STATE OF ILLINOIS )
COUNTY OF DEKALB ) SS
CITY OF DEKALB )

I, RUTH A. SCOTT, do hereby certify that I am the duly appointed Deputy City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer, I am the keeper of the records and files of the City Council of said City.

I do further certify that the attached is a true and correct copy of:

ORDINANCE 2018-021

AUTHORIZING AN AMENDMENT TO ORDINANCE 1996-033 TO ADD PERMITTED AND SPECIAL USES TO THE PROPERTIES LOCATED AT 850, 890 AND 930 PAPPAS DRIVE, AND TO ADD LANGUAGE THAT THE “LC” LIGHT COMMERCIAL DISTRICT REGULATIONS IN THE UNIFIED DEVELOPMENT ORDINANCE SHALL BE USED IF NOT COVERED IN THE PLANNED DEVELOPMENT AGREEMENT.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 14th day of May 2018, and the original is now on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 29th day of June, 2018.

RUTH A. SCOTT, Deputy City Clerk

Prepared by and Return to

Deputy City Clerk Ruth Scott
City of DeKalb
200 South Fourth Street
DeKalb, IL 60115
ORDINANCE 2018-021          PASSED: MAY 14, 2018

AUTHORIZING AN AMENDMENT TO ORDINANCE 1996-033 TO ADD PERMITTED AND SPECIAL USES TO THE PROPERTIES LOCATED AT 850, 890, AND 930 PAPPAS DRIVE, AND TO ADD LANGUAGE THAT THE “LC” LIGHT COMMERCIAL DISTRICT REGULATIONS IN THE UNIFIED DEVELOPMENT ORDINANCE SHALL BE USED IF NOT COVERED IN THE PLANNED DEVELOPMENT AGREEMENT.

WHEREAS, the City of DeKalb is a home rule municipality with the powers and authorities conferred upon it by the Illinois Municipal Code and the Illinois Municipal Code; and

WHEREAS, the City of DeKalb (herein referred to as the “City”) has petitioned for approval of an amendment to Ordinance 1996-033, approved May 11, 1996, to add a list of permitted and special uses to the properties located at 850, 890 and 930 Pappas Drive (herein referred to as the “Subject Property”) and to add language that the “LC” Light Commercial District regulations in the Unified Development Ordinance (“UDO”) shall be used if not covered in the Planned Development Agreement; and

WHEREAS, David M. Jacobson, Ken Straman and TSAPA Associates LLC (herein referred to as the “Owners”) own the properties commonly known at 850, 890, and 930 Pappas Drive, DeKalb, Illinois, respectively; and

WHEREAS, the City Council granted approval on May 11, 1996 of a Planned Development Agreement for the Subject Property via Ordinance 1996-033, which granted “PD-C” Planned Development – Commercial zoning; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on April 18, 2018; and

WHEREAS, on April 18, 2018, the Planning and Zoning Commission reviewed the evidence presented and forwarded its recommendation of approval to amend the Planned Development Agreement, approved via Ordinance 1996-033, to add a list of permitted and special uses for the Subject Property, as provided in Exhibit A of the staff report, and to add language that the “LC” Light Commercial District regulations in the UDO shall be used if not covered in Ordinance 1996-033.

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

Section 1. The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.
Section 2. This Ordinance is limited and restricted to the Subject Property, legally described as follows:

LOTS 1, 2 AND 3 IN PAPPAS SUBDIVISION P.U.D., A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 25, 1996, AS DOCUMENT NO. 96004372, IN BOOK “Z” OF PLATS, PAGE 121, IN DEKALB COUNTY, ILLINOIS.

Section 3. An amendment to the Planned Development Agreement approved via Ordinance 1996-033 to add a list of permitted and special uses for the Subject Property, as provided in Exhibit A is hereby approved.

Section 4. An amendment to the Planned Development Agreement approved via Ordinance 1996-033 to have the “LC” Light Commercial District regulations in the UDO be used if not covered in Ordinance 1996-033 is hereby approved.

Section 5. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

Section 6. All provisions of the UDO shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk or designee shall record a copy of this Ordinance included herein after execution of this Ordinance.


ATTEST:

RUTH A. SCOTT, Deuty City Clerk

JERRY SMITH, Mayor
PERMITTED USES

- Accessory Uses;
- Automobile parts and accessory stores;
- Banks and other financial institutions, not including drive-through facilities;
- Bicycle stores; sales, rental, and repair;
- Catering establishments, including pizza delivery;
- Churches;
- Clothing and shoe stores; sales and repair;
- Clubs, lodges, meeting halls;
- Day care centers (compliant with IL State regulations), pre-schools, learning centers and after school facilities;
- Department, discount and variety stores;
- Drop-off cleaning establishments and laundries;
- Drug stores;
- Financial institutions, not including drive-through facilities;
- Food stores and grocery stores; convenience stores (excluding motor fuel on the premises); meat markets and bakeries;
- Furniture stores with repair and re-upholstery only as an accessory use;
- Greenhouses, nurseries, garden supply and seed stores;
- Hardware stores;
- Household appliance stores, sales, service, and rental;
- Interior decorating stores, including carpet, paint, and wallpaper stores;
- Laundromats, self-serve;
- Medical and dental offices including medical clinics;
- Museums and art galleries;
- Musical instrument stores, sales and repair;
- Office supply stores;
- 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;
- Optical sales, examinations;
- Pet stores and animal grooming shops;
- 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.
- Public buildings used by any departments of the City, School District, Township, Park District, County, State, or Federal governments, except for vehicle maintenance, raw material storage and other similar type facilities;
- Radio and television stores, sales and service;
- Radio, television and recording studios;
- Recreation centers, health clubs, athletic clubs, and fitness centers;
• Restaurants (fast-food), but not including drive-through facilities;
• Restaurants, with or without alcohol (2008-064);
• Schools for business, professional or technical training;
• Service facilities including barber shops and beauty shops; copying and duplicating services; artists' studios; photographers; locksmith; shoe repair; tailors; music and dance instruction studios; typing and stenography services; suntan parlors; travel agencies and ticketing offices; and other similar type uses.
• Specialty shops including antique shops; art and school supplies; bookstores; camera shops, including film developing; card and stationery shops; candy shops; florists; newspaper and magazine stores; gift and novelty shops; jewelry stores; pet shops; record shops; hobby shops; and other similar type uses;
• Sporting goods stores;
• Toy stores;
• Video sales and rental stores.

SPECIAL USES

• All permitted or special uses and developments which include drive-through facilities;
• Amusement establishments, but limited to bowling alleys, indoor skating rinks, swimming pools, video arcades, pinball and other similar non-gambling machine or table games (but specifically excluding activities involving the discharge of firearms, which are separately addressed herein as firing ranges);
• Animal boarding facilities;
• Animal hospitals and veterinary clinics;
• Banquet halls;
• Bars, taverns, and package liquor stores;
• Dwelling units when located above the ground floor, with an allowed commercial use on the ground floor;
• Group homes;
• Hospitals;
• Laboratories, medical, dental, research, and technical;
• Outdoor seating, service, dining and/or recreation areas accessory to any restaurant, bar, tavern, club, lodge or meeting hall (2008-064);
• Retail Tobacco Stores (see Article 7.17);
• Video Gaming Establishments.
ORDINANCE 96-33

GRANT A ZONING CHANGE FROM "SFR-1", SINGLE FAMILY RESIDENTIAL DISTRICT, TO "PD-R", PLANNED DEVELOPMENT RESIDENTIAL AND "PD-C", PLANNED DEVELOPMENT COMMERCIAL, FOR PROPERTY LOCATED SOUTH OF HILLCREST DRIVE, WEST OF ANNIE GLIDDEN ROAD.

WHEREAS, a petition has been filed by John and Kostia Pappas with the City Clerk asking for a change in the Zoning District Map; and

WHEREAS, a public hearing was held by the DeKalb Plan Commission on February 28, 1996, following the required published notice of the time and place of the hearings; and

WHEREAS, the DeKalb Plan Commission has considered the change in the Zoning District Map from "SFR-1", Single Family Residential to "PD-R" Planned Development Residential and "PD-C", Planned Development Commercial, and recommended approval by a vote of 4-0; and

WHEREAS, the proposed rezoning is compatible with the existing land uses and proposed development plans for the area; will not impair the public health, safety, morals and welfare of the community, and will provide additional property tax revenue; now

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

Section 1. That the District Zoning Map of the City of DeKalb be amended by deleting as "SFR-1", Single Family Residential, the property described in Exhibit "A", attached hereto.

Section 2. That this property shall be added to the District map as "PD-R" Planned Development Residential, and "PD-C", Planned Development Commercial, and the change includes the adoption of a preliminary development plan, attached and incorporated by reference as Exhibit "B", subject to the conditions outlined in Exhibit "C". This change, although effective immediately, shall be made on the District Map no later than March 31, 1996.

Section 3. That except for the amendments made above, all provisions of the Unified Development Ordinance and the District Map shall remain in full force and effect, and this Ordinance shall take effect upon its passage according to law.
PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a regular meeting held March 11, 1996, and approved by me as Mayor.

ATTEST:

GREG SPARROW, Mayor

MARGUERITE HOYT, City Clerk

FIRST READING: March 11, 1996
SECOND READING: March 11, 1996

VOTE: Roll Call Vote 6-0-1; AYE: Polzin, Johnson, Tewksbury, Chronopoulos, Strauss, Gregory. ABSENT: Kapitan.
EXHIBIT A

That part of the south half of the northeast quarter of Section 16, Township 40 North, Range 4 East of the Third Principal Meridian, described as follows: Beginning at the southeast corner of said northeast quarter; thence north 89 degrees 45' 41" east, along the south line of said northeast quarter, 2370.84 feet; thence north 66 degrees 52' 38" east, 284.03 feet; thence north 44 degrees 31' 44" east, 220.00 feet; thence north 23 degrees 53' 11" east, 210.0 feet; thence north 06 degrees 46' 17" east, 245.10 feet; thence south 86 degrees 14' 51" east, 1558.95 feet; thence south 0 degree 23' 41" east, 70.0 feet; thence south 89 degrees 36' 19" east, 290.0 feet to a point on the east line of said northeast quarter that is 783.40 feet south of the northeast corner of said south half; thence south 0 degree 23' 41" west, along said east line, 539.64 feet to the point of beginning, containing 29.19 acres, all in DeKalb Township, DeKalb County, Illinois.
Exhibit C: Conditions of Approval, Rezoning to "PD-R" and "PD-C" with Plan Approval, Pappas Subdivision

1. That the easements and plat notes outlined in Planning and Development Memo PC045.96 be added to the final plat prior to recording;

2. That the fire hydrants along the north side of Hillcrest Drive be relocated to the satisfaction of the Fire Chief;

3. That all of the changes required pursuant to EMS/Fire Prevention Memorandum 94-16, Engineering Department Memo 96E-018, and the attached Sanitary District review memos dated February 8 and February 16 be made to the plat and plans prior to the recording of the final plat;

4. That final PUD plans for all of the commercial lots, and any multiple-family lot proposing more than one principal building on a lot, be submitted to the Plan Commission and City Council for approval;

5. That final PUD plans for the multiple family lots with one principal building per zoning lot shall proceed through Staff approval pursuant to Article 17 of the Unified Development Ordinance.