

Article 1

Short Title, Purpose and Legal Clause

- 1.01 Ordinance:** This Ordinance shall be known and may be cited hereafter as the “DeKalb County Zoning Ordinance.”
- 1.02 Repeal of Previous Ordinance:** The DeKalb County Zoning Ordinance adopted on April 20, 2005, and all amendments thereto, is hereby repealed effective coincident with the effective date of this Ordinance.
- 1.03 Purpose:** The primary purpose of this Zoning Ordinance is to implement the goals, objectives, recommendations and policies of the DeKalb County Unified Comprehensive Plan. To this end, this Ordinance sets forth regulations that control the use of land, buildings and structures in unincorporated DeKalb County in order to promote public safety, health and general welfare of the citizens.

These regulations are specifically designed to:

- A. Secure adequate natural light, pure air, and safety from fire and other dangers, and adequate access to property, for residents of DeKalb County;
- B. Divide the County into zones or districts regulating and restricting therein the location and use of building, structures and land for residence, business, manufacturing and other specified purposes;
- C. Protect the character and stability of the agricultural, residential, business, and manufacturing areas within the County and to promote the orderly and beneficial development of such areas;
- D. Regulate the intensity of use of lot areas, and determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health;
- E. Establish building lines and the location of buildings designed for agricultural, residential, business, and manufacturing or other uses within such areas;
- F. Fix reasonable standards to which buildings or structures shall conform therein;
- G. Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- H. Limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;
- I. Protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.
- J. Prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
- K. Conserve and enhance the taxable value of land and buildings throughout the County;
- L. Provide for the gradual elimination of non-conforming uses of land, buildings and structures that are adversely affecting the character and value of desirable development in each district;
- M. Prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed herein;
- N. Facilitate and insure the preservation of sites, areas and structures of historical, architectural and aesthetic importance;
- O. Define and limit the powers and duties of the administrative officers and bodies provided herein;
- P. Enhance aesthetic values within the County;
- Q. Protect the character and the social and economic stability of all parts of DeKalb County and to encourage the orderly and beneficial development of the community through appropriate growth management techniques to assure the proper timing and sequencing of development and to protect environmentally critical areas and prime farmland from premature development;
- R. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;

- S. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout DeKalb County, having a particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for proper location of building lines;
- T. Preserve the natural beauty and topography of DeKalb County and to ensure appropriate development with regard to these natural features;
- U. Preserve the character and quality of County neighborhoods by maintaining the integrity of those areas which have a discernible character and are harmonious in design;
- V. Prescribe penalties for the violation of and methods for the enforcement of the provisions of this Ordinance or any amendment thereto;
- W. Prevent unwise developments from increasing the flood or drainage hazards to others, protect new building and major improvements to building from flood damage, protect human life and health from the hazards of flooding, lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities and flood rescue and relief operations, maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas, and make federally subsidized flood insurance available for property in the County by fulfilling the requirements of the National Flood Insurance Program;
- X. Assure that lands best suited for pursuit of agriculture are protected from the encroachment of urban and suburban type residential and business developments in order to promote more efficient use of the increasingly reduced area of land in agricultural uses as the result of expanding growth and development; and
- Y. Assure that development within the County occurs in such a fashion as to minimize conflict between agriculture and other land uses, and the enforcement of any rule, regulation or ordinance is consistent with Illinois State Laws as set forth in Illinois Compiled Statutes, Chapter 505, Agriculture.

1.04 Validity and Severability Clause: If any court of competent jurisdiction shall declare any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Ordinance to be invalid, such ruling shall not affect the validity or enforceability of the remaining portions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

1.05 Compliance with the Regulations: The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for the purpose and in the manner permitted in the district in which the building or land is located.
- B. No land required for setbacks, open spaces, or off-street parking or loading spaces around an existing building or any building hereafter erected or structurally altered shall be considered as required setback, open space, off-street parking or loading spaces for more than one building.
- C. Every building hereafter erected or structurally altered shall be located on a zoning lot, and in no case shall there be more than one principal building per zoning lot, except as otherwise provided in this Ordinance.
- D. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

1.06 Inconsistencies: All ordinances and parts of ordinances relating to zoning and planning previously

adopted by the County Board of DeKalb County, including special use ordinances and all orders or parts of orders adopted by the County Board of DeKalb County, which are inconsistent with any provision of this Ordinance, are repealed to the extent of such inconsistency. An ordinance or part of an ordinance shall be deemed inconsistent with this Ordinance if it establishes a regulation or authorization that is inconsistent with a regulation or authorization under the provisions of this Ordinance.

1.07 Relationship to Other Laws: Where the conditions imposed by any provision of this Ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other law, ordinance, resolutions, rule or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

1.08 Organization of this Document: The Zoning Ordinance approaches regulations from the most general to the most specific within each Article and Section. The document is organized into the following Articles: Article One, Short Title, Purpose and Legal Clause; Article Two, Definitions; Article Three, General Provisions; Article Four, Use Districts; Article 5, Supplemental District Regulations; Article Six, Off-Street Parking, Loading and Landscape Requirements; Article Seven, Sign Regulations; Article Eight, Nonconforming Uses, Buildings and Lots; Article Nine, Special Use Permit Procedures; Article Ten, Variations, Appeals, Amendments and Fees; and Article Eleven, Administration and Enforcement.