

Article 4 Use Districts

4.01 FP/C, FLOODPLAIN/CONSERVATION DISTRICT:

- A. Purpose and Intent: The flood hazard areas of DeKalb County, Illinois are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.
- In addition, certain areas of DeKalb County, Illinois contain significant natural resources, such as wetlands, woodlands, and other unique environments. These areas provide valuable habitats for flora and fauna, water retention and groundwater recharge, filtration of water to improve water quality, and irreplaceable opportunities for recreation, pleasure, and education of the public. Without concerted efforts at preservation of these resources, development may substantially alter or destroy them, depriving future generations of the many benefits provided by such areas.
- This district is therefore necessary to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; and to help maintain a stable tax base providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas. This district is also necessary to preserve irreplaceable and unique natural resources for future generations; to preserve woodlands and wetlands which, because of their natural physical features, are useful as water retention and groundwater recharge areas, as habitat for plant and animal life, and as important aesthetic and scenic resources which contribute to the unique character of the County; to prevent damage to the quality of water resources in the County; to provide opportunities for viewing and enjoyment of natural resources; and to provide educational opportunities to the public within appropriate conservation areas.
- It is the purpose of this district to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities; to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; to control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and to control filling, grading, dredging, and other development which may increase erosion or flood damage. It is also the purpose of this district to restrict certain types of development in designated conservation areas that would result in substantial diminishment or destruction of unique natural resources.
- B. Scope of Provisions: This section contains the regulations for the "FP/C" Flood Plain/Conservation District of DeKalb County. The "FP" regulations constitute an "overlay" District, such that property in the FP/C District as a consequence of floodplain only is also located in a designated underlying zoning district (either A-1, Agricultural or C, Conservation). This section controls in the case of any conflict between the regulations contained in this section and the regulations otherwise applicable to any property by virtue of its underlying zoning. However, the "FP/C" Zoning District is an exclusive zoning district when applied to properties for the purpose of conservation of natural resources. Property zoned "FP/C" for conservations purposes, such as State parks and forest preserves, are not zoned under another District governed by this

Zoning Ordinance.

All of the areas within the regulatory floodplain, as defined in this Ordinance, are hereby incorporated into the boundaries of the "FP/C" District and are subject to all of the provisions of this section. A portion of the area within this District is designated as the Floodway, as established by the maps applicable to this District. Property within the Floodway is subject to those provisions of this section that are so stated. Other properties within this District are designated as conservation areas, and are subject to all provisions of this section.

- C. Boundaries: The boundaries of this District shall generally be established by the boundaries of the flood fringe, floodway and the 100-year base flood elevation. Other conservation area boundaries shall be established in appropriate locations of significant natural resources, such as forest preserves and State parks. The boundaries of the flood fringe, floodway and the 100 year base flood elevation shall be as shown on the Flood Insurance Rate Maps for DeKalb County, dated January 2, 2009, and the accompanying Flood Insurance Study by the Federal Emergency Management Agency. Where no base flood elevation data are provided by FEMA, other sources such as the U.S. Army Corps of Engineers report titled "South Branch Kishwaukee River Flood Plain Information" dated June 1971, or subsequent map amendments made thereto, the State Water Survey, the Illinois Department of Transportation, or a registered professional engineer according to the best data available to the Illinois State Water Surveys Flood Plain Information Depository or the Illinois Department of Transportation, Division of Water Resources, may be used.
- D. Permitted Land Uses and Developments: The following land uses and developments are permitted in this district:
1. Agriculture, except animal confinement activities in the flood plain.
 2. Boat docks for other than commercial or industrial use.
 3. Bridges, culverts, roadways, railways and any modification thereto, which are necessary for crossing floodway.
 4. Conservation areas for flora, fauna, including a caretaker's residence on a minimum lot size of 40 acres or more.
 5. Forest Preserves and State Parks, including a caretaker's residence on a minimum lot size of 40 acres or more.
 6. Game breeding and hunting preserves.
 7. Game refuges.
 8. Hunting, fishing, and propagation of wildlife.
 9. Inground swimming pools.
 10. Local public utility facilities, provided that any installation, other than towers and equipment attached to the towers, shall be: adequately screened with landscaping, fencing or walls, or any combination thereof, or placed underground, or enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening these facilities shall be submitted to the Zoning Administrator for review. No building permit or installation permit shall be issued until these plans have been approved.
 11. Public and private parks, including a caretaker's residence on a minimum lot size of 40 acres or more.
 12. Recreational uses such as athletic fields, picnic grounds, and trails for horses, bikes, or walking.
 13. Scenic areas.
 14. Wildlife refuges.
- E. Special Land Uses and Development: The following land uses and developments may be permitted under conditions and requirements specified in Article 9, Special Use Procedures:
1. Airstrips/runways and heliports.
 2. Extraction of raw materials from the earth and processing thereof, but not including manufacture of a product.
 3. Golf courses, including ancillary clubhouse, restaurants, and banquet facilities.
 4. Outdoor rifle and archery ranges.

5. Port and dock facilities.
 6. Railroad tracks and associated structures.
 7. Recreation camps.
 8. Tower, public utility.
- F. Accessory Land Uses and Developments: Subject to compliance with the procedures of this section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structures or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:
1. Devices for the generation of energy, such as solar panels, wind generators or similar devices.
 2. Individual sewage treatment facilities serving an individual non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed 5,000 gallons flow per day.
- Accessory uses in this District do not include residences.
- G. Height Limitations for Structures: In the "FP" overlay district, the total height of any structure shall not exceed that permitted in the underlying Zoning District, except where the use of the property includes structures restricted in height by the requirements of a Special Use Permit. In the "FP/C" District, there is no height limitation for structures.
- H. Lot Area and Setback Requirements: The minimum lot area and setback requirements for land uses in the "FP/C" Flood Plain/Conservation District shall be as set out below:
1. Minimum Lot Area Requirement. Permitted and Special Land Uses shall be situated on lots of not less than the minimum lot area required by the provision of the underlying zoning district regulations, or by the ordinance granting FP/C zoning.
 2. General Setback Requirements, Minimum Front Setback: No structures shall be allowed within fifty (50) feet of any roadway right-of-way line, except where a greater setback is required by the underlying district requirements.
 3. Specific Setback Requirements and Exceptions.
 - a. Notwithstanding any other provision of this Article, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
 - b. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front setback, but not closer than ten (10) feet to a public right-of-way or a lot line.
 - c. Permitted directional signs, three (3) feet or less in height, are allowed within the minimum front setback.
 - d. Any structure, other than a public utility tower authorized by a Special Use Permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- I. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- J. Sign Regulations: Sign regulations are set forth in Article 7, Sign Regulations.
- K. Conditions Of Use: In areas located within the floodplain, all permitted and special uses are subject to the following conditions of use:
1. No development shall create a damaging or potentially damaging increase in flood heights or velocity.
 2. No development shall occur in the floodway except the following appropriate uses:
 - a. Public flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding of existing structures, erosion, or water quality or habitat for fish, wildlife and native vegetation;

- b. Storm and sanitary sewer outfalls;
- c. Underground and overhead utilities;
- d. Public or private open space and recreational facilities such as playing fields and trail systems including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions;
- e. Bridges, culverts, roadways, unpaved walkways, railways and any modification thereto, which are necessary for crossing floodway;
- f. Flood proofing activities to protect existing structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet away from the exterior wall of the existing structure, which are not considered substantial improvements to the structure;
- g. In the case of damaged structures herein permitted, reconstruction, repair or replacement of the same which does not increase the outside dimensions of the building.

Appropriate uses do not include the construction or placement of any new structures, fill, detention or retention facilities, building additions, buildings on stilts, excavation or channel modifications done for the convenience of site design, fencing (including landscaping or planting designed to act as a fence) and storage of materials.

- 3. All sewage and water systems shall be installed in accordance with requirements of the DeKalb County Health Department and the State of Illinois.
- 4. No man-made levees, berms or other similar obstructions to the flow of flood waters are permitted without the approval of the County Engineer.
- 5. Permits required by other state and federal agencies and departments shall be acquired and submitted to the DeKalb County Planning Department prior to the issuance of a building permit. Such permits may include wetlands permits from the United States Army Corps of Engineers.
- 6. Development in and filling within the floodplain will only be permitted if protection is provided against the base flood or 100 year frequency flood by proper elevation and compensatory storage and other provisions of these regulations are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems.
- 7. All filling, dredging, excavation, etc. or other alteration of floodplain is only permitted when done as a necessary condition of establishing a permitted or approved special use. The construction and maintenance of roads necessary for permitted uses are allowed only on a limited basis and where no alternate location outside of the flood plain is available.
- 8. Land surface modification within the flood fringe shall be permitted for the purpose of constructing storm water drainage swales between the developed area of a lot (including a storm water detention facility on a lot) and a stream, or detention facility.
- 9. Whenever a portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100 year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100 year frequency flood elevation. The excavation volume shall be at least equal to 1.1 times the volume of storage lost due to the fill or structure. In the case of streams and water courses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10 year flood elevation shall be replaced below the proposed 10 year flood elevation. All flood plain storage lost above the existing 10 year flood elevation shall be replaced above the proposed 10 year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

10. On property 100' or closer to the 100 Year Flood Plain, as bounded in accordance with Section 3.2.1.A.3, there shall be no building permitted having a lowest floor, including basement floor, lower than two (2) feet above the 100 Year Flood Plain Elevation (FPE). A structure or improvement may be constructed on permanent landfill in accordance with the following:
 - a. The area of fill shall be cleared of all growth and objects unsuitable for use as foundation material.
 - b. The fill shall be placed in layers no greater than one (1) foot prior to compaction.
 - c. The surface of the fill shall be a minimum of two (2) feet above the FPE. The fill shall extend at least ten (10) feet beyond the foundation of the structure before sloping below the FPE.
 - d. The fill shall be protected against the scour and erosion that occurs during flooding.
11. Prior to any land disturbing activities within the boundaries of the floodplain, the property owner or user shall obtain a Site Development Permit in accordance with the requirements of Article I of Chapter 30 of the DeKalb County Code in order to address and thereby avoid flooding problems for other properties and such other hydrologic problems as may result from the improvements. Where the plan only delineates the flood plain elevation on the ground and no change or construction is proposed involving land below the flood plain elevation, the plan may be submitted under the seal of a registered land surveyor.
 The Planning Department or the County Highway Department may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan. Any costs associated with obtaining and making available such data or studies shall be borne by the developer.
 The County may, at the discretion of the Zoning Administrator or County Engineer, retain outside consultant services for the review of plans for development in the flood plain or floodway. The cost of contracting with said outside consultant shall be borne by the applicant.
- L. Interpretation of Floodplain and Floodway: In an area within the County where there does not exist a delineated floodway, as shown on the Flood Insurance Rate Maps for DeKalb County, IL, all property in such area located within the boundaries of the 100 year floodplain shall be considered also within the floodway and the boundaries of the floodplain and floodway shall be deemed as coterminous. Any proposed development which will affect the ground surface of such property will be subject to the regulations of Section 4.01.K.2 above, in addition to all other applicable regulations of this Article.
- M. Effect of Plan Approval: The approval by the County Engineer and the Planning Department of such plans for flood protection does not constitute a representation, guarantee, or warranty of any kind by DeKalb County, the County Highway or Planning Departments, the DeKalb County Board or by any officer or employee of either as to the practicality or safety of any protective measure and shall create no liability upon or cause of action against such public body, offices, or employees for any damage that may result pursuant thereto.
 Approval of the plan by the County Engineer and Planning Department does not relieve an owner or user from fulfilling the requirements set forth in any other County ordinance or state and federal law regarding construction or development within the flood plain.

4.02 A-1, AGRICULTURAL DISTRICT.

- A. Purpose and Intent: It is recognized that the public health and welfare of the citizens of DeKalb County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The intent of this district is to ensure that land areas in the County that are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with farms that, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value that contributes to the unique character of the agricultural district.
2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
3. To prevent the conversion of agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature dis-investment in agriculture.
4. To implement the recommendations of the DeKalb County Unified Comprehensive Plan, which strongly discourages scattered development throughout the rural, unincorporated portions of the County, and encourages new non-agricultural uses to develop on properties that are adjacent to municipal boundaries and can, therefore, be annexed.

The agricultural district boundaries take into account an analysis of soils that identify those especially well suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Properties in unincorporated DeKalb County are placed in the A-1, Agricultural District not only to preserve and protect land for agricultural and agriculture-compatible uses, but to discourage new non-agricultural uses from developing in the unincorporated areas.

- B. Permitted Land Uses and Developments: The following uses of land are permitted in this district:
1. Agriculture.
 2. Conservation area for fauna, flora, including a caretaker's residence on a minimum lot size of 40 acres or more.
 3. Farm.
 4. Farm buildings.
 5. Farm drainage and irrigation systems.
 6. Farm dwelling.
 7. Game breeding and hunting preserve.
 8. Game refuge.
 9. Grazing and forage.
 10. Historic sites and structures.
 11. Nursery, plant.
 12. Roadside stands and small-scale agritainment, such as "u-pick" orchards and gardens, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back from the right-of-way at least fifty (50) feet, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to products grown or produced on

- the premises and branded products bearing the name/logo of the farm, or farm-related business, on which the roadside stand is located.
13. Stable, private.
 14. Transmission and distribution lines and pipelines of public utility companies within existing public rights-of-way.
 15. Tree, sod farms.
 16. Uses customarily accessory to farm operations.
- C. Special Land Uses and Developments:
1. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 9, Special Procedures:
 - a. Agribusiness, when the petitioner has proven that the business activity is directly and primarily used by those actively engaged in the pursuit of agricultural activities; that, at the time of the hearing, all local, state, and federal regulations will be complied with; and that the proposed agribusiness must be located in unincorporated DeKalb County.
 - b. Aircraft hangar/tiedown.
 - c. Aircraft service and repair.
 - d. Airstrip/runway, and heliport.
 - e. Animal foster home, provided that the animal foster home is located on a lot of not less than two acres in size.
 - f. Animal hospital.
 - g. Animal shelter.
 - h. Asphalt or concrete batch mix plant.
 - i. Church.
 - j. Cemetery.
 - k. Day care home.
 - l. Earth removal, quarrying, aggregate processing, mining and related mineral extraction business.
 - m. Essential service structure including, but not limited to: any new rights-of-way across farm land, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.
 - n. Fairgrounds.
 - o. Government building.
 - p. Gun club.
 - q. Home occupation.
 - r. Kennel.
 - s. Landscaping business, provided that all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of a Special Use Permit.
 - t. Production of sweet cider, hard cider, and wine from crops grown on the same property where such production takes place, and the tasting, and sale thereof at wholesale or retail.
 - u. Radio, television and communication transmitting or relay towers, antennae and other such facility, not to exceed two hundred (200) feet above the average finished ground elevation at the perimeter of such structure, provided, however, that an FCC-approved tower that is determined to be no hazard to air navigation by the FAA may be constructed to a maximum height of 399 feet above the finished ground elevation at the base of the structure, and further provided that

the base of the structure shall be located at a distance from a public road equal to at least ninety percent (90%) of the height of the tower.

- v. Recreational camp.
 - w. Retail and service use conducted within and immediately adjacent to existing agricultural structures that are no longer used for agricultural purposes, provided such uses are clearly compatible with and subordinate to agricultural uses in the surrounding area, and further provided such uses have the effect of preserving the agricultural buildings in and around which they are conducted.
 - x. Roadside stand and large-scale agritainment, including but not limited to: “u-pick” orchards and gardens, corn mazes, hay rides, hobby farms and other activities intended to attract paying customers to a farm, set back from the right-of-way at least fifty (50) feet, with off-street parking for a minimum of five (5) cars or one (1) space for each fifty (50) square feet of structure, whichever is greater.
 - y. Sanitary landfill, and other means of solid waste management.
 - z. Stable, public, which may include riding lessons.
 - aa. Tree service and firewood sales.
2. Standards Applicable to All Special Use Permits:
- a. The proposed use shall be sited upon lands which are less suitable for commercial agriculture than other agricultural lands within the district, or on lands designated for non-agricultural use by the County Comprehensive Plan.
 - b. The proposed use shall be sited on a lot in a manner which minimizes the amount of productive agriculture land which is converted to the proposed use.
 - c. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agribusinesses into agricultural service centers shall be encouraged and accomplished by special use permit.
3. Interim Special Use:
- a. Interim Special Uses may be granted for the following purposes:
 - 1). To temporarily utilize land, structures and facilities which represent a valuable economic base but would not otherwise be permitted;
 - 2). To provide living quarters for financially or physically dependent persons, pursuant to paragraph b. below.
 - 3). To provide living quarters for agricultural laborers, pursuant to paragraph c. below
 - b. Interim Special Uses may include one manufactured home per lot, intended as living quarters for financially or physically dependent relatives of the occupant of the primary structure, provided the applicant establishes that a hardship exists.
 - c. Interim Special Uses may include agricultural labor housing, accessory to a farm dwelling located on a farm of at least 80 acres in size, provided that such housing is located in close proximity to the farm residence. The total number of housing units on a farm, including the farm dwelling and all agricultural labor housing units, shall not exceed a gross density of one unit per forty (40) acres. The applicant for such an Interim Special Use must provide evidence that the agricultural labor housing will be occupied only by employees, and the families of employees, actively engaged in working on the farm where the housing will be located.
 - d. Procedures for consideration and approval shall be in accordance with the requirements set forth in Article 9.01, "Special Uses," of this Ordinance. In its recommendation to the County Board, the Hearing Officer shall specify time

limitations and any other conditions he/she may deem appropriate for the protection of the area.

- D. Lot Area Requirements:
1. The minimum lot area for a farm residence shall be forty (40) acres. The minimum lot width at the minimum front setback line for a lot including a farm residence shall be 500 feet.
 2. Subdivisions, for the purpose of the sale or transfer of ownership of a lot(s) containing an existing residential structure(s) constructed prior to August 15, 1979, said lot(s) being not less than two (2) acres in area and containing not more than one such residence, may be approved by the Plat Officer. This provision is intended to allow for the division of one or more existing farm residences from the fields used for agricultural activities. Such subdivision, if approved by the Plat Officer, is not a violation of this Ordinance. The zoning lots that result from such subdivisions shall be a legal, nonconforming residential lots in the A-1 district, and the balance of the property from which each such lot is divided shall not be buildable for future residences. For the purposes of review, a plat of survey shall be required for said division depicting both the lot containing the residential structure and the property from which it is divided. The Plat Officer's signature of approval shall be required on the survey prior to recording. (See 4.02.D.2 diagram in the Appendix)
 3. Special Use: The lot size and lot width for a special use shall be designated in the permit granting the special use. The minimum lot width at the minimum required front setback line for all divisions made in accordance with this Section 4.02.D.2 shall be 200 feet.
- E. Setback Requirements:
1. Building Setback: Every building hereafter erected or enlarged shall provide and maintain a minimum setback of fifty (50) feet from the right-of-way of any street.
 2. Side and Rear Setbacks: All buildings shall be set back not less than twenty (20) feet from all side or rear lot lines. Where a side or rear lot line adjoins a street, the minimum side or rear setback for all buildings shall not be less than that established above for front setbacks.
- F. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- G. Sign Regulations: Sign Regulations are set forth in Article 7, Sign Regulations.

4.03 RC-1, RESIDENTIAL CONSERVATION DISTRICT.

- A. Purpose and Intent: This district is intended to help implement the goal of the DeKalb County Unified Comprehensive Plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing residential uses, lots (generally in the range of one acre in size) and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the Zoning District Maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater residential densities within the areas designated with this classification, nor to serve as a precedent for additional residential development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "RC-1".
- B. Permitted Land Uses and Developments: The following uses of land are permitted in this District:
 - 1. Detached single-family dwelling.
 - 2. Publicly owned and operated parks and forest preserves.
 - 3. Uses customarily accessory to single family dwellings.
- C. Special Land Uses and Developments: The following uses of land and structures may be permitted upon issuance of a Special Use Permit in accordance with the procedures and standards contained in Article 9, Special Procedures.
 - 1. Animal foster home, provided that the animal foster home is located on a lot of not less than two acres in size.
 - 2. Bed and Breakfast.
 - 3. Boarding house.
 - 4. Church.
 - 5. Day care center and day care home.
 - 6. Essential service structures including, but not limited to: any new right-of-way, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services or utilities.
 - 7. Group home.
 - 8. Home occupation.
 - 9. School, public or private.
 - 10. Government building.
- D. Lot Area Requirements:
 - 1. The minimum lot area for all permitted and special uses shall be one (1) acre unless a larger parcel is required by the Zoning Administrator to accommodate a drain field for a septic system or adequate separation between septic wastes and well water.
 - 2. The minimum lot width, at the minimum front setback line, shall be one hundred and fifty (150) feet.
- E. Setback Requirements:
 - 1. Front Setback Requirements: Every building hereafter erected or enlarged shall provide and maintain a minimum setback of forty (40) feet from the right-of-way of all streets.
 - 2. Side and Rear Setback Requirements:
 - a. The minimum side setback shall be twenty (20) feet, except where a side lot line adjoins a street, in which case the side setback shall not be less than that required in Paragraph E.1. above.
 - b. The minimum rear setback shall be fifty (50) feet.

- F. Lot coverage: Lot coverage shall not exceed 20%.
- G. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- H. Sign Regulations: Sign Regulations are set forth in Article 7, Sign Regulations.

4.04 RC-2, RESIDENTIAL CONSERVATION DISTRICT.

- A. Purpose and Intent: This district is intended to help implement the goal of the DeKalb County Unified Comprehensive Plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing residential uses, lots (generally in the range of one-half an acre in size) and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the Zoning District Maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater residential densities within the areas designated with this classification, nor to serve as a precedent for additional residential development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "RC-2".
- B. Permitted Land Uses and Developments: The following Land Uses and Developments are permitted in this District:
1. Detached single-family dwelling.
 2. Publicly owned and operated park and forest preserve.
 3. Uses customarily accessory to single family dwellings.
- C. Special Land Uses and Developments: The following uses of land and structures may be permitted upon issuance of a Special Use Permit in accordance with the procedures and standards contained in Article 9, Special Procedures:
1. Church.
 2. Day care center and day care home.
 3. Essential service structures including, but not limited to: any new right-of-way, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services or utilities.
 4. Group home.
 5. Home occupation.
 6. Nursing home, hospital, hospice, handicapped or infirm institution, and halfway house.
 7. School, public or private.
 8. Government building.
- D. Lot Area Requirements:
1. The minimum lot area provided for permitted and special land uses in the "R-2" Residential District shall be as follows:
 - a. Minimum Lot Area Requirements:

<u>Use</u>	<u>Minimum Lot Area</u>
Church	1 Acre
Day care center	1 Acre
Dwelling, Single-Family	22,000 Square Feet
Nursing Homes, Hospitals, Hospices, Handicapped or Infirm Institutions and Halfway Houses	3 Acres
Government Buildings	1 Acre
Public Service Facilities/Utilities	10,000 Square Feet
 - b. The minimum lot width, at the minimum front setback line, shall be one hundred (100) feet.

2. Creation of New Lots: No new lots shall be created of less than 22,000 square feet in area except for public service facilities/utilities. Lots of less than 22,000 square feet created for the above use shall not be used for any other use, and in the event the use terminates, the lot shall be combined with an adjacent parcel or parcels by means of a boundary adjustment.
- E. Setback Requirements:
1. Front Setback Requirements: Every building hereafter erected or enlarged shall provide and maintain a minimum setback of thirty (30) feet from the right-of-way of all streets.
 2. Side and Rear Setbacks: The minimum side setback shall be ten (10) feet, except where a side lot line adjoins a street, in which case the minimum side setback shall not be less than that established in Paragraph E.1 above.
 3. The minimum rear setback provided shall be thirty-five (35) feet.
- F. Lot Coverage: Lot coverage not to exceed 30%.
- G. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives area set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- H. Sign Regulations: Sign Regulations are set forth in Article 7, Sign Regulations.

4.05 BC, BUSINESS CONSERVATION DISTRICT.

- A. Purpose and Intent: This district is intended to help implement the goal of the DeKalb County Unified Comprehensive Plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing business uses, lots and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the Zoning District Maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater densities within the areas designated with this classification, nor to serve as a precedent for additional business development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "BC".
- B. Permitted Land Uses and Developments: The following uses of land are permitted in this district:
1. Amusement arcade.
 2. Bank and financial institution, not including drive-through facilities.
 3. Banquet hall.
 4. Commercial recreation, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
 5. Church.
 6. Club, lodge, and meeting room.
 7. Convenience store not including motor fuel sales.
 8. Daycare center.
 9. Food store.
 10. Health club.
 11. Health and welfare facility.
 12. Home improvement center.
 13. Library and reading rooms.
 14. Liquor store.
 15. Medical and dental clinic.
 16. Mortuary.
 17. Motion picture theater, not including drive-in theaters.
 18. Office and office building.
 19. Parking area, including public garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
 20. Radio and television broadcasting studio, excluding transmission towers which exceed thirty feet in height.
 21. Restaurant, including fast food restaurants that do not include drive-through service and do not constitute the only use in a freestanding building, but not including outdoor eating areas.
 22. School, commercial, excluding outdoor areas for driving or heavy equipment training.
 23. Store, shop, market, office, service facility, and automatic vending facility in which goods or services of any kind, except those specified in the lists of permitted and Special Uses in the BC and MC Districts, are offered for sale or rental on the premises to the general public.
- C. Special Land Uses and Developments: The following uses of land and structures may be permitted upon issuance of a Special Use Permit in accordance with the procedures and standards contained in Article 9, "Special Procedures."

1. All Permitted Land Uses and Developments set forth in Subsection B of this Article, which exceed two (2) stories or forty (40) feet in height, whichever is less, including rooftop mechanical equipment attached to a structure.
 2. Animal hospital, including open kennel and exercise yard.
 3. Apartment hotel.
 4. Automobile Service Station or filling station for vehicles of one and one-half tons in weight or less.
 5. Automobile, motorbike, and recreational vehicle sale, lease and rental. Outdoor display of said products, new or used, is permitted but not more than 50% of the zoning lot shall be used for such purpose and the front setback requirement shall be complied with.
 6. Automobile repair, minor.
 7. Bank and financial institution with drive-through facilities.
 8. Car wash for automobiles.
 9. Cocktail lounge.
 10. Crematory, as part of a mortuary.
 11. Exterior storage or display of agricultural or lawn maintenance equipment, outdoor furniture, lawn ornaments, waste receptacles and other material customarily intended for outdoor use. Such storage and display is permitted provided that not more than 75% of the zoning lot shall be for such purpose and the front setback requirement shall be complied with.
 12. Garden center.
 13. Government building.
 14. Hospital, hospice and nursing home.
 15. Hotel/motel.
 16. Kennel.
 17. Local public utility facility, provided that any installation, other than towers and equipment attached to the towers, 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.
 18. Mall, retail.
 19. Nightclub.
 20. Outdoor swimming pool, golf driving range, drive-in theater, auditorium and arena.
 21. Restaurant, fast food, that includes drive-through facilities, or that constitute the only use in a freestanding building.
 22. Restaurant with outdoor eating area(s).
 23. School, private or public, and commercial school including outdoor areas for driving or heavy equipment training.
 24. Self-service storage facility.
 25. Sewage treatment facility, not including individual sewage treatment facilities permitted as an accessory use.
 26. Tavern.
- D. Accessory Land Uses and Developments: Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Associated work and storage areas required by any business, firm, or service to carry on business operations.
 2. Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 3. Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or special use or uses.
 4. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed 5,000 gallons flow per day.
- E. Height Limitations for Structures: The maximum height of structures in this District shall be as follows:
1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or forty (40) feet in height, whichever is less, above the average finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
 2. Total height of any structure authorized by Special Use Permit shall be authorized by specific conditions of the permit.
- F. Minimum Lot Area Requirements:
1. Every lot or tract of land shall have an area comprising not less than 32,000 square feet.
 2. Churches shall be situated on tracts of land at least one (1) acre in area.
 3. Hospitals shall be situated on tracts of land at least five (5) acres in area.
- G. Development Limitations:
1. The total gross floor area devoted to any one business, firm, or service shall not exceed 20,000 square feet.
 2. The capacity of auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly shall not exceed 500 persons.
 3. The landscaped surface area ratio shall be no less than 0.35, said ratio to be calculated as follows: $LSR = 1 - [(ba + pa + oa)/s]$, where:
 LSR = landscaped surface ratio
 ba = building area: the area of building(s) footprints from the maximum outside dimensions
 pa = parking area(s): all areas used for parking or loading, or access to those areas, that is not otherwise landscaped
 oa = other area: all other paved areas, including patios, walks, entryways, etc.
 s = site area: the actual area of the site, minus all area of floodplain (see Section 4.01) and existing road right-of-way.
- H. Width and Setback Requirements:
1. Minimum Lot Width: One hundred and fifty (150) feet at the minimum front setback line.
 2. Setback Requirements:
 - a. Minimum Front Setback: Not less than thirty (30) feet, including all signs, pump islands, and canopies of gasoline service stations.
 - b. Minimum Side Setback: There shall be a side setback on each side of the building of not less than five (5) feet. Side setback requirements shall be fifty (50) feet where abutting any residential district.
 - c. Minimum Rear Setback: There shall be a rear setback of not less than twenty-five (25) feet. Rear setbacks shall be fifty (50) feet where abutting any residential district, and screening according to the requirements of Section 6.04, is required, even if no parking is contained in the rear yard.

- d. Corner lots shall have a side setback and a rear setback adhering to the requirements specified above. In addition, the front setback requirement shall apply to all lot lines adjoining street rights-of-way.
- I. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- J. Sign Regulations: Sign regulations are set forth in Article 7, Sign Regulations.
- K. Performance Standards: Unless as excepted above, outdoor storage or display of merchandise, materials, or equipment is prohibited.

4.06 MC, MANUFACTURING CONSERVATION DISTRICT.

- A. Purpose and Intent: This district is intended to help implement the goal of the DeKalb County Unified Comprehensive Plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing manufacturing uses, lots and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the Zoning District Maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater densities within the areas designated with this classification, nor to serve as a precedent for additional manufacturing development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "MC".
- B. Permitted Land Uses and Developments: The following land uses and developments are permitted in this District:
1. Adult Business, provided that such use is not located within one thousand (1,000) feet of a residential zoning district, or within one thousand (1,000) feet of any other adult business, or within one thousand (1,000) feet of the property boundaries of any single family dwelling, school, day care center, cemetery, public park, public housing, nursing home, rest home, sheltered care facility or place of religious worship.
 2. Business, professional, and technical training schools.
 3. Laundry and dry cleaning plant, not including personal and individual drop-off and pick-up service.
 4. Laboratory.
 5. Manufacturing, fabrication, assembly, processing, packaging and bottling of agricultural produce and any commodity from semi-finished materials, except explosives or flammable gases or liquids.
 6. Office and office building.
 7. Parking area, including garages.
 8. Printing and duplicating service.
 9. Public or private utility facility.
 10. Radio, television, and communication studios, transmitting or relay tower, antenna, and other such facility no greater in height than 30 feet above the average finished ground elevation at the perimeter of such structure.
 11. Railroad switching yard.
 12. Recreational vehicle sales and rental, including major and minor repair.
 13. Research laboratory and facility.
 14. Sale and rental of equipment, supplies and vehicles used by business, industry, contractors and agriculture, excluding retail automobile sales.
 15. Self-service storage facility.
 16. Standard Outdoor Advertising Structure (billboard).
 17. Terminal for trucks, buses, and railroads.
 18. Union hall and hiring hall.
 19. Warehouse and distribution center, including wholesaling, warehousing and distribution of manufactured commodities except live animals, explosives, or flammable gases.
 20. Wholesale establishment.
 21. Yard for storage of contractors' and builders' equipment, materials, and supplies, excluding junkyards and salvage yards.

- C. Special Land Uses and Developments: The following uses of land and structures may be permitted upon issuance of a Special Use Permit in accordance with the procedures and standards contained in Article 9, Special Procedures.
1. Aircraft hangar/tiedown.
 2. Aircraft service and repair.
 3. Airstrip/runway and heliport.
 4. Asphalt and concrete batch mix plants.
 5. Automobile repair, major.
 6. Automobile service station and filling stations for vehicles over one and one-half tons, including emergency towing and repair services.
 7. All permitted uses which exceed two (2) stories or forty (40) feet in height.
 8. Business service establishment.
 9. Government building.
 10. Gun and archery range, indoor.
 11. Incinerator.
 12. Junkyard.
 13. Lumber yard.
 14. Manufacturing, fabrication, assembly, processing, or packaging of agricultural produce and any commodity from unfinished materials and of explosives and flammable gases and liquids.
 15. Radio, television, and communication transmitting or relay tower, antenna, and other such facility exceeding 30 feet in height but no greater in height than 200 feet above the average finished ground elevation at the perimeter of such structure.
 16. Recycling center and recycling collection center.
 17. Sanitary landfill or solid waste management facility.
 18. Sewage treatment plant/facility.
 19. Slaughterhouse, packing plant and rendering plant.
 20. Towed vehicle storage yard, wherein no individual vehicle may be stored for a period exceeding ninety (90) days, and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sight-proof fence shall be provided along all limits of the property.
 21. Reconditioning, reprocessing, repair and cleaning of business equipment, empty containers, batteries and vehicles, not including passenger vehicles.
 22. Recreational vehicle storage.
 23. Warehousing, wholesaling and distribution of live animals, explosives, or flammable gases and liquids.
- D. Accessory Land Uses and Developments: Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:
1. Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 2. A dwelling or lodging unit, only for watchmen, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use or uses. In no case shall there be more than one such unit per established manufacturing use.
 3. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed 5,000 gallons flow per day.

4. Signs (business, directional, and information).
- E. Other Limitations on Uses:
1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the standards set forth herein.
 2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty (150) feet of a residential district, all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least ten (10) feet high, but in no case lower in height than the enclosed storage, and suitably landscaped.
 3. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1-1/2) tons capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required.
 4. Uses established on the effective date of this Ordinance and by its provisions that are rendered nonconforming shall be permitted to continue, subject to the regulations of Article 8, Non-Conforming Uses.
 5. The landscaped surface area ratio shall be no less than 0.2, said ratio to be calculated as follows: $LSR = 1 - [(ba + pa + oa)/s]$, where:
 LSR = landscaped surface ratio
 ba = building area: the area of building(s) footprints from the maximum outside dimensions
 pa = parking area(s): all areas used for parking or loading, or access to those areas, that is not otherwise landscaped
 oa = other area: all other paved areas, including patios, walks, entryways, etc.
 s = site area: the actual area of the site, minus all area of floodplain (see Section 4.01) and existing road right-of-way.
- F. Height Limitations for Structures:
1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or forty (40) feet in height, whichever is less, above the average finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
 2. Total height of any structure authorized by Special Use Permit shall be authorized by specific conditions of the permit.
- G. Lot Area: Every lot or tract of land shall have an area of land comprising not less than one (1) acre.
- H. Setback Requirements: No building or structure shall hereafter be erected or structurally altered unless the following setbacks are provided and maintained in connection with such building.
1. Minimum Front Setback. On every lot a front setback of not less than forty (40) feet shall be provided.
 2. Minimum Side Setbacks. On every lot a side setback shall be provided along each side lot line. Each side setback shall measure not less than ten (10) percent of the lot width, but need not exceed twenty (20) feet in width.
 3. Minimum Rear Setback. On every lot a rear setback of not less than thirty (30) feet shall be provided. Rear setbacks shall be fifty (50) feet where abutting any residential district, and screening according to the requirements of Section 6.04, is required, even if no parking is contained in the rear yard.
 4. Corner lots shall have a minimum side setback and a minimum rear setback adhering to the requirements specified above. In addition, the front setback requirement shall apply to all areas adjoining street rights-of-way.

- I. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- J. Sign Regulations: Sign regulations are set forth in Article 7.
- K. Performance Standards: Any use established in the MC district after the effective date of this Ordinance shall be so operated as to comply with the performance standards set forth below. No use lawfully established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, these performance standards. These performance standards shall apply only to uses within the MC District.
 - 1. Purpose. The purpose of this sub-section is to establish regulations and standards for the installation and operation of non-residential uses based upon consideration of the objectionable characteristics of such uses. This section is also intended to prescribe the procedures and methods of measurement of the installation and operation characteristics of non-residential uses subject to such standards.
 - 2. Hazardous Substances. Hazardous substances are defined by the U.S. Department of Transportation (USDOT) in the Code of Federal Regulations (CFR), Title 49, Parts 100 to 177 (October, 1983). Specific hazardous substances are assigned to categories in the Hazardous Materials Table, 49 CFR, Part 172.101. Hazardous substances that are not listed in the Hazardous Material Table are assigned to categories based on the definitions of the categories.
 - a. PROHIBITED USES INVOLVING HAZARDOUS SUBSTANCES. Certain substances pose a high risk to public health and safety and to the air, surface and groundwater resources of the County. Potential harm from exposure to these substances can be reduced by prohibiting large quantities of hazardous materials and hazardous wastes from occurring in the County. The following uses shall be prohibited in the County, except as part of a County Board-approved Planned Development:
 - 1. Uses that use hazardous substances at the bulk-plant quantity level;
 - 2. Waste collection and transfer facilities that involve hazardous substances;
 - 3. Uses involving:
 - i. Asphaltic and petroleum-based coating and preserving materials;
 - ii. Formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenols (PENTA), creosote, and related chemicals;
 - iii. Oils containing PCB's;
 - iv. Used batteries, for recycling or processing; and,
 - v. Petroleum storage tanks, excluding retail gas stations and truck stops, and petroleum storage tanks for the exclusive use of on-site fleet vehicles;
 - 4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, but excluding uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals.
 - 5. Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromo chloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.

6. Uses involving nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- b. NONCONFORMING USES THAT INVOLVE HAZARDOUS SUBSTANCES. Non-conforming uses are prohibited from increasing the quantities of hazardous substances produced for off-site use.
- c. OTHER USES INVOLVING HAZARDOUS SUBSTANCES. It is the intention of these regulations to allow hazardous substances in a manner consistent with the recommendations of the County Comprehensive Plan and the purpose of the zoning districts in the County while maintaining the safety and welfare of the general public and protecting the environment. Hazardous substances shall be permitted by on-site quality characteristics as defined herein and in Section 5.4.2(D).
- d. ON-SITE QUANTITY CHARACTERISTICS OF HAZARDOUS SUBSTANCES.
 1. BULK PLANT. Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. Materials are stored in large, permanent tanks. Bulk plant quantities are larger than amounts transported in or any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.
 2. BULK USE. Hazardous substances at the bulk use level are used or sold on site. The hazardous substances are incidental to the primary product or service of the use. Hazardous substances are transported to the site in an unpackaged form and are then transferred to the use's storage tank by hose, pipeline, conveyor belt, etc. On-site use of a portable tank such as rail car, tanker truck, or similar vehicle is considered to be at this quantity level. Use of containers over sixty (60) gallons in size is classified at this level.
 3. PACKAGE USE. Hazardous substances at the package use level are stored in discrete containers of sixty (60) gallons or less which are handled individually or on pallets for purposes of transportation. Package materials are used or sold on site. Packages may include cylinders, drums, boxes, glass jars, etc.
 4. CONSUMER COMMODITIES. Consumer commodities are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purposes of personal care or household use.
 5. FIRE PROTECTION DISTRICTS STANDARDS. In addition to these regulations, all storage or use of hazardous substances must be reviewed by the Fire Protection District in whose district the use is located, and must conform with all appropriate fire and building codes.
3. Fire and Explosion Hazards.
 - a. The storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning (as determined for liquids by a closed cup flash point of less than one hundred eighty-seven degrees Fahrenheit (187°F), but not less than one hundred five degrees Fahrenheit (105°F)) is permitted, providing the following conditions are met:
 1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having exterior walls of non-combustible construction, in accordance with the building code of the County.

2. Buildings in which such materials or products are stored, utilized or produced shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an appropriate fire suppression system for products and materials stored in accordance with the (Municipality) Building Code and standards prescribed by the National Fire Protection Association (NFPA).
 - b. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning (as determined for liquids by a closed cup flash point of not less than one hundred eighty-seven degrees Fahrenheit (187°F)) is permitted.
 - c. The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases (as determined for liquids by a closed cup flash point of less than one hundred five degrees Fahrenheit (105°F)) shall be permitted in an Industrial District, provided that;
 1. The final manufactured product does not itself have a closed cup flash point of less than one hundred eighty-seven degrees (187°F) Fahrenheit.
 2. The use and storage of such materials shall be in conformity with standards prescribed by the NFPA and with requirements of other ordinances of the County.
 3. The storage of said materials shall be prohibited above ground.
 - d. Detonable materials shall not be stored within two hundred (200) feet of a lot line in any Industrial District, and not within one thousand (1,000) feet of any residential district.
4. **Smoke and Particulate Matter.** The emission of particulate matter from all sources within any lot containing more than five percent (5%) by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means. Emission of particulate matter from such sources in excess of weight limitations specified herein is prohibited. The emission of smoke or particulate matter of a density equal to or greater than No. 3 on the Ringlemann Chart is prohibited at all times, except as otherwise provided herein.
- a. **SMOKE EMISSIONS.** In all districts the emission or more than twelve (12) smoke units per stack in any one hour period is prohibited. However, once during any six (6) hour period each stack shall be permitted up to twelve (12) additional units in a fifteen (15) minute period for soot blowing and fire cleaning. Only during fifteen (15) minute periods shall smoke of a density equal to, but not exceeding, No. 3 on the Ringlemann Chart be permitted, and then only for fire cleaning and for not more than four (4) minutes per period.
 - b. **PARTICULATE MATTER EMISSION.** The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed 1.00 pounds per hour per acre in all Districts.
 - c. **METHOD OF MEASUREMENT.**
 1. **SMOKE:** For the purpose of grading the density of emission of smoke, the Ringlemann Chart, published and used by the United States Bureau of Mines, shall be employed. For the purposes of determining smoke units, the Ringlemann density readings shall be made at least every minute during the period of observation. Each reading (Ringlemann number) shall be multiplied by the time in minutes for which it is

- observed, and the products added together to determine the total number of smoke units observed during the total period of observation.
2. **PARTICULATE MATTER:** The total net rate of emission of particulate matter within the boundaries of any lot shall be determined as follows: Determine the maximum emission in pounds per hours from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the hourly rate of emission in pounds per acre. Add together the individual rates of emission from all sources of emission within the boundaries of the lot. It is this total that shall not exceed the rate established in Section 5.4.4(B).
 5. **Odors.** No continuous, frequent, or repetitive emission of odors or odor-causing substances that would be offensive beyond any property line of any industrial use shall be permitted. An odor emitted no more than fifteen (15) minutes in any one day shall not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process involving the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails. All land uses shall comply with the rules and regulations of the Illinois Pollution Control Board
 6. **Radiation Hazards.** The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with applicable regulations of the Atomic Energy Commission, and the applicable regulations of any instrumentality of the State of Illinois.
 7. **Vibration.** Steady-state vibrations, for the purpose of this Article, are vibrations that are continuous or vibrations in discrete pulses more frequent than one hundred (100) per minute. Discrete pulses that do not exceed one hundred (100) impulses per minute shall not cause displacement in excess of twice the values established in Table 5.4.7(A)1 below. Impact vibrations shall mean vibrations occurring in discrete pulses separated by an interval of at least one minute and numbering no more than eight (8) per each twenty-four (24) hour period.
 - a. **PERMITTED VIBRATION DISPLACEMENTS.** At no point on or beyond the boundary of any lot shall the ground-transmitted steady-state or impact vibration caused by any use or activity (except those not directly under the control of the property user) exceed the limits as established in Tables g(1)a and g(1)b below for the various industrial zones and for any industrial zone boundary abutting a residential zone.

TABLE G(1)A. MAXIMUM PERMITTED STEADY-STATE
VIBRATION DISPLACEMENT (INCHES)

<i>Frequency (Cycles per Second)</i>	<i>Commercial Districts</i>	<i>Industrial District</i>	<i>Abutting any Residential District</i>
Less than 10	.0008	.0020	.0004
10-19	.0005	.0010	.0002
20-29	.0003	.0006	.0001
30-39	.0002	.0004	.0001
40-49	.0001	.0003	.0001
50 and over	.0001	.0002	.0001

TABLE G(1)B. MAXIMUM PERMITTED IMPACT
VIBRATION DISPLACEMENT (INCHES)

<i>Frequency (Cycles per Second)</i>	<i>Commercial Districts</i>	<i>Industrial Districts</i>	<i>Abutting any Residential District</i>
Less than 10	.0016	.0100	.0006
10-19	.0010	.0050	.0003
20-29	.0006	.0030	.0002
30-39	.0004	.0020	.0001
40-49	.0002	.0015	.0001
50 and over	.0002	.0010	.0001

- b. METHOD OF MEASUREMENT. For the purpose of measuring vibrations, a three-component measuring system shall be used. A three-component measuring system denotes instrumentation that can measure earth-borne vibrations in three directions each of which occurs at right angles to the other two.
8. Glare and Heat. Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate beyond the boundary of the lot on which such use or activity is located. This restriction shall not apply to signs otherwise permitted by the provisions of this Chapter or applicable Ordinances, nor to activities of a temporary or of any emergency nature. Night lighting necessary for safety and the protection of property is excluded from this provision.
 9. Electromagnetic Interference. There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or than does not conform to the regulations of the Federal Communications Commission.
 10. Sources of Illumination. Sources of illumination and their standards or fixtures shall be governed by height or by shielding so that any direct or reflected light source shall not be permitted to cause light beams to fall beyond any lot line of the lot on which the light source is located.
 11. Industrial Wastewater Disposal. Industrial wastewater is herein defined as the wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. All industrial wastewater disposal must be approved by the County Engineer prior to issuance of a Zoning Certificate. Industrial wastewater shall be disposed into a sanitary sewer unless an alternative disposal is approved by the County Engineer. The engineer may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required. Sanitary and industrial wastewater quality must meet requirements of the County Engineer.
 12. Storm Water Disposal. All storm water, groundwater, and run-off from the watering of landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. Storm water and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the County Engineer prior to issuance of a zoning certification.

13. Noise. The maximum permissible sound pressure levels at specified points of measurements for noise radiated continuously from any use in the following zoning districts shall not exceed the level provided in Table m(1).

TABLE M(1). MAXIMUM SOUND PRESSURE LEVELS (DECIBELS)

Octave Band Center Frequency (<i>Hertz</i>)	All					
	Residential Districts		Commercial Districts		Industrial Districts	
	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>
31.5	63	68	72	77	79	84
63	61	66	71	76	78	83
125	55	60	65	70	72	77
250	47	52	57	62	64	69
500	40	45	51	56	58	63
1000	35	40	45	50	52	57
2000	30	35	39	44	46	51
4000	25	30	34	30	41	46
8000	25	30	32	37	39	44
A-wt. level (db), for monitoring purposes only	45	50	55	60	62	67

- a. CORRECTIONS. If the noise is not smooth and continuous, one or more of the following corrections shall be added or subtracted from each of the decibel levels given above:

Type of operation or character of noise	Correction (db)
Noise source operates less than twenty percent (20%) of time	+5*
Noise source operates less than five percent (5%) of time	+10*
Noise source operates less than one percent (1%) of time	+15*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5

* apply one of these corrections only

- b. Noise of intermittent nature that cannot be measured shall be controlled so as not to become a nuisance to adjacent uses. Night is defined as the period between 9:00 p.m. and the following 7:00 a.m, and shall apply during all hours on Sundays.
- c. METHOD OF MEASUREMENT. Measurement is to be made at the nearest lot line of any adjacent lot within the same use district or at the nearest boundary other than the use district within which the noise source is located, or at any point along such lot lines or district boundaries where the noise level may be higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.
- d. Nothing in this section is intended to restrict the temporary use of equipment during the construction or maintenance of buildings, grounds, or utilities within any zoning district, nor shall they apply to noises not directly under the control of the property user, such as noise from warning signals and devices, noises of

railroads and trucking equipment, aircraft, refuse collection, and domestic power tools.

14. Certificate of Compliance.
 - a. No use permitted in any manufacturing district shall be issued a zoning certificate until a certified statement has been signed by a qualified professional engineer and a responsible agent for the proposed use stating that all provisions of the performance standards set forth in this Article will be met.
 - b. No use permitted in any manufacturing district shall be issued a certificate of compliance until all provisions of this Ordinance have been complied with and tests on operating equipment made under normal operating conditions have been performed indicating full compliance with all performance standards. Such statement shall be certified and signed by a qualified professional engineer and a responsible agent for the operating use.
15. Enforcement. The Zoning Administrator shall enforce the provisions of this Section. Upon confirmation of a violation, enforcement and penalty provisions of Article 2.7 shall prevail. In addition, the Development Administrator may require of the offending business or industry the installation, maintenance, and operation of continuous measuring or recording instruments to demonstrate the operation and to ensure continuous compliance with the prescribed standards.
16. Violations. Established uses found to be in noncompliance will be liable for inspection fees and costs as well as penalties imposed by a court. In the event no due cause is found, the challenger will be liable for the fees and costs.

4.07 PD, Planned Development District:

- A. Purpose and Intent: The Planned Development District regulations set forth herein are intended to: provide an opportunity for unique, well-Planned Development on property in unincorporated DeKalb County that cannot be annexed to a municipality but is otherwise in accordance with the recommendations of the DeKalb County Unified Comprehensive Plan and considered desirable by the County Board; provide a means of achieving greater flexibility in new development of land in a manner not generally possible in the other zoning districts; encourage a more imaginative and innovative design of projects; promote a more desirable community environment; retain maximum control over both the structure and future operation of the development; and create the possibility of non-agricultural uses occurring only in appropriate locations as designated by the County Unified Comprehensive Plan. The Planned Development regulations are intended to encourage imaginative site planning that integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County's rural character. Clustering of units is encouraged to provide common open space. Under this procedure, well planned residential, industrial, commercial and other types of land use, individually or in combination, may be developed in accordance with the standards contained herein. The County Board, upon recommendation by the Hearing Officer, may, by ordinance adopted in the same manner as other Zoning Map Amendments are approved, authorize a Planned Development only in locations that are designated on the Unified Future Land Use Plan of the County Unified Comprehensive Plan as appropriate for a use other than agriculture. However, it should be noted that the regulations for Planned Developments are not intended to allow excessive densities, or the development of incompatible land uses, either within the development or as the development relates to the general neighborhood, nor are they intended to accommodate the expansion of pre-existing, non-agricultural uses that are not in accordance with the recommendations of the Unified Comprehensive Plan. The standards contained in the following provisions must be strictly adhered to by the applicant. The Board may, upon proper application, approve a Planned Development to facilitate the use of flexible techniques of land development and site design in order to obtain one or more of the following objectives:
1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
 2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
 3. Functional and beneficial uses of open space areas.
 4. Preservation of natural features of a development site.
 5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
 6. Rational and economic development in relation to public services.
 7. Efficient and effective traffic circulation, both within and adjacent to the development site.
- B. Planned Development Zoning District:
1. A Planned Development shall constitute a separate zoning district, and the designation of a Planned Development district shall be subject to the review and approval process for a Zoning Map Amendment, as set forth in Article 10 of this Ordinance, and subject to the standards and procedures set forth in this Article.
 2. The ordinance approving the Preliminary Development Plan for the Planned Development shall establish regulations governing uses, densities, minimum lot area, bulk regulations, parking and signs, and exceptions to the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided such are consistent with the standards and criteria contained in this Section. No minimum lot size is required within a Planned Development, and

appropriate lot size shall be evaluated based upon the relationship to adjacent development, amount of common open space, proposed provision of sewage disposal, and other appropriate factors. Uses in Planned Developments may include residential (single-family detached, attached, and multi-family dwellings), business, manufacturing, public/institutional, recreational, conservation, open space or any combination of these uses, provided, however, that Planned Development - Residential projects must consist of at least 55 percent (55%) of the developed land area devoted to residential uses; Planned Development - Commercial projects must consist of at least 55 percent (55%) of the developed land area devoted to commercial uses; and Planned Development - Industrial projects must consist of at least 55 percent (55%) of the developed land area devoted to manufacturing uses. Mixed Use Development projects may consist of any mixture of uses.

3. Planned Developments shall not be approved that result in:
 - a. Development of non-agricultural uses in an area designated to remain in agricultural use by the County Comprehensive Plan, or that would be incompatible with the purpose and intent of this Section or the goals and objectives of the Unified Comprehensive Plan.
 - b. Inconvenient or unsafe access to the Planned Development.
 - c. Traffic congestion in the streets which adjoin the Planned Development.
 - d. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the Planned Development.
 - e. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes, unless compensation for such is an element of the project; and
 - f. Alteration, destruction of archeological and historic features.

C. Types of Planned Developments: Two types of Planned Developments may be approved by the County Board:

1. Minor Planned Developments, generally consisting of one primary land use on one lot. Minor Planned Developments shall be subject to the application requirements set forth for Special Use Permits in Article 9 of this Ordinance, provided, however, that the application shall include a Final Development Plan, and further provided that the Zoning Administrator may require as part of the application for a Minor Planned Development any or all of the items and information required for preliminary development plans and improvements plans if deemed necessary for a thorough review of the proposal, and shall be subject to the review and approval procedure for Amendments as set forth in Article 10 of this Ordinance;
2. Major Planned Developments, consisting of more than one primary land use on a single lot, or the creation of two or more lots. Major Planned Developments shall be subject to the procedures set forth below;
3. It shall be the authority of the Zoning Administrator to determine whether a proposed Planned Development is a Minor or Major Planned Development, provided, however, that the applicant for a Planned Development may appeal to the Planning and Zoning Committee for such a determination.

D. Procedures for Major Planned Development Approval:

1. Pre-Application Conference: Prior to filing any application for Major Planned Development approval the prospective applicant shall request a pre-application conference with the Zoning Administrator. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed Planned Development; a concept plan showing general lot configuration, land use(s), road/street

configuration, total acreage and acreage by land use; and a list of any professional consultants advising the prospective applicant with respect to the proposed Planned Development. Upon receipt of such request the Zoning Administrator shall promptly schedule such a conference.

The purpose of the pre-application conference is to provide information to help a prospective applicant appraise the feasibility of a proposed Planned Development in relationship to the County Comprehensive Plan and the applicable zoning regulations. The pre-application conference encourages the discussion of basic problems and questions related to the development proposal prior to the expenditure of funds for detailed plans.

2. Concept Plan:

a. An applicant shall submit a Concept Plan in accordance with the provisions of this Section to the County for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the County will accept, or under what circumstances the County will accept, a Major Planned Development of the type proposed at the site. The following items shall be required:

- 1). Maps which are part of the Concept Plan may be in general form but shall be at a scale not to exceed 1"=100', and shall contain the proposed land uses, general lot configuration, natural features of the site, the character and approximate density of buildings, and the approximate location of proposed thoroughfares and water, sewage and drainage systems, total acreage and acreage of each proposed use.
- 2). The written statement shall contain a general explanation of the size and character of the Planned Development, including a statement of the present ownership of all the land within the Planned Development, proposed uses, and expected schedule of construction.
- 3). At the time of Concept Plan review, the applicant for approval of a Major Planned Development may request the project be subject to the Minor Planned Development review and approval process and requirements as set forth in subsection 2.a. above, in lieu of the requirements of this subsection 4. A decision on the request shall be subject to a recommendation by the Zoning Administrator and a decision by the Planning and Zoning Committee.

b. The Zoning Administrator shall review the Concept Plan within thirty (30) days after receipt of such plan, and shall prepare a written report containing its recommendations to the Planning and Zoning Committee and the applicant.

c. The Planning and Zoning Committee shall review the comments and recommendation of the Zoning Administrator within thirty (30) days of receipt of said recommendations, and issue a non-binding vote by motion on the Concept Plan proposal. Approval of the Concept Plan by the Committee does not imply nor guarantee approval of the preliminary development plan.

3. Preliminary Development Plan: A preliminary development plan shall be submitted for a proposed Planned Development, containing the following information:

- a. Site and landscape plan: One or a series of maps shall be submitted indicating:
- 1). A boundary survey plat and legal description of the property;
 - 2). Aerial photo showing site and surrounding area and demarcation of all taxing bodies;
 - 3). The location, size and height of all existing and proposed structures on the site;

- 4). The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances;
- 5). The location, area and number of proposed parking spaces;
- 6). Existing and proposed grades at an interval of two (2) feet or less, extended beyond the project site to include adjacent properties and structures;
- 7). The location and general type of all existing trees over six (6) inch caliper and, in addition, an indication of those to be retained;
- 8). The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.);
- 9). Soils information. The Zoning Administrator may require specific soil information based on on-site investigation, to include soil borings at a 200 foot grid or slit trench analyses;
- 10). Drain tile information;
- 11). The location and approximate size of all proposed plant material by type, such as hardwood/deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included;
- 12). The location and details of all retaining walls, fences (including privacy fences, etc.) and earth berms;
- 13). The description and location of all refuse collection facilities including screening to be provided;
- 14). Provisions for both on- and off-site stormwater drainage and detention related to the proposed development; and
- 15). The location and approximate size of all utilities, where applicable.
- 16). Proposed top of foundation for all proposed buildings.

The scale of the drawing or drawings indicating the above shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than 1" = 100'. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, a scale, a north arrow, and the date drawn.

The applicant may be required to provide, at the applicant's expense, additional clarification or further detail of the Site Plan, as deemed necessary by the Zoning Administrator or Hearing Officer.

- b. Site and building sections: Schematic or illustrative sections shall be drawn to a scale of 1" = 50' or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and site line relations to adjacent structures.
- c. Typical elevations: Typical elevations of proposed buildings shall be provided at a reasonable scale.
- d. Project data on the site plan:
 - 1). Site area (square feet and acres);
 - 2). Area, in square feet and acres, of all wetlands, detention areas, woodlands, and areas with slope greater than fifteen (15) percent;
 - 3). Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;

- 4). Total dwelling units and floor area distributed by general type (1 bedroom, 2 bedroom, etc.); and total floor area ratio and residential density distribution;
 - 5). Floor area in non-residential use by category and total floor area ratio;
 - 6). Calculations of parking spaces and area in relation to dwelling units and commercial floor area.
- e. Project report: A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the Hearing Officer, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc., of the proposed development.
- f. Phased Development: If the Planned Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule shall be submitted indicating:
- 1). The approximate date when construction of the project can be expected to begin;
 - 2). The order in which the phases of the project will be built;
 - 3). The minimum area and the approximate location of common open space and public improvements that will be required at each stage;
 - 4). If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided; and
 - 5). Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.
- g. Natural Resources Report: An application for Preliminary Development Plan approval must include a natural resources report from the DeKalb County Soil and Water Conservation District for any land to be changed from an agricultural use to a nonagricultural use. All data generated by the natural resources report and the land evaluation and site assessment review will become part of the public record, and selected portions may be forwarded to the Hearing Officer and the County Board as a part of the Planning Department's land use review.
4. Review Procedure for Preliminary Development Plan:
- a. The application for Preliminary Development Plan approval shall be considered at a public hearing, but not sooner than thirty (30) days after acceptance of the completed application. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County not less than fifteen (15) days before such hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half (1-1/2) miles of land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the Hearing Officer may, by rule, prescribe from time to time. Additionally, copies of such notice shall be sent to owners of record of all adjacent properties of the lot(s) included in this application.

- b. Staff Review: The Zoning Administrator shall coordinate a review of the application by appropriate County Departments. A written report documenting the review and staff recommendations shall be prepared by the Zoning Administrator and submitted to the Hearing Officer at the meeting at which he first considers the application.
- c. After consideration of the application and staff report, the Hearing Officer shall make a containing findings and a recommendation. The report of the Hearing Officer shall be transmitted to the Planning and Zoning Committee. The Hearing Officer may recommend approval, approval with amendments, conditions or restrictions with respect to the Preliminary Development Plan, or denial of the Plan. In deliberating on the proposed Planned Development, the Hearing Officer shall consider the following:
 - 1). The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the County Comprehensive Plan.
 - 2). The proposed development can be substantially completed within the period for time specified in the schedule of development submitted by the applicant.
 - 3). The entire lot to be occupied by the proposed development is held in a single ownership, or if there are two or more owners, the application for such proposed development is filed jointly by all such owners.
 - 4). The development plan contains such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the Planned Development and are not inconsistent with the best interests of the County. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the County Board after a public hearing before, and recommendation by the Hearing Officer as provided in this Section.
 - 5). Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.
 - 6). The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
 - 7). The project area is adaptable to unified development and has within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness;
 - 8). The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant;
 - 9). The dominant land use of the proposed Planned Development is consistent with the recommendations of the County Comprehensive Plan for the area containing the project;
 - 10). Any modifications of the standards and specifications of this Ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities

- incorporated in it, and are not inconsistent with the public general welfare.
- 11). Exceptional landscaping features such as larger caliper, varied species and reduce spacing of trees and additional sod is provided.
 - 12). All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Development. Entrance points or locations of streets and driveways upon previously existing public roadways are approved by the County Engineer and, if necessary, the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the County Board may require, as a condition of approval of a proposed Planned Development, such devices to be provided at the developer's cost.
 - 13). Off-street parking is conveniently accessible to all dwelling units and other uses in the Planned Development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are screened through ample use of trees, shrubs, hedges, land forms and walls.
 - 14). A pedestrian circulation network is provided.
 - 15). The Planned Development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions are made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities are in accordance with the requirements and regulations of the County as set forth in this Ordinance.
 - 16). The proposed Planned Development satisfies the applicable objectives as provided in this Section.
 - 17). Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the Planned Development are enhanced and protected from development.
- d. The Planning and Zoning Committee may recommend to the County Board approval, approval with amendments, conditions or restrictions with respect to the Preliminary Development Plan, or denial of the Plan.
 - e. The County Board shall approve, approve with conditions, or deny the Preliminary Development Plan within ninety (90) days after it receives the findings and recommendations of the Hearing Officer.
 - f. If the Preliminary Development Plan is approved by the Board, it shall adopt an ordinance approving said Preliminary Development Plan with conditions as specified therein and authorizing the preparation of the final development plan.
5. Improvement Plans:
 - a. Intent: The Improvement Plan stage is for the purpose of accurately showing how the improvements will be constructed in order to conform to the layout and design objectives of the Preliminary Development Plan. As such, the Improvement Plan process is an extension of the Preliminary Development Plan process. Where conditions so warrant, the Zoning Administrator may require that portions of Improvement Plans be submitted during the Preliminary Development Plan review process in order to determine the land's suitability for the Preliminary Development Plan design. Any required off-site improvements and engineering studies shall be provided upon request. Where the development

is to be constructed in phases, and where soil or topographical conditions so warrant, the Zoning Administrator may require that improvement plans for the entire Preliminary Development Plan area be submitted prior to the construction of improvements.

- b. Filing: Prior to the submittal of the Final Development Plan, the applicant shall submit five (5) complete sets of Improvement Plans (plans and specifications for project construction).
- c. The plans detailing the construction and types of materials to be used in conjunction with the development of the site shall be prepared by a registered professional engineer. Any alterations of the common land or improvement within the common land will require the submission of detailed improvement plans and will be considered a required improvement.
- d. Improvement plans shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:
 - 1). Title page, which shall include key map showing the relationship of the site to the surrounding area. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
 - 2). North arrow and graphic scale shall be indicated on each plan sheet.
 - 3). One or more benchmarks, in or near the development, to which the development is referenced. The identity and elevation shall be based on U.S.G.S. datum.
 - 4). List of the standards and specifications followed, citing volume, section, page, or other references;
 - 5). Typical cross sections of any proposed roads.
 - 6). Grading and paving details conforming to DeKalb County specifications and requirements.
 - 7). Summary of quantities of all items necessary to construct all streets (roads) shown on the Plan.
 - 8). Details of streets including location and width of all proposed public or private rights-of-way and private roadway easements, existing and proposed drainage channels, scales, storm sewers, including adequate natural discharge points, detention facilities, silt control measures and, where applicable, sanitary sewer and water distribution systems.
 - 9). Plans and profiles of streets and sewers, scale not less than one inch equals fifty feet (1"=50') horizontal and one inch equals five feet (1"=5') vertical.
 - 10). Proposed top of foundation for all proposed buildings.
 - 11). Topographical and profile studies must have on their face the signed statement of a Registered Professional Engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of the proposed Planned Development, or, that if such surface water drainage will be changed, reasonable provision will be made for collection and diversion of such surface waters into public areas, or drains which the developer has the right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjacent property because of the construction of the Planned Development.

- e. Approval of the Improvement Plans by the respective agencies described above shall be valid for a period of two (2) years from the date of approval, or for such longer period as the Zoning Administrator may determine to be advisable if after review by the Department such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If the construction of the improvements shall not have been completed within the two (2) year period or such longer period as the Zoning Administrator may permit, a re-submission of the improvement plans to the appropriate agencies may be required by the Department.
- f. After applicable sanitary sewers, storm sewers, sidewalks, and pavement have been constructed and installed, but before the inspecting agencies recommend final approval or acceptance, the developer shall submit the required number of as-built drawings of the above improvements;
- g. Guarantee for Completion of Improvements:
 - 1). In lieu of constructing the improvements prior to approval of the Zoning Administrator, a construction guarantee in the amount of one hundred twenty (120) percent of the cost of the improvements is required. The cost for each improvement shall be itemized in a list prepared, signed and sealed by the design engineer on his letterhead stationary and approved by the Zoning Administrator. Such guarantee is to:
 - a). Assure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices;
 - b). Assure the satisfactory completion of said improvements within the prescribed time limit.
 - 2). Such guarantee shall be in one of the following formats and the form, amount and conditions, subject to approval by the Zoning Administrator:
 - a). A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association;
 - b). An undertaking by the developer guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable banking or financial institution authorized to do business in the State of Illinois. Such irrevocable letter of credit shall be in effect for a period of two and one-half (2-1/2) years from the date of recording of the final plat, shall run in favor of the County and shall indicate that there are sufficient funds available for one hundred twenty (120) percent of the estimated cost of all the land improvements remaining to be completed, and that such funds are held for such purpose only and for no other purposes. Such undertaking and irrevocable letter of credit shall be in a form to allow the County to procure the funds to complete the land improvements if construction of said improvements is not completed in accordance with the provisions hereof, and shall otherwise be in a form acceptable to the County;

- c). Other good and sufficient security as approved by the appropriate legal authority of the County to guarantee the proper installation of land improvements.
 - 3). A construction guarantee shall be reduced only by authorization of the Zoning Administrator upon:
 - a). Application for payout by the developer in amounts such that funds remaining will always equal one hundred twenty (120) percent of the value of the uncompleted work, as determined by the Zoning Administrator after consultation with the County Engineer and other staff. No more than ninety (90) percent of the construction guarantee shall be released prior to one year after the satisfactory completion of the required improvements; or
 - b). When it is determined that there has occurred unsatisfactory installation of the required improvements. Where the required improvements have not been installed in accordance with the approved Improvement Plans, the County may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to insuring the satisfactory construction of said improvement, including attorney's fees and court costs encumbered in the enforcement of the provisions of this Section.
 - 4). The Zoning Administrator shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined:
 - a). One year after the completion of all improvements required for the approved Final Development Plan;
 - b). After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specification and with all applicable ordinances and laws;
 - c). After the submission of one (1) reproducible print and four (4) copies of record drawings which shall be drawings prepared by the project engineer who shall show improvements, and shall clearly designate any and all changes from the approved plans and specifications;
 - 5). After the acceptance of the improvements, the applicant shall be responsible for the maintenance of all improvements until the release of the construction guarantee. Where a development has been improved in phases, the applicant shall be responsible for the proper functioning of drainage improvements for the entire development site. The applicant shall be responsible for the plowing of snow on roads until the final acceptance of the completed road improvements.
- 6. Final Development Plan:
 - a. School Land Dedication: No Final Development Plan shall be recorded until requirements set forth in Article VI, School Land Dedication, DeKalb County Land Subdivision Regulations are met.
 - b. Within nine (9) months following approval of the Preliminary Development Plan, but at least thirty (30) days before the next regularly scheduled meeting of the Planning and Zoning Committee, the petitioner shall submit a Final Development Plan to the Planning and Zoning Committee for its review and

consideration to determine if said Final Development Plan is in conformance with the approved Preliminary Development Plan and with the imposed conditions of approval. The Final Development Plan shall reflect the entire Planned Development if it is to be completed in one phase, or a phase of the Planned Development if it consists of more than one phase.

- c. Failure of the applicant to submit a Final Development Plan within nine (9) months after approval of the Preliminary Development Plan, and failure to submit subsequent Final Development Plans for a phased Planned Development in accordance with the approved schedule of phases, shall result in the termination of the Planned Development approval, unless an extension of said nine month period or alteration to the approved phasing schedule is granted by the Planning and Zoning Committee following a request for said extension by the applicant.
- d. The Final Development Plan, in addition to the matters shown on the Preliminary Development Plan, shall include the following:
 - 1). The landscape plan with the specific location of all plant material, specifying size, species and location (both as to the buffer area around the perimeter as well as that in the parking lot);
 - 2). Nature of use, including special uses permitted;
 - 3). All present and future structures except single family residences, specifying location, size, and architectural elevation, none of which may deviate substantially from the approved Preliminary Development Plan. For single family residences, building pad locations with top of foundations indicated, design guidelines, and representative facade elevations shall be required;
 - 4). Sidewalks;
 - 5). Parking spaces, including underground parking and traffic aisles;
 - 6). Ingress and egress facilities
 - 7). Parking facilities for visitors;
 - 8). Plan for the provision of water and sanitary and stormwater drainage facilities;
 - 9). All easements and dedications;
 - 10). Any signs, location and size;
 - 11). Details of lighting of parking lots and outside of buildings, including location, type and intensity;
 - 12). All other information that the Zoning Administrator or Committee may require.
- e. Review Procedure for Final Development Plan:
 - 1). An application with a complete Final Development Plan, meeting all requirements of the Ordinance and in conformance with the preliminary plan as determined by the Zoning Administrator, shall be considered at the first regularly scheduled Planning and Zoning Committee meeting, but no sooner than thirty (30) days from the filing of the completed application.
 - 2). Staff Review: During the time between the filing of the complete Final Development Plan and the next regularly scheduled meeting of the Planning and Zoning Committee, the Zoning Administrator, or his representative, shall review the Final Development Plan for compliance with the approved Preliminary Development Plan and conditions contained in the ordinance rezoning the site and shall report to the Planning and Zoning Committee the findings of his review. The

Zoning Administrator may, at his discretion, retain outside consulting services for the review of plans, all cost for said outside services shall be borne by the developer.

- 3). After consideration of the application and staff report, the Planning and Zoning Committee shall recommend approval, or disapproval, of the Final Development Plan. The Final Development Plan shall conform to the Preliminary Development Plan and applicable ordinances. If the Final Development Plan does not conform to the Preliminary Development Plan, or if the conditions of the Preliminary Development Plan approval are not adequately met, the Final Development Plan shall not be approved.
 - 4). Upon recommendation for approval of the Final Development Plan by the Planning and Zoning Committee, the Final Development Plan shall be submitted to the Zoning Administrator for his signature.
7. Period of Validity and Amendments to Approved Final Development Plan:
- a. No approval of a Final Development Plan shall be valid for a period longer than twelve (12) months from the date of approval unless within such period required permits are obtained and construction is commenced.
 - b. The Board may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application. However, the Board has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved Final Development Plan lapses, the Final Development Plan and all uses, terms, and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the requirements of subparagraph 4. above.
8. Amendments to Approved Final Development Plan:
- a. Permitted Minor Amendments: Minor changes in the location, siting and height of buildings and structures, or minor lot line and roadway adjustments, depicted on the approved Final Development Plan may be authorized by the Zoning Administrator without additional public hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this paragraph may cause any of the following:
 - 1). A change in the use or character of the development;
 - 2). An increase by more than five (5) percent in the lot coverage of structures;
 - 3). An increase in the density or intensity of use;
 - 4). A reduction of more than one (1) percent in approved open space area;
 - 5). A reduction in the number of off-street parking and loading spaces.
 - b. Major Amendments: Changes to the Final Development Plan that exceed the limitations in subparagraph 8.a. above shall result in the entire Planned Development, or phase of the Development in which the changes are proposed, to be resubmitted as a new Planned Development subject to all the procedures contained in this Section.
- E. Any vacant parcel(s) located in a PD District that is proposed for development shall be subject to the review and approval procedures set forth above for a new planned development following a determination of the appropriate type of planned development per Section 4.07.C.