

Article 3 General Provisions

- 3.01 Establishment of Zoning Districts:** In order to carry out the recommendations of the DeKalb County Unified Comprehensive Plan and the purpose and provisions of this Ordinance, the County is hereby divided into the following districts:
- A. FP/C, Floodplain/Conservation District. The map symbol and short name for this district shall be FP/C.
 - B. A-1, Agricultural District. The map symbol and short name for this district shall be A-1.
 - C. RC-1, Residential Conservation District. The map symbol and short name for this district shall be RC-1.
 - D. RC-2, Residential Conservation District. The map symbol and short name for this district shall be RC-2.
 - E. BC, Business Conservation District. The map symbol and short name for this district shall be BC.
 - F. MC, Manufacturing Conservation District. The map symbol and short name for this district shall be MC.
 - G. PD, Planned Development District. There are four possible designations within this general zoning district: Planned Development-Residential, Planned Development-Commercial, Planned Development-Manufacturing, and Mixed-Use Development. The map symbols and short names for these districts shall be PD-R, PD-C, PD-M and MXD.
- 3.02 Zoning District Maps:** The boundaries of the zoning districts created by this Ordinance shall be as depicted on the computer-generated digital DeKalb County Zoning Map for each township within the County, as adopted by County Board Ordinance 2003-28 and subsequently amended by County Board action. The County Information Management Office shall maintain the official digital DeKalb County Zoning Maps, under the direction of the County Zoning Administrator. All subsequent amendments to the zoning maps shall be depicted on the official digital DeKalb County Zoning Maps.
- 3.03 Interpretation of District Boundaries:** The Zoning Administrator shall interpret the provisions of this Ordinance as they pertain to the location of zoning district boundaries where uncertainties exist as to the location of the district boundaries as depicted on the official Zoning District Maps, subject to right of appeal to the Hearing Officer of such interpretation. The following rules for interpretation shall apply:
- A. District boundaries are the centerlines of the streets, alleys or highways, property lines, boundary lines of sections or quarter sections, unless otherwise indicated. Where designation of a boundary line on the Zoning District Map coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.
 - B. Where the district boundaries do not coincide with the location of streets, alleys, highways, property lines or the boundary lines of sections or quarter sections, the district boundary shall be determined by the use of the scale shown on the Zoning District Map.
 - C. All streets, alleys, highways, public-ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways and railroad rights-of-way. Where the centerline of a street, alley, public-way or railroad rights-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the property abutting up to such center line.
 - D. Boundaries indicated as approximately following municipal boundary limits shall be construed to follow municipal boundary limits.
 - E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

- F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- G. Streets, alleys, public ways or railroad right-of-way which are shown on the Zoning District Map and which have heretofore been vacated, or which may be vacated hereafter, shall be in the same district as the land abutting both sides of the street, alley, public way or railroad right-of-way involved. If the land abutting each side of the street, alley, public way or railroad right-of-way was located in different districts before the said street, alley public way or railroad right-of-way was vacated, the center line of such vacated street, alley, public way or railroad right-of-way shall be the district boundary line of the respective zoning districts.
- H. For undivided properties that lie in more than one zoning jurisdiction, the bulk regulations of this Ordinance shall apply to any property the area of which is 50% or more within the jurisdiction of the County. If less than 50% is in the County's jurisdiction, the zoning regulations of the adjoining jurisdiction shall apply.

3.04 Interpretation of Ordinance.

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. 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 code or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive (for which impose higher standards or requirements) shall govern.
- C. Nothing in this Ordinance shall be deemed to be a consent, license or permit to use any property, to locate, construct, or maintain any building, structure or facility, or to carry on any business, industry, occupation or trade.

3.05 Illustrations: The illustrations used in this Ordinance are not drawn to scale and are intended only to graphically represent the requirements and concepts contained herein, and are not intended, nor should they be construed, to represent every situation or circumstance that may exist in DeKalb County. When there is a conflict between the text of this Ordinance and an illustration herein, the text shall prevail.

3.06 Platted Building and Setback Lines. If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum yard required by the applicable section of this Ordinance, then, notwithstanding the recorded plat, the minimum yard shall be the same as required by the applicable section of this Ordinance.

3.07 Disconnected Territory. Any additions to the unincorporated area of the County resulting from disconnection or de-annexation by municipalities, or by any other means, shall be automatically zoned A-1, Agricultural District, unless and until the DeKalb County Board designates a different zoning district for said property.

3.08 Disclosure by Trustee of Land Trust. Whenever any trustee of a land trust or any beneficiary or beneficiaries of a land trust make application to DeKalb County or any of its agencies pursuant to the provisions of this Ordinance relating to the land which is the subject of trust, any interest therein, improvements thereto, or use thereof, such application shall identify each beneficiary of such land trust by name and address and define his interest therein. All such applications shall be verified by the applicant in his capacity as trustee, or by the beneficiary as the beneficial owner of an interest in such land trust.

3.09 Successor to Rule or Standard Making Agencies. Whenever a governmental or private agency is referred to as the promulgator of a rule or standard, the rule or standard shall continue to be incorporated by reference within this Ordinance in the event that the same rule or standard is adopted by a successor agency in name or substance.

3.10 Private Agreements. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than easement, covenants, or other private agreements, the requirements of this ordinance shall be controlling.

3.11 Saving Clause. All rights and remedies of the County are expressly saved as to any and all violations of any previous zoning ordinance or amendments thereto, at the time of the effective date of this Ordinance, and the prosecutions of said violations shall not be abated by the enactment of this Ordinance.