

ORDINANCE 2016-032 PASSED: OCTOBER 10, 2016

AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE", ARTICLE 5 "ZONING DISTRICT REGULATIONS", BY AMENDING THE ALLOWED PERMITTED AND SPECIAL USES IN THE "GC" GENERAL COMMERCIAL DISTRICT, ARTICLES 5.08.02 AND 5.08.03 RESPECTIVELY REGARDING VEHICLE SALES.

WHEREAS, the City of DeKalb is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois; and

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

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

WHEREAS, Article 5 of that Unified Development Ordinance sets forth the Zoning District Regulations, and Article 5.08 sets forth the regulations for the "GC" General Commercial districts respectively; and

WHEREAS, the Planning and Zoning Commission held a public hearing on this proposed amendment at its meeting of September 28, 2016 at which time the Commission recommended approval of the proposed amendment by a vote of 4-0-3; now

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

Section 1. That the current Article 5.08.02.5 of the Unified Development Ordinance of the City of DeKalb, Illinois, "General Commercial", "Permitted Land Uses and Developments in the "GC" General Commercial District" "Automobile, truck and recreational vehicle sales and rental" is hereby amended to delete therefrom the language shown in strikethrough, and add thereto the underlined and italicized language, to wit:

5. Automobile, truck and recreational vehicles sales and rental; *except for automobile sales on property greater than three (3) acres that derives a majority of annual sales from new vehicles (See Section 5.08.03.4)*

Section 2. That the current Article 5.08.03 of the Unified Development Ordinance of the City of DeKalb, Illinois, "General Commercial District" "Special land Uses and

Developments in the "GC" General Commercial District", is hereby amended to insert the following as Number 4 and add thereto the underlined and italicized language, to wit:

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

Section 3. That all numbered lists shall be renumbered and other formatting changes be made as appropriate.

Section 4. That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, other than the part affected by such a decision.

Section 5. Upon its passage and approval according to law, this Ordinance shall, by authority of the City Council be published in pamphlet form. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: October 11, 2016. Effective date: October 21, 2016.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 10th day of October, 2016, and approved by me as Mayor on the same day. Passage on First Reading, Waiver of Second Reading. Passed by a 6-0-2 roll call vote. Aye: Jacobson, Finucane, Snow, Noreiko, Faivre, Rey. Nay: None. Absent: Marquardt, Baker.

ATTEST:


JENNIFER JEEP JOHNSON, City Clerk



JOHN A. REY, Mayor