the limitations and locations as authorized in the approved permit.

4. Class I or Class III community event sponsor shall submit written permission from the property owner of the proposed off-premises site where said temporary sign is to be located authorizing the placement of a temporary sign to advertise a community event.

5. A Class I or Class III community event sponsor shall ensure removal of any and all temporary sign(s) are removed within seven (7) calendar days of the conclusion of their community event.

6. When approved by the Community Development Department of Public Works, an off-premises property owner may not post more than two temporary community event signs concurrently; each temporary sign shall not exceed more than forty (40) square feet; the host site shall have the required frontage necessary to accommodate the signage proposed.

7. Where off-premises sites have two frontages, the off-premises temporary community event sign regulations shall apply for each frontage.

8. An off-premises temporary sign shall be placed no more than fourteen (14) days in advance of the start date of the community event.

9. Temporary signs posted off-premises may be temporarily affixed to existing fencing at the frontage of the site provided the signage does not cover more than fifty (50) percent of each frontage fence, does not exceed the height of the fence and does not interfere with the vision triangle or create a hazard thereby jeopardizing the public’s safety.

13.05.10 Removal of Unapproved, Existing Temporary Signs

On or within ninety (90) calendar days of the effective date of this Ordinance, August 9, 2010, any and all existing Temporary Signs being displayed without a valid permit issued by the Department of Public Works, may be ordered to be removed by the Public Works-Community Development Director or his designee until such time as a permit has been issued. Failure to comply with this section shall result in a penalty as prescribed in Section 13.08, Violation—Penalty.

13.08 Violation—Penalty

Any person, firm, corporation or other entity who violates any of the provisions of this Article shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) for each offense. Each day a violation continues shall be deemed a separate and distinct offense.
ARTICLE 14
PERMITS

14.03 Special Use Permit

14.03.03 Application for a Special Use Permit

1. An application form for a Special Use Permit shall be filed with the Community Development Director. The application form is available from the Department of Community Development. In addition to submitting the completed application, the applicant shall be required to submit the following information:

   a. Legal owners of the property(s) proposed for the Special Use Permit. If the property is held in an Illinois Land Trust, a Statement of Beneficiary Interest is also required.

   b. Legal description of the property(s) proposed for the Special Use Permit.

   c. Common street address of the property(s) proposed for the Special Use Permit.

   d. Size of the property (in square feet or acres).

   e. Current zoning of the property and its proposed special use.

   f. Narrative description of the various specific components of the special use and the reasons for requesting the Special Use Permit.

   g. Estimated impact of the special use on the surrounding properties.

   h. Vicinity map showing the property proposed for the Special Use Permit and its surrounding area.

14.09 Permit Fees

The fees for all permits herein addressed shall be as established by the City of DeKalb in Chapter 9, “Establishment of Fees,” and Chapter 24, “Building Code,” of the DeKalb Municipal Code as revised. A fee schedule is available for review at the Department of Community Development Department office.

14.12 Permit Denial

Application for any of the permits listed herein shall be denied if it does not comply with the applicable code or this Ordinance, subject to the right of appeal to the Zoning Board of Appeals- Planning and Zoning Commission or Building Code Board of Appeals. Additionally, if the applicant is a defaulter of the City, the permit shall be denied. For purposes of this Section, “defaulter” shall mean:

1. The applicant or owner of the property did not make a required payment under the Rehabilitation Loan Program, or any similar program on the date the payment was due; or

2. The applicant or owner of the property has any outstanding financial obligation to the City of DeKalb, including, but not limited to, past due water bills, past due special assessment payment, past due tax payments, past due license fees, past due loan payments, parking ticket violations, weed and nuisance abatement fine or liens, ordinance violation fines, or any other payment owed to the City of DeKalb.
ARTICLE 15
SUBDIVISION OF LAND

15.06 Preliminary Plats

15.06.01 Preliminary Plat Submittal Requirements

The sub-divider shall prepare and submit to the Community Development Director twelve (12) copies of a preliminary plat. The preliminary plat shall be at a scale of one inch equals fifty feet (1" = 50') or one inch equals one hundred feet (1" = 100'), shall be on a sheet not less than 8-1/2 inches by 14 inches (8-1/2" x 14") or greater than 30 inches by 36 inches (30" x 36") in size. The plat and any accompanying documents shall contain the following information:

23. Traffic impact study if required by the City Council after receiving a recommendation from to be the Director of Public Works Director and his/her designee.

15.06.02 Preliminary Plat Review Procedure

2. The Community Development Director or staff from other City Departments shall distribute copies of the preliminary plat and associated documents to the:

a. City of DeKalb Director of Public Works Director and City Engineer;

b. City of DeKalb Chief Building Official;

c. City of DeKalb Fire Prevention Bureau, DeKalb Fire Department;

d. Kishwaukee Water Reclamation District;

e. DeKalb Community Unit School District;

f. DeKalb Park District;

g. The applicable drainage district;

h. DeKalb County Soil and Water Conservation District;

i. DeKalb County Health Department, if any part of the platted land will not be served by a public sanitary sewer system;

j. State of Illinois Department of Transportation, the DeKalb County Highway Department, or Township Highway Department, if any part of the platted land will be adjacent to and/or accessed by one or more of the roadways under their respective jurisdictions.

k. Water Resource Division, IDOT, if any part of the platted land will be located in the floodplain.

15.07 Final Plats

15.07.01 Final Plat Document Requirements

The sub-divider shall prepare and submit six (6) copies of the final plat to the Community Development Director. The final plat may include all or only part of the preliminary plat which has received approval. The final plat shall be drawn at a scale of one (1) inch equals fifty (5) feet (1" = 50'), on a sheet not less than eight and one-half (8-1/2) inches by fourteen (14) inches (8-1/2" x 14") but not greater than 30 inches by 36
The final plat document and any other accompanying documents shall contain the following information:

18. Signature blocks for the owners of the land to be subdivided, the Planning and Zoning Commission Chairman, the Mayor, the City Clerk, the City Engineer, the DeKalb County Clerk, and the DeKalb County Recorder.

15.07.02 Engineering Plans

1. As a part of the final plat application submittal, the sub-divider shall submit two (2) copies of engineering plans for the subdivision, or any portion of the subdivision included on the final plat, to the Department of Public Works Department for review and approval.

15.07.06 Final Plat Review and Approval

1. The Community Development Director shall receive and then review the final plat application inclusive of the final plat document and the engineering plans to determine acceptability for submission (the sub-divider may as an alternative submit the required engineering plans to the Director of Public Works Director in which case the Community Development Director shall confirm with him/her that the plans have been submitted and are complete and in order). If the Community Development Director determines the application is complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing that the application has been accepted for review. This notification shall constitute the beginning of the final plat review process timeline. If the Community Development Director determines the application is not complete, then he/she shall, within three (3) business days after receiving the application, notify the sub-divider in writing the reasons why the application is not complete and how the sub-divider can make his/her application acceptable for submission.

2. The Community Development Director shall distribute copies of the final plat application and all accompanying plans and documents to the following City Staff:

   a. Director of Public Works Director and City Engineer;
   b. Chief Building Official;
   c. Fire Prevention Bureau, DeKalb Fire Department;
   d. City Attorney.

City Staff shall have up to fourteen (14) days to review and comment on the final plat application. Any comments shall be directed to the Community Development Director.

3. The Community Development Director shall submit his/her recommendation on the final plat to the Planning and Zoning Commission within twenty-one (21) days after formal acceptance of the application. The report shall be representative of all City Departments' and other public agencies' opinions and recommendations as to the final plat application's conformance with the previously approved preliminary plat, the Comprehensive Plan, other officially adopted plans and policies, this Ordinance, other City ordinances and standards, and the other public agencies' rules, standards, and procedures.

4. The Planning and Zoning Commission shall approve or disapprove the application for final plat within thirty (30) days after formal acceptance of the application by the Planning-Community Development Director. If the Planning and Zoning Commission does not take action on the plat within said thirty (30) days, the plat shall be referred to the City Council and be considered approved by the Planning and Zoning Commission. The sub-divider and the Planning and Zoning Commission may mutually agree to extend the thirty (30) day period.
5. After approval or disapproval by the Planning and Zoning Commission, the final plat shall be submitted to the City Council for final action. The City Council shall approve or deny the final plat within sixty (60) days after formal acceptance of the application by the Planning-Community Development Director. The sub-divider and the City Council may mutually agree to extend the sixty (60) day period. Approval of the final plat by the City Council does not constitute authorization to record the plat with DeKalb County Recorder's Office. Recording can take place after the appropriate procedures, as outlined in Section 15.09 "Requirements and Procedures Prior to Recording," are followed and completed.

15.08 Requirements and Procedures Prior to Recording of Plat

After the subdivision plat, engineering plans, and other associated documents have been approved by the City Council, the sub-divider shall meet the terms and conditions of this section.

15.08.01 Guarantee of Improvements

1. The sub-divider shall complete either one of the following options to guarantee the complete and proper construction of the public improvements proposed as part of the final plat of the subdivision:

   a. Complete the improvements in accordance with the approved engineering plans under the observation and inspection of the Department of Public Works Department and the appropriate inspection agencies; or

   b. Enter into an escrow agreement or post a land subdivision bond in accordance with the provisions hereafter set forth. The escrow agreement or land subdivision bond shall be prepared and executed on forms approved by the City Attorney. The bond or escrow agreement shall be approved by the City Attorney and, if appropriate, the City Council.

   1) An escrow agreement shall provide that there be deposited with the escrow agent to be held in an escrow account and subject to audits by the City of DeKalb, one of the following:

      a) An irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to such escrow agent the availability, from time to time upon demand, of a sum which shall be not less than one hundred twenty (120) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the sub-divider's engineer and approved by the Director of Public Works Director;

      b) Certificates of deposit, treasury bills, or other readily negotiable instruments, the type of which has been approved by the City Attorney, endorsed to the escrow agent and the cash value of which shall be in an amount of not less than one hundred twenty (120) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the sub-divider's engineer and approved by the Director of Public Works Director;

      c) A cash amount of not less than one hundred twenty (120) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the sub-divider's engineer and approved by the Director of Public Works Director.

   2) A land subdivision bond shall be issued by a surety company or a title insurance company and shall insure or guarantee one hundred twenty (120) percent of the cost estimate for the construction and completion of the improvements shown by the approved engineering plans. Said cost estimate shall be prepared by the sub-divider's engineer and approved by the Director of Public Works Director.
2. The bond shall remain in effect or the escrowed sum shall be held in the escrow by the escrow agent, as the case may be, until such time as the Director of Public Works Director shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

a. The Director of Public Works Director shall release the surety or escrow agent from all or any part of its obligation within five (5) business days after receiving notice to do so only upon his/her determination of compliance with the approved engineering plans and specifications and receipt of written notification of compliance from the appropriate inspecting agencies (i.e. IDOT, Kishwaukee Water Reclamation District, etc.) and receipt of waiver of lien for the completed improvements; and

b. In no case shall the Director of Public Works Director authorize the release of more than ninety-five (95) percent of the amount held as the bond or escrow sum until all of the improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority;

c. Prior to the release of the final five (5) percent of the amount held as the bond or escrow sum, the sub-divider shall provide the City with a one (1) year maintenance bond for all of the subdivision's public improvements.

3. The term of the escrow agreement or the land subdivision bond shall not exceed two (2) years in duration subject to the following:

a. If, at the end of the two (2) year period, all the improvements reflected by the approved improvement plan have not been completed, the Director of Public Works Director, after receiving City Council approval, may extend the term of the land subdivision bond or the escrow agreement for a period not to exceed one (1) additional year at each extension, if, after review, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. In making the determination for extension, the Director of Public Works Director and the City Council may also require the sub-divider to update the cost estimates of constructing the required improvements. If the improvements have not been completed at the end of the two (2) year period or as extended, the Director of Public Works Director, after receiving City Council approval, may:

1) require the surety to perform on the bond and pay such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not theretofore released; or

2) require the escrow agent to remit to the City of DeKalb, in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the developer; or

3) require the developer to submit a new land subdivision bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.

b. If the surety fails to perform on the bond or the escrow agent fails to remit the amount required within thirty (30) days after written request, the City Attorney may take immediate action to require performance by the surety under the bond or to secure the payment by the escrow agent of the amount required.
15.08.03 Copy of Computer Files

If the subdivision plat and/or engineering plans have been prepared using a computer aided drafting system, then the sub-divider shall submit to the Director of Public Works, Director or his/her designee one (1) copy of the disk used in said system. The format of the file(s) shall be as specified by the Director of Public Works Director or his/her designee.

15.08.04 Recording of Plat

1. The sub-divider shall submit to the Community Development Director for recording purposes:
   a. Eight (8) copies and two (2) original mylars of the approved final plat document all of which are signed by the owners of the tract being subdivided and the land surveyor who prepared the plat;
   b. If applicable, eight (8) copies and two (2) originals of the fully executed trust indentures as outlined in Subsection 15.08.03;
   c. Two (2) fully executed copies of either the escrow agreement or land subdivision bond (or evidence that such has been submitted to the Director of Public Works Director) as outlined in Subsection 15.09.01 "Guarantee of Improvements";
   d. Proof of taxes paid as outlined in Subsection 15.08.02;
   e. Copy of computer files, if applicable, as outlined in Subsection 15.08.03;
   f. A signed statement by the land surveyor who prepared the plat that authorizes the City Clerk to record the plat on behalf of the land surveyor.

15.10 Vacation of Plats (Including Streets, Alleys, & Easements)

15.10.02 Plat Vacation Review and Approval

1. The Community Development Director or staff from other City Departments shall distribute copies of the petition for vacation and associated documents to the:
   a. City of DeKalb Director of Public Works Director;
   b. City of DeKalb Chief Building Official;
   c. City of DeKalb Fire Prevention Bureau, DeKalb Fire Department;
   d. City of DeKalb City Attorney;
   e. Kishwaukee Water Reclamation District;
   f. Public utility companies (i.e. electric, gas, telephone, cable television, etc.);
   g. State of Illinois Department of Transportation, the DeKalb County Highway Department, or Township Highway Department, if, in the opinion of the Director of Public Works Director, any part of the plat vacation will adversely impact one or more of the roadways under their respective jurisdictions; and
   h. In addition, the Community Development Director shall send a notice of the proposal to the owner of land located immediately adjacent to the proposed plat vacation.
ARTICLE 16
ADMINISTRATION AND ENFORCEMENT

16.01 Administrative and Enforcement Responsibilities

Administration and enforcement of this Ordinance shall be the responsibility of the City Manager. The City Manager may delegate this responsibility to the Chief Building Official, the Community Development Director, the Director of Public Works Director and the Fire Chief. The division of duties between the department directors, with respect to this Ordinance, shall be:

16.01.01 Chief Building Official

The Chief Building Official shall have the following responsibilities with regard to this Ordinance:

1. Issue permits, as specified in Article 14, "Permits," when all requirements of an application for a permit are met including compliance with this Ordinance and other Codes as may be adopted by the City Council. If the application does not comply with this Ordinance or other applicable codes, then the Chief Building Official shall inform the applicant in writing of the reason for the refusal.

2. Issue certificates of occupancy in accordance with Article 14.02 "Certificate of Use and Occupancy," after on-site inspection to ensure conformity to the provisions of this Ordinance and other Codes as may be adopted by the City Council.

3. Notify in writing any person responsible for violating any of the provisions of this Ordinance, indicating the nature of the violation and ordering the necessary corrective action.

4. Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

5. Conduct inspections of buildings, structures, and use of land to determine compliance with this Ordinance and other Codes adopted by the City Council.

6. Provide staff support to the Building Code Board of Appeals, including maintaining records thereof.

7. Refer any violation of this Ordinance to the City Attorney for prosecution or other appropriate action when deemed necessary.

8. The Chief Building Official may delegate responsibilities to other personnel within the Community Development Department, as necessary, to properly administer and enforce the provisions of this Ordinance.

16.01.02 Community Development Director

The Community Development Director shall serve as the administrative officer of the Planning and Zoning Commission and shall perform the following duties with regard to this Ordinance:

1. Provide clerical and technical services to the Planning and Zoning Commission, including maintaining records thereof. Such technical and administrative support includes:

   a. Review, analysis, reports and recommendations on petitions for:

      1) Map Amendments Petitions for (Rezoning)

      2) Ordinance Text Amendments
3) Special Use Permit Applications

4) Variances

5) Planned Developments

6) Subdivision of Property

7) Site Plans

8) Annexations/Annexation Agreements

9) Street, Alley and Plat vacations


2. Forward to the Community Development Director all applications for a special use permit, rezoning, subdivision, annexation and other matters which are to be referred to the Planning and Zoning Commission.

3-2. By March 31 of each year, supervise the publication of an Official Zoning Map, clearly showing existing zoning district boundaries and associated regulatory classification, for the preceding calendar year as referenced by the Illinois Compiled Statutes.

4-3. The Community Development Director may designate other personnel within the department to act in the Director's place.

16.01.03 Director of Public Works Director
The Director of Public Works shall have the following responsibilities with regard to this Ordinance:

1. Review preliminary and final plat applications for compliance with engineering design standards for streets, sidewalks, water distribution and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under "Planned Development" procedures.

2. Review of final plats for land survey documentation requirements of this Ordinance and of applicable Illinois State Statutes.

3. Review all permit applications for compliance with the requirements of Article 11, "Floodways, Floodplains, Stormdrainage and Erosion," of this Ordinance.

4. Monitor construction of improvements to be ultimately dedicated to the City and determine compliance with the instrument to guarantee improvements (escrow agreement or land subdivision bond).

5. Conduct traffic impact analyses or review the same prepared by others as may be determined necessary to evaluate development proposals. Also, conduct or review other studies prepared by the applicant as may be required.

6. Serve as custodian of the Official Zoning Map and confer with the Community Development Director on updates and annual publications.

7-8. The Director of Public Works Director may delegate these responsibilities to other personnel within the department, as necessary.
16.02 Planning and Zoning Commission

The Planning and Zoning Commission of the City of DeKalb, Illinois, which has been duly created by the City Council, is the Planning and Zoning Commission referred to in this Ordinance. Membership, terms of office, code of ethics, certain powers and duties, are set forth in Chapter 21 of the City of DeKalb Municipal Code. Specific to this Ordinance, the Planning and Zoning Commission responsibilities shall include:

16.02.01 General Powers and Duties

1. To conduct public hearings and submit reports and recommendations to the City Council on petitions to amend the boundaries of the zoning districts created by this Ordinance.

2. To conduct public hearings and submit reports and recommendations to the City Council on proposed text amendments to the regulations imposed by this Ordinance.

3. To conduct public hearings and submit reports and recommendations to the City Council on petitions for Special Use Permits.

4. To submit reports and recommend approval or disapproval of preliminary plats for subdivisions and, if directed by the City Council, to report on final plats for subdivisions.

5. To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned developments and, if directed by the City Council, to report on final development plans.

6. When required by this Ordinance or the City Council, to conduct public hearings and recommend approval or disapproval of site plans (i.e., special-use permit or rezoning).

7. To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned developments and, if directed by the City Council, to report on final development plans land suitable for annexation and to recommend zoning classifications of such land upon annexation.

8. To recommend approval or disapproval of requests for street, alley or plat vacations.

8.9. To conduct public hearings and approve or disapprove petitions for variances per Article 18.03 of this Ordinance.

16.02.02 Bylaws

The Planning and Zoning Commission shall adopt bylaws setting forth the election of officers; duties; scheduling and conduct of meetings; and establishing other procedures and policies as necessary to carrying out its responsibilities with regard to this Ordinance and other applicable Illinois State Statutes.

16.03 City Council

The City Council is the final approving authority for the following items relating to this Ordinance.

1. Petitions for Rezoning.

2. Ordinance Text Amendments.

3. Special Use Permits.

4. Preliminary and Final Plats.
5. Preliminary and Final Development Plans.

6. Annexations and Annexation Agreements.

6.7 Development Agreements.

7.8 Street, Alley or Plat Vacations.

16.04 Enforcement

16.04.01 Complaints Regarding Violations

Any property owner or tenant of real property may notify the Chief Building Official, in writing, of the alleged violation. Upon receipt of such notice, the Chief Building Official shall take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

16.04.02 Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

16.04.03 Procedures Upon Discovery of Violations

If the Chief Building Official finds that any provision of this chapter is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Director's discretion.

The final written notice (and the initial written notice may be the final notice) shall state what action the Chief Building Official intends to take if the violation is not corrected and shall advise the Director's decision or order may be appealed to the Board of Appeals in accordance with Article 18, “Appeals and Variances.”

Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Chief Building Official may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Subsection 16.04.04.

16.04.04 Penalties and Remedies for Violations

1. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special-use permits, shall also subject the offender to a civil penalty of twenty-five dollars ($25.00). If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of debt.

2. This Ordinance may also be enforced by any appropriate equitable action.

3. Each day that any violation continues after notification by the Chief Building Official that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
4.—Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

16.04.05 Administrative Review and Judicial Review

1.—Final Action by City Council: All decisions and actions of the City Council pertaining to this Ordinance, which require that approval be by ordinance, shall be the final administrative decision and shall be subject to judicial review as provided by law.

2.—Final Action by Board of Appeals: No decision of the Board shall be subject to review, reversal or modification by the City Council, but shall be subject to judicial review pursuant to the provisions of the Code of Civil Procedure concerning Administrative Review Law.

The procedures for violations to this Ordinance, including penalties and remedies, are covered in Chapter 1 "General Provisions" of the Municipal Code.
ARTICLE 17
SITE PLAN REVIEW REQUIREMENTS

17.02 Application Requirements

1. The plan shall contain the information and meet minimum specifications as follows, unless not applicable in the opinion of the Chief Building Official or other applicable City officials:

   e. The plan scale shall be one (1) inch equals twenty (20) feet unless prior approval of a different plan scale is given by the Director of Public Works Director;

17.03 Site Plan Review Procedure

After the plan is filed in conformance with this Article, the Chief Building Official shall transmit for review and written comment a copy of the plan, or relevant portions thereof, to the Director of Public Works Director, Community Development Director, Economic Development Planner and Fire Chief. These transmittals shall be made as soon as practical, but not later than the end of the second working day following the filing as provided above. The above-mentioned officials shall provide the Chief Building Official with written comments thereon within ten working days of their receipt of their copy or portions of the plan. The Chief Building Official shall either approve or deny the plan within 21 days after said plan is filed. Failure to act within 21 days shall constitute approval. If said plan is denied, the Chief Building Official shall specify in writing the reasons for said denial, which may be cured upon the filing of amended plans, or portions thereof, and the following of the timetable provided herein for review and approval of the plan.

Site plans shall be reviewed and approved by the Chief Building Official after receiving approval from the Community Development Director, the Director of Public Works Director and the Fire Chief and in accordance with the following:

1. Compliance of the site plan with the requirements of this Ordinance.

2. The Chief Building Official shall review and, if correct, approve the plans for compliance with the Building Codes and other applicable Codes and Ordinances relating to building construction.

3. The Community Development Director shall review and, if correct, approve the site plan for conformance with:

   a. Building setback and height requirements;

   b. Lot area and lot coverage standards;

   c. Required off-street parking spaces and dimensional standards;

   d. Sign size and location requirements;

   e. Landscaping, screening, and tree preservation requirements;

   f. Additional characteristics of site design as deemed appropriate.

4. The Director of Public Works Director shall review and, if correct, approve the site plan for conformance with:

   a. Public and private street right-of-way and width requirements;

   b. Curb cut location and design standards;
c. Location of pavement and structural standards for parking areas and sidewalks;
d. Traffic and pedestrian circulation systems;
e. Any required traffic impact studies;
f. In conjunction with the Fire Chief, any required fire flow studies;
g. Grading, drainage, erosion control and floodplain requirements;
h. Storm sewer, water main and other utility requirements;
i. In conjunction with the Kishwaukee Water Reclamation District, sanitary sewer main lines and lateral connections.

5. The Fire Chief shall review and, if correct, approve the site plan for:
a. Accessibility of fire fighting vehicles and equipment;
b. The provision of adequate fire hydrant locations;
c. Conformance with building structural standards and improvements with respect to fire codes and requirements.
ARTICLE 18
APPEALS AND VARIANCES

18.03 Variances

18.03.03 Hearing Procedures

1. The procedure for a hearing shall be as follows:

a. Parliamentary procedure for all Board meetings shall be governed by Robert's Rules of Order when not addressed by this document or other applicable State Statute or local ordinance.

b. All witnesses shall be sworn, and all parties or persons who are not attorneys shall be sworn.

c. The appellant shall begin by presenting his case which may include the presentation of documents, etc., and the calling of witnesses for examination by the appellant.

d. The appellee shall have an opportunity to cross-examine all witnesses after each has testified and examined all documents.

e. The appellee shall present his case which may include the presentation of documents, etc., and the calling of witnesses for examination by the appellee.

f. The appellant shall have an opportunity to cross-examine all witnesses after each has testified and examined all documents.

g. The appellant shall be given fifteen (15) minutes to summarize as shall the appellee, in that order.

h. A representative of the City of DeKalb may testify for either party or appear on behalf of the City of DeKalb.

i. No person not a party to the hearing or a representative of the City shall have a right to testify unless formally called by a party to the hearing or the City at the appropriate times mentioned above. The Board reserves the right to call expert witnesses or postpone a hearing date until such time as said witness may be contacted to testify.

j. The Board reserves the right to question the appellant, appellee, and/or witnesses who may give testimony at any time during the hearing.

k. The Board reserves the right to impose time limits upon any party giving testimony. (1993-063)

2. Findings of Fact: Upon review of the application and information presented at the public hearing, the Board shall consider and adopt findings of fact sustaining each of the following criteria, which are consistent with the rules provided to govern determinations of the Board of Appeals as referenced by the Illinois Compiled Statutes.

a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.

b. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.

c. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
d. The denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.

e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.

3. **Variance:** When a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures imposes upon him practical difficulties or particular hardship, then the Board may grant a variance to said ordinance in harmony with its general purpose and intent, when the Board is satisfied under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth, in the following instances:

a. To permit the extension of a district where the boundary line of a district provides a lot in single ownership as shown of record.

b. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or act of God where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use and in no case shall such a permit be issued if its primary function is to continue a monopoly.

c. To permit the erection of a building in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

d. To make a variance where, by reason of an exception situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property or record, or by reason of exceptional topographical conditions the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

e. To interpret the provisions of this ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is made a part of this Ordinance.

In considering all proposed variations to this Ordinance, the Board shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb. The concurrence vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the 

**4. Non-conformity as Basis for Variance:** The existence of any non-conformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.